

# **Board Finance & Audit Committee Meeting and Special SMUD Board of Directors Meeting**

Date: Tuesday, September 16, 2025

Time: Scheduled to begin at 6:00 p.m.

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

Powering forward. Together.



# **AGENDA**

## **BOARD FINANCE & AUDIT COMMITTEE MEETING AND SPECIAL SMUD BOARD OF DIRECTORS MEETING**

**Tuesday, September 16, 2025  
SMUD Headquarters Building, Auditorium  
6201 S Street, Sacramento, California  
Scheduled to begin at 6:00 p.m.**

This Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of compliance with the Brown Act. In order to preserve the function of the Committee as advisory to the Board, members of the Board may attend and participate in the discussions, but no Board action will be taken. The Finance & Audit Committee will review, discuss and provide the Finance & Audit Committee's recommendation on the following agenda item(s):

*Virtual Viewing or Attendance:*

Live video streams (view-only) and indexed archives of meetings are available at:  
<https://www.smud.org/Corporate/About-us/Company-Information/Board-Meetings/Watch-or-Listen-online>

**Zoom Webinar Link:** [Join Board Finance & Audit Committee Meeting Here](#)  
**Webinar/Meeting ID:** 161 835 0415  
**Passcode:** 914845  
**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:

- 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](mailto:PublicComment@smud.org) or by mailing or bringing physical copies to the meeting. Email is not monitored during 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.

## **DISCUSSION ITEMS**

1. Emily Bacchini

Discuss certifying the **California Environmental Quality Act (CEQA) Oveja Ranch Solar Project (Project) Final Environmental Impact Report (EIR)**, including adoption of the **Findings**; adopt the **Mitigation Monitoring and Reporting Program** for the **Project**; and approve the **Project**.  
Presentation: 10 minutes  
Discussion: 5 minutes
2. Matthew Powell  
Laurie Rodriguez

Discuss approving contract change to Contract No. 4500043215 with **Kaiser Permanente** approving 2026 medical insurance premium rates and extending the contract by one year for the period January 1, 2026, through December 31, 2026; 2026 cost estimated at \$38.4 million.  
Presentation: 10 minutes  
Discussion: 10 minutes
3. Matthew Powell  
Laurie Rodriguez

Discuss approving contract change to Contract No. 4500147540 with **UnitedHealthcare Insurance Company** approving 2026 medical insurance premium rates; 2026 cost estimated at \$40.6 million.  
Presentation: 10 minutes  
Discussion: 10 minutes
4. Yuvaraju Palaniappan

Discuss authorizing the Chief Executive Officer and General Manager to negotiate and execute a sole source contract with **SAP America, Inc.** for enterprise resource planning software licenses with a term between October 1, 2025, to December 31, 2030, in a not-to-exceed amount of \$27 million.  
Presentation: 10 minutes  
Discussion: 5 minutes
5. Amanda Beck

Discuss authorizing the Chief Executive Officer and General Manager to negotiate and award contracts to **HDR Engineering, Inc., Bureau Veritas North America, Inc., and Energy Project Solutions, LLC** (collectively, the **Contracts**) to provide construction management services for a five-year term from October 1, 2025, to September 30, 2030, for a total aggregate not-to-exceed amount of \$15 million for the **Contracts**.  
Presentation: 5 minutes  
Discussion: 2 minutes

## **INFORMATIONAL ITEMS**

6. Jillian Rich                      Provide the Board with the Enterprise Risk Management (ERM) Quarterly Update.  
Presentation: 7 minutes  
Discussion: 3 minutes
7. Lisa Limcaco                    Provide the Board with SMUD's financial results from the seven-month period ending July 31, 2025, and a summary of SMUD's current Power Supply Costs.  
Presentation: 5 minutes  
Discussion: 1 minute
8. Claire Rogers                   Internal Audit Services Report: Greenergy® Partner Plus Annual Verification.  
Discussion: 1 minute
9. Public Comment.
10. Rob Kerth                      Summary of Committee Direction.  
Discussion: 1 minute

*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](http://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](mailto:Toni.Stelling@smud.org), or contact by phone at 1-916-732-7143, no later than 48 hours before this meeting.*





SSS No. EM 25-004

# BOARD AGENDA ITEM

## STAFFING SUMMARY SHEET

Committee Meeting & Date  
Finance & Audit – 09/16/25

Board Meeting Date  
September 18, 2025

TO				TO								
1.	Emily Bacchini			6.	Scott Martin							
2.	Josh Langdon			7.								
3.	Frankie McDermott			8.								
4.	Lora Anguay			9.	<b>Legal</b>							
5.	Jose Bodipo-Memba			10.	<b>CEO &amp; General Manager</b>							
<b>Consent Calendar</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/> <b>No</b>	<i>If no, schedule a dry run presentation.</i>			<b>Budgeted</b>	<input checked="" type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>	<i>(If no, explain in Cost/Budgeted section.)</i>	
FROM (IPR) Kim Crawford				DEPARTMENT Environmental Services				MAIL STOP B209	EXT. 5063	DATE SENT 08/22/25		

**NARRATIVE:**

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

**Summary:** SMUD is proposing the Oveja Ranch Solar Project (Project), which would include installation, operation, and maintenance of a photovoltaic (PV) solar power facility in southeastern Sacramento County. In addition, the Project consists of amending Williamson Act contracts to make PV solar development a compatible use. SMUD is proposing to construct PV solar panels, a battery energy storage system (BESS), a substation, and new and upgraded distribution lines to interconnect the Project to SMUD's existing distribution system. SMUD would lease up to 400 acres of land within the 534-acre Project site for the installation of solar panels, the BESS, and associated infrastructure. The Project would deliver up to 75 megawatts of PV energy generation and support SMUD's 2030 Zero Carbon Plan. Project construction would take approximately 18 to 24 months. During Project operation, the Project site would continue to be used for agricultural activities through flood irrigation of the pastures to provide forage for sheep to graze. At the end of the Project's useful life (anticipated to be 34 years and 11 months), the site and all Project components (except for the upgraded distribution lines) would be decommissioned.

Based on the FEIR, the Project could have potentially significant impacts on agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, transportation and traffic, and tribal cultural resources. Mitigation Measures will reduce the impacts to a less-than-significant level, and no significant and unavoidable impacts would occur.

Public outreach occurred at two points in the environmental review process, one during the public scoping process and one after the Draft EIR was published. The public scoping process began with the issuance of a Notice of Preparation (NOP) and informed the public and agencies that an EIR will be prepared for a proposed project. The scoping period lasted 30 days from September 5, 2024, through October 6, 2024. A public scoping meeting was held on September 18, 2024. The second comment period was for review of the Draft EIR and lasted 45 days from March 17, 2025, through May 2, 2025. A public meeting was held on April 10, 2025. For both processes, notices were submitted to the State Clearinghouse, which then distributed the information to potential responsible and trustee agencies; posted on SMUD.org; posted with the Sacramento County Clerk; and made available at SMUD's offices. In addition, the notices were distributed directly to property owners within 0.5 mile of the solar facility and 500 feet of the interconnection lines, interested Native American Tribes, and the Sacramento Metropolitan Air Quality Management District (which has requested to be notified of SMUD's projects). Finally, notices were published in the *Sacramento Bee*.

Comment letters were received during the NOP period from the following: East Bay Municipal Utility District (EBMUD), California Department of Conservation - Division of Land Resource Protection, California Department of Fish and Wildlife (CDFW), Sacramento Metropolitan Air Quality Management District (SMAQMD), Sacramento County - Department of Transportation (Sac DOT), Defenders of Wildlife, Southgate Recreation & Park District, Central Valley Regional Water Quality Control Board, and a resident. Comments raised during the NOP were addressed in the Draft EIR.

Comment letters on the Draft EIR were received from: EBMUD, CDFW, SMAQMD, Sac DOT, Southgate Recreation & Park District, Sacramento County Water Agency, Sacramento County Department of Community Development, and Defenders of Wildlife. The comments did not change the conclusions presented in the Draft EIR, but some revisions were made in the Final EIR to the air quality, biological resources, transportation and recreation chapters in response to the DEIR comment letters. A copy of all correspondence and the responses to the comments are included in the Final EIR.

**Board Policy:** (Number & Title) The Project would support the following Board adopted policies: Strategic Direction SD-1A, Purpose Statement: provide our customers reliable and affordable electricity, and leading the transition to a clean energy future; Strategic Direction SD-7, Environmental Leadership goals relating to reducing adverse environmental impacts, proactively engaging its customer-owners and other stakeholders, and local environmental benefits through generation and sale of renewable energy; and Strategic Direction SD-9, Resource Planning and renewable goals.

**Benefits:** The Project would 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.

**Cost/Budgeted:** \$487,848 was budgeted for environmental and CEQA services and it is on track to be within budget; the power purchase cost associated with the construction and operation of the Project will be provided in the SSS for that component.

**Alternatives:** Certify the California Environmental Quality Act (CEQA) Oveja Ranch Solar Project (Project) Environmental Impact Report (EIR), including adoption of the Findings; adopt the Mitigation Monitoring and Reporting Program for the Project; and approve the Project.; return to staff for further study; or reject the EIR.

**Affected Parties:** Power Generation and Environmental Services

**Coordination:** Power Generation and Environmental Services

**Presenter:** Emily Bacchini, Interim Director, Environmental, Safety & Real Estate Services

**Additional Links:**

SUBJECT

**Oveja Ranch Solar Project (CEQA)**

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

# Sacramento Municipal Utility District Oveja Ranch Solar Project

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Final Environmental Impact Report • September 2025

State Clearinghouse #2024090310

**Sacramento Municipal Utility District**

# **Oveja Ranch Solar Project**

**Final Environmental Impact Report**

**State Clearinghouse #2024090310**

**September 2025**

**Lead Agency:**

Sacramento Municipal Utility District  
6201 S Street, MS B209  
Sacramento, CA 95817  
Attn: Kim Crawford  
(916) 732-5063 [kim.crawford@smud.org](mailto:kim.crawford@smud.org)

Prepared by:

AECOM  
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Sacramento, CA 95811  
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## ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
BESS	battery energy storage system
CalEEMod	California Emissions Estimator Model
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CWA	Clean Water Act
dB	decibel(s)
Draft EIR	draft environmental impact report
EIR	environmental impact report
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
Farmland	Prime Farmland, Unique Farmland, or Farmland of Statewide Importance
Final EIR	final environmental impact report
FMMP	Farmland Mapping and Monitoring Program
ft	feet
GGS	giant garter snake
ITP	incidental take permit
LTA	Local Transportation Analysis
MMRP	mitigation monitoring and reporting program
mph	miles per hour
NAHC	Native American Heritage Commission
NO <sub>x</sub>	oxides of nitrogen
O&M	operations and maintenance
PM	particulate matter
PM <sub>10</sub>	particulate matter with aerodynamic diameter less than 10 microns
PM <sub>2.5</sub>	particulate matter with aerodynamic diameter less than 2.5 microns
PRC	Public Resources Code
project	Oveja Ranch Solar Project
PV	photovoltaic
RWQCB	Regional Water Quality Control Board
SacDOT	Sacramento County Department of Transportation
SCWA	Sacramento County Water Agency
SHTAC	Swainson's Hawk Technical Advisory Committee
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Municipal Utility District



SOC	Statement of Overriding Considerations
SSHCP	South Sacramento Habitat Conservation Plan
TCR	tribal cultural resource
the Board	SMUD Board of Directors
UAIC	United Auburn Indian Community of the Auburn Rancheria
WEAP	worker environmental awareness program
WOS	Waters of the State
WUS	Waters of the United States

## 1.0 INTRODUCTION

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On March 17, 2025, the Sacramento Municipal Utility District (SMUD) released for public review the draft environmental impact report (Draft EIR) for the proposed Oveja Ranch Solar Project (project). SMUD proposes 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.
- 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, 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 up to 75 MW of economically feasible solar and battery storage that provides grid resiliency at a point of interconnection on the grid managed by SMUD.
- Develop an agrivoltaics project that integrates agricultural irrigation production including sheep grazing.
- Design a flexible photovoltaic (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.
- Construct the facility in a location that has ready access to existing electrical infrastructure with available capacity and roads.

Up to 400 acres of land would be leased by SMUD for the project. The project includes constructing PV solar panels, a battery energy storage system (BESS), a substation, and new and upgraded distribution lines to interconnect the project to SMUD's existing distribution system. Project construction would take approximately 18 to 24 months and is proposed to begin as early as the third quarter of 2026 and conclude in 2028. At the end of the project's useful life (anticipated to be 30 to 35 years), the site and all project components (except for the upgraded distribution lines) would be decommissioned.

### 1.1 Public Review and Response to Comments

In accordance with Sections 15087 and 15105 of the State California Environmental Quality Act (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 (March 17, 2025, to May 2, 2025). SMUD also held a public meeting on April 10, 2025, 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 minor 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 have 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: <http://smud.org/OvejaRanch>. 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. A Statement of Overriding Considerations (SOC) is not required. The Notice of Determination (California Code of Regulations 15093 (b)) 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.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS

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### 2.1 Letter 1. Sacramento County Department of Transportation, Gary Gasperi, March 19, 2025

**Department of Transportation**  
Ron Vicari  
Director



**County of Sacramento**

**Letter 1**

**Office of the County Executive**  
David Villanueva  
County Executive  
**Community Services Agency**  
David Defanti  
Deputy County Executive

March 19, 2025

Kim Crawford  
Sacramento Municipal Utility District  
Environmental Services Department  
6201 S Street, MS B209  
Sacramento, CA 95817

**SUBJECT: COMMENTS ON THE NOTICE OF AVAILABILITY OF A DRAFT  
ENVIRONMENTAL IMPACT REPORT FOR PUBLIC REVIEW**

Kim Crawford:

Sacramento County Department of Transportation (SacDOT) has reviewed the routing for the Draft Environmental Impact Report (DEIR) referenced in the Notice of Availability of a Draft Environmental Impact Report for Public Review for the Proposed the Oveja Ranch Solar Project, dated March 17, 2025. We appreciate the opportunity to review this document and have the following comment regarding the DEIR:

1. Page 3.17-7 – Construction – Please provide an illustration of the haul route specifying which Sacramento County roads the construction vehicles will take access from U.S. Highway 50 and California 99 to the project. 1-1
2. Page 3.17-7 – Construction – The project lists that the peak hourly trip generation would be approximately 483 vehicles. The Transportation Analysis Guidelines require a Local Transportation Analysis (LTA) if the trips generated are greater than 1000 daily trips or 100 peak hour trips despite where they originate from or what route they take. However, LTAs are required for the trip generation of the project's final use and not construction traffic. Please update Page 3.17-7's last paragraph with the correct assumptions of why an LTA is not required. 1-2
3. Page 3.17-7 – Construction – The project's construction traffic will not be subject to an LTA even though it exceeds the 100 peak hour trips threshold. However, the project will need to enter into a pavement repair contract with SacDOT as outlined in the section below. 1-3

SacDOT looks forward to coordinating with the project applicants outside the EIR process regarding the haul route and expected quantities and tonnage of deliveries to the site to determine the extent of the pavement use as requested in comments below:

1-4

4. In order to offset the damage to the roadway from the hauling during construction, please coordinate with Scott Urbanik (urbaniks@saccounty.gov) from SacDOT – Operations and Maintenance Division to enter into a pavement repair contract.

5. The Applicant shall submit an initial evaluation of the structural integrity of the pavements on the haul routes to the County. Specific initial improvements needed for the haul routes to carry the truck traffic loads shall be determined by the County and shall be funded and constructed by the Applicant within one (1) year of initiating work on the project site. An agreement between SacDOT and the Applicant to specify the roadway improvements to be constructed by the Applicant shall be executed prior to issuance of the Building Permit. The applicant shall coordinate this agreement with SacDOT – Operations and Maintenance Division.

1-5

Should you have any questions, please feel free to contact me at 916-876-4108.

Sincerely,

*Gary Gasperi*



Digitally signed by Gary Gasperi  
Date: 2025.03.19 07:17:44-07'00'

Gary Gasperi, PE, TE  
Senior Civil Engineer  
Department of Transportation

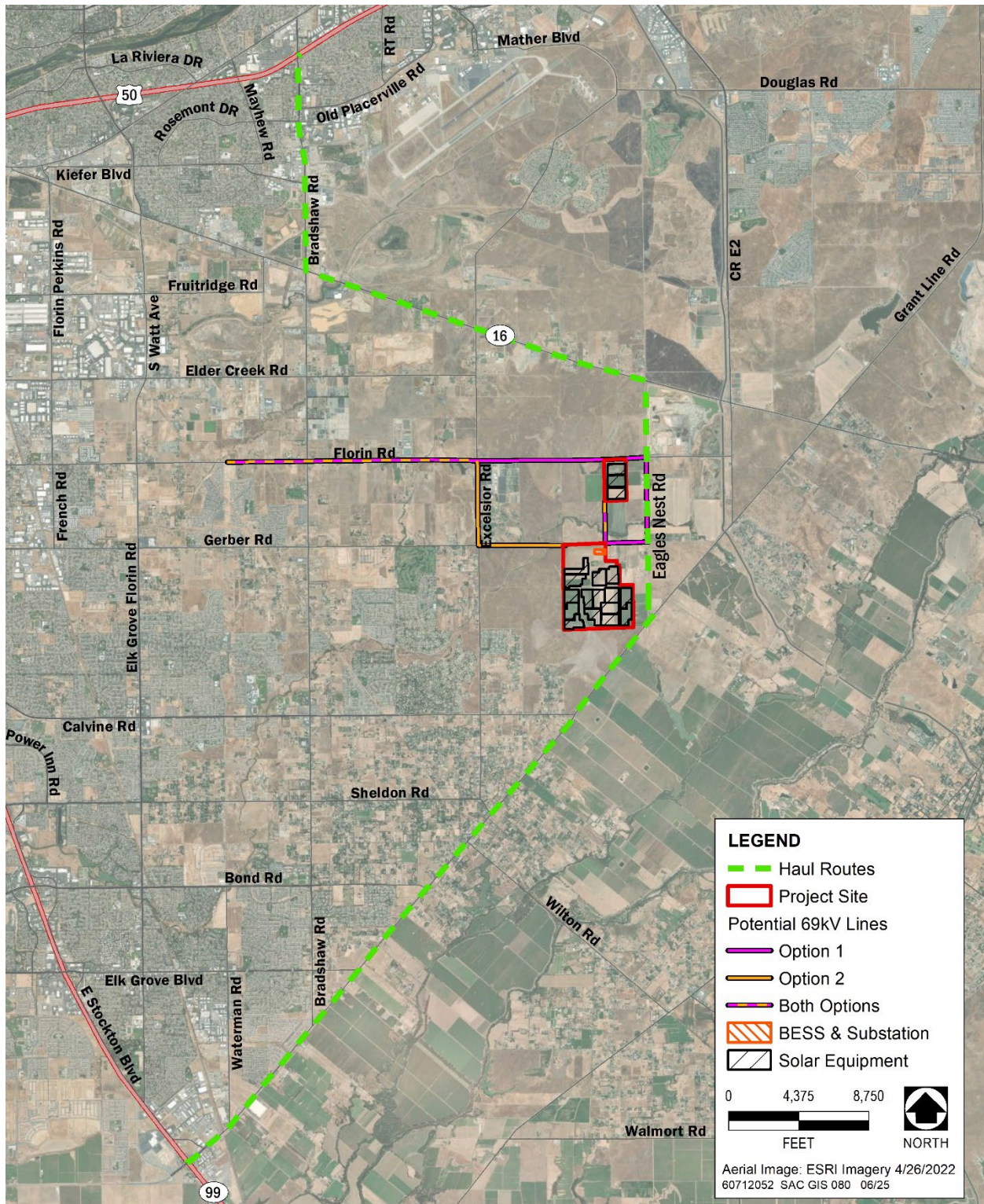
GG:gg

CC:

Matthew Darrow, DOT  
Cameron Shew, DOT  
Kamal Atwal, DOT  
Scott Urbanik, DOT

<b>Letter 1 Response</b>	<b>Gary Gasperi, Sacramento County Department of Transportation March 19, 2025</b>
1-1	<p>Please see the anticipated haul routes vehicles will take during construction in the figure on the following page. No revisions to the EIR are necessary.</p>
1-2	<p>As requested by the Sacramento County Department of Transportation (SacDOT), the following paragraph on page 3.17-7 of the Draft EIR has been edited:</p> <p>Up to 64 daily construction-related truck trips for delivery of materials and hauling would be spread over an eight-hour workday during the peak period of construction in terms of trip generation, which is during the site preparation phase. In addition, a maximum of 263 worker trips would occur during the a.m. and p.m. hours before and after each workday during the peak construction phase, resulting in a total of up to 654 daily vehicle and truck trips added each day to local roadways during the peak trip-generating phase of construction. If the equipment and material delivery and haul trips are spread evenly across an eight-hour workday, and the worker commute trips occur during the first and last hour of the eight-hour workday, the peak hourly trip generation would be approximately 483. It is assumed that the worker trips will be distributed along area roadways. <u>A more detailed, focused Local Transportation Analysis (LTA) is required only when a project's final use is expected to generate greater than 1000 daily trips or 100 peak hour trips. However, an LTA is not required for project-related construction traffic. Therefore, because the number of daily and peak trips is below the threshold, an LTA is not required for this project, and the volume on any single roadway segment will fall below 100 peak hour vehicle trip ends, thereby avoiding the need for a more detailed, focused Local Transportation Analysis (LTA) based on this threshold beyond what is provided in this analysis.</u> Furthermore, work hours during the construction season would likely be longer than 8 hours to make maximum use of each workday, thus worker arrival and departure would likely typically occur before and after main commuter hours</p>
1-3	<p>Comment noted. SMUD will coordinate with SacDOT regarding entering into a pavement repair contract.</p>
1-4	<p>Comment noted. SMUD will coordinate with SacDOT regarding entering into a pavement repair contract.</p>
1-5	<p>Comment noted. SMUD will coordinate with SacDOT regarding an initial evaluation of the structural integrity of the pavement on the haul routes.</p>





**Proposed Access Haul Routes**



**2.2 Letter 2. Southgate Recreation & Park District, Vincent King,  
April 2, 2025****Letter 2**

April 2, 2025



*Sheldon*  
*Administrative Headquarters*  
6000 Orange Avenue  
Sacramento, CA 95823-3225  
Phone (916) 428-1171  
Facsimile (916) 428-7334  
southgaterecandpark.net

*Board of Directors*  
Janet Grisanti  
Preston Jackson, III  
Kristy Lac  
Manuel Mejia  
Rosario Rosas

*General Manager*  
Ward Winchell

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

Re: Oveja Ranch Solar Project

Dear Mrs. Crawford:

The Southgate Recreation & Park District (District) received the Notice of Availability for the draft environmental impact report (DEIR) for the proposed Oveja Ranch Solar Project. The District is an independent special district; a local government agency established to serve the residents of south Sacramento county.

As expressed in our February 7, 2025, letter, the District, County, and neighboring cities have long planned for a regional multi-use trail corridor that follows the approximate route of Laguna Creek. The District wishes to continuing working with SMUD to: a) ensure that the proposed project does not block or preclude future development of the planned trail system, and b) identify where and if mutual rights of way or access may be partnered with the proposed project and transmission options.

The District appreciates the statement in the DEIR section 3.16, "SMUD will take any information obtained in coordination with the District into account when designing the powerline crossings of Laguna Creek to ensure the plans for a bicycle and pedestrian trail are not adversely affected by the project." The following section in the impact analysis (3.16-1.) should be revised by removing the statement, "~~Additional details about this project were not available online, and SMUD attempted to reach out to the Southgate Recreation and Park District for more information,~~" as it would be more accurate to capture the coordination that occurred. In late January SMUD and District staff met and exchanged data about existing easements north and east of Excelsior Road and along the Gerber Road right-of-way. The District provided maps and expressed a desire for a future trail alignment northeast of Excelsior Road and possibly aligning with the Gerber Road right-of-way. The precise alignment for the trail is not yet determined and will be driven by coordination with your project and by physical, environmental, and other constraints and the involvement of the community and property owners. The District wishes to continue to be consulted as the project develops.

Please contact me at should you have questions on this matter at (916) 428-1171 x21 or vking@southgaterecandpark.net.

Sincerely,

  
Vincent King, Planning Manager

**Letter  
2  
Response****Vincent King, Southgate Recreation & Park District  
April 2, 2025**

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2-1 SMUD appreciates the opportunity to work with the District and will continue to do so as the project moves into the permitting phase.

2-2 As requested by the District, the following paragraph on page 3.16-3 has been edited:

During scoping, the Southgate Recreation and Park District provided a comment letter that indicated their long-term plans to construct bicycle and pedestrian trails along the Laguna Creek corridor. ~~Additional details about this project were not available online, and SMUD attempted to reach out to the Southgate Recreation and Park District for more information.~~ In late January 2025, SMUD and the Southgate Recreation and Park District staff met and exchanged information about existing easements east of Excelsior Road and along the Gerber Road right-of-way. The Southgate Recreation and Park District expressed a desire for a future trail alignment northeast of Excelsior Road and possibly aligning with the Gerber Road right-of-way. The precise alignment for the trail is not yet determined and will be driven by the Southgate Recreation and Park District with consideration of physical, environmental, and other constraints and the involvement of the community and property owners. SMUD will take any information obtained in coordination with the District into account when designing the powerline crossings of Laguna Creek to ensure the plans for bicycle and pedestrian trails in the Laguna Creek corridor are not adversely affected by the project. Therefore, **no impact** would occur.

## 2.3 Letter 3. Sacramento County Department of Community Development, Todd Smith, April 14, 2025

**Todd Smith, Planning Director**  
Planning and Environmental  
Review



**County of Sacramento**

**Letter 3**  
**Troy Givans, Director**  
Department of Community  
Development

April 14, 2025

Kim Crawford  
SMUD Environmental Services  
P.O. Box 15830 MS B209  
Sacramento, CA 95852-1830

**Subject: Comments on Notice of Preparation of a Draft Environmental Impact Report for Oveja Ranch Solar Project**

Dear Ms. Crawford,

Thank you for the opportunity to review the Notice of Preparation for the Oveja Ranch Solar Project (Project). Sacramento County's interests in the proposed Project relate to the following Williamson Act (WA) contracts 69-AP-023.2, 69-AP023.6, and 69-AP-023.5, currently active on the Project site. Along with active WA contracts, Conveyance of Development Rights to the County of Sacramento on two of the three project parcels (APNs: 067-0110-083 and 123-0030-003) will also need to be addressed. As noted on page 2-5 of the Draft Environmental Impact Report (DEIR), the above listed WA contracts will need to be amended in order to make Commercial II Solar Facilities and Battery Energy Storage System (BESS) facilities compatible land uses under the WA contract. 3-1

Two of the three selected properties for this Project also contain a Conveyance of Development Rights to the County of Sacramento. This limits the types of development that can occur on these sites to agricultural development and accessory to agricultural development. This in turn leads to the need to abandon or amend the Conveyance of Development Rights Resolutions along with the WA contract amendments. In order to accomplish this, a General Application Form must be submitted to Sacramento County Planning and Environmental Review (PER) for approval from the Board of Supervisors. This was noted to SMUD on two separate occasions as outlined below. 3-2

On March 28, 2024, PER issued a letter to SMUD through email titled "Review of Potential SMUD Projects in Unincorporated Sacramento County" (Attachment 1). At this time the Oveja Ranch Solar Project was known as the Waegell Solar Project. PER staff informed SMUD about the active WA contracts and the Conveyance of Development Rights on the proposed site. Staff also noted that per Section 3.6.6.C of the Sacramento County Zoning Code (SZC or Zoning Code), the project would fall under the category of Commercial II Solar Facility, which per Section 3.2.5, Table 3.1 of the Zoning Code requires a Use Permit from the County Board of Supervisors and is subject to the Use Standards of Zoning Code Section 3.6.6.C.3. However, Government Code Section 53091(e) provides an exemption from zoning ordinances for power generation facilities owned and operated by utilities. Therefore, the power generation component of the project is not subject to local land use review.

In this letter, PER staff also noted that the BESS facility portion of the Project would not fall under the exception from Government Code Section 53091(e), given the Zoning Code includes provisions for the Planning Director to make determinations on applicable zoning allowances and standards for uncategorized uses. On May 26, 2023, PER's Planning Director signed a Planner Director's Determination (Determination) that BESS facilities are most similar to Warehousing in terms of the

827 7<sup>th</sup> Street, Room 225 • Sacramento, California 95814 • phone (916) 874-6141 • fax (916) 874-7499  
[www.per.saccounty.net](http://www.per.saccounty.net)

industrial nature of the development, while also sharing similar regulatory needs to that of Commercial II Solar Facilities and Hazardous Waste Storage/Disposal Facility (Attachment 1). Therefore, the Planning Director determined that BESS facilities shall be conditionally permitted in all zoning districts which allow for Commercial II Solar Facilities (AG-20 through AG-160, UR, IR, RR, MP, M-1, and M-2) with the exception that a Use Permit approved by the Board of Supervisors (UPB) shall be required in all such zoning districts. All applicable use standards and conditions of approval for Commercial II Solar Facilities listed in Section 3.6.6.C.3 of the Zoning Code shall apply to BESS facilities. BESS facilities shall utilize industrial development standards per Table 5.14 of the Zoning Code.

3-2  
(Cont)

However, in the spirit of supporting SMUD's Zero Carbon Plan, and because this Determination had not been codified as a County Zoning Ordinance yet, PER informed SMUD that they will not impose the Use Permit requirement for the BESS facility. It is, however, PER's expectation that SMUD will comply to the greatest extent possible with the standards and conditions detailed in the Determination for BESS facilities.

On January 21, 2025, PER received an application from SMUD for a Planning and Environmental Review Consultation Meeting (PERC), for development of a new 400-acre solar facility and battery storage facility located on three parcels, two contiguous (APNs: 123-0030-003, 123-0040-001) and one approximately 2,600 feet north of the contiguous parcels (APN: 067-0110-083), totaling 751.6 acres, zoned AG-160, in the Vineyard community. The PERC was held on March 4, 2025, at 2pm, virtually through Microsoft Teams. During this meeting PER staff prepared and walked SMUD through the Planner Notes (Attachment 2), which detailed the preliminary entitlement process that the Project proponents would need to complete in order to amend the WA contracts and the Conveyance of Development Rights Resolutions. The preliminary entitlement package would consist of a Board Review (BRB) to the Sacramento County Board of Supervisors. PER staff also provided details on estimated application fees, advisory and hearing bodies, Zoning Code use regulations, and Zoning Code development standards that would apply to the Project. Staff also noted that per the Planning Director's letter to SMUD dated March 28, 2024, a Use Permit would not be required for the proposed Commercial II Solar Facility and the BESS facility.

Thank you for the opportunity to submit these comments. We look forward to further dialogue on the proposed Project. County staff are available to meet and discuss these comments and our interests should the need arise. Please contact Kimber Gutierrez, Senior Planner, at [gutierrezk@sacounty.gov](mailto:gutierrezk@sacounty.gov) or (916) 874-7529 if you have any questions.

Sincerely,

**Todd Smith**

Digitally signed by Todd Smith  
Date: 2025.04.30 10:05:34  
+07'00'

Todd Smith

Planning Director

**Attachments:**

ATT 1 – Review of Potential SMUD Projects in Unincorporated Sacramento County

ATT 2 – PAMP2025-00006 Planner Notes

**Letter  
3  
Response****Todd Smith, Sacramento County Department of Community  
Development  
April 14, 2025**

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- 3-1 Comment noted. No further response is necessary.
- 3-2 Comment noted. SMUD appreciates the opportunity to work with the Department of Community Development in support of this project and will continue to do so as it relates to amending the Williamson Act contracts and the Conveyance of Development Rights to the County on two of the three project parcels.



**2.4 Letter 4. East Bay Municipal Utility District, David J. Rehnstrom,  
April 16, 2025****Letter 4**

April 16, 2025

Kim Crawford, Environmental Specialist  
Sacramento Municipal Utility District  
Environmental Services Department  
6201 S Street, MS B209  
Sacramento, CA 95817

Re: Notice of Availability of a Draft Environmental Impact Report for the Oveja Ranch Solar  
Project, Sacramento County

Dear Ms. Crawford:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Oveja Ranch Solar Project located in unincorporated Sacramento County. EBMUD commented on the Notice of Preparation of a Draft EIR for the project on September 30, 2024. EBMUD's original comments (see enclosure) still apply regarding the Gerber Pipeline.

4-1

If you have any questions concerning this response, please contact Sandra Mulhauser, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-7032.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:AIT:kn  
wdpd25\_046 Oveja Ranch Solar Project.doc

Enclosure: EBMUD Response Letter to SMUD on the Notice of Preparation of a Draft EIR  
dated September 30, 2024



September 30, 2024

Kim Crawford  
Sacramento Municipal Utility District  
Environmental Services Department  
6201 S Street, MS B209  
Sacramento, CA 95817

Re: Notice of Preparation of a Draft Environmental Impact Report for the Oveja Ranch  
Solar Project, Sacramento County

Dear Ms. Crawford:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Oveja Ranch Solar Project located in unincorporated Sacramento County. EBMUD has the following comments.

#### **GERBER PIPELINE**

EBMUD owns and operates the Gerber Pipeline, located in the Gerber Road public right-of-way within the project area (see enclosed map of EBMUD's Gerber Pipeline), which serves the Freeport Regional Water Project. Any projects being planned within or immediately adjacent to the Gerber Pipeline public right-of-way will need to follow EBMUD's Procedure 718 – Raw Water Aqueduct Right-of-Way Non-Aqueduct Uses. A copy of the procedure is enclosed for your reference.

Design drawings for any project encroachment (roadway, utility, facility, etc.) or restoration projects crossing or within the Gerber Pipeline public right-of-way will need to be submitted to EBMUD for review of possible drainage, site grading, fencing, construction access, and other conditions that may impact the Gerber Pipeline. EBMUD requires a full set of drawings (full size or 11" x 17") as well as an electronic copy in PDF format. All submittals shall be sent to the attention of Douglas Hooper, Assistant Superintendent of Aqueduct Section, 1804 West Main Street, Stockton, CA 95203. Additional information and an encroachment package are included in EBMUD's Procedure 718. Applications for non-EBMUD uses will not be processed unless accompanied by the appropriate application fees outlined in the current applicable Water and Wastewater System Schedule of Rates and Charges and Fees. A pre-construction meeting with EBMUD is mandatory.

When a project involves the construction of a retaining wall and fence along the public right-of-way – these must be constructed completely outside of the Gerber Pipeline public right-of-way, including all footings. Sacramento Municipal Utility District shall contact

375 ELEVENTH STREET • OAKLAND • CA 94607-4240 • TOLL FREE 1-866-40-EBMUD

Recycled Paper



Kim Crawford  
September 30, 2024  
Page 2

EBMUD's Survey Section to coordinate identifying, locating and marking the Gerber Pipeline.

If you have any questions concerning this response, please contact Sandra Mulhauser, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-7032.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:WTJ:kn  
wdpd24\_200 Oveja Ranch MND.doc

Attachment: Map of EBMUD's Gerber Pipeline  
Procedure 718

**EBMUD Aqueduct Map**

— Aqueduct

Date Created: September 27, 2024

0 500 1,000 2,000 Feet

EBMUD

**Letter  
4  
Response**

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**David J. Rehnstrom, East Bay Municipal Utility District  
April 16, 2025**

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4-1      Comment noted. No further response is necessary.

**2.5 Letter 5. Sacramento County Water Agency – Water Supply Planning, Ramon Roybal, April 30, 2025****Letter 5****SACRAMENTO COUNTY WATER AGENCY  
INTER-OFFICE CORRESPONDENCE  
Department Of Water Resources****M E M O R A N D U M**

TO: Kurtis Steinert, AICP, Associate Planner  
Planning and Environmental Review

FROM: Ramon Roybal  
via Esther Kinyua, Senior Engineer  
Sacramento County Water Agency – Water Supply Planning

DATE: April 30, 2025

SUBJECT: SMUD Oveja Ranch Solar Project - CEQA Notice of Availability

Mr. Steinert:

The Sacramento County Water Agency (SCWA) has reviewed the Draft EIR and attached Water Supply Assessment for the SMUD Oveja Ranch Solar Project and has the following comments:

- SCWA acknowledges that the project is wholly within SCWA's Zone 40 and Zone 41 service areas as well as within its Urban Water Management Plan and Zone 40 Water Supply Master Plan boundaries. SCWA has not been requested to supply water to the project and further acknowledges that water supply will be provided by existing private on-site groundwater wells. 5-1
- Pay the Surface Water Component Fee for private wells as outlined in Title 4, Section 4.45.005 of the Sacramento County Water Agency Code. 5-2
- Submit improvement plans to Sacramento County Water Agency for approval. 5-3

Regards,  
Ramon Roybal

**Letter  
5  
Response****Ramon Roybal, Sacramento County Water Agency – Water  
Supply Planning  
April 30, 2025**

---

- 5-1 Comment noted. No further response is necessary.
- 5-2 Comment noted. SMUD will coordinate with the Sacramento County Water Agency (SCWA) regarding the Surface Water Component Fee.
- 5-3 Comment noted. Improvement plans are not being prepared for the project. SMUD will coordinate with the Sacramento County Water Agency (SCWA) regarding the project's water supply planning.

## 2.6 Letter 6. Sacramento Metropolitan Air Quality Management District, Roberto Ramirez, April 30, 2025

**Letter 6**

Hi Kim,

Thank you for the opportunity to review the Draft Environmental Impact Report (EIR) for the proposed Oveja Ranch Solar Project (Project).

While reviewing the Draft EIR and the associated air quality appendix, Sac Metro Air District identified some inconsistencies with the emissions disclosed in the Draft EIR, and the emissions results in the appendix. Although these inconsistencies do not change the impact findings in the Draft EIR, Sac Metro Air District still recommends that the document be updated to ensure complete and accurate disclosure.

The emissions summary tables on PDF page 2 of Appendix AQ-1 should be updated. See more information below:

Unmitigated Construction Table

- **For ROG, NOx, and PM2.5**, the daily emissions are not added correctly. Please go through and re-calculate to show the correct totals for each pollutant (i.e. the total for ROG should be 85.1 (const equip and vehicles + ATVs), not 85.4).
- **For daily PM10**, the worst-case scenario (Daily, Winter (Max)) should be used. In this case, it would be 64 (see section 2.1 of CalEEMod results), not 50. That would be bring the total to 76.6 lbs/day, not 62.6.

Mitigated Construction Table

- Like the unmitigated construction table, the totals listed for each pollutant are not added correctly. Please go through and re-calculate to show the correct totals for each pollutant.

Unmitigated Operational Table

- **PM2.5** should be 0.01 ton/year to reflect CalEEMod results.

Once these values are revised, please update values disclosed in DEIR.

Thank you,

**Roberto Ramirez**

Air Quality Planner/Analyst

ISA Certified Arborist #WE-14276A

Transportation & Climate Change

Desk: (916) 704-4552

Main Office: 279-207-1122

[www.AirQuality.org](http://www.AirQuality.org)



6-1  
6-2  
6-3  
6-4  
6-5  
6-6

**Letter  
6  
Response****Roberto Ramirez, Sacramento Metropolitan Air Quality  
Management District  
April 30, 2025**

---

- 6-1 Comment noted. No further response is necessary.
- 6-2 For unmitigated construction emissions, Appendix AQ-1 has been updated to show emissions for all criteria air pollutants for the Construction Equipment and Vehicles out to one decimal place, which shows that the totals indicated in the Unmitigated Construction Table (Table 3.3-7) are correct and do not need to be revised. No edits to the DEIR are required.
- 6-3 Unmitigated daily PM<sub>10</sub> emissions have been updated to reflect the worst-case scenario (Daily, Winter (Max)) for total PM<sub>10</sub> as shown in the CalEEMod outputs (64.4 pounds per day for Construction Equipment and Vehicles). Table 3.3-7 has been updated to reflect the total unmitigated daily PM<sub>10</sub> emissions of 77.0 pounds per day.
- 6-4 For mitigated construction emissions, Appendix AQ-1 has been updated to show emissions for all criteria air pollutants for the Construction Equipment and Vehicles out to one decimal place, which shows that the totals indicated in the Mitigated Construction Table (Table 3.3-9) are correct and do not need to be revised. No edits to the DEIR are required.
- 6-5 Unmitigated annual operational emissions of PM<sub>2.5</sub> and PM<sub>10</sub> shown in Table 3.3-8 have been updated to 0.01 tons per year and 0.02 tons per year, respectively, to match the CalEEMod outputs.
- 6-6 Comment noted. Applicable revisions have been made to the DEIR. No further response is necessary.



## 2.7 Letter 7. California Department of Fish and Wildlife, Morgan Kilgour, May 2, 2025

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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](http://www.wildlife.ca.gov)

**Letter 7**  
GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



May 2, 2025

Kim Crawford  
Environmental Specialist  
Sacramento Municipal Utility District  
6201 S Street, MS B203  
Sacramento, CA 95817-1899  
OvejaRanch@smud.org

Subject: Oveja Ranch Solar Project  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH No. 20244090310

Dear Kim Crawford:

The California Department of Fish and Wildlife (CDFW) received and reviewed the DEIR from Sacramento Municipal Utility District (SMUD) for the Oveja Ranch Solar Project (Project) in Sacramento County pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.<sup>1</sup>

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.

<sup>1</sup> 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.

7-1



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Oveja Ranch Solar Project  
May 2, 2025  
Page 2 of 15

CDFW may also act 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 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

7-1  
(Cont.)**PROJECT DESCRIPTION SUMMARY**

The project is located in unincorporated southeastern Sacramento County, south of the City of Rancho Cordova and north of Wilton. The project site is approximately 534 acres; the northern area (80 acres total) and the southern area (454 acres total) which are not directly adjoining properties but would be connected by a 0.5- mile-long connector line. The project would be bound to the north by Florin Road and to the east by Eagles Nest Road. Primary access to the project site would be from Eagles Nest and Florin roads.

The Oveja Ranch Solar Project includes construction and operation of an approximately 400-acre photovoltaic (PV) solar power and battery storage facility (BESS) and interconnection facilities, including a generation substation, and interconnection lines, that would provide new power production capacity of up to 75 MW delivered at the point of interconnection with the electrical grid managed by Sacramento Municipal Utility District (SMUD). The project components would generally comprise PV solar modules, foundation piles, racking, direct current (DC) collection, alternative current (AC) collection, fencing, roads, inverters, medium voltage transformers, generation substation equipment, BESS equipment, and interconnection lines and poles to the existing SMUD distribution system. During construction, a temporary construction trailer/office complex and staging areas would be established. During operation, the proposed project would likely include a small structure or storage container that would provide space for an onsite office for the site operator, equipment storage, and portable sanitary facilities. At the end of the project's life (anticipated to be 34 years and 11 months), the project and its assets would be decommissioned.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below 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. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

7-2

CDFW is primarily concerned with the project impacts to California state listed species, fully protected species, and California Native Plant Society (CNPS) species including but not limited to: Crotch's bumble bee (*Bombus crotchii*) State Candidate Endangered

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Oveja Ranch Solar Project  
May 2, 2025  
Page 3 of 15

((SCE)), burrowing owl (*Athene cunicularia*) (SCE), giant garter snake (*Thamnophis gigas*) (State Threatened (ST)), greater sandhill crane (*Antigone canadensis tabida*) (Fully Protected (FP)), loggerhead shrike (*Lanius ludovicianus*) (Species of Special Concern (SSC)), northern harrier (*Circus hudsonius*) (SSC), song sparrow "Modesto" population (*Melospiza melodia*) (SSC), Swainson's hawk (*Buteo swainsoni*) (ST), tricolored blackbird (*Agelaius tricolor*) (ST), western pond turtle (*Actinemys marmorata*) (SSC), western spadefoot (*Spea hammondi*) (SSC), white-tailed kite (*Elanus leucurus*) (FP), Boggs Lake hedge-hyssop (*Gratiola heterosepala*) (State Endangered (SE)), Sacramento Orcutt grass (*Orcuttia viscida*) (SE), and Slender Orcutt grass (*Orcuttia tenuis*) (SE).

Additionally, CDFW is concerned about impacts related to sensitive habitats and aquatic resources including vernal pools, wetlands, stream systems, riparian corridors, wildlife corridors, and nesting and foraging habitats present onsite.

**COMMENT 1:** Western Spadefoot, Mitigation Measure 3.4-5. Avoid Impacts to Western Spadefoot during Construction, page 222

**Issue:** As discussed in the DEIR, Western Spadefoot may be located within the project area. As currently written, Mitigation Measure 3.4-5 is not adequate to reduce project impacts to less-than significant. Ground disturbing activities including grading, discing, or road construction during the dormant period could have the potential to entomb or excavate western spadefoot individuals in grassland habitat near vernal pool complexes if all burrows are not found and marked. Additionally, the proposed measure states that ground disturbing activities within the proposed 50-foot buffer could occur in a limited capacity if the buffer is within the Project Area.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-5 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- Prior to any ground disturbance activity (e.g., grading, disking, road construction, or similar activities that could entomb or excavate spadefoot in grassland habitat near vernal pools) in the overhead collector line and distribution line corridors, a qualified biologist shall survey the project footprint prior to the onset of work for Western spadefoot. The qualified biologist shall identify burrows potentially suitable for Western spadefoot and mark a 50-foot non-disturbance buffer around any burrows mapped. Ground disturbance in these buffer areas shall be avoided, if feasible. If ground disturbance would be required within the 50-foot buffer, activities shall be limited to the minimum footprint necessary and shall be monitored by **an onsite** qualified biologist, ~~who would be either on-call or onsite~~, as appropriate to guide activities within the buffer to reduce impacts. **Ground disturbing activities within suitable Western spadefoot breeding habitat will be limited during their active period (typically between October and May) to the extent possible.**

The qualified biologist shall inform construction personnel to stop construction activities if a Western spadefoot is observed or if, in the biologist's opinion,

7-2  
(Cont.)

7-3

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Oveja Ranch Solar Project  
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maintenance activities threaten to cause adverse effects to Western spadefoot. If it is determined that Western spadefoot would be potentially harmed by construction, a qualified biologist **with the appropriate handling permits** may relocate animals to suitable habitats outside the project footprint. **A relocation report will be submitted to SMUD within 48 hours after the species has been relocated.**

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**COMMENT 2:** Giant Garter Snake, Mitigation Measure 3.4-8. Conduct Pre-Construction Surveys and Implement Avoidance and Minimization Measures, page 226

7-4

**Issue:** As discussed in the DEIR, giant garter snake (GGS) may be located within the project area. As currently written, Mitigation Measure 3.4-8 is not adequate to reduce project impacts to less-than significant. Ground disturbing activities including grading, discing, or road construction during GGS dormant period could have the potential to entomb or excavate individuals within their habitat. Additionally, if GGS are found to be present during preconstruction surveys, a Qualified Biologist with stop work authorization should be present during all ground disturbing activities within suitable GGS habitat throughout project construction and O&M.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-8 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- Project ground-disturbing activities in aquatic habitat and adjacent upland habitat within 200 feet of suitable aquatic habitat (perennial drainages and agricultural ditches carrying year-round water) shall 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 mainly occupy aquatic habitat and to actively move and avoid danger. If project activities in upland habitat occur within 200 feet of suitable aquatic habitat must be started outside of the snake's active season (May 1 to October 1), 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 (perennial streams and agricultural ditches that carry year-round water), the site shall be inspected by a qualified biologist who is approved by **SMUD**. ~~the CDFW and USFWS~~. Results of this clearance survey shall be reported in memo shared with SMUD and construction should only commence after a negative inspection report. If construction activities are delayed or stop for a period of two weeks or more, another pre-construction clearance survey shall be conducted within 24 hours before resuming construction activity. If snakes, or evidence of snakes, are encountered during pre-construction surveys, a biological monitor shall be present during the commencement of construction activities in upland habitat within 200 feet of suitable aquatic habitat during **all ground disturbing activities**. ~~the non-active season~~. If any snakes are observed in



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uplands near drainages during the active season, project activity shall be halted and the snakes shall be allowed to leave the area on their own.

- **If take of GGS individuals cannot be avoided during the active or dormant seasons, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.**

**COMMENT 3:** Burrowing Owl, Mitigation Measure 3.4-10. Conduct Pre-construction Surveys for Burrowing Owl and Implement Avoidance and Minimization Measures, page 229

**Issue:** The project site provides suitable habitat for burrowing owls. Burrowing owls have suffered significant habitat loss due to large-scale development, including wind and solar energy infrastructure development, and from the killing and removal of mammals during significant grading activities whose underground burrows the owls use for nesting. Burrowing owls is designated as a candidate species under CESA and has additional protection under the Migratory Bird Treaty Act and Section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-10 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- If a burrowing owl or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the project site, the following measures shall be implemented:
  - If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant shall:
    - Avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).
    - Establish a **minimum** 500-foot, **up to 1650-foot** non-disturbance buffer zone around nests, **consistent with CDFW's 2012 Staff Report guidelines**. The buffer zone shall 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 shall 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 shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

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- Construction may occur only outside of the 500-foot buffer zone during the breeding season and only if a qualified biologist monitors the nest and determines that the activities will 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 CDFW approval and provided a biological monitor confirms that such measures do not agitate the owls.
- If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant shall establish a **minimum of 165-foot~~160-foot~~, up to 1650-foot no-disturbance** buffer zone around active burrows **consistent with CDFW's 2012 Staff Report guidelines**. The buffer zone shall 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 agitate the owls.
- 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, project applicant shall obtain an Incidental Take Permit (ITP) for the project. 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 along with the ITP application. Burrow exclusion may not be conducted for burrows located in the project footprint and within a 160-foot buffer zone until the ITP is obtained. All ITP conditions must be followed when excluding owls.
- **A Burrowing Owl Mitigation and Management Plan shall be developed in consultation with CDFW and consistent with CDFW's Staff Report on Burrowing Owl Mitigation (March 2012), or more current CDFW guidelines prior to project construction. The Burrowing Owl Mitigation and Management Plan shall be submitted to SMUD for review prior to the start of construction. The plan shall address long-term ecological sustainability and maintenance of the site for burrowing owls, where feasible in the solar development area (i.e., temporary impact areas) and in adjacent areas. The Plan shall require the achievement of a performance standard of no net loss of burrowing owl nesting and foraging habitat and a minimum of 3 acres for each acre habitat replacement for nesting sites, function, and values and shall include the following elements:**
  - **A description of the preconstruction distribution and abundance of burrowing owls and existing habitat conditions at the project site, including a burrow complex map showing natural burrow complexes**

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and atypical burrows (e.g. culverts, buckled concrete, etc.) utilized by the burrowing owl. The map shall show details and locations of all burrow sightings capable of supporting the burrowing owl and shall indicate potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and sign. The map shall include a title, an outline of the Project Area, north arrow, scale bar, and legend.

- Avoidance and minimization measures to be implemented during project construction to avoid direct and indirect impacts on burrowing owls (e.g., establishment by a qualified biologist of a minimum of 165 feet, up to 1650 feet, non-disturbance buffers around active burrows depending on the time of year and type of activity, consistent with CDFW's 2012 Staff Report guidelines); including a discussion of any proposed passive relocation activities, if necessary (e.g., non-breeding season active burrows that cannot feasibly be avoided).
- Proposed management of burrowing owl nesting and foraging habitat during project operation and maintenance to achieve the goal of no net loss of existing habit value for burrowing owls within temporary impact areas;
- A monitoring and reporting plan addressing implementation and success of the management plan and identifying actions needed to maintain foraging and nesting habitat and reduce stressors on wintering and nesting burrowing owls;
- An adaptive management plan that includes additional measures described below if the performance standards of no net loss of burrowing owl nesting and foraging habitat value are not being met;
- The applicant may provide off-site compensatory mitigation to achieve the no net loss performance standard through acquisition of a conservation easement or mitigation credits from an appropriate mitigation bank, or another form of mitigation, as approved by SMUD. Compensation may be layered with other mitigation requirements, such as for Swainson's hawk foraging habitat if deemed suitable to support both species.
- If take on burrowing owl individuals cannot be avoided during the breeding or non-breeding season, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.

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**COMMENT 4:** Swainson's hawk, Mitigation Measure 3.4-14. Compensate for the Loss of Swainson's Hawk Foraging Habitat, page 238

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**Issue:** The project site provides suitable foraging habitat for Swainson's hawk. The Project is anticipated to develop 385.85 acres of suitable foraging habitat. The primary threat to the Swainson's hawk population in California continues to be habitat loss, especially the loss of suitable foraging habitat. This impact may have been the greatest factor in reducing Swainson's hawk range and abundance in California over the last century (California Department of Fish and Game 1993, California Department of Conservation 2011). Swainson's hawk is listed as threatened under CESA and has additional protection under the Migratory Bird Treaty Act and section 3503.5 of the Fish and Game Code; therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

Significant loss of Swainson's hawk foraging habitat has occurred in Yolo, Sacramento, and San Joaquin counties due to residential development, economic and resource availability factors, and conversion of riparian and woodland habitat to agriculture and unsuitable urban environments (CDFW 2016). Suitable foraging habitat is necessary to provide an adequate energy source for breeding Swainson's hawk adults, including support of nestlings and fledglings. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling health and survival with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young (Woodbridge 1985). Routine animal grazing activities, increases in human presence, and the permanent impacts associated with solar panel installation, will permanently reduce the amount of Swainson's hawk foraging habitat. Swainson's hawk generally searches for prey by soaring above fields and solar panels reduce their ability to see and catch their prey.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-14 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- To offset net impacts on foraging habitat for breeding Swainson's hawks SMUD shall mitigate the loss of Swainson's hawk foraging habitat in accordance with CDFW recommendations (CDFG 1994) but adjusted to local conditions and based on recent studies 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 one mile from the nest tree shall be replaced with **1.0 acre** ~~0.75 acres~~ of mitigation land for each acre of foraging habitat permanently lost because of project construction **(1:1 ratio)**. ~~(0.75:1 ratio)~~. Permanent loss resulting from the project includes the approximately 4.1-acre footprint of the BESS, substation, and roads.
  - Foraging habitat permanently lost for nests that are within one mile of the project site shall be mitigated at a 1:1 ratio. Permanent loss resulting from the project includes the approximately 4.1-acre footprint of the BESS,

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substation, and roads. The nearest location relative to this area shall be confirmed prior to initiation of construction during preconstruction surveys as called for in Mitigation Measure 3.4.13.

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- ~~For foraging habitat under solar panel these mitigation ratios shall be reduced to 0.25:1 for foraging habitat for active nests within 5 miles of the project and 0.5:1 for active nests within 1 mile of the project site. These reduced ratios are appropriate because Swainson's hawks foraging habitat will continue to be available in the solar fields. Foraging habitat will be maintained under the solar panels with pollinator friendly vegetation that would support Swainson's hawk prey such as insects and small mammals. Ample foraging habitat will also remain in adjacent agricultural lands and open space preserves that are permanently protected.~~

**COMMENT 5:** Mitigation Measure 3.4-12. Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction, page 234

7-7

**Issue:** The project site is less than a mile from suitable tricolored blackbird nesting habitat, and construction activities could result in significant impacts to nesting tricolored blackbird through loss of foraging habitat, noise, fugitive dust, human presence, and/or night lighting. Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that Mitigation Measure 3.4-12 be revised to the following (additions are noted in bold while deletions are noted in strikethrough):

- Pre-construction Tricolored Blackbird Surveys. Before any ground disturbing activities or vegetation clearing that may result in effects on potential habitat for tricolored Blackbird, a qualified biologist shall conduct a pre-construction survey in potentially suitable nesting habitat (i.e., blackberry thickets and cattail marsh) for this species in the project footprint and a **1300-foot** ~~500-foot~~ buffer to the project footprint. The biologist shall conduct three separate surveys, one each in mid-April, mid-May, and mid-June, and shall **be based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1. If breeding colonies are found, the foraging behavior of the colony shall also be documented.** ~~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](https://www.wrcrca.org/species/survey_protocols/2018_Tricolored_Blackbird_Survey_Protocol.pdf). If an active nesting colony is detected during the surveys CDFW shall be consulted to provide any guidance on appropriate avoidance and minimization measures in addition to those described below.



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- Avoidance and Minimization.** If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance (i.e., non-disturbance) buffer from the active nest. The buffer distance for tricolored blackbird shall generally be 1300 feet ~~500 feet~~ and shall be determined based on factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers to avoid active nests. This buffer may be modified with written approval from CDFW in areas with dense forest, buildings, or other features between the construction activities and the active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; or where sound curtains have been installed. Construction limits shall be based on the biologist-defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. ~~Project activities shall avoid occupied Tricolored Blackbird nesting habitat. If tricolored blackbird colonies are identified during the breeding season, an approximate buffer of up to 500 feet shall 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 shall be excluded from the buffer until the end of the breeding season.~~
- If an active nest is identified within 1300 feet of the work area after construction has started, work within 1300 feet of the nest shall be suspended 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 birds have fledged, limitations on construction activities that generate substantial vibration and/or noise, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. This buffer may be modified with written approval from CDFW in areas with dense forest, buildings, or other features between the construction activities and the active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; or where sound curtains have been installed.

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**COMMENT 6:** Crotch's Bumble Bee CESA Candidacy, Preconstruction Survey Measure, and Lighting Minimization Measure

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**Issue:** In June 2019, the California Fish and Game Commission granted Crotch's bumble bee (CBB) candidate species protection under CESA. The candidacy designation temporarily affords CBB broad CESA protections (including prohibitions against "take" without permit authorization) throughout the entirety of California while CDFW conducts a species status review to confirm whether (and where) listing is warranted and to recommend management and recovery actions. Projects with potential impacts to CBB are encouraged to obtain an incidental take permit (ITP) from CDFW in order to comply with

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CESA and avoid take liability. In the event that CDFW does confirm that listing is warranted for CBB in the future when the Project's construction phase is set to occur and take of CBB is unavoidable, then the Project proponent can obtain an ITP from CDFW and provide suitable mitigation for loss of nesting or foraging habitat.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that the following mitigation measures for CBB be included in the DIER:

- **Crotch's bumble bee Preconstruction Survey.** Prior to ground-disturbing activities (e.g., earthmoving, excavation, trenching) and/or activities involving removal of vegetation or debris, the qualified biologist will perform visual surveys with a camera during the Colony Active Period (generally April 1 through August 31). Surveys will occur no more than 14 days prior to these activities. Surveys will include a minimum of two survey efforts which shall not occur on sequential days. The second survey will occur no more than 7 days prior to these activities, preferably within 48 hours if all weather conditions in the Plan are met. If project activities involving ground disturbance and/or vegetation removal span multiple years, new surveys will be conducted at the beginning of the survey period for each subsequent year. The surveys will occur at least two hours after sunrise and at least two hours before sunset during appropriate weather conditions (>60°F and <90°F with no rain and no sustained wind of 10 miles per hour or greater). The survey area will include the project site and, as accessible, a surrounding 50-foot buffer area. The survey duration will be appropriate to the size of the area within the project site being worked on based on the metric of approximately one person-hour of searching per three acres of suitable habitat. Surveys shall be visual encounters only, with identification aided by photographs. Surveyors will not capture or handle bumble bees unless authorized by CDFW via a Memorandum of Understanding in accordance with FGC 2081(a).

At a minimum, pre-activity survey methods will include the following, as outlined in CDFW's *Surveys Considerations for CESA Candidate Bumble Bees*:

- Search areas with flowering plants for foraging CBB.
- Survey burrows and other possible nesting habitat.
- Look and listen for concentrated bumble bee activity. Although different bumble bee species may have different habitat affinities and may favor the flowers of different plant species, they are generalists and CBB frequently occur in the same areas, and often use the same flowering plants, as other bumble bee species.

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- If bumble bees are observed, obtain photos of the bees for documentation and to determine if the bees are CBB or not.
- Photographs will be taken with an appropriate camera (e.g., a DSLR camera with a macro or telephoto lens or other cameras equipped with a view finder, continuous shooting mode, and macro or telephoto lens) from multiple angles to capture key features to aid identification, if possible, and be in focus.
- Surveyors will record the date and time of survey; location; weather (temperature, wind speed, and cloud cover); a general description of suitable floral resources and nesting sites (See Habitat Evaluation below); a description of observed bumble bee activity, including the bumble bee species observed; and a determination of whether the survey observations suggest a CBB nest may be present or whether construction activities could harm the species.
- If CBB and/or CBB nests are detected, surveyors should record the location of the nest; nest substrate, slope, aspect, and distance to nearest forage if known; number of CBB observed; and vegetation used by individuals.
- CDFW will be notified of detections of any CBB and/or their nests within 24 hours of the detection.
- **Lighting Minimization.** If feasible, Covered Activities will be restricted to daytime hours. If nighttime construction is needed within 500 feet of CBB habitat, Permittee shall implement ensure that all construction-related lighting shall not have significant illumination pass beyond the immediate work area. Shielding techniques may include, but should not be limited to, the use of fence slats, netting, mesh, or tarps; and all construction lighting used shall be yellow or orange lighting.
- If impacts on CBB individuals cannot be avoided during ground disturbing or vegetation removal activities, obtain an Incidental Take Permit (ITP) from CDFW for anticipated impacts to CBB during construction and O&M activities.

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**Comment 7. Pollinators**

**Issue:** The DEIR does not include measures to increase use by pollinators such as dual use farming. The Project should be designed to optimize a balance between electrical generation and agricultural production (Jossi 2018) or native plants. Native plantings or dual use farming techniques provide additional foraging resources for pollinator species

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including but not limited to Crotch's bumblebee (*Bombus crotchii*), a CESA candidate species, and for other native species by increasing the amount of nectar resources on a local level. Incorporating locally native plantings or dual use farming techniques help to increase pollinator populations and would help to reduce project impacts to a less than significant level.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends the Project be planted with deep-rooted native flowers and grasses that capture and filter storm water, build topsoil, and provide abundant and healthy food for bees and other insects that provide critical services to our food and agricultural systems as described on the Fresh Energy website at <https://fresh-energy.org/beeslovesolar/>.

## 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](mailto:CNDDDB@wildlife.ca.gov).

## 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 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.)

## 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](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the DEIR for the Oveja Ranch Solar Project to assist SMUD 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

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further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

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Sincerely,

DocuSigned by:  
  
C3A86764C0AD4F6...  
Morgan Kilgour  
Regional Manager

ec: Dylan Wood, Senior Environmental Scientist (Supervisory)  
Michael Shun, Senior Environmental Scientist (Specialist)  
Harvey Tran, Senior Environmental Scientist (Specialist)  
CEQACommentLetters  
*Department of Fish and Wildlife*

Office of Planning and Research, State Clearinghouse, Sacramento

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**Letter  
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Response****Morgan Kilgour, California Department of Fish and Wildlife  
May 2, 2025**

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- 7-1 No response is necessary.
- 7-2 Please see response to comments 7-3 through 7-11 for species specific discussions and revisions to mitigation measures, if applicable.
- 7-3 **Western spadefoot.** SMUD agrees to revise Mitigation Measure 3.4-5 for Western spadefoot per the suggested edits provided by CDFW. The measure now reads as follows (additions are noted in underline while deletions are noted in strikeout).

**Mitigation Measure 3.4-5.**

- Prior to any ground disturbance activity (e.g., grading, disking, road construction, or similar activities that could entomb or excavate spadefoot in grassland habitat near vernal pools) in the overhead collector line and distribution line corridors, a qualified biologist shall survey the project footprint prior to the onset of work for Western spadefoot. The qualified biologist shall identify burrows potentially suitable for Western spadefoot and mark a 50-foot non-disturbance buffer around any burrows mapped. Ground disturbance in these buffer areas shall be avoided, if feasible. If ground disturbance would be required within the 50-foot buffer, activities shall be limited to the minimum footprint necessary and shall be monitored by an onsite qualified biologist, ~~who would be either on-call or onsite~~, as appropriate to guide activities within the buffer to reduce impacts. Ground disturbing activities within suitable Western spadefoot breeding habitat will be limited during their active period (typically between October and May) to the extent possible.

The qualified biologist shall inform construction personnel to stop construction activities if a Western spadefoot is observed or if, in the biologist's opinion, maintenance activities threaten to cause adverse effects to Western spadefoot. If it is determined that Western spadefoot would be potentially harmed by construction, a qualified biologist with the appropriate handling permits may relocate animals to suitable habitats outside the project footprint. A relocation report will be submitted to SMUD within 48 hours after the species has been relocated.

- 7-4 **Giant garter snake.** SMUD agrees to revise Mitigation Measure 3.4-8 for giant garter snakes per the suggested edits provided by CDFW. The measure now reads as follows (additions noted in underline while deletions are noted in strikeout).

**Mitigation Measure 3.4-8**

- Project ground-disturbing activities in aquatic habitat and adjacent upland habitat within 200 feet of suitable aquatic habitat (perennial drainages and agricultural ditches carrying year-round water) shall 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 mainly occupy aquatic habitat and to actively move and avoid danger. If project activities in upland habitat occur within 200 feet of suitable aquatic habitat must be



started outside of the snake's active season (May 1 to October 1), 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 (perennial streams and agricultural ditches that carry year-round water), the site shall be inspected by a qualified biologist who is approved by SMUD. ~~the CDFW and USFWS~~. Results of this clearance survey shall be reported in memo shared with SMUD and construction should only commence after a negative inspection report. If construction activities are delayed or stop for a period of two weeks or more, another pre-construction clearance survey shall be conducted within 24 hours before resuming construction activity. If snakes, or evidence of snakes, are encountered during pre-construction surveys, a biological monitor shall be present during the commencement of construction activities in upland habitat within 200 feet of suitable aquatic habitat during all ground disturbing activities. ~~the non-active season~~. If any snakes are observed in uplands near drainages during the active season, project activity shall be halted and the snakes shall be allowed to leave the area on their own.

- If take of GGS individuals cannot be avoided during the active or dormant seasons, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.

7-5 **Burrowing owl.** Thank you for the suggested revisions. Since publication of the Draft EIR, SMUD has implemented protocol level burrowing owl surveys. To date, only wintering burrowing owls have been observed on the project site. However, SMUD has determined it to be prudent to obtain an Incidental Take Permit (ITP) for burrowing owl ahead of project construction to avoid potential delays once construction is underway. The ITP application would obtain all necessary detail regarding burrowing owl management on the site, thus the additional detail provided by CDFW in the proposed mitigation measure is not necessary at this time. Mitigation Measure 3.4-10 has been revised to as follows (additions are noted in underline while deletions are noted in strikeout):

#### **Mitigation Measure 3.4-10**

- If a burrowing owl or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the project site, the following measures shall be implemented:
  - If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant shall:
    - Avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).
    - Establish a minimum 500-foot, up to 1650-foot non-disturbance buffer zone around nests, consistent with CDFW's 2012 Staff Report guidelines. The buffer zone shall 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 shall 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 shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

- Construction may occur only outside of the 500-foot buffer zone during the breeding season and only if a qualified biologist monitors the nest and determines that the activities will 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 CDFW approval and provided a biological monitor confirms that such measures do not agitate the owls.
- If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant shall establish a minimum of 165-foot ~~160-foot~~, up to 1650-foot no-disturbance buffer zone around active burrows consistent with CDFW's 2012 Staff Report guidelines. The buffer zone shall 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 agitate the owls.
- 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, project applicant shall obtain an Incidental Take Permit (ITP) for the project. 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 along with the ITP application. Burrow exclusion may not be conducted for burrows located in the project footprint and within a 160-foot buffer zone until the ITP is obtained. All ITP conditions must be followed when excluding owls.
- If take of burrowing owl individuals cannot be avoided during the breeding or non-breeding season, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.

7-6 **Swainson's hawk.** A portion of Mitigation Measure 3.4-14 was revised was revised to address the commenter's concern regarding the permanent loss of Swainson's hawk foraging habitat resulting from construction of the BESS, substation and roads. This change minimizes the nexus between the distance of an active Swainson's hawk nest tree and the mitigation ratio, thus increasing the total foraging habitat acreage to be mitigated.

No revisions were made regarding the alleged impact to Swainson's hawk foraging habitat under the solar panels. Based on the assessment of impacts provided in the EIR which included consultation with an expert on the subject and review of relevant literature published on the topic of use of solar fields by raptors including Swainson's hawk, SMUD as lead agency determined that Mitigation Measure 3.4-14, as presented in the Draft EIR, is adequate to offset the loss of foraging habitat under the solar panels

because Swainson's hawks foraging habitat will continue to be available in the solar fields. Under that measure, foraging habitat will be maintained under the solar panels with pollinator-friendly vegetation that would support Swainson's hawk prey such as insects and small mammals.

The measure now reads as follows (additions are noted in underline while deletions are noted in strikeout).

- Foraging habitat permanently lost within 5 miles of an active Swainson's hawk nest tree ~~but more than one mile from the nest tree~~ shall be replaced with 1.0 acre ~~0.75 acre~~ of mitigation land for each acre of foraging habitat permanently lost because of project construction (1:1 ratio). ~~(0.75:1 ratio)~~. Permanent loss resulting from the project includes the approximately 4.1 acre footprint of the BESS, substation, and roads. The nearest location relative to this area shall be confirmed prior to initiation of consultation during preconstruction surveys as called for in Mitigation Measure 3.4-13.
- ~~Foraging habitat permanently lost for nests that are within one mile of the project site be mitigated at a 1:1 ratio. Permanent loss resulting from the project includes the approximately 4.1-acre footprint of the BESS, substation, and roads. The nearest location relative to this area shall be confirmed prior to initiation of consultation during preconstruction surveys as called for in Mitigation Measures 3.4-13.~~

7-7 **Tricolored blackbird.** SMUD agrees to revise Mitigation Measure 3.4-12 for tricolored blackbird per the suggested edits provided by CDFW with the exception of obtaining CDFW approval for modifying suitable avoidance buffers from active nests; buffers shall be based on the biologist defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. The measure now reads as follows (additions noted in underline while deletions are noted in strikeout).

#### **Mitigation Measure 3.4-12**

- **Pre-construction Tricolored Blackbird Surveys.** Before any ground disturbing activities or vegetation clearing that may result in effects on potential habitat for tricolored blackbird, a qualified biologist shall conduct a pre-construction survey in potentially suitable nesting habitat (i.e., blackberry thickets and cattail marsh) for this species in the project footprint and a 1300-foot ~~500-foot~~ buffer to the project footprint. The biologist shall conduct three separate surveys, one each in mid-April, mid-May, and mid-June, based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1. If breeding colonies are found, the foraging behavior of the colony shall also be documented. ~~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](https://www.wrcrca.org/species/survey_protocols/2018-Tricolored-Blackbird-Survey-Protocol.pdf). If an active nesting colony is detected during the surveys CDFW shall be consulted to provide any guidance on appropriate avoidance and minimization measures in addition to those described below.

- **Avoidance and Minimization.** If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance (i.e., non-disturbance) buffer from the active nest. The buffer distance for tricolored blackbird shall generally be 1300 feet 500 feet and shall be determined based on factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers to avoid active nests. This buffer may be modified in consultation with the qualified biologist. The consultation must be documented in writing and include the revised buffer distance, along with the rationale and justification for why the reduction is appropriate. Appropriate rationale for reducing a buffer may include the presence of dense vegetation. Construction limits shall be based on the biologist defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. Project activities shall avoid occupied Tricolored Blackbird nesting habitat. If tricolored blackbird colonies are identified during the breeding season, an approximate buffer of up to 500 feet shall 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 shall be excluded from the buffer until the end of the breeding season.
- If an active nest is identified within 1,300 feet of the Project area after construction has begun, a 1,300-foot no-disturbance buffer will be established, unless construction activities are already occurring within that distance. If an active nest is established within 1,300 feet while construction activities are ongoing, it is assumed the birds have acclimated to the existing disturbance. In such cases, the buffer will be reduced to the greater of: (1) the actual distance between the active nest and the nearest construction activity, or (2) 500 feet.
- Once the reduced buffer is established—and prior to any increase in the intensity or type of disturbance—a qualified biologist will conduct a minimum of two consecutive days of baseline monitoring to document nesting behavior under current conditions. If, during baseline monitoring, project activities cause birds to display agitated or stress-related behaviors, all work within the buffer will cease, and the buffer distance will be reassessed based on what was observed.
- Based on baseline observations, the qualified biologist will prepare a written memorandum summarizing the monitoring results and recommending avoidance and minimization measures tailored to varying levels of anticipated construction activity. The first day of any increased construction activity within the buffer will be monitored by a qualified biologist to verify that the buffer distance and implemented measures are effective in avoiding take.
- Appropriate measures may include an increased no-disturbance buffer with specific levels of disturbance, limitations on construction activities that generate substantial vibration and/or noise, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. This buffer may be modified in consultation with the qualified biologist with additional written measures such as the installation of visual shielding or sound curtains.

- 7-8 **Crotch's bumble bee.** Thank you for the recommended mitigation measure. SMUD acknowledges the proposed CESA listing for Crotch's bumble bee (*Bombus crotchii*) and considered this species during the biological resources assessment conducted for the EIR (AECOM 2024a). The assessment concluded that the areas proposed for construction lack suitable habitat.

The assessment concluded that the lack of suitable habitat is attributable to long-term agricultural use, routine irrigation, and repeated soil disturbance, as well as dense non-native vegetation in areas designated for solar panel installation and road shoulders characterized by altered soils, drainage features, wetlands, and other frequently disturbed habitats where the 69 kV lines are proposed. Additionally, further limiting suitability for subterranean nesting, the soils report from the Aquatic Resource Delineation Report (AECOM 2024b), identified heavy claypan and duripan layers that occur across much of the site containing irrigated pasture, cropland, and valley grassland with wetland and vernal pools interspersions.

The segment of the proposed 69 kV alignment along Gerber Road consists of a compact dirt road and valley grassland cover at the road shoulders and beyond with portions of Frye Creek passing through at two points. Similar to the surrounding area, the valley grassland in east of Gerber Road has wetland and vernal pools interspersions scattered throughout upland grass habitat. This area was, however, found to lack suitable habitat due to the presence of wet, poorly drained soils.

In response to this comment provided by CDFW, further assessment of the data presented in the Aquatic Resource Delineation and Biological Resource Report was conducted. The findings of this assessment determined that, although the segment of the proposed 69 kV alignment along Gerber Road consists of grasslands that lack ground squirrels, trees, or shrubs and contain numerous wet habitats, the soils in this area differ from those in the solar panel installation footprint. Unlike the solar panel areas, these soils do not contain the extensive claypan and duripan layers that restrict burrow excavation. As a result, the upland portions of this alignment may provide comparatively more suitable conditions for burrowing animals and ground nesting bumble bees.

SMUD has determined that minimization measures to the segment of the proposed 69 kV alignment along Gerber Road are warranted but maintains that the remainder of the Project does not contain suitable habitat for *B. crotchii*. Additionally, the absence of mature trees or shrubs in the segment of the proposed 69 kV alignment along Gerber Road, still excludes this area's microhabitat suitability and soil stability found to be associated with overwintering queens.

SMUD will implement avoidance and minimization measures, including preconstruction surveys during the colony flight period and/or monitoring if construction begins between the queen emergence and colony flight periods, lighting minimization, and consideration of coverage under an Incidental Take Permit (ITP) in accordance with CDFW guidance.

#### **Avoidance and Minimization Measures for Crotch's Bumble Bee (*Bombus crotchii*)**

##### **Preconstruction Survey During Colony Flight Period for Crotch's Bumble Bee (*Bombus crotchii*)**

To the extent feasible, work will occur between (April 1- September 1). Preconstruction surveys will be conducted to detect the presence of Crotch's bumble bee and/or active nests within a 100-foot buffer around suitable habitat. A minimum of two surveys will be conducted, no more than 14 days prior to the start of any ground-disturbing activities or vegetation removal in suitable habitat. Annual surveys will be conducted prior to project activities involving initial ground disturbance and/or vegetation removal.

Surveys will be conducted more than two hours after sunrise and at two hours before sunset when temperatures are greater than 60°F and less than 90°F, no precipitation, and sustained wind speeds are less than 10 mph.

Survey methods will include floral resource checks, nesting habitat checks, and behavioral observations, following CDFW's Surveys Considerations for CESA Candidate Bumble Bees. The survey duration will be scaled to the size of the work area, using the metric of approximately one person-hour of searching per three acres of suitable habitat. Surveys will consist of visual encounters only, with species identification aided by photographs. Surveyors will not capture or handle bumble bees unless authorized by CDFW through a Memorandum of Understanding in accordance with Fish and Game Code Section 2081(a).

All Crotch's bumble bee detections, including nests, will be mapped, photographed, and reported to CDFW within 24 hours of confirmation. Surveyors will submit the location of the nest, nest substrate, slope, aspect, and distance to nearest foraging habitat, number observed; and species or type vegetation visited by the bumble bee. Photographs should include the thorax and abdomen, including the last abdominal segment to aid identification.

### **Biological Monitoring for Work Occurring Prior to the Colony Flight Period**

If construction or ground-disturbing activities are scheduled to occur prior to the colony flight period (February 1 to March 31), in addition to the preconstruction surveys, a qualified biologist will be present to monitor the initial ground disturbance for bumble bees.

The biological monitor will visually inspect the work area and immediately adjacent habitat prior to and during the initial disturbance. If a bumble bee or suspected *B. crotchii* queen is observed, or if a potential nest site is encountered, work will be halted until CDFW can be consulted to determine appropriate protective measures. All observations will be documented, including photographs and GPS coordinates, and CDFW will be notified within 24 hours if *B. crotchii* is detected. The monitor will provide on-site guidance to the construction crew regarding any required avoidance or minimization measures before work resumes.

**Lighting Minimization.** If feasible, construction or ground-disturbing activities will be restricted to daytime hours. If nighttime construction is necessary within 500 feet of *B. crotchii* habitat, nighttime construction-related lighting shall have significant illumination pass beyond the construction site, so all nighttime artificial lighting from Covered Activities must be limited to the work area and must be directed downward and, to the extent feasible, use the fewest safe, yellow, or orange lights of all intensities.

If impacts on *B. crotchii* cannot be avoided during construction activities, an Incidental Take Permit (ITP) from CDFW will be required to address potential take during construction and O&M activities.

- 7-9 **Pollinators.** The project has been designed to avoid sensitive habitat such as the vernal pool grassland at the north end of the southern area. The Project also has further been designed to preserve the agricultural use of the site in areas currently under agricultural production and the existing Williamson Act contracts for the site will be amended to add solar as an allowable use. Specifically, the area under the solar panels will be used for grazing during the lifespan of the Project and will be seeded with forage plants. While insects are expected to use the areas under the solar panels, attracting native bumble bees to the site is not the prime purpose of the plantings. Thus, incorporation of a mitigation measure to specifically plant deep rooted native flowers and grasses as suggested in the comment is not appropriate.
- 7-10 No response is necessary.
- 7-11 No response is necessary.
- 7-12 No response is necessary.



**2.8 Letter 8. Defenders of Wildlife, Sophia Markowska, May 2, 2025****Letter 8**

**California Program Office**  
P.O. Box 401, Folsom, California, 95763  
[www.defenders.org](http://www.defenders.org)

May 2, 2025

Kim Crawford  
Sacramento Municipal Utility District  
Environmental Services Department  
6201 S Street, MS B209  
Sacramento, CA 95817

Delivered via email to: [OvejaRanchSolar@smud.org](mailto:OvejaRanchSolar@smud.org)

Re: Draft Environmental Impact Report for the Proposed Oveja Ranch Solar Project  
(SCH 2024090310)

Dear Ms. Crawford,

Thank you for the opportunity to provide comments in response to the Draft Environmental Impact Report (DEIR) for the proposed Oveja Ranch Solar Project (Project). Defenders of Wildlife (Defenders) is dedicated to protecting all wild animals and plants in their natural communities and has nearly 2.1 million members and supporters in the United States, with more than 311,000 residing in California.

Defenders strongly supports renewable energy generation. A low-carbon energy future is critical for California's economy, communities and environment. As we transition toward a clean energy future, it is imperative that we consider the near-term impacts of solar development on our biodiversity, fish and wildlife habitat and natural landscapes while addressing the long-term impacts of climate change. Therefore, renewable energy projects must be planned, sited, developed and operated to avoid, minimize and mitigate adverse impacts on wildlife and lands with known high-resource values.

The proposed Project is a solar photovoltaic facility that would generate up to 75 MW of renewable energy and includes a battery storage facility, a generation substation, and interconnection lines. The proposed Project would be sited on approximately 543 acres of leased private land in the unincorporated area of southeastern Sacramento County. It is located south of Florin Road and west of Eagles Nest Road and is south of the City of Rancho Cordova and north of the community of Wilton. The site consists of agricultural and vacant, undeveloped land and is currently under Williamson Act contracts; the landowner proposes to retain Williamson Act contracts and amend them to allow for agrivoltaic use with sheep grazing within and surrounding the solar panels and equipment.

8-1

**National Headquarters | 1130 17<sup>th</sup> Street NW | Washington, DC 20036 | 202-682-9400**

**Comments**

We offer the following comments on the DEIR for the proposed Project.

**Decommissioning and Site Restoration**

The DEIR states “[a]t the end of the project’s useful life (anticipated to be 34 years and 11 months), the solar panels and associated infrastructure would be decommissioned.” The DEIR fails to acknowledge that the Project is unlikely to be retired and instead is likely to be repowered or transitioned to another industrial use. As previously stated within Defenders scoping comments on the Notice of Preparation of the DEIR, California and the United States have and will continue to have an ever-growing demand for renewable energy for the electrification of the residential, commercial, industrial, transportation, and data processing sectors. Generation and storage projects such as Oveja Ranch Solar Project will be in demand far into the future and can reasonably be expected to be “repowered” with newer technologies. That, coupled with the interconnection investment to the site, virtually guarantees the Project site will remain in some form of quasi-industrial use. The DEIR fails to recognize the permanent nature of this conversion of land. We request the section on Decommissioning and Site Restoration acknowledge that it will likely be repowered at the end of its current projected lifespan, and it is unlikely to be restored to its current state. Furthermore, we request all subsequent impact analysis incorporate the permanent impacts beyond the current 34-year term.

8-2

**Use of Solar Sites for Swainson’s Hawk (SWHA) Foraging**

The DEIR states that recent studies have indicated continued SWHA use of solar fields for foraging. As far as Defenders is aware, these studies are not available to the public. The intent of the California Environmental Quality Act is to “[i]nform governmental decision-makers and the public about the potential significant environmental effects of proposed activities.” When an environmental review document cites confidential studies as evidence that potential project impacts are reduced due to the specific measures within documents is withheld from the public, it undermines the ability of the public to adequately analyze the project and the true environmental impacts. The public and other stakeholders must be able to review the studies and the scientific evidence to ensure the proposed measures are appropriate.

8-3

Defenders requests the reports and documents that are relied on to justify avoidance, minimization and mitigation measures, and assign the level of environmental impact be made available for public review. This includes the following studies and communications:

- Swainson's Hawk and Other Raptor Foraging Use of Solar Array Fields within an Agricultural Landscape in Sacramento County. Prepared for Recurrent Energy. (2013)

- Swainson's Hawk and Other Raptor Foraging Use of Solar Array Fields within an Agricultural Landscape in Sacramento County. Prepared for Dudek. (2021)
- Personal communication between Jim Estep of Estep Environmental Consulting, Kim Crawford of SMUD, and Petra Unger of AECOM. (2024)

8-3  
(Cont.)

If the documents are unable to be made publicly available, then the level of impact and the avoidance, minimization and mitigation measures that rely on the confidential documents must be revised and supported by publicly available scientific information and research.

#### Species-Specific Protocol-Level Surveys

8-4

The DEIR and the Biological Resources Survey Report both state the reconnaissance-level surveys were conducted in 2024 on January 10 through January 12, February 16, May 7 and June 10. However, no comprehensive special-status plant survey nor any wildlife species-specific protocol-level surveys were conducted before the development of the DEIR. Findings cannot be made without such surveys as they are necessary to provide thorough and accurate results that support informed decision-making and enable identification of appropriate mitigation and avoidance measures for each species. To proceed without conducting species-specific protocol-level surveys is folly, as it is impossible to fully identify the risk of significant impact. Defenders requests the following species-specific protocol-level surveys be performed that adhere to California Department of Fish and Wildlife (CDFW) and/or US Fish and Wildlife Service (USFWS) guidance.

- Burrowing owl (BUOW) surveys<sup>1,2</sup>
- Crotch's bumble bee<sup>3</sup>
- Swainson's hawk surveys<sup>4</sup>
- Tricolored blackbirds<sup>5</sup>
- Floristic<sup>6</sup>

We also recommend consulting with CDFW for surveys related to vernal pool species and the fully-protected species, white-tailed kite. If the surveys result in conclusions that differ from those premature conclusions made within the DEIR, then the avoidance, minimization

<sup>1</sup> California Burrowing Owl Consortium. 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*.

<sup>2</sup> California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

<sup>3</sup> California Department of Fish and Wildlife. 2023. *Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species*.

<sup>4</sup> Swainson's Hawk technical Advisory Committee. 2000. *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*.

<sup>5</sup> Meese, Robert J. 2017. *Results of the 2017 Tricolored Blackbird Statewide Survey. Appendix 1*.

<sup>6</sup> California Department of Fish and Wildlife. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.

and mitigation measures must be altered to ensure there is no significant impact to the biological resources.

8-4  
(Cont.)

#### **Vernal Pool Impacts**

The southern half of the Project site includes a 19-acre vernal pool area and additional vernal pool habitat is located north of Florin Road and within the preserve areas immediately west and south of the southern area of the Project site. The DEIR states that Project design avoids all vernal pools in the Project area; therefore, the Project is not expected to result in impacts on vernal pool species. The DEIR needs to require a compensatory mitigation ratio for vernal pool impacts in the event that impacts occur. Defenders recommends establishing a 3:1 ratio for any direct and indirect impacts to vernal pools.

8-5

#### **Deficient Mitigation Measures (MM) Require Revision**

8-6

##### **MM 3.4-1: SWHA Surveys**

This measure states the pre-construction surveys shall be conducted 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. This does not adhere to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*.<sup>7</sup> The surveys should be conducted for 0.50-mile radius around all project activities and not limited to those within suitable nesting habitat or within line of sight within a 0.25-mile radius. Defenders requests the measure is altered to adhere to the guidelines.

##### **MM 3.4-2: Sanford's Arrowhead Compensatory Mitigation**

The measure requires the offset of any loss of Sanford's arrowhead on a 1:1 basis through compensatory mitigation. Defenders finds this is not sufficient and requests coordination with CDFW to establish the appropriate compensatory mitigation ratio.

8-7

##### **MM 3.4-5: Western Spadefoot Relocation**

The measure states, "If it is determined that Western spadefoot would be potentially harmed by construction, a qualified biologist may relocate animals to suitable habitats outside the project footprint." The qualified biologist must have the proper handling permits to specifically relocate Western spadefoot. Furthermore, Defenders requests the inclusion of a requirement to report any relocation efforts to CDFW within 48 hours.

8-8

##### **MM 3.4-8: Giant Garter Snake (GGS) Biological Monitor**

MM 3.4-8 requires an on-site biological monitor if snakes or evidence of snakes are encountered during pre-construction survey for the commencement of construction

8-9

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<sup>7</sup>

activities in upland habitat. We request the biological monitor be present during all ground disturbing activities if surveys find GGS or evidence of GGS. Furthermore, Defenders recommends coordinating with CDFW to obtain an incidental take permit.

8-9  
(Cont.)

#### **MM 3.4-8: Tricolored Blackbird Buffers**

The DEIR requires a 500-foot buffer to be established around a colony during the breeding season. This buffer is not adequate and Defenders requests consultation with CDFW for the appropriate buffer size.

8-10

#### **MM 3.4-9: BUOW Compensatory Mitigation**

MM 3.4-9 states SMUD shall mitigate for the permanent loss of foraging habitat for BUOW at a 1:1 ratio. Defenders finds the ratio adequate; however, the DEIR states this would only be for the permanent loss of 4.1 acres for the footprints for substation and BESS and states the majority of the site would be revegetated, and once construction is complete, BUOW would be able to utilize the solar field site. The DEIR states the 322 acres of foraging habitat would only be considered a temporary impact and does not mitigate for this loss. Defenders finds this inadequate as it is anecdotal research and although BUOW may return to the site and forage, it is not the same level of habitat quality; therefore, it is permanently impacted habitat.

8-11

BUOW was recently listed as a candidate species under the California Endangered Species Act (CESA). As a candidate for listing, the species is temporarily afforded the same protections as state-listed endangered or threatened, and any loss or degradation of habitat could significantly impact populations. CESA requires that impacts to state-listed species be fully mitigated; therefore, compensatory mitigation is necessary to offset the **full** loss of foraging caused by the proposed Project. In order for this Project to be fully mitigated, pursuant to CESA, the compensatory mitigation required needs to include the 322 acres of foraging habitat that will be impacted.

#### **MM 3.4-10: BUOW Buffers**

MM 3.4-10 requires the establishment of a 500-foot non-disturbance buffer around nests during the breeding season (approximately February 1 to August 31), and a 160-foot no disturbance buffer around active burrows during the non-breeding season (approximately September 1 to January 31). This does not adhere to CDFW recommendations and would not be sufficient to prevent take of BUOW. CDFW recommended buffers are 164 to 1,640 feet (50 to 500 meters), dependent on the time of year. MM 3.4-10 must be revised to be consistent the *Staff Report on Burrowing Owl Mitigation*.<sup>8</sup>

8-12

<sup>8</sup> California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

Table 1: Burrowing Owl Avoidance Buffers

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting Sites	April 1 – Aug 15	200 meters	500 meters	500 meters
Nesting Sites	Aug 16 – Oct 15	200 meters	200 meters	500 meters
Nesting Sites	Oct 16 – Mar 31	50 meters	100 meters	500 meters

8-12  
(Cont.)

#### MM 3.4-14: SWHA Compensatory Mitigation

MM 3.4-14 states that foraging habitat permanently lost within five miles of an active SWHA nest tree, but more than one mile from the nest tree, shall be replaced at a ratio of 0.75:1. It reduces this ratio even further for foraging habitat under solar panels with a 0.25:1 ratio for foraging habitat for active nests within 5 miles of the project and 0.5:1 for active nests within 1 mile of the project site. The DEIR states the reduced ratios are appropriate because foraging habitat will continue to be available within the solar fields. This seems to be built on the assumption that it is appropriate due to the aforementioned studies and personal communications relating to SWHA foraging potential on solar sites. These are preliminary studies and as Defenders previously noted, it is not appropriate to base mitigation measures of information that is not publicly available.

8-13

Furthermore, elsewhere in the DEIR, it states that the project will adhere to the South Sacramento Habitat Conservation Plan (SSHCP). The SSHCP provides a framework to improve the conservation of natural resources, including endangered habitat, while streamlining the permitting process for development and infrastructure projects on 317,000 acres in south Sacramento County. Coverage for take and conservation actions are provided within the SSHCP to protect 28 species with the potential to occur within the plan area to accommodate for impacts from development. SMUD is not a participating entity to the SSHCP and therefore had determined not to seek coverage under the SSHCP; however, the DEIR states the SSHCP was taken into consideration and the mitigation measures identified in the DEIR are compatible with and complementary to the SSHCP. The SSHCP states that SWHA habitat be established to meet a minimum 1:1 compensatory mitigation ratio requirement for habitat re-establishment/establishment.<sup>9</sup> This is not consistent with the ratios established within the DEIR. Furthermore, the low ratios within the DEIR is in conflict with the County's long-standing policy of a 1:1 ratio, as stated within the

<sup>9</sup> County of Sacramento, City of Rancho Cordova, City of Galt, Sacramento County Water Agency, Sacramento Regional County Sanitation District, and the Southeast Connector Joint Powers Authority. 2018. *Final South Sacramento Habitat Conservation Plan*. Sacramento, CA.

County's Swainson's Hawk Ordinance<sup>10</sup> Defenders requests a 1:1 compensatory mitigation ratio for the loss of SWHA habitat.

8-13  
(Cont.)

#### **Lake Effect**

Frye Creek runs between the northern and southern end of the Project site, located within the Elder Creek and Lower Deer Creek Watersheds. Furthermore, the Project falls within the Pacific Flyway, which supports millions of migratory birds. Defenders is concerned about the potential impact on protected avian species and what is left of their dwindling wetland habitat. Studies indicate various species of birds may be attracted to the vast arrays of PV solar panels caused by reflected polarized light. This phenomenon is known as "lake effect." Due to the proximity to the creek and watershed, and the abundant bird activity in suitable habitat, there is a higher likelihood for migratory birds to mistake the solar panels for water and become injured or killed because of collisions with Project facilities.

8-14

The DEIR acknowledges that studies have shown that some solar facilities may attract birds but based on the fact that the wetlands and ponds would not be modified, it finds the impacts to be less than significant. However, it fails to mention how the remaining wetlands and ponds would alleviate any "lake effect" or collision concerns. We request the inclusion of clarification and data that supports the claim that collisions are considered a less than significant impact since wetlands and ponds will not be modified. Furthermore, we recommend coordination with CDFW and USFWS on incidental take permit requirements for migratory birds.

#### **Cumulative Impacts**

The increasing development within the region is having a significant impact on biological resources and habitats, including but not limited to BUOW, SWHA, tricolored blackbirds vernal pools, western spadefoot and white-tailed kite. This Project is no exception and would significantly add to the cumulative loss of Sacramento County's important and declining biological resources. The cumulative impacts analysis is lacking as it fails to detail the potential impacts on the individual biological resource level and provide specific data on the loss of habitat. We request the analysis include a detailed map of all existing and planned development with the remaining habitat and connectivity corridors for impacted species. We recommend coordination with CDFW regarding the methods of analyzing the cumulative impacts.

8-15

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<sup>10</sup> Sacramento County, California County Code. tit. 16 §130.070.



**Conclusion**

Thank you once again for the opportunity to provide comments on the DEIR for the proposed Oveja Ranch Solar Project and for considering our comments. Defenders looks forward to reviewing the final EIR for the Project and requests to be notified when it is available. Please feel free to contact me with any questions.

8-16

Respectfully submitted,

*Sophia Markowska*

Sophia Markowska  
Senior California Representative  
Defenders of Wildlife  
[Smarkowska@defenders.org](mailto:Smarkowska@defenders.org)

**Letter  
8  
Response****Sophia Markowska, Defenders of Wildlife  
May 2, 2025**

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8-1 No response is necessary.

8-2 Describing the Project as a permanent conversion of habitat is not accurate. The Oveja Ranch Solar Project is being proposed under a fixed-term lease agreement between SMUD and the landowner. This lease is for 34 years and 11 months, after which SMUD's rights to the land will terminate. The lease includes an additional 12-month period specifically for decommissioning and site restoration. Importantly, there are no provisions within the lease for an extension, and the project has been engineered, permitted, and economically modeled based on this limited lifespan.

There is no intention or plan to repower the project at the end of its useful life (34 years and 11 months). The project's financial modeling includes funding for decommissioning, and the future project owner/operator (i.e., the Power Purchase Agreement developer) will be required to establish financial security for decommissioning activities. This financial assurance is intended to ensure that the necessary funds are available to remove the project infrastructure and restore the land once the project ends.

As such, the DEIR analyzes the project based on this defined life cycle and restoration plan, and the project is not considered permanent. While it is acknowledged that California's demand for renewable energy will likely continue to increase, and energy projects are often repowered, this specific project has no current planning, permitting, or contractual basis for such a scenario. Any decision to repower the facility in the future would require a new agreement with the landowners, and the current landowners have consistently maintained that they will continue to use the land for agriculture after the end of the lease term.

Moreover, even in the unlikely event the project were to be repowered, in addition to negotiating and executing a new lease, SMUD would need to conduct a new environmental review under CEQA and potentially obtain new land use entitlements and permits. There is currently no plan or indication that SMUD or any other developer would pursue such an option, or that the landowner would support continued solar development on the site. Such, speculative future actions, such as repowering, are not considered "reasonably foreseeable" under CEQA and therefore are not included in the scope of analysis in this DEIR. This approach is consistent with CEQA Guidelines, which direct lead agencies to evaluate a project based on its proposed and defined activities, not on hypothetical future scenarios.

The decommissioning and site restoration process itself will be addressed in a separate, project-specific decommissioning plan closer to the end of the project's operational term. However, the land lease includes provisions for documenting existing baseline conditions, including vegetation, soil health, and other resources, to guide future restoration efforts. This ensures that when the project is decommissioned, the site can be restored as closely as feasible to its pre-project condition.

Regarding your concern about the impacts being permanent: even though the project is not classified as permanent, the mitigation measures in the DEIR already conservatively

assume long-term or permanent impacts for the purposes of resource protection and compliance. For example, impacts to agricultural resources, biological resources, and visual resources are analyzed as if the solar facility will be present for the full lease term and potentially beyond. Thus, the level of impact assessment and mitigation provided in the DEIR remains appropriate and protective, even under the assumption of a longer-term presence.

In conclusion, the DEIR correctly characterizes the project as a fixed-term solar facility with a defined decommissioning and restoration plan, and any future land use changes or redevelopment proposals—including repowering—would be subject to separate CEQA review and new agreements with the landowner. No revisions are necessary.

- 8-3 The studies requested by the commenter have been provided by SMUD.
- 8-4 The Draft EIR and supporting biological resources report provide all documentation necessary to support the analysis. Where potential habitat for special-status species is present, and the habitat may be impacted by project development, the Draft EIR acknowledges and quantifies these potential impacts and provides appropriate steps such as surveys, refinement of impacts, avoidance and minimization, and mitigation, as appropriate. Some special-status species surveys have been conducted since publication of the Draft EIR or are currently underway. CDFW participated in the scoping process and also provided comments on the Draft EIR. Please refer to letter 7 regarding the species CDFW commented on, and the responses provided by SMUD, including minor revisions to specific avoidance and minimization measures, as recommended by CDFW. No further revisions are necessary.
- 8-5 As described in the Draft EIR and shown in the maps contained in the biological resources section, the project has been designed to avoid vernal pools and the surrounding grasslands and the Draft EIR includes further measures to protect vernal pools species from indirect impacts. Thus, no vernal pool impacts will occur and no compensatory measures or mitigation ratios are necessary.
- 8-6 CDFW commented on proposed mitigation measures for Swainson's hawk (see comment 7-6), but did not request revisions to the survey methodology stated in the Draft EIR. Therefore, no revisions are necessary.
- 8-7 CDFW did not comment on proposed mitigation ratios for Sanford's arrowhead. The documented population of Sanford's arrowhead will not be impacted by the project. Focused surveys for Sanford's arrowhead will be conducted where Project development may affect suitable habitat and these areas are extremely limited. No impacts to Sanford's arrowhead are anticipated. No revisions are necessary.
- 8-8 CDFW commented on the proposed mitigation measures for Western spadefoot, and Mitigation Measure 3.4-5 has been revised to include suggested edits from CDFW. Please see response to comment 7-3.
- 8-9 CDFW commented on the proposed mitigation measures for giant garter snake, and Mitigation Measure 3.4-8 has been revised to include suggested edits from CDFW. Please see response to comment 7-4.

- 8-10 CDFW commented on the proposed mitigation measures for tricolored blackbird, and Mitigation Measure 3.4-12 has been revised to include suggested edits from CDFW. Please see response to comment 7-7.
- 8-11 CDFW commented on the proposed mitigation measures for burrowing owl, and Mitigation Measure 3.4-10 has been revised to include some of the edits suggested by CDFW. SMUD will obtain an ITP for the Project for burrowing owl. Please see response to comment 7-5. We respectfully disagree that solar fields are a permanent conversion of foraging habitat for burrowing owl and CDFW does not take that position either.
- 8-12 Please see response to comment 7-5.
- 8-13 Please see response to comment 7-6. No revisions are necessary. The Draft EIR does not state that the project will “adhere” to the SSHCP. The Draft EIR considers the goals of the SSHCP, and the Project aims to ensure avoidance of adverse effects that would keep the participating entities from achieving the SSHCP conservation goals. The project is not a covered activity and not subject to the SSHCP measures.
- 8-14 The comment states the birds may be attracted to reflected polarized light from the Project solar panels as part of a hypothesis known as the “lake effect” and wants additional information how birds will not mistake the solar panels for water despite the Project’s proximity to the creek and connecting watershed and how the remaining wetlands and pond would alleviate any “lake effect” or collision concerns.

As discussed in the impact discussion for Impact 3.4-10 in the Draft EIR, studies have shown that some solar facilities may attract birds, which can result in birds flying into solar panels, resulting in injury or mortality. Kagen et al. (2014) hypothesized that water-dependent species (loons, grebes, rails, coots, shorebirds, waterbirds, and waterfowl) may be vulnerable to collisions at PV facilities because of the potential for them to confuse solar arrays for bodies of water (the lake effect hypothesis). However, due to the limited and inconsistent dataset (i.e., six studies of incidental and systematic observations), Walston et al (2015) concluded that it was too speculative to make any conclusions about the influence of lake effect fatality on water-dependent birds.

Based on the studies conducted on this topic and the fact that the wetlands and pond would not be modified within the project footprint and immediately adjacent to the project, it is considered unlikely that the project would result in substantial fatalities of waterfowl or other water dependent birds due to collisions with solar panels. Nor would the presence of solar panels interfere substantially with the movement of waterfowl and other migratory birds. Therefore, this impact is less than significant.

Also as discussed in the Draft EIR there is only limited and inconclusive evidence that birds consistently confuse solar panels with lakes. The “lake effect” has been observed particularly in desert regions where natural water sources are scarce. The proposed project is not located in a desert region and natural water sources (wetlands and pond) will remain within the project footprint and immediately adjacent to the project.

A 2021 study of five solar facilities in the Southwest compared bird use and bird fatalities to adjacent reference sites without solar panels (Rapp 2021). The study observed higher bird diversity at a real lake than at the solar or reference sites, but no clear differences between the solar and non-solar reference sites. One of the solar facilities and its

reference site were located near agricultural land and the study found an increased presence of aquatic birds in the agricultural area due to various aquatic features like canals for them to use in these areas. In the solar facility near agricultural land, they found five dead birds and six dead birds at the agricultural land reference site. The study concluded there was limited evidence of attraction of aquatic habitat birds to the solar facility sites. This study suggests that real water sources may reduce, not enhance, the likelihood of birds mistaking panels for water and implies that providing alternative, natural water features near solar farms could potentially redirect birds away from panels, though more targeted research is needed to confirm this effect (Rapp 2021).

The California Energy Commission's 2024 report 'Investigating the "lake effect" Influence of Avian Behavior from California's Utility-Scale Photovoltaic Solar Facilities' found the evidence is inconclusive whether birds change flight direction toward solar facilities, made no direct observations of any bird deaths caused by a solar facility, and that evidence was not sufficient to confirm or reject the hypothesis (California Energy Commission 2024). The study suggested that the hypothesis may be more applicable in desert landscapes without nearby waterbodies. In addition, it noted that solar sites don't substitute for real lakes, natural and artificial water bodies had 25-800 times greater bird diversity and abundance than solar facilities and only solar facilities in desert and grassland had bird fatalities reinforcing that solar sites are not equivalent attractors to real lakes. The study found that in agricultural settings with irrigation create background conditions that attract water-associated birds regardless of solar facilities. As result, solar attraction signals are less distinct, and mortality rates inside and outside solar sites can be similar, reducing the clarity of the lake effect mechanism. Therefore, the study could not conclusively attribute bird mortality patterns to solar panel attraction rather than to the regional presence of birds (California Energy Commission 2024). This nuance underscores the importance of context - location, irrigation, habitat type - when assessing the lake effect hypothesis.

Overall, the level of impact to avian species from construction and operation of the proposed project, with implementation of Mitigation Measures 3.4-1, 3.4-10, 3.4-11, 3.4-12, 3.4-13, 3.4-14, 3.4-16 would be considered less than significant, as described in the Draft EIR. Mitigation Measure 3.4-11 includes a provision that dead or wounded special-status birds found from any cause of fatality or injury during project operation are reported to CDFW.

The analysis of potential lake effects in the Draft EIR is adequate. Based on the description above, revisions to the EIR are not necessary to clarify the conclusions.

- 8-15 The cumulative impacts analysis presented in the Draft EIR is adequate, and the requested analysis is beyond what is required by CEQA. No revisions are necessary.
- 8-16 No revisions are necessary. Defenders will be notified of the availability of the Final EIR, along with all other comments.

### 3.0 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~~ and additions are shown in 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 Maximum Daily Construction-Related and Operational Emissions of Criteria Air Pollutants and Precursors

The following table on page 3.3-29 was edited as follows:

**Table 3.3-7. Summary of Maximum Unmitigated Daily and Annual Construction-Related Emissions of Criteria Air Pollutants and Precursors**

Description	ROG (lbs/day)	NO <sub>x</sub> (lbs/day)	PM <sub>10</sub> <sup>a</sup> (lbs/day)	PM <sub>2.5</sub> <sup>a</sup> (lbs/day)	PM <sub>10</sub> <sup>a</sup> (tons/year)	PM <sub>2.5</sub> <sup>a</sup> (tons/year)
<b>Construction Emissions</b>	<b>85.4</b>	<b>320.3</b>	<del>62.6</del> <b>77.0</b>	<b>20.9</b>	<b>7.8</b>	<b>1.7</b>
SMAQMD Threshold of Significance	N/A	85	80	82	14.6	15
Threshold Exceeded?	N/A	<b>Yes</b>	No	No	No	No

Notes: NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = respirable particulate matter; PM<sub>2.5</sub> = fine particulate matter; lbs = pounds; ROG = reactive organic gases; SMAQMD = Sacramento Metropolitan Air Quality Management District.

<sup>a</sup> Fugitive dust emissions include implementation of fugitive dust BMPs consistent with SMAQMD Rule 403 requirements (watering 2x daily and limiting vehicle speeds on unpaved roads to 15 miles per hour).

The following table on page 3.3-30 was edited as follows:

**Table 3.3-8. Summary of Unmitigated Maximum Daily and Annual Operational Emissions of Criteria Air Pollutants and Precursors**

Emissions Source	ROG (lbs/day)	NO <sub>x</sub> (lbs/day)	PM <sub>10</sub> <sup>a</sup> (lbs/day)	PM <sub>2.5</sub> <sup>a</sup> (lbs/day)	PM <sub>10</sub> <sup>a</sup> (tons/year)	PM <sub>2.5</sub> <sup>a</sup> (tons/year)
<b>Emissions<sup>b</sup></b>	<b>2.3</b>	<b>10.5</b>	<b>0.6</b>	<b>0.5</b>	<del>0.04</del> <b>0.02</b>	<del>0.005</del> <b>0.01</b>
SMAQMD Threshold of Significance	65	65	80	82	14.6	15
Threshold Exceeded?	No	No	No	No	No	No

Notes: lbs = pounds; NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = respirable particulate matter; PM<sub>2.5</sub> = fine particulate matter; ROG = reactive organic gases; SMAQMD = Sacramento Metropolitan Air Quality Management District.

<sup>a</sup> Fugitive dust emissions include implementation of fugitive dust BMPs consistent with SMAQMD Rule 403 requirements (watering 2x daily and limiting vehicle speeds on unpaved roads to 15 miles per hour).

<sup>b</sup> Maximum daily emissions conservatively assume operation of two emergency generators for 24 hours per day, which would be anticipated to occur infrequently. Actual anticipated operation of the emergency generators would be limited to a few hours intermittently throughout the year for testing and maintenance activities or in the event of power outages.

In addition, as shown in the tables below, Appendix AQ-1 was updated to present unmitigated and mitigated construction equipment and vehicle emissions to additional decimal places.

**Criteria Air Pollutant Emissions**
**Construction Emissions**
**Unmitigated**

Description	ROG	NOX	PM10	PM2.5	PM10	PM2.5
	lb/day		ton/year			
Construction Equipment and Vehicles	82.4	319.9	64.4	19.5	6.2	1.6
ATVs	3.1	3.4	12.6	1.4	1.6	0.2
<b>Total</b>	<b>85.4</b>	<b>320.3</b>	<b>77.0</b>	<b>20.9</b>	<b>7.8</b>	<b>1.7</b>
SMAQMD Threshold	N/A	85	80	82	14.6	15
Threshold Exceeded?	No	Yes	No	No	No	No

**Notes:**

1. Construction equipment and vehicle emissions modeled in CalEEMod. ATV emissions calculated using CARB OFFROAD.

**Mitigated**

Description	ROG	NOX	PM10	PM2.5	PM10	PM2.5
	lb/day		ton/year			
Construction Equipment and Vehicles	57.4	118.7	53.7	9.7	5.5	0.9
ATVs	3.1	3.4	12.6	1.4	1.6	0.2
<b>Total</b>	<b>60.5</b>	<b>122.1</b>	<b>66.3</b>	<b>11.1</b>	<b>7.1</b>	<b>1.1</b>
SMAQMD Threshold	N/A	85	80	82	14.6	15
Threshold Exceeded?	No	Yes	No	No	No	No

## 3.2 Revisions to Air Quality Mitigation Measure 3.3-1e

The following revision has been made to Mitigation Measure 3.3-1e. Implement Best Management Practices for Reducing Operational PM Emissions on page 3.3-24 as follows:

- As part of the PV facility operations and maintenance contract bid package, SMUD shall include the following best management practice requirements for fugitive dust control during operational and maintenance activities associated with the project:
- Limit vehicle speeds on unpaved roads to 15 mph.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site. Limit vehicle speeds on unpaved roads to 15 mph.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site

## 3.3 Revisions to Biological Resources Mitigation Measure 3.4-5

The following revision has been made to Mitigation Measure 3.4-5. Avoid impacts to Western Spadefoot during Construction on page 3.4-47 as follows:

Prior to any ground disturbance activity (e.g., grading, disking, road construction, or similar activities that could entomb or excavate spadefoot in grassland habitat near vernal pools) in the overhead collector line and distribution line corridors, a qualified biologist shall survey the project footprint prior to the onset of work for Western spadefoot. The qualified biologist shall identify burrows potentially suitable for Western spadefoot and mark a 50-foot non-disturbance buffer around any burrows mapped. Ground disturbance in these buffer areas shall be avoided, if feasible. If ground disturbance would be required within the 50-foot buffer, activities shall be limited to the minimum footprint necessary and shall be monitored by an onsite qualified biologist, ~~who would be either on-call or onsite~~, as appropriate to guide activities within the buffer to reduce impacts. Ground disturbing activities within suitable Western spadefoot breeding

habitat will be limited during their active period (typically between October and May) to the extent possible.

The qualified biologist shall inform construction personnel to stop construction activities if a Western spadefoot is observed or if, in the biologist's opinion, maintenance activities threaten to cause adverse effects to Western spadefoot. If it is determined that Western spadefoot would be potentially harmed by construction, a qualified biologist with the appropriate handling permits may relocate animals to suitable habitats outside the project footprint. A relocation report will be submitted to SMUD within 48 hours after the species has been relocated.

### **3.4 Revisions to Biological Resources Mitigation Measure 3.4-8**

The following revision has been made to Mitigation Measure 3.4-8 Conduct Pre-construction Surveys for Giant Garter Snake and Implement Avoidance and Minimization Measures on pages 3.4-51 and 3.4-52 as follows:

Project ground-disturbing activities in aquatic habitat and adjacent upland habitat within 200 feet of suitable aquatic habitat (perennial drainages and agricultural ditches carrying year-round water) shall 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 mainly occupy aquatic habitat and to actively move and avoid danger. If project activities in upland habitat occur within 200 feet of suitable aquatic habitat must be started outside of the snake's active season (May 1 to October 1), 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 (perennial streams and agricultural ditches that carry year-round water), the site shall be inspected by a qualified biologist who is approved by SMUD. ~~the CDFW and USFWS~~. Results of this clearance survey shall be reported in memo shared with SMUD and construction should only commence after a negative inspection report. If construction activities are delayed or stop for a period of two weeks or more, another pre-construction clearance survey shall be conducted within 24 hours before resuming construction activity. If snakes, or evidence of snakes, are encountered during pre-construction surveys, a biological monitor shall be present during the commencement of construction activities in upland habitat within 200 feet of suitable aquatic habitat during all ground disturbing activities. ~~the non-active season~~. If any snakes are observed in uplands near drainages during the active season, project activity shall be halted and the snakes shall be allowed to leave the area on their own.

If take of GGS individuals cannot be avoided during the active or dormant seasons, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.



### 3.5 Revisions to Biological Resources Mitigation Measure 3.4-10

The following revision has been made to Mitigation Measure 3.4-10 Conduct Pre-construction Surveys for Western Burrowing Owl and Implement Avoidance and Minimization Measures on pages 3.4-54 through 3.4-56 as follows:

If a burrowing owl or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the project site, the following measures shall be implemented:

- If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant shall:
  - Avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).
  - Establish a minimum 500-foot, up to 1,650-foot non-disturbance buffer zone around nests, consistent with CDFW's 2012 Staff Report guidelines. The buffer zone shall 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 shall 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 shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.
  - Construction may occur only outside of the 500-foot buffer zone during the breeding season and only if a qualified biologist monitors the nest and determines that the activities will 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 CDFW approval and provided a biological monitor confirms that such measures do not agitate the owls. ○
- If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant shall establish a minimum of 165-foot ~~160-foot~~, up to 1,650-foot no-disturbance buffer zone around active burrows consistent with CDFW's 2012 Staff Report guidelines. The buffer zone shall 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 agitate the owls.
- 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, project applicant shall obtain an Incidental Take Permit (ITP) for the project. 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 along with the ITP application. Burrow exclusion may not be conducted for burrows located in the project footprint and within a 160-foot buffer zone until the ITP is obtained. All ITP conditions must be followed when excluding owls.

- If take of burrowing owl individuals cannot be avoided during the breeding or non-breeding season, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.

### 3.6 Revisions to Biological Resources Mitigation Measure 3.4-12

The following revision has been made to Mitigation Measure 3.4-12 Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction on pages 3.4-59 to 3.4-60 as follows:

- **Pre-construction Tricolored Blackbird Surveys.** Before any ground disturbing activities or vegetation clearing that may result in effects on potential habitat for tricolored Blackbird, a qualified biologist shall conduct a pre-construction survey in potentially suitable nesting habitat (i.e., blackberry thickets and cattail marsh) for this species in the project footprint and a 1,300-foot 500-foot buffer to the project footprint. The biologist shall conduct three separate surveys, one each in mid-April, mid-May, and mid-June, based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1. If breeding colonies are found, the foraging behavior of the colony shall also be documented. 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](https://www.wrcrca.org/species/survey_protocols/2018_Tricolored_Blackbird_Survey_Protocol.pdf). If an active nesting colony is detected during the surveys CDFW shall be consulted to provide any guidance on appropriate avoidance and minimization measures in addition to those described below.
- **Avoidance and Minimization.** If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance (i.e., non-disturbance) buffer from the active nest. The buffer distance for tricolored blackbird shall generally be 1300 feet 500 feet and shall be determined based on factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers to avoid active nests. This buffer may be modified in consultation with the qualified biologist. The consultation must be documented in writing and include the revised buffer distance, along with the rationale and justification for why the reduction is appropriate. Appropriate rationale for reducing a buffer may include the presence of dense vegetation, Construction limits shall be based on the biologist defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. Project activities shall avoid occupied Tricolored Blackbird nesting habitat. If tricolored blackbird colonies are identified during the breeding season, an approximate buffer of up to 500 feet shall 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 shall be excluded from the buffer until the end of the breeding season.

- If an active nest is identified within 1,300 feet of the Project area after construction has begun, a 1,300-foot no-disturbance buffer will be established, unless construction activities are already occurring within that distance. If an active nest is established within 1,300 feet while construction activities are ongoing, it is assumed the birds have acclimated to the existing disturbance. In such cases, the buffer will be reduced to the greater of: (1) the actual distance between the active nest and the nearest construction activity, or (2) 500 feet.
- Once the reduced buffer is established—and prior to any increase in the intensity or type of disturbance—a qualified biologist will conduct a minimum of two consecutive days of baseline monitoring to document nesting behavior under current conditions. If, during baseline monitoring, project activities cause birds to display agitated or stress-related behaviors, all work within the buffer will cease, and the buffer distance will be reassessed based on what was observed.
- Based on baseline observations, the qualified biologist will prepare a written memorandum summarizing the monitoring results and recommending avoidance and minimization measures tailored to varying levels of anticipated construction activity. The first day of any increased construction activity within the buffer will be monitored by a qualified biologist to verify that the buffer distance and implemented measures are effective in avoiding take.
- Appropriate measures may include an increased no-disturbance buffer with specific levels of disturbance, limitations on construction activities that generate substantial vibration and/or noise, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. This buffer may be modified in consultation with the qualified biologist with additional written measures such as the installation of visual shielding or sound curtains.

### 3.7 Revisions to Biological Resource Mitigation Measure 3.4-14

The following revision has been made to Mitigation Measure 3.4-14 Compensate for the Loss of Swainson's Hawk Foraging Habitat on pages 3.4-63 through 3.4-64 as follows:

- Foraging habitat permanently lost within 5 miles of an active Swainson's hawk nest tree ~~but more than one mile from the nest tree~~ shall be replaced with 1.0 acre ~~0.75-acre~~ of mitigation land for each acre of foraging habitat permanently lost because of project construction (1:1 ratio). ~~(0.75:1 ratio)~~. Permanent loss resulting from the project includes the approximately 4.1 acre footprint of the BESS, substation, and roads. The nearest location relative to this area shall be confirmed prior to initiation of consultation during preconstruction surveys as called for in Mitigation Measure 3.4-13.
- ~~Foraging habitat permanently lost for nests that are within one mile of the project site be mitigated at a 1:1 ratio. Permanent loss resulting from the project includes the approximately 4.1-acre footprint of the BESS, substation, and roads. The nearest location relative to this area shall be confirmed prior to initiation of consultation during preconstruction surveys as called for in Mitigation Measures 3.4-13.~~

### 3.8 Revisions to Tribal Cultural Resources Mitigation Measure 3.18-1

The following revision has been made to Mitigation Measure 3.18-1 Inadvertent/Unanticipated TCR Discoveries on pages 3.18-10 and 3.18-11 as follows:

Worker Environmental Awareness Program (WEAP):

SMUD shall prepare a Worker Environmental Awareness Program (WEAP) that shall educate staff regarding archaeological sensitivity and the potential presence of tribal cultural resources. This WEAP shall include tribal cultural resources avoidance and minimization measures/mitigation measures from the project's CEQA Mitigation Monitoring and Reporting Program (MMRP). The WEAP shall provide specific details on the kinds of Tribal cultural resources that may be identified during construction of the project and explain the protocol for treatment in the event of an unanticipated discovery, including the legal implications of violating applicable 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.

Discovery Procedure:

If any suspected TCRs or resources of cultural significance to UAIC, including but not limited to features, anthropogenic/cultural soils, cultural belongings or objects (artifacts), shell, bone, shaped stones or bone, or ash/charcoal deposits are discovered by any person during construction activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist. A Tribal Representative and SMUD shall be immediately notified, and the Tribal Representative in coordination with the SMUD shall determine if the find is a TCR (PRC Section 21074) and the Tribal Representative shall make recommendations for further evaluation and treatment as necessary.

### 3.9 Revisions to Description of an LTA

The following paragraph on page 3.17-7 was edited as follows:

Up to 64 daily construction-related truck trips for delivery of materials and hauling would be spread over an eight-hour workday during the peak period of construction in terms of trip generation, which is during the site preparation phase. In addition, a maximum of 263 worker trips would occur during the a.m. and p.m. hours before and after each workday during the peak construction phase, resulting in a total of up to 654 daily vehicle and truck trips added each day to local roadways during the peak trip-generating phase of construction. If the equipment and material delivery and haul trips are spread evenly across an eight-hour workday, and the worker commute trips occur during the first and last hour of the eight-hour workday, the peak hourly trip generation would be approximately 483. It is assumed that the worker trips will be distributed along

area roadways. A more detailed, focused Local Transportation Analysis (LTA) is required only when a project's final use is expected to generate greater than 1,000 daily trips or 100 peak hour trips. However, an LTA is not required for project-related construction traffic. Therefore, because the number of daily and peak trips is below the threshold, an LTA is not required for this project. and the volume on any single roadway segment will fall below 100 peak hour vehicle trip ends, thereby avoiding the need for a more detailed, focused Local Transportation Analysis (LTA) based on this threshold beyond what is provided in this analysis. Furthermore, work hours during the construction season would likely be longer than 8 hours to make maximum use of each workday, thus worker arrival and departure would likely typically occur before and after main commuter hours

### **3.10 Revisions to Description of Coordination with Southgate Recreation & Park District**

The following paragraph on page 3.16-3 was edited as follows:

During scoping, the Southgate Recreation and Park District provided a comment letter that indicated their long-term plans to construct bicycle and pedestrian trails along the Laguna Creek corridor. ~~Additional details about this project were not available online, and SMUD attempted to reach out to the Southgate Recreation and Park District for more information.~~ In late January 2025, SMUD and the Southgate Recreation and Park District staff met and exchanged information about existing easements east of Excelsior Road and along the Gerber Road right-of-way. The Southgate Recreation and Park District expressed a desire for a future trail alignment northeast of Excelsior Road and possibly aligning with the Gerber Road right-of-way. The precise alignment for the trail is not yet determined and will be driven by the Southgate Recreation and Park District with consideration of physical, environmental, and other constraints and the involvement of the community and property owners. SMUD will take any information obtained in coordination with the District into account when designing the powerline crossings of Laguna Creek to ensure the plans for bicycle and pedestrian trails in the Laguna Creek corridor are not adversely affected by the project. Therefore, **no impact** would occur.

## **4.0 MITIGATION MONITORING AND REPORTING PROGRAM**

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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 Oveja Ranch 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 Headquarters Building at 6201 S Street, Sacramento, CA 95817. 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	Implementation	Monitoring	Applicable Project Component
<b>Agriculture and Forestry Resources</b>	<b>Impact 3.2-1.</b> Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use	<b>Mitigation Measure 3.2-1. Preserve Farmland of Statewide Importance</b> <ul style="list-style-type: none"> <li>SMUD shall compensate for the loss of 3.8 acres of Farmland of Statewide Importance by preserving land of the same designation at a 1:1 ratio (i.e., 1 acre on which easements are acquired to 1 acre of Farmland of Statewide Importance removed from agricultural use). SMUD shall acquire agricultural conservation easement(s) that provide in-kind resource value protection in the region, with a strong preference for locating the agricultural conservation easement(s) in Sacramento County. This can be achieved by the acquisition of conservation easement(s), farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land in perpetuity.</li> <li>The impact acreage requiring offset shall be based on the most current FMMP at the time of Sacramento County's approval of the Williamson Act contract amendment.</li> </ul>	If Farmland of Statewide Importance is impacted as described in the MM, appropriate farmland conservation shall be provided.	Before construction	SMUD	SMUD	Construction activities that result in Farmland of Statewide Importance conversion
<b>Air Quality</b>	<b>Impact 3.3-1.</b> Conflicts with the applicable air quality plan.	<b>Mitigation Measure 3.3-1a. Implement Basic Construction Emission Control Practices (Best Management Practices) and Enhanced Fugitive PM Dust Control Practices during Construction</b> <ul style="list-style-type: none"> <li>SMUD shall include as a condition of the construction bidding, incorporation of dust control measures that shall include, at a minimum, the requirements of SMAQMD Rule 403. All fugitive dust control measures shall be shown on grading, improvement, and demolition plans, to be initiated at the start and maintained throughout the duration of the construction activities. <ul style="list-style-type: none"> <li>Water all exposed active work areas two times daily, or with adequate frequency for continued moist soil. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads. However, do not overwater to the extent that sediment flows off the site.</li> <li>Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.</li> <li>Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.</li> <li>Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).</li> <li>Suspend excavation, grading, and/or demolition activity when average wind speeds exceed 20 mph.</li> <li>All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>Install wheel washers, rattle plates and/or rock aprons for all exiting trucks or equipment leaving the site.</li> <li>Treat site accesses from the paved road with a 6 to 12- inch layer of gravel to reduce generation of road dust and road dust carryout onto public roads.</li> <li>Post a publicly visible sign with the telephone number and person to contact at the County of Sacramento regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the SMAQMD shall also be visible to ensure compliance.</li> </ul> </li> <li>Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site. Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, <a href="mailto:doors@arb.ca.gov">doors@arb.ca.gov</a>, or <a href="http://www.arb.ca.gov/doors/compliance_cert1.html">www.arb.ca.gov/doors/compliance_cert1.html</a>.</li> </ul> <p>Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.</p>	Basic construction emission control practices (best management practices) and enhanced fugitive pm dust control practices shall be implemented during construction.	During construction	Contractor	SMUD	Construction of the PV solar panels, BESS and substation

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
Air Quality	Impact 3.3-1. Conflicts with the applicable air quality plan.	<b>Mitigation Measure 3.3-1b. Reduce Off-Road Equipment Exhaust-Related Emissions During Construction</b> <ul style="list-style-type: none"> <li>SMUD shall require off-road diesel-fueled equipment with engines larger than 50 horsepower to meet or exceed EPA/CARB Tier 4 Final emissions standards. An exemption from these requirements may be granted if SMUD documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment (see completion of the Construction Emissions Control Plan in Mitigation Measure 3.3-3c below). Before an exemption may be considered by SMUD, the applicant shall be required to demonstrate that two construction fleet owners/operators in Sacramento County were contacted and that those owners/operators confirmed Tier 4 equipment could not be located within Sacramento County.</li> </ul>	Implement during construction	During construction	Contractor and SMUD	SMUD	All project components during construction
Air Quality	Impact 3.3-1. Conflicts with the applicable air quality plan.	<b>Mitigation Measure 3.3-1c. Submit Construction Emissions Control Plans</b> <ul style="list-style-type: none"> <li>Prior to SMUD's approval of contractor grading plans, the construction contractor shall submit a Construction Emissions Control Plan to the SMAQMD and provide written evidence to SMUD that the plan has been submitted to and approved by SMAQMD. The construction contractor shall not initiate any on-site or off-site construction activity until SMAQMD has approved the Construction Emissions Control Plan and proof of approval has been submitted to SMUD by the contractor.</li> </ul> <p>The Construction Emissions Control Plan shall cover all construction activities and include the following:</p> <ul style="list-style-type: none"> <li>A comprehensive equipment inventory (e.g., make, model, year, emission (tier) rating, projected hours of use, and CARB equipment identification number) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used throughout the construction duration. If any new equipment is added after submission of the inventory, the contractor shall notify the SMAQMD and SMUD before using the new equipment. At least three business days before the use of subject heavy-duty off-road equipment, the project representative shall provide the SMAQMD and SMUD with the anticipated construction timeline including start date, name, and phone number of the property owner, project manager, and on-site foreman.</li> <li>An anticipated off-site heavy-duty truck trip activity schedule (duration of truck trip activity, anticipated origin/destination of truck trips, and estimated total and daily truck trips per day) and anticipated truck fleet inventory (e.g., make, model, engine year) throughout the construction duration.</li> <li>With submittal of the equipment inventory and anticipated on-road heavy-duty truck trip activity, the contractor shall provide a written calculation of the project's total and daily construction emissions to the SMAQMD for approval. If any new equipment or haul truck activity is added after the submission and approval of the inventory, the construction contractor shall update the inventory and construction emissions calculations and provide to the SMAQMD and SMUD prior to the use of such equipment and trucks. The emissions calculations shall be calculated using SMAQMD's Construction Mitigation Calculator; this tool is currently available on the SMAQMD's website at the following link: <a href="http://www.airquality.org/businesses/ceqa-land-use-planning/mitigation">http://www.airquality.org/businesses/ceqa-land-use-planning/mitigation</a>.</li> </ul>	Submit Construction Emissions Control Plans to SMAQMD prior to approval of contractor grading plan.	Before and during construction	Contractor	SMUD	Construction of the PV solar panels, BESS and substation

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
Air Quality	<b>Impact 3.3-1.</b> Conflicts with the applicable air quality plan.	<b>Mitigation Measure 3.3-1d. Off-Site Construction Mitigation</b> If, based upon the incorporation of all measures described above in Mitigation Measures 3.3-1a through 3.3-1c, NO <sub>x</sub> emissions still exceed the daily SMAQMD threshold for NO <sub>x</sub> , the project shall participate in the SMAQMD's Off-site Mitigation Program by paying to SMAQMD a mitigation fee for construction activities, to be determined at the time of construction based on the submitted equipment inventories and heavy-duty truck activity and emissions calculations for NO <sub>x</sub> emissions, such that emissions are reduced to less-than-significant. The fee calculation to mitigate daily emissions shall be based on the most recent SMAQMD mitigation fee rate at the time of calculation, which is reviewed and adjusted annually. The current mitigation fee rate is \$30,000 per ton of emissions with a 5 percent administrative fee in addition to the mitigation fee. The total fee shall be determined based on the total emissions reductions of NO <sub>x</sub> needed to reduce emissions to be less than the SMAQMD thresholds of 85 pounds per day for NO <sub>x</sub> . The fee shall be submitted for approval by SMAQMD as the total required to achieve emissions reductions that would reduce total emissions to less-than-significant after all other mitigation measures are implemented. The fee shall be calculated, approved by SMAQMD, and paid by SMUD prior to SMUD's approval of grading or improvement plans to the construction contractor.	Prior to Grading or Improvement Plan approval.	Before and during construction	Contractor	SMUD	Construction of the PV solar panels, BESS and substation
Air Quality	<b>Impact 3.3-1.</b> Conflicts with the applicable air quality plan.	<b>Mitigation Measure 3.3-1e. Implement Best Management Practices for Reducing Operational PM Emissions</b> <ul style="list-style-type: none"> <li>As part of the PV facility operations and maintenance contract, SMUD shall include the following best management practice requirements for fugitive dust control during operational and maintenance activities associated with the project:</li> <li>Limit vehicle speeds on unpaved roads to 15 mph.</li> <li>Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.</li> </ul> Compliance with anti-idling regulations for diesel powered commercial motor vehicles (greater than 10,000 gross vehicular weight rating). The current requirements include limiting idling time to 5 minutes and installing technologies on the vehicles that support anti-idling. Information can be found on the California Air Resources Board's website: <a href="https://ww2.arb.ca.gov/ourwork/programs/idle-reduction-technologies/idle-reduction-technologies">https://ww2.arb.ca.gov/ourwork/programs/idle-reduction-technologies/idle-reduction-technologies</a> .	Implement Best Management Practices during operational and maintenance activities	During operational and maintenance activities	Contractor	SMUD	PV solar, BESS and substation during operations and maintenance
Air Quality	<b>Impact 3.3-2.</b> Cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment.	<b>Mitigation Measure 3.3-2.</b> Implement Mitigation Measures 3.3-1a (Implement Basic Construction Emission Control Practices [Best Management Practices] and Enhanced Fugitive PM Dust Control Practices during Construction), 3.3-1b (Reduce Off-Road Equipment Exhaust-Related Emissions During Construction), 3.3-1c (Submit Construction Emissions Control Plans), 3.3-1d (Off-Site Construction Mitigation), and 3.3-1e (Implement Best Management Practices for Reducing Operational PM Emissions).	See MM 3.3-1a – 3.3-1e	See MM 3.3-1a – 3.3-1e	See MM 3.3-1a – 3.3-1e	See MM 3.3-1a – 3.3-1e	During construction, operations, and maintenance

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
Biological Resources	Impact 3.4-1. Impacts on special-status plant species.	<p><b>Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection</b></p> <p>SMUD shall prepare a Worker Environmental Awareness Program (WEAP) that shall educate staff regarding the presence or potential presence of all special-status species, sensitive natural communities, and protected wetlands and other waters that are known to occur, within the project site. The program shall describe species and sensitive community identification, special-status species habitat requirements, and penalties for special-status species impacts, as well as immediate steps to take should special-status species be observed by staff onsite.</p> <p>This WEAP shall include biological resource avoidance and minimization measures/mitigation measures from the project's CEQA Mitigation Monitoring and Reporting Program (MMRP), and any resource permits, as applicable. The WEAP shall educate workers regarding sensitive species and their habitats, the need to avoid impacts, state and federal protection status, 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 biologist 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 biologist shall remain available on an on-call basis for the duration of project construction to conduct inspections and follow up surveys, as needed or required by permit conditions, and to ensure compliance with permit conditions. The biologist shall have the experience, education and training necessary to conduct special-status species surveys and monitoring as described in the mitigation measures below.</p>	Prior to commencing construction activities onsite. Prior to construction, qualified biological monitors shall ensure environmentally sensitive areas are properly flagged and/or fenced. Ongoing biological monitoring inspections.	Before and during construction	Contractor's and SMUD's qualified biologists	SMUD	All project components
Biological Resources	Impact 3.4-1. Impacts on special-status plant species.	<p><b>Mitigation 3.4-2. Conduct Pre-construction Surveys for Sanford's Arrowhead and Avoid Impacts to Known Occurrences</b></p> <p>Prior to culvert improvements or other project work that may affect the agricultural drainage in the southern area that provides suitable habitat for Sanford's arrowhead, and within the blooming period for Sanford's arrowhead (May 1 through October 1), a qualified botanist shall conduct a focused survey for the species within suitable habitat in this area. The botanist shall map all observations of this species and establish a no-disturbance buffer around these plants. Before construction commences, Sanford's arrowhead occurrences shall be marked with pin flags in the field, and all construction personnel shall be instructed as to the location and extent of the special-status plants or populations and the importance of avoiding impacts to the species and its habitat.</p> <p>If construction must occur within the no-disturbance buffer, and Sanford's arrowhead cannot be avoided, SMUD shall develop a mitigation plan for Sanford's arrowhead in coordination with CDFW. The plan shall include measures to minimize impacts and to offset any loss of Sanford's arrowhead on a 1:1 basis through protection, replanting, or purchase of credits. The plan shall be in place prior to construction activities in these areas.</p> <p>Information about avoidance and minimization measures for Sanford's arrowhead shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>	Pre-construction survey and no-disturbance buffer to be installed in coordination with qualified biologist before start of construction. Buffer to be maintained during construction.	Before and during construction	Contractor's qualified biologist	SMUD	All project components during construction that require work within suitable habitat.

**Table 4-1. Summary of Impacts and Mitigation Measures**

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
<b>Biological Resources</b>	<b>Impact 3.4-1.</b> Impacts on special-status plant species.	<p><b>Mitigation Measure 3.4-3. Establish Non-Disturbance Buffers around Vernal Pools along the Collection and Distribution Lines</b></p> <p>Along the collection line connecting the northern area to the southern area of the project site, and the distribution lines along Florin Road, Excelsior Road, Gerber Road, and Eagles Nest Road, SMUD or their contracted engineer shall design the placement of new electricity poles and replacement of existing poles to avoid the edges of vernal pools by at least 50 feet.</p> <p>The perimeter of this 50-foot no-disturbance buffer shall be marked in the field prior to construction through flagging or fencing with a wildlife friendly material that allows the movement of wildlife, including western spadefoot (and also wide-ranging wildlife, such as coyotes), through the area. The marked buffer shall be maintained for the duration of project construction. No construction or ground-disturbing activities shall occur within the 50-foot buffer.</p> <p>Information about avoidance and minimization measures for vernal pool habitat shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>	Flagging or fencing to be installed in coordination with qualified biologist before start of construction. Fencing to be maintained during construction.	Before and during construction	SMUD	SMUD	All project components along the connection line and the distribution lines
<b>Biological Resources</b>	<b>Impact 3.4-4.</b> Potential impacts on Western spadefoot during construction	<p><b>Mitigation Measure 3.4-5. Avoid impacts to Western Spadefoot during Construction</b></p> <p>Prior to any ground disturbance activity (e.g., grading, diking, road construction, or similar activities that could entomb or excavate spadefoot in grassland habitat near vernal pools) in the overhead collector line and distribution line corridors, a qualified biologist shall survey the project footprint prior to the onset of work for Western spadefoot. The qualified biologist shall identify burrows potentially suitable for Western spadefoot and mark a 50-foot non-disturbance buffer around any burrows mapped. Ground disturbance in these buffer areas shall be avoided, if feasible. If ground disturbance would be required within the 50-foot buffer, activities shall be limited to the minimum footprint necessary and shall be monitored by an onsite qualified biologist, as appropriate to guide activities within the buffer to reduce impacts. Ground disturbing activities within suitable Western spadefoot breeding habitat will be limited during their active period (typically between October and May) to the extent possible.</p> <p>The qualified biologist shall inform construction personnel to stop construction activities if a Western spadefoot is observed or if, in the biologist's opinion, maintenance activities threaten to cause adverse effects to Western spadefoot. If it is determined that Western spadefoot would be potentially harmed by construction, a qualified biologist with the appropriate handling permits may relocate animals to suitable habitats outside the project footprint. A relocation report will be submitted to SMUD within 48 hours after the species has been relocated.</p> <p>Information about avoidance and minimization measures for Western spadefoot shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>	Identify burrows and mark no-disturbance buffers in coordination with qualified biologist before start of construction. Buffers to be maintained during construction.	Before and during construction	SMUD's qualified biologist	SMUD	All project components during construction in the overhead collector line and distribution line corridors.
<ul style="list-style-type: none"> <li><b>Biological Resources</b></li> </ul>	<ul style="list-style-type: none"> <li><b>Impact 3.4-5. Potential impacts on Western pond turtle during construction.</b></li> </ul>	<p><b>Mitigation Measure 3.4-6. Conduct Pre-Construction Surveys for Western Pond Turtle</b></p> <ul style="list-style-type: none"> <li>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 aquatic habitat (e.g., any adjacent waterway, marsh, or emergent wetland).</li> <li>Concurrently with the pre-construction survey, searches for nesting sites in suitable upland habitat shall be conducted by a qualified biologist and any active nest sites identified during the survey shall be delineated with high-visibility flagging or fencing and avoided during construction activities as described below in Mitigation Measure 3.4-7.</li> </ul>	Surveys to be conducted and fencing to be installed within 48 hours of start of construction 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).	Contractor's and SMUD's qualified biologists	SMUD	All project components during construction that require work within 300 feet of suitable habitat.



**Table 4-1. Summary of Impacts and Mitigation Measures**

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
<b>Biological Resources</b>	<b>Impact 3.4-5.</b> Potential impacts on Western pond turtle during construction.	<p><b>Mitigation Measure 3.4-7. Avoid Impacts on Western Pond Turtle during Construction</b></p> <p>Project ground-disturbing activities near suitable breeding habitat shall 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 season, they shall not start until 30 minutes after sunrise and must be completed 30 minutes prior to sunset.</p> <p>If a turtle nest is encountered during the pre-construction survey (Mitigation Measure 3.4-6), a 100-foot non-disturbance buffer shall be maintained during construction and regularly monitored by a qualified biologist. Construction may resume in the buffer area after the qualified biologist has determined that the turtle eggs have hatched.</p> <p>Onsite personnel shall observe a 20-mile-per-hour speed limit at all times. In addition, all BMPs identified in the project's Stormwater Pollution Prevention Plan shall be implemented, to avoid adverse effects from water quality impacts such as sedimentation and spills.</p> <p>Information about avoidance and minimization measures for Western pond turtles shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>	Biological monitor shall be present during ground-disturbing activities near suitable breeding habitat if turtles or nests are found during pre-construction survey.	During construction	Contractor's and SMUD's qualified biologists	SMUD	All project components during construction that require work within 100 feet of suitable habitat.
<b>Biological Resources</b>	<b>Impact 3.4-6.</b> Potential impacts on giant garter snake during construction and impacts to their aquatic habitat.	<p><b>Mitigation Measure 3.4-8. Conduct Pre-construction Surveys for Giant Garter Snake and Implement Avoidance and Minimization Measures</b></p> <p>Project ground-disturbing activities in aquatic habitat and adjacent upland habitat within 200 feet of suitable aquatic habitat (perennial drainages and agricultural ditches carrying year-round water) shall 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 mainly occupy aquatic habitat and to actively move and avoid danger. If project activities in upland habitat occur within 200 feet of suitable aquatic habitat must be started outside of the snake's active season (May 1 to October 1), the following mitigation measures must be implemented:</p> <ul style="list-style-type: none"> <li>Within 24-hours prior to commencement of construction activities within 200 feet of potential giant garter snake habitat (perennial streams and agricultural ditches that carry year-round water), the site shall be inspected by a qualified biologist who is approved by SMUD. Results of this clearance survey shall be reporting in memo shared with SMUD and construction should only commence after a negative inspection report. If construction activities are delayed or stop for a period of two weeks or more, another pre-construction clearance survey shall be conducted within 24 hours before resuming construction activity. If snakes, or evidence of snakes, are encountered during pre-construction surveys, a biological monitor shall be present during the commencement of construction activities in upland habitat within 200 feet of suitable aquatic habitat during all ground disturbing activities. If any snakes are observed in uplands near drainages during the active season, project activity shall be halted and the snakes shall be allowed to leave the area on their own.</li> </ul> <p>If take of GGS individuals cannot be avoided during the active or dormant seasons, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&amp;M activities.</p>	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.	Before and during construction Species observations to be reported to CDFW and USFWS within 24 hours of detection	Contractor's and SMUD's qualified biologists	SMUD, CDFW, and USFWS	All project components during construction occurring within 200 feet of suitable aquatic habitat.
<b>Biological Resources</b>	<b>Impact 3.4-7.</b> Potential impacts on burrowing owl during construction and operation.	<p><b>Mitigation Measure 3.4.9 Compensate for permanent loss of Western Burrowing Owl Habitat.</b></p> <ul style="list-style-type: none"> <li>SMUD shall mitigate for the permanent loss of 4.1 acres of burrowing owl foraging habitat at a 1:1 basis. This may be achieved through purchasing credits at an approved bank, dedicating credits at SMUD's own conservation bank, or by placing a permanent easement on 4.1 acres of suitable foraging habitat in the vicinity of the project site.</li> </ul>	Purchase credits to mitigate for permanent loss of burrowing owl foraging habitat.	Before construction	SMUD	SMUD and CDFW	All project components that would result in permanent impacts to burrowing owl foraging habitat

**Table 4-1. Summary of Impacts and Mitigation Measures**

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
Biological Resources		<p><b>Mitigation Measure 3.4-10. Conduct Pre-construction Surveys for Western Burrowing Owl and Implement Avoidance and Minimization Measures</b></p> <ul style="list-style-type: none"> <li>SMUD shall conduct pre-construction burrowing owl surveys in all areas that may provide suitable nesting habitat according to CDFW (CDFG 2012) guidelines and based on protocol level surveys conducted in support of this project (AECOM 2025). A qualified wildlife biologist shall conduct the surveys, including documentation of burrows and burrowing owls, in all suitable burrowing owl habitat within 500 feet of proposed construction.</li> <li>Two surveys shall be conducted within 15 days prior to ground disturbance to establish the presence or absence of burrowing owls. The surveys shall 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 shall be counted and mapped.</li> <li>During the breeding season (February 1 to August 31), surveys shall document whether burrowing owls are nesting in or within 500 feet of project construction activities.</li> <li>During the non-breeding season (September 1 to January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent (within 500 feet) to any area to be disturbed. Survey results would be valid only for the season (breeding or non-breeding) during which the survey was conducted.</li> <li>The qualified biologist shall survey the proposed footprint of disturbance and a 500-foot buffer from the perimeter of the proposed footprint to determine the presence or absence of burrowing owls. The site shall 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 site for burrowing owls. During walking surveys, the surveyor shall 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 shall also listen for burrowing owls while conducting the survey.</li> <li>The presence of burrowing owl or their sign anywhere on the site or within the 500-foot accessible buffer around the site shall be recorded and mapped. Surveys shall 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</li> </ul> <p>If a burrowing owl or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the project site, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant shall: <ul style="list-style-type: none"> <li>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).</li> <li>Establish a minimum 500-foot, up to 1650-foot non-disturbance buffer zone around nests, consistent with CDFW's 2012 Staff Report guidelines. The buffer zone shall 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 shall 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 shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.</li> </ul> </li> </ul>	Two (2) preconstruction surveys within 15 days prior to ground disturbance conducted 7 days apart. If burrowing owl or evidence of presence is found, implement additional measures as described in MM.	Before and during construction	SMUD to obtain permit, if required Contractor to implement permit	SMUD and CDFW	All project components during construction involving work within 500 feet of suitable nesting habitat.

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
		<ul style="list-style-type: none"> <li>Construction may occur only outside of the 500-foot buffer zone during the breeding season and only if a qualified biologist monitors the nest and determines that the activities will 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 CDFW approval and provided a biological monitor confirms that such measures do not agitate the owls.</li> <li>If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant shall establish a minimum of 165-foot, up to 1650-foot no-disturbance buffer zone around active burrows consistent with CDFW's 2012 Staff Report guidelines. The buffer zone shall 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 agitate the owls.</li> <li>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, project applicant shall obtain an Incidental Take Permit (ITP) for the project. 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 along with the ITP application. Burrow exclusion may not be conducted for burrows located in the project footprint and within a 160-foot buffer zone until the ITP is obtained. All ITP conditions must be followed when excluding owls.</li> <li>If take of burrowing owl individuals cannot be avoided during the breeding or non-breeding season, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&amp;M activities.</li> <li>Information about the status of and avoidance and minimization measures for western burrowing owl shall be included in the WEAP described above in Mitigation Measure 3.4-1.</li> </ul>					
Biological Resources		<p><b>Mitigation Measure 3.4-11. WEAP Training for Operations and Maintenance Personnel</b></p> <p>Following project construction, WEAP Training pertaining to the operation and maintenance phase of the project shall be provided each year to onsite personnel. The purpose of the training shall be to raise awareness of the potential use of the site by wintering and breeding burrowing owls and to avoid and minimize potential take of owls during project operation. The training shall describe the identification and natural history of burrowing owls and shall cover the avoidance and minimization measures described below. New onsite personnel shall be provided the training before they begin work at the site.</p> <ul style="list-style-type: none"> <li>Speed Limit. All project traffic must observe a 20-mph speed limit.</li> <li>Pets. No pets are allowed on the project site.</li> <li>Equipment and Material Inspection. All construction pipe, culverts, or similar structures greater than 3 inches in diameter shall be inspected before being moved, buried or capped.</li> <li>Firearms. No firearms are permitted on the project site.</li> <li>Survey before Ground Disturbing Activities. If maintenance or repair activities require ground disturbing activities in areas potentially used by western burrowing owl (grazing land under solar panels, berms along roads, areas containing ground squirrel holes), a pre-construction survey for western burrowing owl shall be conducted by a qualified biologist in the disturbance area. Surveys shall be conducted using the same steps described in Mitigation Measure 3.4-9 (Pre-construction Western Burrowing Owl Measures) of the project MMRP. If burrowing owls are detected during the surveys non-disturbance buffers shall be established as described in the MMRP and a Region 2 CDFW representative) shall be contacted to discuss whether additional avoidance and minimization measures are warranted.</li> <li>Reporting of Bird Mortality. If operations and maintenance staff detect a bird carcass on the project site that may be a burrowing owl, Swainson's hawk, tricolored blackbird or other special status species, they shall notify SMUD who shall arrange to identify the bird. If the bird is a special-status species, SMUD shall notify a Region 2 CDFW representative immediately, record the date and the location of the carcass, collect the carcass and store it in a freezer. CDFW shall provide guidance on the disposition of the carcass.</li> </ul>	Annual WEAP training to be provided to all operations and maintenance and prior to maintenance or repair activities, qualified biological monitors shall ensure environmentally sensitive areas are properly flagged and/or fenced.	Following project construction, before operations and maintenance.	Contractor's qualified biologist	SMUD	All project components Operations and maintenance of PV solar, BESS and substation

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
		<ul style="list-style-type: none"> <li>Injured bird. If an injured bird is detected by the operation and maintenance staff the site operator, they shall notify SMUD who shall arrange to identify the bird and advise on how to proceed. If the injured bird is a special status bird, SMUD shall contact a Region 2 CDFW representative.</li> <li>With concurrence of CDFW, and if the bird is sufficiently immobile that it can be safely and readily retrieved, the bird shall be captured by a qualified biologist experienced with handling raptors and placed into an animal crate/box and stored in a cool location while being transported. The biologist shall transport the injured bird to the appropriate wildlife care facility such as the U.C. Davis California Raptor Center, 1340 Equine Lane, Davis: (530) 752-6091 California Raptor Center / School of Veterinary Medicine - Found a Sick or Injured Raptor?.</li> </ul>					
Biological Resources	Impact 3.4-8. Potential impacts on tricolored blackbirds during construction and permanent conversion of foraging habitat.	<p><b>Mitigation Measure 3.4-12. Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction</b></p> <p>Construction shall occur outside of the breeding period for tricolored blackbirds (March 15 to August 1). If construction must occur within the breeding period, the following measures shall be implemented to avoid impacts to tricolored blackbirds:</p> <ul style="list-style-type: none"> <li><b>Pre-construction Tricolored Blackbird Surveys.</b> Before any ground disturbing activities or vegetation clearing that may result in effects on potential habitat for tricolored blackbird, a qualified biologist shall conduct a pre-construction survey in potentially suitable nesting habitat (i.e., blackberry thickets and cattail marsh) for this species in the project footprint and a 1,300-foot buffer to the project footprint. The biologist shall conduct three separate surveys, one each in mid-April, mid-May, and mid-June, based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1. If breeding colonies are found, the foraging behavior of the colony shall also be documented. If an active nesting colony is detected during the surveys CDFW shall be consulted to provide any guidance on appropriate avoidance and minimization measures in addition to those described below.</li> <li><b>Avoidance and Minimization.</b> If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance (i.e., non-disturbance) buffer from the active nest. The buffer distance for tricolored blackbird shall generally be 1300 feet 500 feet and shall be determined based on factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers to avoid active nests. This buffer may be modified in consultation with the qualified biologist. The consultation must be documented in writing and include the revised buffer distance, along with the rationale and justification for why the reduction is appropriate. Appropriate rationale for reducing a buffer may include the presence of dense vegetation, Construction limits shall be based on the biologist defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. Project activities shall avoid occupied Tricolored Blackbird nesting habitat. If tricolored blackbird colonies are identified during the breeding season, an approximate buffer of up to 500 feet shall 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 shall be excluded from the buffer until the end of the breeding season.</li> <li>If an active nest is identified within 1,300 feet of the Project area after construction has begun, a 1,300-foot no-disturbance buffer will be established, unless construction activities are already occurring within that distance. If an active nest is established within 1,300 feet while construction activities are ongoing, it is assumed the birds have acclimated to the existing disturbance. In such cases, the buffer will be reduced to the greater of: (1) the actual distance between the active nest and the nearest construction activity, or (2) 500 feet.</li> </ul>	Prior to ground-disturbing activities or vegetation clearing during the breeding period that may result in effects on potential habitat for tricolored Blackbirds, one survey in mid-April, one in mid-May, and one in mid-June shall be conducted. If tricolored blackbird nests are found, a 1,300-foot no-disturbance zone created prior to construction. Biological monitoring required if an active colony is present within 1,300 feet of construction activities.	Before and during construction	SMUD's and contractor's qualified biologist	SMUD	All project components during construction that could result in impacts to tricolored blackbird habitat.

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
		<ul style="list-style-type: none"> <li>Once the reduced buffer is established—and prior to any increase in the intensity or type of disturbance—a qualified biologist will conduct a minimum of two consecutive days of baseline monitoring to document nesting behavior under current conditions. If, during baseline monitoring, project activities cause birds to display agitated or stress-related behaviors, all work within the buffer will cease, and the buffer distance will be reassessed based on what was observed.</li> <li>Based on baseline observations, the qualified biologist will prepare a written memorandum summarizing the monitoring results and recommending avoidance and minimization measures tailored to varying levels of anticipated construction activity. The first day of any increased construction activity within the buffer will be monitored by a qualified biologist to verify that the buffer distance and implemented measures are effective in avoiding take.</li> <li>Appropriate measures may include an increased no-disturbance buffer with specific levels of disturbance, limitations on construction activities that generate substantial vibration and/or noise, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. This buffer may be modified in consultation with the qualified biologist with additional written measures such as the installation of visual shielding or sound curtains.</li> <li><b>Construction Monitoring.</b> If construction takes place during the breeding season when an active colony is present within 500 feet of construction activities, a qualified biologist shall 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 shall be established in consultation with CDFW. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer shall be increased, as needed, in consultation with CDFW.</li> </ul> <p>Information about avoidance and minimization measures for tricolored blackbird shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>					
Biological Resources	Impact 3.4-9. Potential impact of Swainson's hawk during construction and permanent conversion of foraging habitat.	<p><b>Mitigation Measure 3.4-13. Conduct Focused Pre-construction Surveys for Nesting Swainson's hawks and Implement Protective Buffers</b></p> <ul style="list-style-type: none"> <li><b>Pre-construction Surveys.</b> A qualified biologist shall conduct pre-construction 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 shall be conducted no more than 15 days prior to ground disturbance and shall 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: <ul style="list-style-type: none"> <li>Surveys shall be required within a 0.25-mile (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 shall 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;</li> <li>Surveys shall be required from February 1 to September 15 (or sooner if it is found that birds are nesting earlier in the year); and</li> <li>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).</li> </ul> </li> <li><b>Nest Buffers.</b> 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 if reducing the buffer would not result in nest abandonment.</li> </ul>	Preconstruction surveys no more than 15 days prior to ground disturbing activities within the nesting season (March 1 to August 21). If nests are found, implement appropriate no-disturbance nest buffers and monitoring during construction if construction could adversely affect any observed nests.	Before and during construction	Contractor's Qualified Biologist	SMUD	All project components during construction with potential to disturb Swainson's hawk nests.

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
		<ul style="list-style-type: none"> <li>● <b>Nest Monitoring.</b> 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 shall remain in place until the qualified biologist has confirmed that the chicks have fledged.</li> </ul> <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>					
<b>Biological Resources</b>	<b>Impact 3.4-9.</b> Potential impact of Swainson's hawk during construction and permanent conversion of foraging habitat.	<p><b>Mitigation Measure 3.4-14. Compensate for the Loss of Swainson's Hawk Foraging Habitat</b></p> <p>To offset net impacts on foraging habitat for breeding Swainson's hawks SMUD shall mitigate the loss of Swainson's hawk foraging habitat in accordance with CDFW recommendations (CDFG 1994) but adjusted to local conditions and based on recent studies by providing mitigation lands or securing Swainson's hawk mitigation bank credits as follows:</p> <ul style="list-style-type: none"> <li>● Foraging habitat permanently lost within 5 miles of an active Swainson's hawk nest tree shall be replaced with 1.0 acre of mitigation land for each acre of foraging habitat permanently lost because of project construction (1:1 ratio). Permanent loss resulting from the project includes the approximately 4.1-acre footprint of the BESS, substation, and roads. The nearest location relative to this area shall be confirmed prior to initiation of construction during preconstruction surveys as called for in Mitigation Measure 3.4.13.</li> <li>● For foraging habitat under solar panel these mitigation ratios shall be reduced to 0.25:1 for foraging habitat for active nests within 5 miles of the project and 0.5:1 for active nests within 1 mile of the project site. These reduced ratios are appropriate because Swainson's hawks foraging habitat will continue to be available in the solar fields. Foraging habitat will be maintained under the solar panels with pollinator-friendly vegetation that would support Swainson's hawk prey such as insects and small mammals. Ample foraging habitat will also remain in adjacent agricultural lands and open space preserves that are permanently protected.</li> </ul> <p>All mitigation lands protected under this mitigation measure 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.</p>	If Swainson's hawk foraging habitat is impacted as described in the MM, mitigated land or bank credits shall be provided.	Before and during construction	SMUD	SMUD	All components that result in loss of Swainson's hawk foraging habitat or nesting habitat
<b>Biological Resources</b>	<b>Impact 3.4-11.</b> Disturbance of nesting white-tailed kite, northern harrier, Cooper's hawk, loggerhead shrike, song sparrow "Modesto" population, and other protected birds.	<p><b>Mitigation Measure 3.4-15. Conduct Pre-Construction Surveys for Nesting Birds and Raptors</b></p> <p>Tree trimming (if required) 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 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 shall typically range from 50 feet (for nesting passerines) to 500 feet (for nesting raptors) and shall 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.</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.	Before and during construction	SMUD's and contractor's 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	Implementation	Monitoring	Applicable Project Component
			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. If any active nests are observed, establish suitable avoidance buffer. If required, biological monitor shall be present on-site to monitor construction activities near nest.				
<b>Biological Resources</b>	<b>Impact 3.4-11.</b> Disturbance of nesting white-tailed kite, northern harrier, Cooper's hawk, loggerhead shrike, song sparrow "Modesto" population, and other protected birds.	<b>Mitigation Measure 3.4-16. Avoid Impacts on Nesting Birds and Raptors during Construction</b> 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	SMUD's and contractor's qualified biologist	SMUD	All project components during construction occurring near active nests.
<b>Biological Resources</b>	<b>Impact 3.4-13.</b> Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	<b>Mitigation Measure 3.4-17. Avoid, Minimize and Compensate for Impacts on state and federally protected wetlands and other waters.</b> Prior to project implementation, SMUD shall confirm project related potential impacts on state and federally protected wetlands based on advanced designs and obtain the necessary permits for impacts on any wetlands. These may include the following permits: <ul style="list-style-type: none"> <li>Section 1600 Streambed Alteration Agreement from CDFW (for impact on streams in the project site, including horizontal directional drilling, if necessary).</li> <li>CWA Section 404 permit from USACE for impacts to WUS (not expected to be necessary based on 30 percent design).</li> <li>CWA Section 401 Clean Water Certification from the Regional Water Quality Control Board for impacts to WUS (not expected to be necessary based on 30 percent design).</li> <li>Waste Discharge Permit from RWQCB for impacts to WOS (anticipated, based on project impacts to a small amount of agricultural ditch qualifying as WOS based on current delineation).</li> </ul>	Necessary permits, if applicable, shall be obtained before project implementation. Develop a habitat mitigation plan to be submitted with permit applications. Compensate for impacts to state and federally protected wetlands as described in MM.	Prior to project implementation and during construction.	SMUD or contractor may obtain permits, if required. Contractor to abide by conditions set forth in permits Contractor's Qualified Biologist to ensure compliance.	SMUD, Regional Water Quality Control Board, and CDFW	All project components during construction that could impact state and federally protected wetlands.

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
		<ul style="list-style-type: none"> <li>As part of any permit applications, SMUD shall identify a habitat mitigation plan that shall include mitigation for impacted wetlands and waters 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 based on advanced project design.</li> <li>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.</li> </ul> <p>Wetlands and other waters protection shall be included in the WEAP described above in Mitigation Measure 3.4-1.</p>					
<b>Cultural Resources</b>	<b>Impact 3.5-1</b> Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	<p><b>Mitigation Measure 3.5.1: Halt ground-disturbing activity upon discovery of subsurface archaeological features.</b></p> <p>In the event that any pre-contact 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 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 pre-contact 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	SMUD, Qualified Archaeologist, and Contractor	SMUD	All project components during construction
<b>Cultural Resources</b>	<b>Impact 3.5-2.</b> Disturb any human remains, including those interred outside of dedicated cemeteries.	<p><b>Mitigation Measure 3.5-2: Halt ground-disturbing activity upon discovery of human remains.</b></p> <p>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 Sacramento 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 shall 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.</p>	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 Sacramento County coroner and the NAHC immediately.	During construction	SMUD, Qualified Archaeologist, and Contractor	SMUD, Sacramento County, and NAHC	All project components during construction

**Table 4-1. Summary of Impacts and Mitigation Measures**

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
<b>Cultural Resources</b>	<b>Impact 3.7-5.</b> Directly or indirectly destroy a unique paleontological resource or site.	<b>Mitigation Measure 3.7-1: Avoid Impacts to Unique Paleontological Resources.</b> 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"> <li>• Prior to the start of earthmoving activities, retain either a qualified archaeologist or paleontologist to develop relevant materials related to paleontological resources for inclusion in the project's Worker Environmental Awareness Program (WEAP) program 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.</li> <li>• If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify SMUD. 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 to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resource or resources were discovered.</li> </ul>	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	All project components during construction
<b>Greenhouse Gas Emissions</b>	<b>Impact 3.8-1.</b> Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<b>Mitigation Measure 3.8-1: Implement Construction GHG Emission Best Management Practices during Construction Activities</b> Improve fuel efficiency from construction equipment by: <ul style="list-style-type: none"> <li>• Minimizing idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minutes (5-minute limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the CCR]). Provide clear signage that posts this requirement for workers at the entrances to the site.</li> <li>• Maintaining all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.</li> <li>• Training equipment operators in proper use of equipment.</li> <li>• Using the proper size of equipment for the job.</li> <li>• Using equipment with new technologies (repowered engines, electric drive trains).</li> <li>• Perform on-site material hauling with trucks equipped with on-road engines (if determined to be less emissive than the off-road engines).</li> <li>• Use alternative fuels for generators at construction sites such as propane or solar or use electrical power.</li> <li>• Use CARB-approved low carbon fuel for construction equipment.</li> <li>• Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.</li> <li>• Develop a plan to efficiently use water for adequate dust control.</li> <li>• Reduce electricity use in the construction office by using compact fluorescent bulbs or light emitting diodes, powering off computers every day, and replacing heating and cooling units with more efficient ones.</li> <li>• Recycle or salvage non-hazardous construction and demolition debris, when practicable (goal of at least 75% by weight).</li> </ul>	Best Management Practices shall be implemented during construction.	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	Implementation	Monitoring	Applicable Project Component
Noise	Impact 3.13-1. Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise.	<p><b>Mitigation Measure 3.13-1. For Construction Outside of Permitted Construction Hours ((Section 6.68.090[e] of the County of Sacramento Code)), Implement Noise-Reducing Construction Practices and Monitor and Record Construction Noise near Sensitive Receptors.</b></p> <p>The project applicant(s) and their construction contractors shall employ noise-reducing construction practices to avoid and minimize construction noise effects on sensitive receptors outside permitted construction hours:</p> <ul style="list-style-type: none"> <li>● Pile driving shall be limited to the hours between 6 a.m. and 8 p.m. Monday through Friday and Sunday, and between 7 a.m. and 6 p.m. on Saturdays.</li> <li>● Construction equipment and equipment staging areas for equipment that generates noise levels of 70 dB or more at 50 feet shall be located as far as possible from nearby noise-sensitive land uses.</li> <li>● 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.</li> <li>● All motorized construction equipment shall be shut down when not in use to prevent idling.</li> <li>● Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site).</li> <li>● Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators).</li> <li>● Written notification of construction activities shall be provided to all noise-sensitive receptors located within 500 feet of the project site. 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.</li> <li>● Should nighttime construction (including very early morning) become necessary, the project applicant shall conduct a preliminary noise assessment to evaluate the potential for exceedances at the property boundaries of the nearest sensitive receptors. This assessment will determine if additional mitigation, such as real-time noise monitoring or other measures, is warranted. This ensures compliance with the County Noise Ordinance while maintaining flexibility and practicality in project execution.</li> </ul>	Noise-generating construction operations shall be limited to 6 a.m. to 8 p.m. on weekdays and Sunday and 7 a.m. to 6 p.m. on Saturdays. Written notification of construction activities to sensitive noise receptors located within 500 feet of construction activities will be distributed prior to construction. Preliminary noise assessment shall be conducted if nighttime construction becomes necessary.	During construction	SMUD and Contractor	SMUD	All project components during construction
Transportation	Impact 3.17-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	<p><b>Mitigation Measure 3.17-1. Prepare and Implement a Traffic Control Plan.</b></p> <p>To address potential traffic hazards during construction, prior to the commencement of construction or demolition activities, SMUD or its construction contractor shall prepare a traffic control plan for review and approval by Sacramento County Department of Transportation. The measures to be included in the traffic control plan include signage, traffic cones, and flaggers to help ensure safe and efficient movement of traffic through the affected area, with a focus on safety on roadways adjacent to project site and project activities. In addition, the traffic control plan would provide for notification of emergency responders regarding the planned construction activities.</p>	Prior to the commencement of construction or demolition activities, SMUD or contractor will submit Traffic Control Plan to Sacramento County Department of Transportation Traffic Control Plan implemented during construction	Before and during construction	Contractor	SMUD and Sacramento County Department of Transportation	PV solar panels, BESS and substation construction

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Implementation	Monitoring	Applicable Project Component
<b>Tribal Cultural Resources</b>	<p><b>Impact 3.18.1.</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:</p> <p>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?</p>	<p><b>Mitigation Measure 3.18-1. Inadvertent/Unanticipated TCR Discoveries.</b></p> <p><u>Worker Environmental Awareness Program (WEAP):</u></p> <p>SMUD shall prepare a Worker Environmental Awareness Program (WEAP) that shall educate staff regarding archaeological sensitivity and the potential presence of tribal cultural resources. This WEAP shall include tribal cultural resources avoidance and minimization measures/mitigation measures from the project's CEQA Mitigation Monitoring and Reporting Program (MMRP). The WEAP shall provide specific details on the kinds of tribal cultural resources that may be identified during construction of the project and explain the protocol for treatment in the event of an unanticipated discovery, including the legal implications of violating applicable 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><u>Discovery Procedure:</u></p> <p>If any suspected TCRs or resources of cultural significance to UAIC, including but not limited to features, anthropogenic/cultural soils, cultural belongings or objects (artifacts), shell, bone, shaped stones or bone, or ash/charcoal deposits are discovered by any person during construction activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist.</p> <p>A Tribal Representative and SMUD shall be immediately notified, and the Tribal Representative in coordination with the SMUD shall determine if the find is a TCR (PRC Section 21074) and the Tribal Representative shall make recommendations for further evaluation and treatment as necessary.</p> <p><u>Treatment and Documentation:</u></p> <p>The culturally affiliated Tribe shall consult with SMUD to (1) identify the boundaries of the new TCR and (2) if feasible, identify appropriate preservation in place and avoidance measures, including redesign or adjustments to the existing construction process, and long-term management, or 3) if avoidance is infeasible, a reburial location in proximity of the find where no future disturbance is anticipated. Permanent curation of TCRs shall not take place unless approved in writing by the culturally affiliated Tribe.</p> <p>The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of TCRs that are found or recovered during construction. Only Tribal Representatives shall have access to the storage. Storage size shall be determined by the nature of the TCR and can range from a small lock box to a Conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.</p> <p>The construction contractor(s) and SMUD shall facilitate the respectful reburial of the culturally sensitive soils or objects. This includes providing a reburial location that is consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request.</p> <p>Any discoveries shall be documented on a Department of Parks and Recreation 523 form within 2 weeks of the discovery and submitted to the appropriate California Historical Resources Information System Information Center in a timely manner.</p> <p>Work at the TCR discovery location shall not resume until authorization is granted by SMUD in coordination with the culturally affiliated Tribe.</p> <p>If articulated or disarticulated human remains, or human remains in any state of decomposition or skeletal completeness are discovered during construction activities, the Sacramento County Coroner shall be contacted immediately. Upon determination by the Sacramento County Coroner that the find is Native American in origin, the NAHC shall assign the Most Likely Descendent who shall work with the project proponent to define appropriate treatment and disposition of the burials.</p>	Before construction and in the event of an inadvertent/unanticipated TCR discovery	Before and during construction	Tribal Monitor/cultural resources specialist/professional archaeologist, Contractor, and SMUD	SMUD and NAHC	All project components during construction

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## 5.0 REFERENCES

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Rapp Learn, J. 2021. *TWS2021: Limited evidence birds confuse solar panels with lakes*. The Wildlife Society. Available: <https://wildlife.org/tws2021-limited-evidence-birds-confuse-solar-panels-with-lakes/>.



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## 6.0 FINAL EIR AUTHORS/PREPARERS

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS  
IN CONNECTION WITH**

Oveja Ranch Solar Project

**SACRAMENTO MUNICIPAL UTILITY DISTRICT, OVEJA RANCH SOLAR  
PROJECT****I. Introduction**

The Sacramento Municipal Utility District (SMUD) is lead agency under the California Environmental Quality Act (CEQA) for purposes of the Oveja Ranch 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 plan (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 Oveja Ranch Solar Project (Project). The SMUD Board of Directors (Board) hereby issues these Findings and concurrently certifies the EIR.

The Final EIR has been assigned State Clearinghouse Number 2024090310. The Final EIR consists of both the Draft EIR, as amended through the Final EIR, and an MMRP. The Final EIR assesses the potential environmental effects of implementation of the Project, identifies the means to eliminate or reduce potentially significant adverse environmental impacts, and evaluates a reasonable range of alternatives to the Project. The Final EIR explains Project updates and includes an MMRP that outlines the substance and timing of mitigation measures required for the Project.

Pursuant to PRC section 21081 and CCR Title 14, section 15090, the Board hereby certifies that it completed the following activities prior taking action related to activities/phases evaluated under the Oveja Ranch 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 Oveja Ranch Solar Project.

## **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 Oveja Ranch Solar Project EIR in compliance with CEQA, the CEQA Guidelines, and SMUD's procedures for implementing CEQA. The Board adopts these Findings in conjunction

with its approval of the Oveja Ranch Solar Project, as set forth below.

## **a. Project Description and Background**

### Project Background

California's energy supply and demand is continually evolving as a result of state mandates to address climate change and supply a growing population. SMUD has designed its resource procurement plans to meet the directive by its Board of Directors to use dependable renewable resources to eliminate carbon emissions from its power supply by 2030, as described in SMUD's 2030 Zero Carbon Plan (SMUD 2021). This goal is consistent with Senate Bill 350, which was signed into law in 2015. Senate Bill 100 accelerated the deadline for reaching the 50 percent milestone to 2026, and 60 percent by 2030. The law also establishes as state policy that renewable energy resources and zero-carbon resources are to supply 100 percent of retail sales of electricity to California end use customers by 2045. SMUD has the ambitious goal of becoming 100 percent carbon free by 2030, ahead of the state target. The proposed project is an important element in helping SMUD achieve this goal.

### Project Description

The Oveja Ranch Solar Project includes construction and operation of a PV solar power and battery storage facility and interconnection facilities, including a generation substation, and interconnection lines, that would provide new power production capacity of up to 75 MW delivered at the point of interconnection with the electrical grid managed by SMUD. The project components would generally comprise PV solar modules, foundation piles, racking, direct current (DC) collection, alternative current (AC) collection, fencing, roads, inverters, medium voltage transformers, generation substation equipment, BESS equipment, and interconnection lines and poles to the existing SMUD distribution system. During construction, a temporary construction trailer/office complex and staging areas would be established. During operation, the proposed Project would likely include a small structure or storage container that would provide space for an onsite office for the site operator, equipment storage, and portable sanitary facilities.

SMUD would lease up to 400 acres of land for the duration of the Project within the 534-acre project site. The Project includes constructing PV solar panels, a battery energy storage system (BESS), a substation, and new and upgraded distribution lines to interconnect the project to SMUD's existing distribution system.

Project construction would take approximately 18 to 24 months and is proposed to begin as early as the third quarter of 2026 and conclude in 2028. At the end of the Project's useful life (anticipated to be 30 to 35 years), the site and all project components (except for the upgraded distribution lines) would be decommissioned.

## **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 “[n]ew 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.”

During the public review of the Draft EIR from March 17, 2025 to May 2, 2025, comment letters were received on the Draft EIR from the Sacramento Department of Transportation, Southgate Recreation and Park District, Sacramento County Department of Community Development, East Bay Municipal Utility District, Sacramento County Water Agency – Water Supply Planning, Sacramento Metropolitan Air Quality Management District, California Department of Fish and Wildlife, and Defenders of Wildlife.

Revisions were made to the Draft EIR at that time to clarify information regarding maximum daily construction-related and operational emissions of criteria air pollutants and precursors biological mitigation measures, Tribal Cultural Resources mitigation measure 3.18-1, revisions to description of a Local Transportation Analysis, and revisions to description of coordination with Southgate Recreation & Park District.

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, the Board specifically finds that: no new significant environmental impact would result from the 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 that would clearly lessen the environmental impacts of the 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 is 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 accurately to 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.

As detailed in the Draft EIR and Final EIR, there are no significant and unavoidable impacts associated with the Project. Therefore, there are no findings required for significant and unavoidable impacts.

#### 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), the following potentially significant impacts identified in the Final EIR will be reduced to less-than-significant impacts through the implementation of the mitigation measures hereby incorporated into the Project.

### **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 FMMP of the California Resources Agency, to non-agricultural use?***

The project site contains a total of 501 acres of Important Farmland, with 421 acres in the southern area and 80 acres in the northern area. Of this, 258.4 acres are designated as Farmland of Statewide Importance (205.4 acres in the southern area and 53 acres in the northern area) and 242.6 acres are designated as Farmland of Local Importance (215.6 acres in the southern area and 27 acres in the northern area). The proposed Project anticipates long-term impacts to approximately 4.1 acres of Important Farmland (0.3 acres of Farmland of Local Importance and 3.8 acres of Farmland of Statewide Importance), where the substation and BESS would be located. Farmland of Local Importance is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. As such, any potential conversion of this land would not be considered an impact under CEQA. However, per Appendix G of the CEQA Guidelines, the conversion of Farmland of Statewide Importance to a non-agricultural use is a potentially significant impact under CEQA. This would be a potentially significant impact.

#### ***Mitigation Measure 3.2-1. Preserve Farmland of Statewide Importance***

SMUD shall compensate for the loss of 3.8 acres of Farmland of Statewide Importance by preserving land of the same designation at a 1:1 ratio (i.e., 1 acre on which easements are acquired to 1 acre of Farmland of Statewide Importance removed from agricultural use). SMUD shall acquire agricultural conservation easement(s) that provide in-kind resource value protection in the region, with a strong preference for locating the agricultural conservation easement(s) in Sacramento County. This can be achieved by the acquisition of conservation easement(s), farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land in perpetuity.

The impact acreage requiring offset shall be based on the most current FMMP<sup>1</sup> at the time of Sacramento County's approval of the Williamson Act contract amendment.

***Finding:*** The Board finds that implementation of the Oveja Ranch Solar Project would result in the conversion of Farmland of Statewide Importance to a non-agricultural use that would be potentially significant. With implementation of Mitigation Measures 3.2-1, potential impacts would be reduced to a less-than-significant level.

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<sup>1</sup> Acronyms are defined in the EIR.

### **Air Quality**

#### ***Impact 3.2-1: Conflict with or obstruct implementation of the applicable air quality plan?***

Project construction and operation would not generate emissions in excess of the Sacramento Metropolitan Air Quality Management District (SMAQMD) thresholds of significance. However, because the Project would generate particulate matter (PM) emissions during construction activities and routine maintenance activities, implementation of best management practices would be required in order to use the SMAQMD thresholds of significance. Therefore, without implementation of SMAQMD best management practices, project emissions have the potential to conflict with or obstruct implementation of the applicable air quality plans related to PM. This would be a potentially significant impact.

#### ***Mitigation Measure 3.3-1a. Implement Basic Construction Emission Control Practices (Best Management Practices) and Enhanced Fugitive PM Dust Control Practices during Construction***

- SMUD shall include as a condition of the construction bidding, incorporation of dust control measures that shall include, at a minimum, the requirements of SMAQMD Rule 403. All fugitive dust control measures shall be shown on grading, improvement, and demolition plans, to be initiated at the start and maintained throughout the duration of the construction activities.
  - Water all exposed active work areas two times daily, or with adequate frequency for continued moist soil. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads. However, do not overwater to the extent that sediment flows off the site.
  - Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
  - Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
  - Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
  - Suspend excavation, grading, and/or demolition activity when average wind speeds exceed 20 mph.
  - All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

- Install wheel washers, rattle plates and/or rock aprons for all exiting trucks or equipment leaving the site.
- Treat site accesses from the paved road with a 6 to 12- inch layer of gravel to reduce generation of road dust and road dust carryout onto public roads.
- Post a publicly visible sign with the telephone number and person to contact at the County of Sacramento regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the SMAQMD shall also be visible to ensure compliance.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, [doors@arb.ca.gov](mailto:doors@arb.ca.gov), or [www.arb.ca.gov/doors/compliance\\_cert1.html](http://www.arb.ca.gov/doors/compliance_cert1.html).
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

*Mitigation Measure 3.3-1b. Reduce Off-Road Equipment Exhaust-Related Emissions During Construction*

- SMUD shall require off-road diesel-fueled equipment with engines larger than 50 horsepower to meet or exceed EPA/CARB Tier 4 Final emissions standards. An exemption from these requirements may be granted if SMUD documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment (see completion of the Construction Emissions Control Plan in Mitigation Measure 3.3-3c below). Before an exemption may be considered by SMUD, the applicant shall be required to demonstrate that two construction fleet owners/operators in Sacramento County were contacted and that those owners/operators confirmed Tier 4 equipment could not be located within Sacramento County.

*Mitigation Measure 3.3-1c. Submit Construction Emissions Control Plans*

- Prior to SMUD's approval of contractor grading plans, the construction contractor shall submit a Construction Emissions Control Plan to the SMAQMD and provide written evidence to SMUD that the plan has been submitted to and approved by SMAQMD. The construction contractor shall not initiate any on-site or off-site construction activity until SMAQMD has approved the Construction Emissions Control Plan and proof of approval has been submitted to SMUD by the contractor.

The Construction Emissions Control Plan shall cover all construction activities and include the following:

- A comprehensive equipment inventory (e.g., make, model, year, emission (tier) rating, projected hours of use, and CARB equipment identification number) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used throughout the construction duration. If any new equipment is added after submission of the inventory, the contractor shall notify the SMAQMD and SMUD before using the new equipment. At least three business days before the use of subject heavy-duty off-road equipment, the project representative shall provide the SMAQMD and SMUD with the anticipated construction timeline including start date, name, and phone number of the property owner, project manager, and on-site foreman.
- An anticipated off-site heavy-duty truck trip activity schedule (duration of truck trip activity, anticipated origin/destination of truck trips, and estimated total and daily truck trips per day) and anticipated truck fleet inventory (e.g., make, model, engine year) throughout the construction duration.
- With submittal of the equipment inventory and anticipated on-road heavy-duty truck trip activity, the contractor shall provide a written calculation of the Project's total and daily construction emissions to the SMAQMD for approval. If any new equipment or haul truck activity is added after the submission and approval of the inventory, the construction contractor shall update the inventory and construction emissions calculations and provide to the SMAQMD and SMUD prior to the use of such equipment and trucks. The emissions calculations shall be calculated using SMAQMD's Construction Mitigation Calculator; this tool is currently available on the SMAQMD's website at the following link: <http://www.airquality.org/businesses/ceqa-land-use-planning/mitigation>.

*Mitigation Measure 3.3-1d. Off-Site Construction Mitigation*

If, based upon the incorporation of all measures described above in Mitigation Measures 3.3-1a through 3.3-1c, NO<sub>x</sub> emissions still exceed the daily SMAQMD threshold for NO<sub>x</sub>, the Project shall participate in the SMAQMD's Off-site Mitigation Program by paying to SMAQMD a mitigation fee for construction activities, to be determined at the time of construction based on the submitted equipment inventories and heavy-duty truck activity and emissions calculations for NO<sub>x</sub> emissions, such that emissions are reduced to less-than-significant. The fee calculation to mitigate daily emissions shall be based on the most recent SMAQMD mitigation fee rate at the time of calculation, which is reviewed and adjusted annually. The current mitigation fee rate is \$30,000 per ton of emissions with a 5 percent administrative fee in addition to the mitigation fee. The total fee shall be determined based on the total emissions reductions of NO<sub>x</sub> needed to reduce emissions to be less than the SMAQMD thresholds of 85 pounds per day for NO<sub>x</sub>. The fee shall be submitted for approval by SMAQMD as the total required to achieve emissions reductions that would reduce total emissions to less-than-significant after

all other mitigation measures are implemented. The fee shall be calculated, approved by SMAQMD, and paid by SMUD prior to SMUD's approval of grading or improvement plans to the construction contractor.

*Mitigation Measure 3.3-1e. Implement Best Management Practices for Reducing Operational PM Emissions*

- As part of the PV facility operations maintenance contract, SMUD shall include the following best management practice requirements for fugitive dust control during operational and maintenance activities associated with the project:
- Limit vehicle speeds on unpaved roads to 15 mph.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Compliance with anti-idling regulations for diesel powered commercial motor vehicles (greater than 10,000 gross vehicular weight rating). The current requirements include limiting idling time to 5 minutes and installing technologies on the vehicles that support anti-idling. Information can be found on the California Air Resources Board's website: <https://ww2.arb.ca.gov/ourwork/programs/idle-reduction-technologies/idle-reduction-technologies>.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project would result in the generation of air pollutant emissions during construction and operation that would be potentially significant without implementation of applicable SMAQMD best management practices. Adoption and incorporation of Mitigation Measures 3.3-1a through 3.3-1e into the Project will reduce the impact to a less-than-significant level. Therefore, the Project with mitigation will not cause significant cumulative air quality impacts during construction and operation activities.

***Impact 3.2-2. 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 would exceed SMAQMD's recommended threshold for NO<sub>x</sub>, an ozone precursor. Since the Project would generate PM emissions during operation, implementation of BMPs would be required in order to use the SMAQMD non-zero thresholds of significance. This would be a potentially significant impact.

*Mitigation Measure 3.3-2. Implement Mitigation Measures 3.3-1a (Implement Basic Construction Emission Control Practices [Best Management Practices] and Enhanced Fugitive PM Dust Control Practices during Construction), 3.3-1b (Reduce Off-Road Equipment Exhaust-Related Emissions During Construction), 3.3-1c (Submit Construction Emissions Control Plans), 3.3-1d (Off-Site Construction Mitigation), and*



***3.3-1e (Implement Best Management Practices for Reducing Operational PM Emissions) (described above)***

**Finding:** The Board finds that implementation of the Oveja Ranch Solar Project would result in the generation of air pollutant emissions during construction and operation that would be potentially significant without implementation of applicable SMAQMD Basic Construction Emission Control Practices and Best Management Practices. Adoption and incorporation of Mitigation Measures 3.3-1a through 3.3-1e into the Project will reduce the impact to a less-than-significant level. Therefore, the Project with mitigation will not cause significant cumulative air quality impacts during construction and operation activities.

**Biological Resources*****Impact 3.4-1. Impacts on special-status plant species.***

Sanford's arrowhead could occur within agricultural ditches within the southern area. Limited Project impacts may occur in an agricultural ditch in the southwestern corner of the southern area, where culvert improvements are likely. Seven additional special-status plant species were also identified to have a moderate to high potential to occur within the vernal pool habitat within the project site, including Dwarf Downingia, Boggs Lake hedge-hyssop, Ahart's dwarf rush, legenera, pincushion navarretia, Slender Orcutt grass, and Sacramento Orcutt grass. Construction could result in indirect impacts to these species, through the alteration of hydrology or from construction runoff. Changing the hydrology or introducing hazardous materials runoff could result in mortality (take) of these species. This would be a potentially significant impact.

***Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection***

SMUD shall prepare a Worker Environmental Awareness Program (WEAP) that shall educate staff regarding the presence or potential presence of all special-status species, sensitive natural communities, and protected wetlands and other waters that are known to occur, within the project site. The program shall describe species and sensitive community identification, special-status species habitat requirements, and penalties for special-status species impacts, as well as immediate steps to take should special-status species be observed by staff onsite.

This WEAP shall include biological resource avoidance and minimization measures/mitigation measures from the Project's CEQA Mitigation Monitoring and Reporting Program (MMRP), and any resource permits, as applicable. The WEAP shall educate workers regarding sensitive species and their habitats, the need to avoid impacts, state and federal protection status, 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 biologist 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 biologist shall remain available on an on-call basis for the duration of Project construction to conduct inspections and follow up surveys, as needed or required by permit conditions, and to ensure compliance with permit conditions. The biologist shall have the experience, education and training necessary to conduct special-status species surveys and monitoring as described in the mitigation measures below.

*Mitigation Measure 3.4-2. Conduct Pre-construction Surveys for Sanford's Arrowhead and Avoid Impacts to Known Occurrences*

Prior to culvert improvements or other project work that may affect the agricultural drainage in the southern area that provides suitable habitat for Sanford's arrowhead, and within the blooming period for Sanford's arrowhead (May 1 through October 1), a qualified botanist shall conduct a focused survey for the species within suitable habitat in this area. The botanist shall map all observations of this species and establish a no-disturbance buffer around these plants. Before construction commences, Sanford's arrowhead occurrences shall be marked with pin flags in the field, and all construction personnel shall be instructed as to the location and extent of the special-status plants or populations and the importance of avoiding impacts to the species and its habitat.

If construction must occur within the no-disturbance buffer, and Sanford's arrowhead cannot be avoided, SMUD shall develop a mitigation plan for Sanford's arrowhead in coordination with CDFW. The plan shall include measures to minimize impacts and to offset any loss of Sanford's arrowhead on a 1:1 basis through protection, replanting, or purchase of credits. The plan shall be in place prior to construction activities in these areas.

Information about avoidance and minimization measures for Sanford's arrowhead shall be included in the WEAP described above in Mitigation Measure 3.4-1.

*Mitigation Measure 3.4-3. Establish Non-Disturbance Buffers around Vernal Pools along the Collection and Distribution Lines*

Along the collection line connecting the northern area to the southern area of the project site, and the distribution lines along Florin Road, Excelsior Road, Gerber Road, and Eagles Nest Road, SMUD or its contracted engineer shall design the placement of new electricity poles and replacement of existing poles to avoid the edges of vernal pools by at least 50 feet.

The perimeter of this 50-foot no-disturbance buffer shall be marked in the field prior to construction through flagging or fencing with a wildlife friendly material that allows the movement of wildlife, including Western spadefoot (and also wide-ranging wildlife, such as coyotes), through the area. The marked buffer shall be maintained for the duration of

Project construction. No construction or ground-disturbing activities shall occur within the 50-foot buffer.

Information about avoidance and minimization measures for vernal pool habitat shall be included in the WEAP described above in Mitigation Measure 3.4-1.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact special-status plant species, including Sanford's arrowhead. With implementation of Mitigation Measures 3.4-1 through 3.4-3, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-2. Potential impacts on vernal pool fairy shrimp, Midvalley fairy shrimp, vernal pool tadpole shrimp, and Ridsecker's water scavenger beetle and impacts to their habitat during construction.***

Project construction could result in indirect impacts to special-status invertebrates, through the alteration of hydrology or from construction runoff. Changing the hydrology or introducing toxins could result in mortality (take) of these species, and could displace Ridsecker's water scavenger beetle. This would potentially result in indirect impacts to habitat for these species. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-3. Establish Non-Disturbance Buffers around Vernal Pools along the Collection and Distribution Lines (discussed above)*

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact vernal pool fairy shrimp, Midvalley fairy shrimp, vernal pool tadpole shrimp, and Ridsecker's water scavenger beetle. With implementation of Mitigation Measure 3.4-3, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-4. Potential impacts on Western spadefoot during construction.***

Project construction could indirectly impact Western spadefoot eggs, tadpoles, and breeding habitat from alteration of the hydrology of these features or from construction and operation runoff, resulting in degradation or loss of suitable habitat. Changing the hydrology or introducing hazardous materials runoff from construction could result in mortality (i.e., take) of this species. This would potentially result in indirect impacts to up to 0.75 acres of aquatic habitat for this species. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection (discussed above)*

*Implement Mitigation Measure 3.4-3. Establish Non-Disturbance Buffers around Vernal Pools along the Collection and Distribution Lines (discussed above)*

*Mitigation Measure 3.4-5. Avoid impacts to Western Spadefoot during Construction*

Prior to any ground disturbance activity (e.g., grading, disking, road construction, or similar activities that could entomb or excavate spadefoot in grassland habitat near vernal pools) in the overhead collector line and distribution line corridors, a qualified biologist shall survey the project footprint prior to the onset of work for Western spadefoot. The qualified biologist shall identify burrows potentially suitable for Western spadefoot and mark a 50-foot non-disturbance buffer around any burrows mapped. Ground disturbance in these buffer areas shall be avoided, if feasible. If ground disturbance would be required within the 50-foot buffer, activities shall be limited to the minimum footprint necessary and shall be monitored by an onsite qualified biologist, as appropriate to guide activities within the buffer to reduce impacts. Ground disturbing activities within suitable Western spadefoot breeding habitat will be limited during their active period (typically between October and May) to the extent possible.

The qualified biologist shall inform construction personnel to stop construction activities if a Western spadefoot is observed or if, in the biologist's opinion, maintenance activities threaten to cause adverse effects to Western spadefoot. If it is determined that Western spadefoot would be potentially harmed by construction, a qualified biologist with the appropriate handling permits may relocate animals to suitable habitats outside the project footprint. A relocation report will be submitted to SMUD within 48 hours after the species has been relocated.

Information about avoidance and minimization measures for Western spadefoot shall be included in the WEAP described above in Mitigation Measure 3.4-1.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact Western spadefoot. With implementation of Mitigation Measures 3.4-1, 3.4-3, and 3.4-5, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-5. Potential impacts on Western pond turtle during construction.***

Construction activities associated with the proposed collection line that runs between the northern and southern areas of the project site could result in direct impacts to Western pond turtle. Western pond turtles could be crushed and killed during construction activities within suitable upland habitat (annual grassland), typically within 1,500 feet of aquatic habitat. Additionally, hatchlings or eggs in pond turtle nests could be crushed and killed during the

movement of construction equipment in these habitat areas during the Western pond turtle nesting season (generally, March to November). This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection (discussed above)*

*Mitigation Measure 3.4-6. Conduct Pre-Construction Surveys for Western Pond Turtle*

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 aquatic habitat (e.g., any adjacent waterway, marsh, or emergent wetland).

Concurrently with the pre-construction survey, searches for nesting sites in suitable upland habitat shall be conducted by a qualified biologist and any active nest sites identified during the survey shall be delineated with high-visibility flagging or fencing and avoided during construction activities as described below in Mitigation Measure 3.4-7.

*Mitigation Measure 3.4-7. Avoid Impacts on Western Pond Turtle during Construction*

Project ground-disturbing activities near suitable breeding habitat shall 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 season, they shall not start until 30 minutes after sunrise and must be completed 30 minutes prior to sunset.

If a turtle nest is encountered during the pre-construction survey (Mitigation Measure 3.4-6), a 100-foot non-disturbance buffer shall be maintained during construction and regularly monitored by a qualified biologist. Construction may resume in the buffer area after the qualified biologist has determined that the turtle eggs have hatched.

Onsite personnel shall observe a 20-mile-per-hour speed limit at all times. In addition, all BMPs identified in the Project's Stormwater Pollution Prevention Plan shall be implemented, to avoid adverse effects from water quality impacts such as sedimentation and spills.

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 Oveja Ranch Solar Project could potentially impact Western pond turtles. With implementation of Mitigation Measures 3.4-1, 3.4-6, and 3.4-7, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-6. Potential impacts on giant garter snake during construction and impacts to their aquatic habitat.***

Temporary construction activities within the 200 feet upland buffer along agricultural ditches on the Project site and near Laguna Creek and other perennial drainages in the Project area

could present a risk of mortality (e.g., construction vehicles crushing giant garter snakes basking on roads, direct impacts) for giant garter snakes. This risk would be reduced if construction within this upland buffer occurred during the active season (May 1 to October 1) when giant garter snakes can move away from and avoid impacts from construction activities. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection (discussed above)*

*Mitigation Measure 3.4-8. 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 suitable aquatic habitat (perennial drainages and agricultural ditches carrying year-round water) shall 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 mainly occupy aquatic habitat and to actively move and avoid danger. If project activities in upland habitat occur within 200 feet of suitable aquatic habitat must be started outside of the snake's active season (May 1 to October 1), 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 (perennial streams and agricultural ditches that carry year-round water), the site shall be inspected by a qualified biologist who is approved by SMUD. Results of this clearance survey shall be reported in memo shared with SMUD and construction should only commence after a negative inspection report. If construction activities are delayed or stop for a period of two weeks or more, another pre-construction clearance survey shall be conducted within 24 hours before resuming construction activity. If snakes, or evidence of snakes, are encountered during pre-construction surveys, a biological monitor shall be present during the commencement of construction activities in upland habitat within 200 feet of suitable aquatic habitat during all ground disturbing activities. If any snakes are observed in uplands near drainages during the active season, project activity shall be halted and the snakes shall be allowed to leave the area on their own.
- If take of GGS individuals cannot be avoided during the active or dormant seasons, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact giant garter snake. With implementation of Mitigation Measures 3.4-1 and 3.4-8, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-7. Potential impacts on burrowing owl during construction and operation.***

Project construction activities, such as grading access roads, during the breeding season (generally February 1-August 31) for burrowing owls could result in the excavation or

collapse of occupied burrows containing adults, nestlings, or eggs, if present. Additionally, construction-generated noise and increased human presence have the potential to disturb burrowing owls nesting near construction activities. Construction-related disturbance resulting in the loss of reproductive success of an active burrowing owl pair for one year could have a significant impact on the local population. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection (discussed above)*

*Mitigation Measure 3.4.9 Compensate for permanent loss of Western Burrowing Owl Habitat.*

- SMUD shall mitigate for the permanent loss of 4.1 acres of burrowing owl foraging habitat at a 1:1 basis. This may be achieved through purchasing credits at an approved bank, dedicating credits at SMUD's own conservation bank, or by placing a permanent easement on 4.1 acres of suitable foraging habitat in the vicinity of the project site.

*Mitigation Measure 3.4-10. Conduct Pre-construction Surveys for Western Burrowing Owl and Implement Avoidance and Minimization Measures*

- SMUD shall conduct pre-construction burrowing owl surveys in all areas that may provide suitable nesting habitat according to CDFW (CDFG 2012) guidelines and based on protocol level surveys conducted in support of this Project. (Appendix BR-3). A qualified wildlife biologist shall conduct the surveys, including documentation of burrows and burrowing owls, in all suitable burrowing owl habitat within 500 feet of proposed construction.
- Two surveys shall be conducted within 15 days prior to ground disturbance to establish the presence or absence of burrowing owls. The surveys shall 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 shall be counted and mapped.
- During the breeding season (February 1 to August 31), surveys shall document whether burrowing owls are nesting in or within 500 feet of project construction activities.
- During the non-breeding season (September 1 to January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent (within 500 feet) to any area to be disturbed. Survey results would be valid only for the season (breeding or non-breeding) during which the survey was conducted.
- The qualified biologist shall survey the proposed footprint of disturbance and a 500-foot buffer from the perimeter of the proposed footprint to determine the presence or absence of burrowing owls. The site shall 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 site for burrowing owls. During walking surveys, the surveyor shall 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 shall also listen for burrowing owls while conducting the survey.

- The presence of burrowing owl or their sign anywhere on the site or within the 500-foot accessible buffer around the site shall be recorded and mapped. Surveys shall 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 500 feet of the project site, the following measures shall be implemented:

- If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant shall:
  - Avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).
  - Establish a minimum 500-foot, up to 1650-foot non-disturbance buffer zone around nests, consistent with CDFW's 2012 Staff Report guidelines. The buffer zone shall 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 shall 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 shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.
  - Construction may occur only outside of the 500-foot buffer zone during the breeding season and only if a qualified biologist monitors the nest and determines that the activities will 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 CDFW approval and provided a biological monitor confirms that such measures do not agitate the owls.
- If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant shall establish a minimum of 165-foot, up to 1650-foot no-disturbance buffer zone around active burrows



consistent with CDFW's 2012 Staff Report guidelines. The buffer zone shall 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 agitate the owls.

- 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, project applicant shall obtain an Incidental Take Permit (ITP) for the project. 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 along with the ITP application. Burrow exclusion may not be conducted for burrows located in the project footprint and within a 160-foot buffer zone until the ITP is obtained. All ITP conditions must be followed when excluding owls.
- If take of burrowing owl individuals cannot be avoided during the breeding or non-breeding season, an Incidental Take Permit (ITP) shall be obtained from CDFW for construction and O&M activities.

*Mitigation Measure 3.4-11. WEAP Training for Operations and Maintenance Personnel*

Following project construction, WEAP Training pertaining to the operation and maintenance phase of the Project shall be provided each year to onsite personnel. The purpose of the training shall be to raise awareness of the potential use of the site by wintering and breeding burrowing owls and to avoid and minimize potential take of owls during project operation. The training shall describe the identification and natural history of burrowing owls and shall cover the avoidance and minimization measures described below. New onsite personnel shall be provided the training before they begin work at the site.

- **Speed Limit.** All project traffic must observe a 20-mph speed limit.
- **Pets.** No pets are allowed on the project site.
- **Equipment and Material Inspection.** All construction pipe, culverts, or similar structures greater than 3 inches in diameter shall be inspected before being moved, buried or capped.
- **Firearms.** No firearms are permitted on the project site.
- **Survey before Ground Disturbing Activities.** If maintenance or repair activities require ground disturbing activities in areas potentially used by western burrowing owl (grazing land under solar panels, berms along roads, areas containing ground squirrel holes), a pre-construction survey for western burrowing owl shall be conducted by a qualified biologist in the disturbance area. Surveys shall be conducted using the same steps described in Mitigation Measure 3.4-9 (Pre-construction Western Burrowing Owl Measures) of the Project MMRP. If burrowing owls are detected during the surveys non-disturbance buffers shall be established

as described in the MMRP and a Region 2 CDFW representative) shall be contacted to discuss whether additional avoidance and minimization measures are warranted.

- **Reporting of Bird Mortality.** If operations and maintenance staff detect a bird carcass on the project site that may be a burrowing owl, Swainson's hawk, tricolored blackbird or other special status species, they shall notify SMUD who shall arrange to identify the bird. If the bird is a special-status species, SMUD shall notify a Region 2 CDFW representative immediately, record the date and the location of the carcass, collect the carcass and store it in a freezer. CDFW shall provide guidance on the disposition of the carcass.
- **Injured bird.** If an injured bird is detected by the operation and maintenance staff the site operator, they shall notify SMUD who shall arrange to identify the bird and advise on how to proceed. If the injured bird is a special status bird, SMUD shall contact a Region 2 CDFW representative.

With concurrence of CDFW, and if the bird is sufficiently immobile that it can be safely and readily retrieved, the bird shall be captured by a qualified biologist experienced with handling raptors and placed into an animal crate/box and stored in a cool location while being transported. The biologist shall transport the injured bird to the appropriate wildlife care facility such as the U.C. Davis California Raptor Center, 1340 Equine Lane, Davis: (530) 752-6091 California Raptor Center / School of Veterinary Medicine - Found a Sick or Injured Raptor?.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact burrowing owls. With implementation of Mitigation Measures 3.4-1, 3.4-9, 3.4-10, and 3.4-11, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-8. Potential impacts on tricolored blackbirds during construction and permanent conversion of foraging habitat.***

Project construction could impact vegetation types such as Himalayan blackberry, cattails, and bulrushes, which provide nesting habitat for tricolored blackbirds. Construction activities within 500 feet of active nests could disturb breeding colonies, leading to nest abandonment or loss of eggs and nestlings. Abandonment of an active tricolored blackbird colony and loss of numerous nests containing eggs or young could result in a substantial decline in the local nesting population of tricolored blackbirds and contribute to the statewide decline of this species. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection (discussed above)*

*Mitigation Measure 3.4-12. Conduct Focused Pre-Construction Surveys for Nesting Tricolored Blackbird and Avoid Impacts During Construction*

Construction shall occur outside of the breeding period for tricolored blackbirds (March 15 to August 1). If construction must occur within the breeding period, the following measures shall be implemented to avoid impacts to tricolored blackbirds:

- **Pre-construction Tricolored Blackbird Surveys.** Before any ground disturbing activities or vegetation clearing that may result in effects on potential habitat for tricolored blackbird, a qualified biologist shall conduct a pre-construction survey in potentially suitable nesting habitat (i.e., blackberry thickets and cattail marsh) for this species in the project footprint and a 1,300-foot buffer to the project footprint. The biologist shall conduct three separate surveys, one each in mid-April, mid-May, and mid-June, based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1. If breeding colonies are found, the foraging behavior of the colony shall also be documented. If an active nesting colony is detected during the surveys CDFW shall be consulted to provide any guidance on appropriate avoidance and minimization measures in addition to those described below.
- **Avoidance and Minimization.** If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance (i.e., non-disturbance) buffer from the active nest. The buffer distance for tricolored blackbird shall generally be 1300 feet 500 feet and shall be determined based on factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers to avoid active nests. This buffer may be modified in consultation with the qualified biologist. The consultation must be documented in writing and include the revised buffer distance, along with the rationale and justification for why the reduction is appropriate. Appropriate rationale for reducing a buffer may include the presence of dense vegetation, Construction limits shall be based on the biologist defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. Project activities shall avoid occupied Tricolored Blackbird nesting habitat. If tricolored blackbird colonies are identified during the breeding season, an approximate buffer of up to 500 feet shall 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 shall be excluded from the buffer until the end of the breeding season.
- If an active nest is identified within 1,300 feet of the Project area after construction has begun, a 1,300-foot no-disturbance buffer will be established, unless construction activities are already occurring within that distance. If an active nest is established within 1,300 feet while construction activities are ongoing, it is assumed

the birds have acclimated to the existing disturbance. In such cases, the buffer will be reduced to the greater of: (1) the actual distance between the active nest and the nearest construction activity, or (2) 500 feet.

- Once the reduced buffer is established—and prior to any increase in the intensity or type of disturbance—a qualified biologist will conduct a minimum of two consecutive days of baseline monitoring to document nesting behavior under current conditions. If, during baseline monitoring, project activities cause birds to display agitated or stress-related behaviors, all work within the buffer will cease, and the buffer distance will be reassessed based on what was observed.
- Based on baseline observations, the qualified biologist will prepare a written memorandum summarizing the monitoring results and recommending avoidance and minimization measures tailored to varying levels of anticipated construction activity. The first day of any increased construction activity within the buffer will be monitored by a qualified biologist to verify that the buffer distance and implemented measures are effective in avoiding take.
- Appropriate measures may include an increased no-disturbance buffer with specific levels of disturbance, limitations on construction activities that generate substantial vibration and/or noise, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. This buffer may be modified in consultation with the qualified biologist with additional written measures such as the installation of visual shielding or sound curtains.
- **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 shall 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 shall be established in consultation with CDFW. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer shall 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 Oveja Ranch Solar Project could potentially impact tricolored blackbird. With implementation of Mitigation Measures 3.4-1 and 3.4-12, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-9. Potential impact on Swainson's hawk during construction and permanent conversion of foraging habitat.***

Project construction activities, including grading and grubbing near, suitable nesting habitat (individual trees or riparian woodland habitats) within the project site or within 0.5 miles of the project site could disturb an active Swainson's hawk nest. Construction-generated disturbances also have the potential to indirectly affect Swainson's hawks if the species is nesting near project activities. Increased levels of noise and human activity in the vicinity of an active nest could result in nest abandonment or forced fledging and subsequent loss of fertile eggs, nestlings, or juveniles. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection (discussed above)*

*Mitigation Measure 3.4-13. Conduct Focused Pre-construction Surveys for Nesting Swainson's hawks and Implement Protective Buffers*

- **Pre-construction Surveys.** A qualified biologist shall conduct pre-construction 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 shall be conducted no more than 15 days prior to ground disturbance and shall 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 shall be required within a 0.25-mile (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 shall scan all potential nest tree(s) from the adjacent property, roadsides, or other safe, publicly accessible viewpoints, without trespassing, using binoculars and/or a spotting scope to look for Swainson's hawk nesting activity;
  - Surveys shall 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 if 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 shall 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 3.4-14. Compensate for the Loss of Swainson's Hawk Foraging Habitat***

To offset net impacts on foraging habitat for breeding Swainson's hawks SMUD shall mitigate the loss of Swainson's hawk foraging habitat in accordance with CDFW recommendations (CDFG 1994) but adjusted to local conditions and based on recent studies 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 shall be replaced with 1.0 acre of mitigation land for each acre of foraging habitat permanently lost because of project construction (1:1 ratio). Permanent loss resulting from the Project includes the approximately 4.1-acre footprint of the BESS, substation, and roads. The nearest location relative to this area shall be confirmed prior to initiation of construction during preconstruction surveys as called for in Mitigation Measure 3.4.13
- For foraging habitat under solar panel these mitigation ratios shall be reduced to 0.25:1 for foraging habitat for active nests within 5 miles of the Project and 0.5:1 for active nests within 1 mile of the project site. These reduced ratios are appropriate because Swainson's hawks foraging habitat will continue to be available in the solar fields. Foraging habitat will be maintained under the solar panels with pollinator-friendly vegetation that would support Swainson's hawk prey such as insects and small mammals. Ample foraging habitat will also remain in adjacent agricultural lands and open space preserves that are permanently protected.

All mitigation lands protected under this mitigation measure 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.

***Finding:*** The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact Swainson's hawks. With implementation of Mitigation Measures 3.4-1, 3.4-13, and 3.4-14, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-11. Disturbance of nesting white-tailed kite, northern harrier, Cooper's hawk, loggerhead shrike, song sparrow "Modesto" population, and other protected birds.***

Project construction activities during the bird and raptor breeding season (generally February 1 through August 31) could disturb or remove occupied nests of special-status and non-special-status birds and raptors. Removal of suitable nesting habitat associated with vegetation removal, including mowing, could result in the incidental loss of fertile eggs or nestlings, or lead to nest abandonment. Increased levels of noise and human activity in the vicinity of an active nest could result in nest abandonment or forced fledging and subsequent loss of fertile eggs, nestlings, or juveniles. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection (discussed above)*

***Mitigation Measure 3.4-15. Conduct Pre-Construction Surveys for Nesting Birds and Raptors***

Tree trimming (if required) 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 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 shall typically range from 50 feet (for nesting passerines) to 500 feet (for nesting raptors) and shall 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 3.4-16. 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 Oveja Ranch Solar Project could potentially impact special-status and other nesting birds. With implementation of Mitigation Measures 3.4-1, 3.4-15, and 3.4-16, potential impacts would be reduced to a less-than-significant level.



***Impact 3.4-13. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

Construction could result in indirect impacts to vernal pools, through the alteration of hydrology or from construction runoff. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-3. Establish Non-Disturbance Buffers around Vernal Pools along the Collection and Distribution Lines (discussed above)*

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact vernal pools. With implementation of Mitigation Measure 3.4-3, potential impacts would be reduced to a less-than-significant level.

***Impact 3.4-14. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

Project activities would result in minor impacts to 0.03 acres of an agricultural ditch in the southwest corner of the southern area of the project site, where road improvements are anticipated. This ditch qualifies as a potential Waters of the United States. This would be a potentially significant impact.

*Implement Mitigation Measure 3.4-1. Worker Environmental Awareness Program (WEAP) and Biological Monitor Inspection (discussed above)*

*Implement Mitigation Measure 3.4-3. Establish Non-Disturbance Buffers around Vernal Pools along the Collection and Distribution Lines (discussed above)*

*Mitigation Measure 3.4-17. Avoid, Minimize and Compensate for Impacts on state and federally protected wetlands and other waters.*

Prior to project implementation, SMUD shall confirm Project related potential impacts on state and federally protected wetlands based on advanced designs and obtain the necessary permits for impacts on any wetlands. These may include the following permits:

- Section 1600 Streambed Alteration Agreement from CDFW (for impact on streams in the project site, including horizontal directional drilling, if necessary).
- CWA Section 404 permit from USACE for impacts to WUS (not expected to be necessary based on 30 percent design).
- CWA Section 401 Clean Water Certification from the Regional Water Quality Control Board for impacts to WUS (not expected to be necessary based on 30 percent design).

- Waste Discharge Permit from RWQCB for impacts to WOS (anticipated, based on project impacts to a small amount of agricultural ditch qualifying as WOS based on current delineation.
- As part of any permit applications, SMUD shall identify a habitat mitigation plan that shall include mitigation for impacted wetlands and waters 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 based on advanced project design.
- 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.

Wetlands and other waters protection shall be included in the WEAP described above in Mitigation Measure 3.4-1.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact state and federally protected wetlands and other waters. With implementation of Mitigation Measures 3.4-1, 3.4-3, and 3.4-17, potential impacts would be reduced to a less-than-significant level.

### **Cultural Resources**

#### ***Impact 3.5-1 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?***

Project-related ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. These activities could damage or destroy previously undiscovered archaeological resources. This would be a potentially significant impact.

*Mitigation Measure 3.5.1: Halt ground-disturbing activity upon discovery of subsurface archaeological features.*

In the event that any pre-contact 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 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 Oveja Ranch Solar Project could potentially impact previously undocumented significant archaeological resources. With implementation of Mitigation Measure 3.5-1 potential impacts would be reduced to a less-than-significant level.

***Impact 3.5-2 Disturb any human remains, including those interred outside of dedicated cemeteries?***

Project construction could inadvertently damage human remains discovered during subsurface activities. This would be a potentially significant impact.

*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 Sacramento 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 shall 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 Oveja Ranch Solar Project could potentially impact undiscovered human remains. With implementation of Mitigation Measure 3.5-2, potential impacts would be reduced to a less-than-significant level.

## **Geology, Soils, and Paleontological Resources**

***Impact 3.7-5. Directly or indirectly destroy a unique paleontological resource or site?***

The project site and distribution line alignments are primarily underlain by the Riverbank Formation, with smaller areas of the Turlock Lake and Laguna Formations. While the Laguna Formation has low paleontological sensitivity, the Riverbank and Turlock Lake Formations are considered highly sensitive due to past fossil discoveries in the region. Construction activities, including excavation for solar arrays, foundations, and utility trenches, could disturb native

sediments within these formations. As a result, there is potential for accidental damage to significant paleontological resources during earthmoving activities. This would be a potentially significant impact.

*Mitigation Measure 3.7-1: 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 develop relevant materials related to paleontological resources for inclusion in the Project's Worker Environmental Awareness Program (WEAP) program 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. 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 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 Oveja Ranch Solar Project could potentially impact unique paleontological resources. With implementation of Mitigation Measure 3.7-1, potential impacts would be reduced to a less-than-significant level.

### **Greenhouse Gas Emissions**

***Impact 3.8-1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

Construction of the Project would generate greenhouse gas (GHG) emissions from off-road equipment, on-site vehicles, and construction-related traffic, with emissions varying by construction phase intensity. Total construction-related GHG emissions are estimated to be approximately 11,745 MT CO<sub>2</sub>e. Based on the anticipated construction schedule and phasing, the most intensive activities and overlap of construction phases would occur in 2027. During this year, approximately 48 percent of the total construction duration, including overlapping phases, is projected to take place and generate approximately 6,216 MT CO<sub>2</sub>e. Even with this conservative assumption, the maximum annual emissions would exceed SMAQMD's mass emissions- Oveja Ranch Solar Project EIR MARCH 2025 Page 3.8-15 of 3.8-18 based screening threshold of 1,100 MT CO<sub>2</sub>e per year. This would be a potentially

significant impact.

*Mitigation Measure 3.8-1: Implement Construction GHG Emission Best Management Practices during Construction Activities*

Improve fuel efficiency from construction equipment by:

- Minimizing idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minutes (5-minute limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the CCR]). Provide clear signage that posts this requirement for workers at the entrances to the site.
- Maintaining all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.
- Training equipment operators in proper use of equipment.
- Using the proper size of equipment for the job.
- Using equipment with new technologies (repowered engines, electric drive trains).
- Perform on-site material hauling with trucks equipped with on-road engines (if determined to be less emissive than the off-road engines).
- Use alternative fuels for generators at construction sites such as propane or solar or use electrical power.
- Use CARB-approved low carbon fuel for construction equipment.
- Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.
- Develop a plan to efficiently use water for adequate dust control.
- Reduce electricity use in the construction office by using compact fluorescent bulbs or light emitting diodes, powering off computers every day, and replacing heating and cooling units with more efficient ones.
- Recycle or salvage non-hazardous construction and demolition debris, when practicable (goal of at least 75% by weight).

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project would outweigh the construction-related emissions within the first year of operations through the renewable electricity generated by the Project. With implementation of Mitigation Measure 3.8-1, potential construction-related exhaust emissions impacts would be reduced to a less than cumulatively considerable level.

**Noise*****Impact 3.13-1. Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise***

Project construction activities would exceed the ambient levels and the County's exterior nighttime noise standard. While the majority of construction activities would conform to the Sacramento County Noise Ordinance, if construction activities were to occur during more noise-sensitive hours outside of those prescribed by the Ordinance, construction source noise levels could result in annoyance and/or sleep disruption to occupants of existing noise-sensitive land uses and create a substantial temporary increase in ambient noise levels. This would be a potentially significant impact.

*Mitigation Measure 3.13-1. For Construction Outside of Permitted Construction Hours ((Section 6.68.090[e] of the County of Sacramento Code)), Implement Noise-Reducing Construction Practices and Monitor and Record Construction Noise near Sensitive Receptors.*

The project applicant(s) and their construction contractors shall employ noise-reducing construction practices to avoid and minimize construction noise effects on sensitive receptors outside permitted construction hours:

- Pile driving shall be limited to the hours between 6 a.m. and 8 p.m. Monday through Friday and Sunday, and between 7 a.m. and 6 p.m. on Saturdays.
- Construction equipment and equipment staging areas for equipment that generates noise levels of 70 dB or more at 50 feet shall be located as far as possible 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 quieter procedures (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).
- Written notification of construction activities shall be provided to all noise-sensitive receptors located within 500 feet of the project site. 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.



- Should nighttime construction (including very early morning) become necessary, the project applicant shall conduct a preliminary noise assessment to evaluate the potential for exceedances at the property boundaries of the nearest sensitive receptors. This assessment will determine if additional mitigation, such as real-time noise monitoring or other measures, is warranted. This ensures compliance with the County Noise Ordinance while maintaining flexibility and practicality in Project execution.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could create a substantial temporary increase in ambient noise levels. With implementation of Mitigation Measure 3.13-1, potential impacts would be reduced to a less-than-significant level.

### Transportation

***Impact 3.17-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).***

While project construction would introduce additional traffic movements and oversized haul vehicles to the local road network, construction traffic is common throughout Sacramento County and is not considered an “incompatible use.” However, given the scale of the Project and rural setting in which the Project would be constructed, the temporary addition of oversize vehicles, haul trucks and worker vehicles could increase traffic hazards. This would be a potentially significant impact.

*Mitigation Measure 3.17-1. Prepare and Implement a Traffic Control Plan.*

To address potential traffic hazards during construction, prior to the commencement of construction or demolition activities, SMUD or its construction contractor shall prepare a traffic control plan for review and approval by Sacramento County Department of Transportation. The measures to be included in the traffic control plan include signage, traffic cones, and flaggers to help ensure safe and efficient movement of traffic through the affected area, with a focus on safety on roadways adjacent to project site and project activities. In addition, the traffic control plan would provide for notification of emergency responders regarding the planned construction activities.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could increase traffic hazards. With implementation of Mitigation Measure 3.17-1, potential impacts would be reduced to a less-than-significant level.

***Impact 3.17-4: Result in inadequate emergency access.***

Project construction activities for the proposed Project could reduce emergency access to roadways in the project in the vicinity. Slow-moving trucks entering and exiting the project sites along roadways in the vicinity of the project site could delay the movement of emergency vehicles. This would be a potentially significant impact.



*Implement Mitigation Measure 3.17-1. Prepare and Implement a Traffic Control Plan (discussed above)*

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could potentially impact emergency access in the project vicinity. With implementation of Mitigation Measure 3.17-1, potential impacts would be reduced to a less-than-significant level.

### **Tribal Cultural Resources**

***Impact 3.18.1. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:***

***Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?***

No unique archaeological resources or TCRs have been identified on the project site and the NAHC Sacred Lands Database search was negative. However, these resources may be encountered during ground disturbing activities (i.e., grading and trenching). Therefore, TCRs may exist at the project site and could be affected by the Project. This would be a potentially significant impact.

*Mitigation Measure 3.18-1. Inadvertent/Unanticipated TCR Discoveries.*

#### Worker Environmental Awareness Program (WEAP):

SMUD shall prepare a Worker Environmental Awareness Program (WEAP) that shall educate staff regarding archaeological sensitivity and the potential presence of tribal cultural resources. This WEAP shall include tribal cultural resources avoidance and minimization measures/mitigation measures from the Project's CEQA Mitigation Monitoring and Reporting Program (MMRP). The WEAP shall provide specific details on the kinds of tribal cultural resources that may be identified during construction of the Project and explain the protocol for treatment in the event of an unanticipated discovery, including the legal implications of violating applicable 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.

#### Discovery Procedure:

If any suspected TCRs or resources of cultural significance to UAIC, including but not limited to features, anthropogenic/cultural soils, cultural belongings or objects (artifacts), shell, bone, shaped stones or bone, or ash/charcoal deposits are discovered by any person during construction activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist.

A Tribal Representative and SMUD shall be immediately notified, and the Tribal Representative in coordination with the SMUD shall determine if the find is a TCR (PRC Section 21074) and the Tribal Representative shall make recommendations for further evaluation and treatment.

Treatment and Documentation:

The culturally affiliated Tribe shall consult with SMUD to (1) identify the boundaries of the new TCR and (2) if feasible, identify appropriate preservation in place and avoidance measures, including redesign or adjustments to the existing construction process, and long-term management, or 3) if avoidance is infeasible, a reburial location in proximity of the find where no future disturbance is anticipated. Permanent curation of TCRs shall not take place unless approved in writing by the culturally affiliated Tribe.

The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of TCRs that are found or recovered during construction. Only Tribal Representatives shall have access to the storage. Storage size shall be determined by the nature of the TCR and can range from a small lock box to a Conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.

The construction contractor(s) and SMUD shall facilitate the respectful reburial of the culturally sensitive soils or objects. This includes providing a reburial location that is consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request.

Any discoveries shall be documented on a Department of Parks and Recreation 523 form within 2 weeks of the discovery and submitted to the appropriate California Historical Resources Information System Information Center in a timely manner.

Work at the TCR discovery location shall not resume until authorization is granted by SMUD in coordination with the culturally affiliated Tribe.

If articulated or disarticulated human remains, or human remains in any state of decomposition or skeletal completeness are discovered during construction activities, the Sacramento County Coroner shall be contacted immediately. Upon determination by the Sacramento County Coroner that the find is Native American in origin, the NAHC shall

assign the Most Likely Descendent who shall work with the Project proponent to define appropriate treatment and disposition of the burials.

*Finding:* The Board finds that implementation of the Oveja Ranch Solar Project could impact undiscovered TCRs. With implementation of Mitigation Measure 3.5-2, impacts to TCRs would be reduced to a less-than-significant level. Therefore, the Project with mitigation would not cause significant impacts to TCRs.

#### **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. For the Project, the consideration of alternatives that fulfill CEQA requirements is complicated by a simple factor: the Project would not result in any significant and unavoidable impacts. The significant impacts of the Project are highly limited and can be clearly mitigated. Significant impacts have been identified for agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, transportation, and tribal cultural resources.

Although there are no alternatives that could avoid or substantially reduce (unmitigated) significant effects of the Project (because none exist), the alternatives evaluated below are presented to satisfy CEQA’s requirement to identify a range of potentially feasible alternatives (State CEQA Guidelines Section 15126.6(a)). 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.
- 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, 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 up to 75 MW of economically feasible solar and battery storage that provides grid resiliency at a point of interconnection on the grid managed by SMUD.
- Develop an agrivoltaics project that integrates agricultural irrigation production including sheep grazing.
- Design a flexible PV solar energy and battery storage facility that is capable utilizing the best available, efficient, cost-effective, and proven PV solar and storage technology.
- Construct the facility in a location that has ready access to existing electrical infrastructure with available capacity and roads.

Four potential alternatives were found to be clearly infeasible (Offsite Alternatives, Evolution of the Proposed Project, Onsite Alternatives, and Alternative Technologies) and rejected because they would not achieve most of the basic project objectives, SMUD was

unable to feasibly acquire the land, or they resulted in greater environmental impacts than the proposed Project as described in Section 6.2.3 of the Draft EIR.

The No Project Alternative and Alternatives that might have been feasible and that would attain most of the Project Objectives to some extent (Alternative 1 - Reduced Footprint Alternative and Alternative 2 - Farmland of Statewide Importance Impact Reduction) 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 Oveja Ranch Solar Project.

#### 1. No Project

Under the No Project 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. It is assumed that the project site would remain in long-term agricultural use; although, another compatible use could co-locate and coexist with the existing agricultural practices. 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 above for the Project. 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.

#### 2. Alternative 1 (Reduced Footprint Alternative)

Alternative 1, the Reduced Footprint Alternative, would include construction and operation of a project with a smaller footprint and higher density design, which would compress all the project facilities into the southern area of the project site. This alternative would not use the northern area and the connector line between the southern and northern areas would not be required. Thus, the total project would be occupy approximately 454 acres rather the 534 acres of the project site. Alternative 1 would construct a 75-MW solar facility with BESS, and would not result in any reduction in solar and/or battery storage compared to the proposed project. Because this alternative would eliminate the connector line, and would also eliminate the potential impacts on special-status species that utilize Laguna

Creek and its associated habitat corridor (such as Sanford's arrowhead, western pond turtle, giant garter snake, western red bat) potential impacts on these species in these locations would be eliminated. In addition, Alternative 1 would result in less loss of foraging habitat for Swainson's hawk, burrowing owls and other raptors because there would be 80 acres less cropland that would be used to support solar fields.

Alternative 1 would attain the project objectives, because it would involve construction and operation of a PV solar facility; avoid wetlands and other sensitive habitat areas; integrate compatible agriculture activities; locate the facility as near as possible to existing electrical infrastructure with anticipated capacity to minimize the geographical extent of impacts; utilize the best available, efficient, cost-effective, and proven PV solar technology and battery storage; and be readily accessible from existing roads.

### 3. Alternative 2 (Farmland of Statewide Importance Impact Reduction)

Under Alternative 2, Farmland of Statewide Importance Impact Reduction Alternative, the site layout would be identical to the proposed project, except the substation and BESS would be relocated approximately 400 feet to the south of where it is currently located for the proposed project to avoid approximately 3.8 acres of long-term impacts to Farmland of Statewide Importance. This relocation would move the substation and BESS off of Farmland of Statewide Importance and onto Farmland of Local Importance. Alternative 2 would construct a 75-MW solar facility with BESS, and would not result in any reduction in solar and/or battery storage compared to the proposed project.

Alternative 2 would attain the project objectives because it would involve construction and operation of a PV solar facility; avoid wetlands and other sensitive habitat areas; integrate compatible agriculture activities; locate the facility as near as possible to existing electrical infrastructure with anticipated capacity to minimize the geographical extent of impacts; utilize the best available, efficient, cost-effective, and proven PV solar technology and battery storage; and be readily accessible from existing roads.

### 4. Environmentally Superior Alternative

CCR Section 15126.6 suggests that an EIR should identify the "environmentally superior" alternative. "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." As stated above in Section 6.2.2, the consideration of alternatives that fulfill CEQA requirements, in the instance of the project, is complicated by a simple factor: the project would not result in any significant and unavoidable impacts. The significant impacts of the project - which would be to agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, transportation, and tribal cultural resources - can be clearly mitigated.

When considering objectives, the proposed project would best meet the project objectives, as stated in Chapter 2, "Project Description." Alternative 1 is the environmentally superior alternative because overall impacts are slightly less than those of the proposed project (with the exception of agricultural impacts). All potentially



significant impacts would be mitigated to less-than-significant and all project objectives would be met while also significantly reducing overall regional GHG emissions. The No Project Alternative would not meet any of the objectives identified in Section 6.2.1.

**e. Additional Findings**

1. These Findings incorporate by reference in their entirety the text of the Final EIR prepared for the Oveja Ranch 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 Oveja Ranch Solar Project have been adequately addressed in the Final EIR and have been mitigated or avoided, where feasible.
3. Section 15093(b) of the 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 Oveja Ranch Solar Project and certification of the associated EIR, addressed all of the potentially significant impacts associated with implementation of the Oveja Ranch Solar Project. The EIR concluded that all potentially significant impacts would be adequately mitigated and that the Project would not result in any significant and unavoidable impacts even with the adoption of identified mitigation measures. As a result, the adoption of a Statement of Overriding Considerations for the Oveja Ranch Solar Project is not required.
4. CEQA Guidelines section 15074 requires the Lead Agency approving a Project to adopt an MMRP 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 MMRP for Oveja Ranch Solar Project and the specific mitigation measures will be monitored in conjunction with SMUD's Final EIR MMRP and Reporting process.

**f. Record of Proceedings**

For purposes of CEQA and these Findings, the record of proceedings for the Project (Record of Proceedings) consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) distributed on September 5, 2024 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, EIRs, 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 MMRP for the proposed Project;
- 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
- 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 SMUD Headquarters. Copies of those documents are and at all relevant times have been and will be available upon request at the Customer Service Center (6300 S Street, Sacramento, CA 95817). The custodian of the Record of Proceedings may be contacted as follows:

Kim Crawford  
Sacramento Municipal Utility District  
6201 S Street, MS B209  
Sacramento, CA 95817-1899  
(916) 732-5063  
[kim.crawford@smud.org](mailto:kim.crawford@smud.org)

This information is provided in compliance with PRC section 21081.6(a)(2) and CEQA Guidelines section 15091(e).

### **III. Project Benefits**

The fundamental purpose of the Oveja Ranch Solar Project is to provide carbon free renewable energy in a manner that supports the community, protects the environment, and respects human rights. The Project would 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; 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, 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 up to 75 MW of economically feasible solar and battery storage that provides grid resiliency at a point of interconnection on the grid managed by SMUD; develop an agrivoltaics



project that integrates agricultural irrigation production including sheep grazing; 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 has ready access to existing electrical infrastructure with available capacity and roads.

#### **a. Electrical Reliability**

Responsibility for maintaining safe, reliable, and dependable operation of the electric grid in California is divided among various “balancing authorities,” including SMUD. A balancing authority assumes responsibility for operational and system reliability for electric customers within a specific electrical and geographic area. The Oveja Ranch Solar Project is a necessary component of SMUD’s future plans for electrical reliability.

#### **b. Environmental Benefits**

As discussed in the EIR, the Project would result in potentially significant impacts related to agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, noise, transportation, and tribal cultural resources. However, as demonstrated in the EIR, each of these impacts would be reduced to a less-than-significant level with the adoption and implementation of mitigation measures. As a result of these mitigation measures, the Project would not result in any significant and unavoidable environmental impacts.

*Finding:* The SMUD Board finds the approval of the proposed Oveja Ranch Solar Project will result in continuing and enhanced benefits to SMUD customers in form of an important and reliable carbon free renewable energy resource.

### **IV. Statement of Overriding Considerations**

This section of the findings document addresses the requirement in 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 previously, the Project would not result in any unavoidable significant impacts. Therefore, a Statement of Overriding Considerations is not required for the Project.

### **V. Summary**

Based on the foregoing findings and the information contained in the record, it is hereby determined that:

1. The Project would not result in any significant and unavoidable impacts.
2. Alternative 1 is the environmentally superior alternative because overall impacts are slightly less than those of the proposed Project (with the exception of agricultural impacts). All potentially significant impacts would be mitigated to less-than-significant and all project objectives would be met while also significantly reducing overall regional GHG



emissions.

This determination reflects the Board's independent judgment and analysis.



SSS No. PSS 25-007

# BOARD AGENDA ITEM

## STAFFING SUMMARY SHEET

Committee Meeting & Date  
Finance & Audit – 09/16/25  
Board Meeting Date  
9/18/25

TO				TO			
1.	Matthew Powell			6.	Lora Anguay		
2.	Laurie Rodriguez			7.			
3.	Casey Fallon			8.			
4.	Jose Bodipo-Memba			9.	<b>Legal</b>		
5.	Scott Martin			10.	<b>CEO &amp; General Manager</b>		
<b>Consent Calendar</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	If no, schedule a dry run presentation.		
<b>Budgeted</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b> (If no, explain in Cost/Budgeted section.)			
FROM (IPR)		DEPARTMENT		MAIL STOP		EXT.	
Matthew Powell		People Services & Strategies		B251		5371	
				DATE SENT		08/22/25	

**NARRATIVE:**

**Requested Action:** Approve contract change to Contract No. 4500043215 with Kaiser Permanente approving 2026 medical insurance premium rates and extending the contract by one year for the period January 1, 2026, through December 31, 2026; 2026 cost estimated at \$38.4 million.

**Summary:** Kaiser Permanente presented SMUD with a renewal increase for the 2026 plan year of 10.2% for active employees, pre-65 retirees and Medicare Advantage medical plans. The percentage increase is determined by a 12-month utilization period where there were significant increases in utilization due to an increase in serious illnesses and associated pharmaceutical costs. The 10.2% increase is based on the difference in the aggregated total cost of premiums for active employees and retirees (and dependents) enrolled in the Kaiser Permanente plans from 2024 to 2025. Also included in the increase is the Senate Bill 729 (SB729) mandate, which is the coverage for the diagnosis and treatment of infertility and fertility services. Based on these rates and current enrollment, the total cost for 2026 medical benefit plans is projected at \$38.4 million.

These actions will allow SMUD to provide medical benefit plans for the year 2026 to employees, retirees, and eligible dependents enrolled in SMUD's medical Kaiser plans in the most cost-effective manner. Kaiser remains the lower cost of the two medical insurance plans offered to employees.

Note: The estimated costs above will vary based on 2026 employee/retiree Open Enrollment selections and SMUD population.

**Board Policy:** Strategic Direction SD-3, Access to Credit Markets. SMUD staff negotiated best price and terms with medical providers in consideration of the long-term revenue requirements, debt, and financial risk to SMUD.

(Number & Title)

Strategic Direction SD-8, Employee Relations. Providing medical benefits to employees supports SMUD's goal of an inclusive workplace that engages and inspires employees to commit to SMUD's purpose, vision, and values.

**Benefits:** Provide quality medical benefits to eligible SMUD employees, retirees, and eligible dependents.

**Cost/Budgeted:** Assuming current enrollment, SMUD's share of cost is projected at \$38.4 million (after employee/retiree contributions).

**Alternatives:** Not accepting the proposed rate increases would jeopardize SMUD's ability to provide the required employee health benefits and impact employees' access to health care and out of compliance with current labor Memoranda of Understanding (MOUs).

**Affected Parties:** All eligible SMUD employees, retirees and eligible dependents participating in SMUD's Kaiser medical benefit plans.

**Coordination:** People Services & Strategies, Procurement and Aon Benefit Consultant Firm

**Presenter:** Matthew Powell, Interim Director, People Services & Strategies  
Laurie Rodriguez, Advisor, People Services & Strategies

**Additional Links:**

SUBJECT	<b>2026 Kaiser Permanente Contract Change</b>	ITEM NO. (FOR LEGAL USE ONLY)
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

**2026 Kaiser Permanente  
Active Employee & Retiree Monthly Medical Premium Rates**

Active		Basic	
Carrier	Employee Only/Retiree Only	Employee + 1/Retiree + 1	Employee + Family/Retiree + Family
Kaiser HMO – High Plan	\$986.07	\$1,972.14	\$2,958.21
Kaiser HMO – Low Plan	\$934.89	\$1,869.78	\$2,804.67
Retiree Kaiser HMO Plan	\$986.07	\$1,972.14	\$2,958.21





SSS No. PSS 25-008

# BOARD AGENDA ITEM

## STAFFING SUMMARY SHEET

Committee Meeting & Date  
Finance & Audit – 09/16/25

Board Meeting Date  
September 18, 2025

TO					TO				
1.	Matthew Powell				6.	Lora Anguay			
2.	Laurie Rodriguez				7.				
3.	Casey Fallon				8.				
4.	Jose Bodipo-Memba				9.	<b>Legal</b>			
5.	Scott Martin				10.	<b>CEO &amp; General Manager</b>			
<b>Consent Calendar</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b> <i>If no, schedule a dry run presentation.</i>	<b>Budgeted</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b> <i>(If no, explain in Cost/Budgeted section.)</i>
FROM (IPR) Matthew Powell				DEPARTMENT People Services & Strategies			MAIL STOP B251	EXT. 5371	DATE SENT 08/22/25
<b>NARRATIVE:</b>									
<p><b>Requested Action:</b> Approve contract change to Contract No. 4500147540 with UnitedHealthcare Insurance Company (“UnitedHealthcare”) approving 2026 medical insurance premium rates; 2026 cost estimated at \$40.6 million.</p> <p><b>Summary:</b> UnitedHealthcare presented SMUD with a renewal increase for the 2026 plan year of 9.7% for our active employee, pre-65 retiree and Medicare Advantage medical plans. The percentage increase is determined by a 12-month utilization period where there were significant increases in utilization due to an increase in serious illnesses and associated pharmaceutical costs. The 9.7% increase is based on the difference in the aggregated total cost of premiums for active employees and retirees (and dependents) enrolled in the United Healthcare plans from 2024 to 2025. Also included in the increase is the Senate Bill 729 (SB729) mandate, which is the coverage for the diagnosis and treatment of infertility and fertility services. SMUD has a rate guarantee with United Healthcare that has also assisted in managing annual increases. Based on these rates and current enrollment, the total cost for 2026 medical benefit plans is projected at \$40.6 million.</p> <p>These actions will allow SMUD to provide medical benefit plans for the year 2026 to employees, retirees, and eligible dependents enrolled in United HealthCare medical plans in the most cost-effective manner.</p> <p>Note: The estimated costs above will vary based on 2026 employee/retiree Open Enrollment selections and SMUD population.</p> <p><b>Board Policy:</b> Strategic Direction SD-3, Access to Credit Markets. SMUD staff negotiated best price and terms with medical providers in consideration of the long-term revenue requirements, debt, and financial risk to SMUD.</p> <p>Strategic Direction SD-8, Employee Relations. Providing medical benefits to employees supports SMUD’s goal of an inclusive workplace that engages and inspires employees to commit to SMUD’s purpose, vision, and values.</p> <p><b>Benefits:</b> Provide quality medical benefits to eligible SMUD employees, retirees, and eligible dependents.</p> <p><b>Cost/Budgeted:</b> Assuming current enrollment, SMUD’s share of cost is projected at \$40.6 million (after employee/retiree contributions).</p> <p><b>Alternatives:</b> Not award, which would jeopardize SMUD’s ability to provide the required employee health benefits and impact employee’s access to health care and impact employees’ access to health care and out of compliance with current labor Memoranda of Understanding (MOUs).</p> <p><b>Affected Parties:</b> All eligible SMUD employees, retirees and eligible dependents participating in SMUD’s medical benefit plans.</p> <p><b>Coordination:</b> People Services &amp; Strategies, Procurement and Aon Benefit Consulting Firm</p> <p><b>Presenter:</b> Matthew Powell, Interim Director, People Services &amp; Strategies Laurie Rodriguez, Advisor, People Services &amp; Strategies</p>									

**Additional Links:**

SUBJECT	<b>2026 UnitedHealthcare Contract Change</b>	ITEM NO. (FOR LEGAL USE ONLY)
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

**2026 UnitedHealthcare  
Active Employee Monthly Medical Premium Rates**

Active Employees	Basic		
Carrier	Employee Only	Employee + 1	Employee + Family
UnitedHealthcare Signature Value HMO – High Plan	\$1,382.13	\$2,916.28	\$4,174.01
UnitedHealthcare Signature Value HMO – Low Plan	\$1,242.43	\$2,621.49	\$3,752.16
UnitedHealthcare Signature Alliance HMO – High Plan	\$1,161.78	\$2,451.36	\$3,508.58
UnitedHealthcare Signature Alliance HMO – Low Plan	\$1,044.36	\$2,203.57	\$3,153.99
UnitedHealthcare High Deductible Health Plan	\$1,046.00	\$2,207.07	\$3,158.93
UnitedHealthcare PPO Plan (plan closed to new participants based on high cost)	\$2,022.16	\$4,226.76	\$6,106.91

**2026 UnitedHealthcare  
Retiree Monthly Medical Premium Rates**

Retiree	Basic		
Carrier	Retiree Only	Retiree + 1	Retiree + Family
UnitedHealthcare Signature Value HMO	\$1,382.13	\$2,916.28	\$4,174.01
UnitedHealthcare Signature Alliance	\$1,161.78	\$2,451.36	\$3,508.58
UnitedHealthcare PPO – in CA	\$2,022.16	\$4,266.76	\$6,206.91
UnitedHealthcare PPO – out of CA	\$2,022.16	\$4,266.76	\$6,106.91



SSS No. SCS 25-233

# BOARD AGENDA ITEM

## STAFFING SUMMARY SHEET

Committee Meeting & Date  
Finance & Audit – 09/16/25Board Meeting Date  
September 18, 2025

TO				TO			
1.	Yuvaraju Palaniappan			6.	Scott Martin		
2.	Casey Fallon			7.			
3.	Suresh Kotha			8.			
4.	Jose Bodipo-Memba			9.	Legal		
5.	Lora Anguay			10.	CEO & General Manager		
Consent Calendar	X	Yes	No If no, schedule a dry run presentation.	Budgeted	X	Yes	No (If no, explain in Cost/Budgeted section.)
FROM (IPR) Austin Svien		DEPARTMENT Procurement		MAIL STOP EA404		EXT. 5159	
						DATE SENT 08/21/25	
<b>NARRATIVE:</b>							
<p><b>Requested Action:</b> Authorize the Chief Executive Officer and General Manager to negotiate and execute a sole source contract with SAP America, Inc. (SAP) for enterprise resource planning software licenses with a term between October 1, 2025, to December 31, 2030, in a not-to-exceed amount of \$27 million.</p> <p><b>Summary:</b> SMUD has utilized an on-premise implementation of SAP's Enterprise Resource Planning (ERP) software since 1999 that is nearing end of life. As a result, staff recommends that SMUD upgrade to SAP's latest version of the ERP platform, S/4HANA ("S/4"), in order to maintain support of this critical system. The upgraded S/4 version is hosted in the cloud where SAP, rather than SMUD, will now manage infrastructure security. S/4 includes many benefits such as real-time analytics, improved user experience, and a future-proof foundation for scalability driven by advancements in in-memory computing and a simplified data model.</p> <p>S/4 also includes several different software modules that work together to allow SMUD to continue to manage and integrate core business processes, such as finance, industry-specific solutions for utilities, extended warehouse management, enterprise asset management, supply chain, and more, into a single, unified system. Losing SAP support by not upgrading to S/4 would increase security concerns, compliance risks, and cost volatility. SAP's software is critical to SMUD's daily operations, and migrating to a different ERP system is cost and resource prohibitive. Contracting directly with SAP allows SMUD to maintain a direct relationship with the manufacturer that provides certain advantages related to transparency, pricing control, and access to the latest licensing models, updates, and source code.</p> <p>SAP's proprietary source code is locked and can only be accessed by SAP, so a solicitation would be an idle act. Through negotiations, the SMUD team was able to secure a transformation credit of \$2,230,000, a \$1,200,000 reduction in year-one ramp-up costs, and a significant reduction in upfront licensing costs from \$7,688,850 to \$5,147,684, which will translate to subsequent renewals at a lower cost. This 33% reduction in costs, in addition to the transformation credit and reduction in ramp-up costs, will allow SMUD to realize \$16,135,830 in savings over the life of the contract, which justifies fair and reasonable pricing. For the reasons stated above, it is in SMUD's best interest to issue a sole source contract to SAP for the purchase of S/4.</p> <p><b>Recommendation:</b> Award a sole source contract to SAP America, Inc.</p> <p><b>Board Policy:</b> Board-Staff Linkage BL-8, Delegation to the CEO with Respect to Procurement (Number &amp; Title)</p> <p><b>Benefits:</b> Ability to upgrade to the latest version of SAP's ERP system, maintaining SMUD's ability to receive critical support.</p> <p><b>Cost/Budgeted:</b> \$27,000,000; Budgeted for 2025-2030 by Information Technology</p> <p><b>Alternatives:</b> Do not upgrade ERP system. This would require SMUD to accept risks associated with using an end-of-life system, including no support.</p> <p><b>Affected Parties:</b> Information Technology, Supply Chain Services, and Contractor</p> <p><b>Coordination:</b> Information Technology and Supply Chain Services</p>							

**Presenter:** Yuvaraju Palaniappan, Director, Enterprise Systems, Strategy and Governance

**Additional Links:**

SUBJECT

**Sole Source Contract with SAP America, Inc.  
(Upgraded Enterprise Planning (ERP) Software)**

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.





SSS No. SCS 25-231

# BOARD AGENDA ITEM

## STAFFING SUMMARY SHEET

Committee Meeting & Date  
Finance & Audit – 09/16/25  
Board Meeting Date  
September 18, 2025

TO				TO					
1.	Josh Langdon			6.					
2.	Casey Fallon			7.					
3.	Scott Martin			8.					
4.	Lora Anguay			9.	Legal				
5.	Jose Bodipo-Memba			10.	CEO & General Manager				
Consent Calendar	X	Yes	No	If no, schedule a dry run presentation.	Budgeted	X	Yes	No	(If no, explain in Cost/Budgeted section.)
FROM (IPR) Greg Hovious				DEPARTMENT Procurement			MAIL STOP EA404	EXT. 4860	DATE SENT 08/22/25

**NARRATIVE:**

**Requested Action:** Authorize the Chief Executive Officer and General Manager to negotiate and award contracts to HDR Engineering Inc., Bureau Veritas North America, Inc., and Energy Project Solutions, LLC, (collectively, the “Contracts”) to provide Construction Management Services for a five-year term from October 1, 2025, to September 30, 2030, for a total aggregate not-to-exceed amount of \$15 million for the Contracts.

**Summary:** Request for Proposals No. Doc5134153608 (RFP) was issued June 10, 2025, to solicit qualified firms to retain outside firms to provide construction management services in support of several power generation construction projects to ensure successful, timely, and cost-effective completion of these projects. These services are generally defined as utility power generation projects and the majority are renewable power technologies (e.g., solar, battery storage, wind project, hydroelectric, hydrogen). The selected contractors shall provide Construction Management Services to support SMUD’s Power Generation Project Development Group. A pre-proposal conference was held on June 24, 2025. On July 31, 2025, seven proposals were received. An initial evaluation was conducted to assess whether the proposals received, including pricing and other factors, were fair and reasonable. After the initial evaluations were concluded, SMUD staff negotiated with the top three ranked Proposers to achieve fair and reasonable pricing from the three Proposers being recommended for award upon successful negotiations of terms and conditions.

**Recommendation:** Award to three Highest Evaluated Responsive Proposers: HDR Engineering Inc., Bureau Veritas North America, Inc., and Energy Project Solutions, LLC.

Proposers Notified by Procurement: 38

Proposers Downloaded: 32

Pre-Proposal Conference Attendance: 22

Proposals Received: 7

Responsive Proposals Received	P/F	10 Points SEED	60 Points Technical	30 Points Pricing	Total Score	Overall Rank	Proposal Amount	Evaluated Proposal Amount	Proposed Award Amount
HDR Engineering Inc	P	10.00	51.00	22.95	83.95	1	\$1,310,675	\$1,259,938	NTE \$15 Million, Aggregate of all Task Authorizations
Bureau Veritas North America, Inc.	P	3.62	55.83	22.35	81.80	2	\$1,298,727	\$1,294,032	
Energy Project Solutions, LLC	P	-	58.08	20.02	78.11	3	\$1,444,266	\$1,444,266	

Non-Responsive Proposals Received	Proposal Amount
3D Built	\$1,222,507

Coalesce Management Consulting, Inc.	\$1,256,085
GAJ Engineering LLC	\$1,180,895
4LEAF INC	\$1,028,249

**Comments:** The four non-responsive proposers did not meet the minimum qualifications required in the RFP.

**Supplier Diversity Program:** Two of the three recommended proposers have Supplier Education & Economic Development (SEED) participation, with the highest ranked proposer achieving the maximum SEED credit.

**Board Policy:** Board-Staff Linkage BL-8, Delegation to the CEO with Respect to Procurement; Strategic Direction SD-4, Reliability; Strategic Direction SD-6, Safety Leadership; Strategic Direction SD-13, Economic Development.  
(Number & Title)

**Benefits:** Qualified contractors to keep SMUD's Power Generation projects built as intended.

**Cost/Budgeted:** \$15 Million; Budgeted for 2025 to 2030 by Project Development and Renewable Generation, Zero Carbon Energy Solutions

**Alternatives:** Solicit separate construction management services contract for each project. This alternative would create additional resources to source each contract and may delay projects.

**Affected Parties:** Project Development and Renewable Generation, Supply Chain Services, and Contractor

**Coordination:** Project Development and Renewable Generation, and Supply Chain Services

**Presenter:** Amanda Beck, Manager, Project Development and Renewable Generation

**Additional Links:**

SUBJECT

**Contract Award for Construction Management Services**

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.



SSS No. CFO 25-013

**BOARD AGENDA ITEM**  
**STAFFING SUMMARY SHEET**

Committee Meeting & Date Finance & Audit – 09/16/25
Board Meeting Date N/A

TO				TO			
1.	Jillian Rich			6.			
2.	Michelle Kirby			7.			
3.	Scott Martin			8.			
4.	Lora Anguay			9.	Legal		
5.	Jose Bodipo-Memba			10.	CEO & General Manager		
Consent Calendar		Yes	No	Budgeted		Yes	No
FROM (IPR)		DEPARTMENT		MAIL STOP		EXT.	DATE SENT
Melissa Azevedo		Enterprise Strategy & Risk		B205		6508	08/21/25

**NARRATIVE:**

**Requested Action:** Provide the Board the Enterprise Risk Management (ERM) quarterly update.

**Summary:** In 2024, staff proposed changes to transition ERM Board reporting from annual to quarterly. This second quarterly report includes recent changes to SMUD’s risk levels and a summary of corresponding action. It also includes the commodity risk reporting for period ending June 30, 2025 as required by the Energy Risk Management and Energy Trading Standards under Board-Staff Linkage BL-12, Delegation to the CEO with Respect to Transactions Involving Transmission and Wholesale Energy, Fuel, and Environmental Attributes.

**Board Policy:** Strategic Direction SD-17, Enterprise Risk Management; Board-Staff Linkage BL-12, Delegation to the CEO with Respect to Transactions Involving Transmission and Wholesale Energy, Fuel, and Environmental Attributes  
*(Number & Title)*

**Benefits:** Provides Board members with information regarding SMUD’s Enterprise Risk.

**Cost/Budgeted:** There is no budgetary impact for this informational briefing.

**Alternatives:** Provide information via written report through the Chief Executive Officer & General Manager.

**Affected Parties:** Board of Directors, SMUD, Customers

**Coordination:** All SMUD Departments

**Presenter:** Jillian Rich, Manager, Enterprise Strategy & Risk

**Additional Links:**

SUBJECT	Enterprise Risk Management (ERM) Quarterly Update	ITEM NO. (FOR LEGAL USE ONLY)
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# Commodity & Enterprise Risk Management Report

Third quarter 2025



The details provided in this report include:

- Supporting detail on the second phase of SMUD's refreshed Enterprise Risk Management (ERM) framework.
- Pursuant to resolution 24-09-05, a commodity risk update including:
  - Current year commodity budget update and a current and next year commodity financial exposure update.
  - Any new multi-year contracts entered into under the Delegation of Authority for wholesale energy, fuel and environmental attribute transactions and contracts.

## Enterprise Risk Management (ERM) Refresh

As part of the Strategic Direction SD-17 Enterprise Risk Management Annual Report in November 2024, staff committed to refresh SMUD's Enterprise Risk Management (ERM) program in response to a 2024 maturity assessment conducted by KPMG, a global consulting firm.

The goal of the refresh is to provide a cross-functional, top-down view of risk to SMUD with connections to current, bottom-up risks. This new framework will increase alignment to SMUD's Strategic Direction and allow staff, executives, and the Board to view and discuss risk more holistically before examining more detailed risk drivers.

The new Strategic Risks are:

1. Safety & Security
2. Reliability
3. Environmental
4. Customer & Community
5. Financial
6. Process & Technology
7. Our People

Staff will introduce the Strategic Risk profiles using a phased approach with the goal of having the 2025 SD-17 Annual Report entirely in context of the new risk framework.

In the new framework, Board updates will focus on the 7 Strategic and approximately 27 sub-risks, which we refer to as Enterprise Risks. Lower-level business area risks will not be individually reported unless the risk escalates to a level of concern. Audits are another way the Board may receive updates on risk in general. Internal and external audits provide assurance that SMUD is managing risk at every level when they review processes, test controls, and report findings. The ERM team has increased

collaboration with Internal Audit Services, Compliance, and Business Continuity this year to align control and risk frameworks.

Staff will present another 3 of the 7 Strategic Risks for Q3 2025 as an introduction to the new reporting format. Provided below are supporting details for the 3 refreshed risks – Safety & Security, Process & Technology, and Our People – including definitions of sub-risks and alignment of the current risk framework for reference during the Finance & Audit Committee presentation on September 16, 2025.

### Safety & Security Risk

*Strategic risk definition:* Risk related to the safety and security of our people, community and critical assets.

*Strategic Direction alignment:*

- SD-6 (Safety)
- SD-16 (Information Management & Security)

*Sub-Risks (Enterprise Risks):*

- **Employee, Contractor & Public Safety:** There is a risk that the safety of our employees, contractors, and public could be compromised, resulting in lost productivity, increased costs, and injury and/or death.
- **Physical Security:** There is a risk that SMUD-owned property or assets could be accessed by unauthorized individuals or groups, resulting in safety incidents, asset loss or damage, or operational impacts.
- **Cybersecurity:** There is a risk that SMUD's data, information assets, systems and networks could be accessed by unauthorized individuals, groups, or third parties resulting in business interruptions, loss of confidential information and lost trust.
- **Third-party:** There is a risk that third parties may not perform to SMUD's standards and/or contractual terms resulting in operational, reputational and financial impacts.

*Alignment to Current Risk Framework*

- General Facilities Op & Maintenance: Headquarter Building
- General Facilities Op & Maintenance: Customer Service Center
- Public Safety
- Rancho Seco Park
- Facilities Workplace Strategy
- Cybersecurity
- Supply Chain
- General Facilities Op & Maintenance: Physical Asset Security
- Employee Safety
- Enterprise Continuity Management (ECM)
- Natural and Other Hazards: Severe weather (incl. wind, heat, lightning, capacity)

*Sample mitigations and controls:*

- NIST Cybersecurity Framework 2.0
- NERC Critical Infrastructure Protection
- Third-party onboarding guide
- Safety for life culture

Process & Technology Risk

*Strategic Risk definition:* Risk related to the processes & technology that enable innovation and operational efficiency.

*Strategic Direction alignment:*

- SD-10 (Innovation)
- SD-16 (Information Management & Security)

*Sub-Risks (Enterprise Risks):*

- **Technology Systems:** There is a risk that technology systems might not meet the current or future needs of the organization, resulting in higher costs, inefficiencies, lower employee engagement or decreased customer satisfaction.
- **Data Governance & Privacy:** There is a risk that the integrity and privacy of SMUD customer or employee data is compromised, resulting in regulatory and/or legal action and reputational loss.
- **Supply Chain:** There is a risk that SMUD's supply chain could be disrupted, and resources will be unavailable, resulting in delays to key strategic and operational projects and/or increased costs.
- **Artificial Intelligence & Emerging Technologies:** There is a risk that SMUD does not effectively integrate artificial intelligence and other emerging technologies into our operations in a timely manner, resulting in decreased efficiency, increased costs and risk exposure, and negative impacts to our workforce and reputation.

*Alignment to Current Risk Framework*

- Applications Support
- Supply Chain
- Privacy
- Information Management: Enterprise-wide Documentation
- Project Execution
- Technology Systems Infrastructure
- Operational Excellence
- Data Governance
- Innovation



*Sample mitigations and controls:*

- NIST Cybersecurity Framework 2.0
- NERC Critical Infrastructure Protection
- Contract terms and conditions
- Data Sharing Process
- Operational excellence

Our People Risk

*Strategic Risk definition:* Risk related to SMUD's employees and our goal to maintain an inclusive, engaged and future-ready workforce.

*Strategic Direction alignment:*

- SD-8 (Employee Relations)
- SD-12 (Ethics)

*Sub-Risks (Enterprise Risks):*

- **Talent Management:** There is a risk that SMUD may not attract or retain talent to achieve current and future strategic priorities, resulting in operational and strategic impacts.
- **Employee Experience:** There is a risk that SMUD may not maintain its inclusive and engaging culture, resulting in lower employee engagement, increased turnover and difficulty hiring, with operational and reputational impacts.
- **Strategic Workforce:** There is a risk that the skill and experience level of SMUD staff may not keep pace with business objectives and technology changes resulting in operational, financial and strategic impacts.

*Alignment to Current Risk Framework*

- Labor: Business Disruption
- Payroll Disruption
- Culture
- Competitive Workforce Total Rewards
- Strategic Workforce Planning: Critical Positions
- Communications: Internal Communications & Alignment
- Diversity, equity and inclusion

*Sample mitigations and controls:*

- Total Rewards
- Mandatory Training
- Employee resource groups
- Apprenticeship programs

## Commodity Risk Quarterly Report – Third Quarter 2025

### *Commodity Budget*

The current commodity budget forecast for 2025 is \$547 million, which is below budget by \$63 million. The primary cause is power and fuel prices being lower than what was budgeted, which led to a shift towards market purchases to serve load at lower costs. SMUD owned thermal, hydroelectric, and wind generation have been slightly less than budget, which has been offset with above budget generation from the Western Area Power Administration (WAPA) hydroelectric generation.

### *Commodity Risk Update*

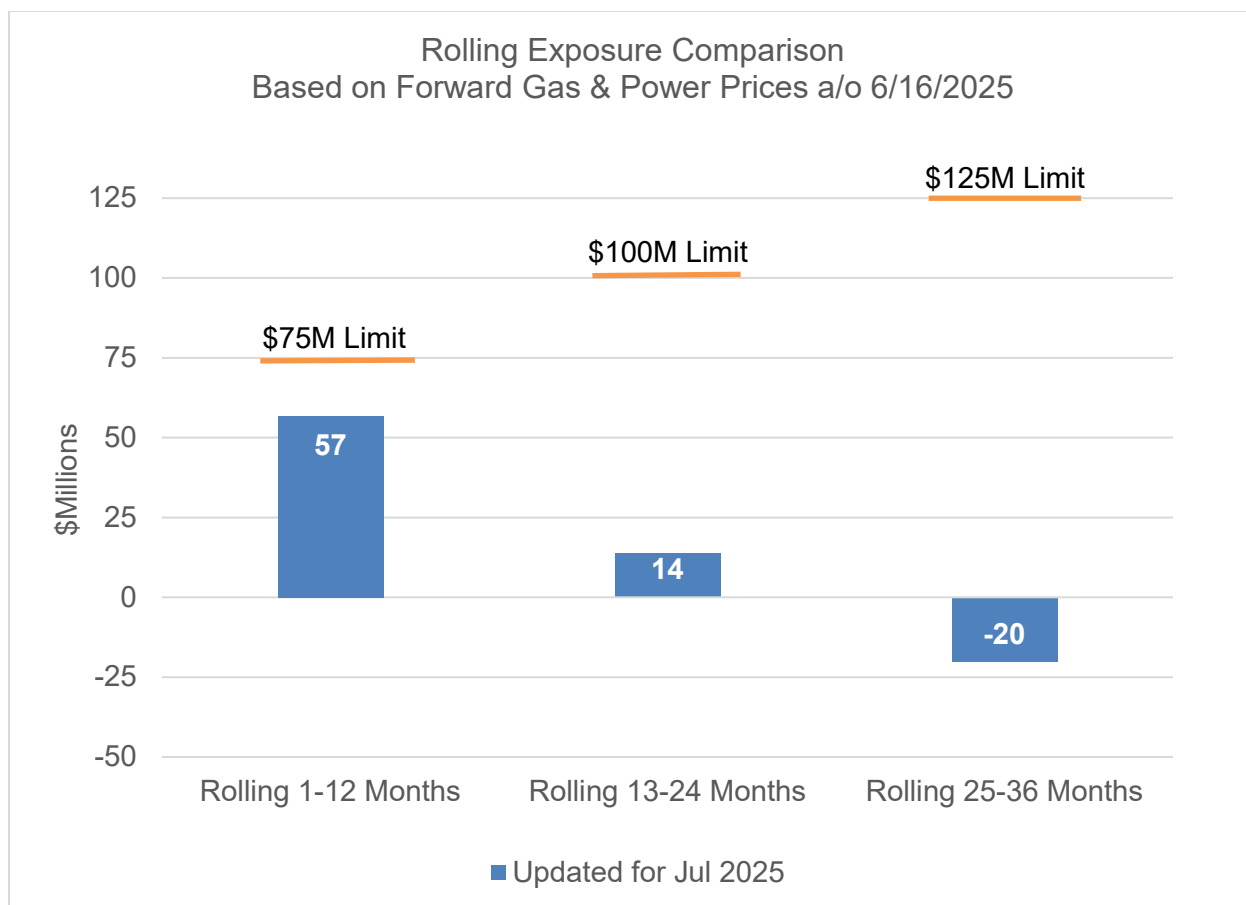
SMUD's commodity risk level is currently medium and is trending steadily. The chart below shows SMUD's commodity exposure, which is the net of:

- Forecasted value of power and fuel SMUD expects to purchase but hasn't hedged<sup>1</sup> the price yet (expense).
- Forecasted value of excess power and fuel SMUD expects to sell but hasn't hedged the price yet (revenue).

Forecasted costs and values are only considered commodity exposure if the price hasn't been locked in through a purchase or sale. Staff sometimes delays locking in prices due to variations in SMUD's supply and demand on an hourly basis, or for several other reasons such as market liquidity for certain products, short duration, changes in load due to weather, or to leave flexibility to optimize for load on that day. In short, some level of exposure is expected and strategic. SMUD sets limits per forecast period as shown on the chart below to ensure exposure levels are constructive and within SMUD's financial risk tolerance. SMUD is currently within limits of our targeted exposure.

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<sup>1</sup> Hedging is a financial strategy used by many industries like the utility sector to manage risk associated with fuel price fluctuations. They do this by establishing contracts that secure prices for a future period.



The expected purchases and sales offset each other in the exposure calculation and as a result have a positive or negative total value, given the direction of the cash flow. Due to the timing of hedging purchases or sales, SMUD's exposure can increase or decrease until staff programmatically locks in pricing for the purchase or sale.

Factors that would change exposure include changes in the forecasted prices for power and fuel, changes in precipitation, a power plant or renewable resource outage, additional power or fuel hedges, or a change in the volume of power or fuel that needs to be purchased. For instance, if an unexpected outage occurred, reliance on purchased power would increase for that period (expense) and natural gas fuel not needed could be sold (revenue).

Below is an update on other related factors in the commodity portfolio and the corresponding actions taken by staff.

<b>Driver of Risk</b>	<b>Description of change this quarter</b>	<b>Further action needed</b>
Market conditions	Power prices are down 26% compared to budget and fuel prices are down 19% compared to budget.	No action at this time. Typical price variation.
Precipitation and Reservoir Levels (as of 8/28/25)	UARP precipitation is 95% of normal, and reservoir levels are at 83% of capacity, which is 110% of the average level of reservoirs for this time of year. The water year total is on track to be slightly under plan.	Inflow and reservoir levels are updated monthly for budget outlook.  A \$7.1 million withdrawal was made to cover the shortfall in generation from April 2024 – March 2025. The Hydro Rate Stabilization Fund balance is \$80.9 million, or nearly fully funded. No further action needed.
Commodity Rate Stabilization Fund	Commodity Rate Stabilization Fund balance is \$60 million.	No action needed.
Gas storage	Regional West Coast storage is at the highest levels seen in 5 years.	No action needed.
Power and Gas Hedging	Hedges are in place for fuel purchases and power sales for 2025. Positions are reviewed monthly, and adjustments are made as needed.	No action needed.
Resource Adequacy	A decrease in WAPA's capacity forecast and the CPP outage required additional contracts.	No further action is needed for 2025.

## Long-term Commodity Contracts

There were no contracts entered into under the Delegation of Authority for Wholesale Electricity and Natural Gas Related Transactions and Contracts. These are contracts that are one to three years in length.



SSS No. CFO 24-020

# BOARD AGENDA ITEM

## STAFFING SUMMARY SHEET

Committee Meeting & Date  
FINANCE & AUDIT - 2025Board Meeting Date  
N/A

TO				TO							
1.	Jose Bodipo-Memba			6.							
2.	Lora Anguay			7.							
3.	Scott Martin			8.							
4.				9.	Legal						
5.				10.	CEO & General Manager						
Consent Calendar		Yes	X	No If no, schedule a dry run presentation.		Budgeted		X	Yes	No (If no, explain in Cost/Budgeted section.)	
FROM (IPR) Lisa Limcaco				DEPARTMENT Accounting				MAIL STOP B352		EXT. 7045	
								DATE SENT 12/18/23			

**NARRATIVE:**

**Requested Action:** Provide the Board with SMUD's financial results for the year-to-date period and a summary of SMUD's current Power Supply Costs.

**Summary:** Staff will present SMUD's financial results for the year-to-date period and a summary of SMUD's current Power Supply Costs to the Board of Directors.

**Board Policy:** Governance Process GP-3, Board Job Description  
(Number & Title)

**Benefits:** Provide Board members with information regarding SMUD's financial position and SMUD's current power supply costs.

**Cost/Budgeted:** Included in budget for internal labor.

**Alternatives:** Provide information via written memo/report to the Board.

**Affected Parties:** Accounting

**Coordination:** Accounting

**Presenter:** Lisa Limcaco, Director of Accounting & Controller

**Additional Links:**

SUBJECT

**SMUD's Financial Results & Power Supply Costs**

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

**SACRAMENTO MUNICIPAL UTILITY DISTRICT  
OFFICE MEMORANDUM**

TO: Distribution

DATE: August 20, 2025  
ACC 25-026

FROM: Michael Wilson / Lisa Limcaco

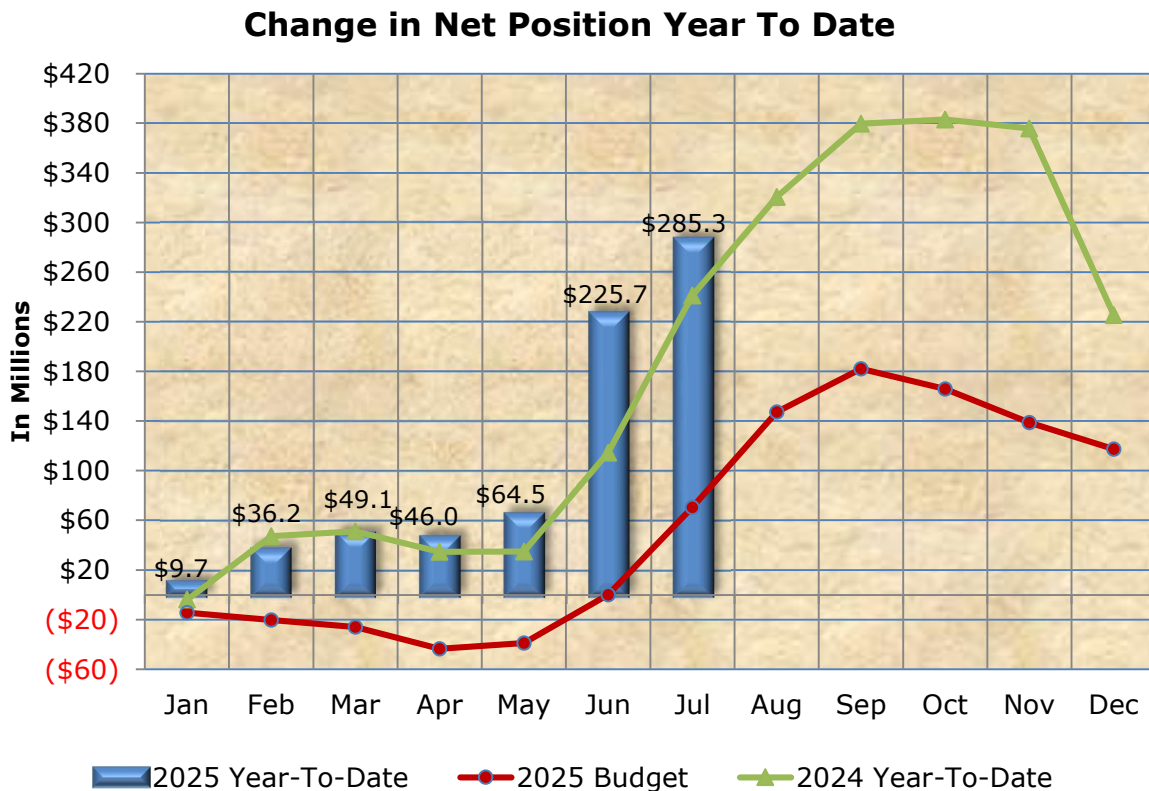
**SUBJECT: JULY 2025 FINANCIAL RESULTS AND OPERATIONS DATA**

We are attaching the financial and operating reports for the seven months of 2025. They include sales and generation statistics and other selected data.

The change in net position is an increase of \$285.3 million compared to a budgeted increase of \$70.5 million, resulting in a favorable variance of \$214.8 million.

We prepared these statements on the accrual basis of accounting, and they conform to generally accepted accounting principles. The bases for the budget amounts are:

- 1) Budgeted electric revenues are based on the Forecast of Revenues by the Pricing Department, adjusted for unbilled revenues; and
- 2) Budgeted operating expenses reflect the 2025 Budget approved by the Board of Directors on December 12, 2024.





**SACRAMENTO MUNICIPAL UTILITY DISTRICT  
EXECUTIVE SUMMARY  
For the Seven Months Ended July 31, 2025**

Net Position

- The change in net position is an increase of \$285.3 million compared to a budgeted increase of \$70.5 million, resulting in a favorable variance of \$214.8 million.

Revenues

- Revenues from sales to customers were \$1,023.6 million, which was \$14.2 million higher than planned. The increase is primarily due to:
  - Higher commercial sales of \$11.6 million primarily due to demand and capacity revenues being higher than planned.
  - Lower provision for uncollectible accounts of \$1.7 million. The current balance of the accumulated provision is sufficient to cover the write-offs of arrears.
- Revenues under the California Global Warming Solutions Act (Assembly Bill [AB] – 32) were \$11.0 million. This is due to carbon allowances sold through the state sanctioned quarterly auctions.
- Low Carbon Fuel Standard (LCFS) revenues were \$2.7 million due to LCFS credit sales.
- Other electric revenues increased by \$3.5 million, primarily due to higher than anticipated collections of customer late fees from delinquent accounts.
- Non-cash revenues transferred to the stabilization fund were \$17.5 million, of which \$11.3 million was for AB-32, \$3.5 million was for the annual WAPA Hydro Generation Adjustment and \$2.7 million was for LCFS. Funds are deferred until SMUD has qualified program expenses (projects that reduce carbon emissions or electric vehicle programs) to recognize revenue.
- Non-cash revenues transferred from the rate stabilization fund were \$25.7 million, of which \$11.2 million was for revenue recognized for AB-32, \$7.2 million was for revenue recognized for the annual Hydro Generation Adjustment, and \$7.4 million was for LCFS and Community Impact Plan.

Commodities, Purchased Power, and Production

- SMUD's generation was lower by 287 GWh (6.4 percent); JPA and other generation was lower by 98 GWh (3.0 percent); and Hydro generation was lower by 189 GWh (16.2 percent).
- Purchased power expense of \$213.6 million, less surplus power sales of \$64.4 million was \$149.2 million, which was \$5.2 million higher than planned. The increase is due to milder weather, which led to favorable market prices, resulting in higher power purchases and reduced hydro and thermal generation.
- Production operations cost of \$172.4 million less surplus gas sales of \$39.0 million, was \$133.4 million, which was \$22.9 million lower than planned. This is primarily due to lower fuel, operating, and maintenance costs of the hydro and thermal assets.
  - Fuel costs of \$94.2 million less surplus gas sales of \$39.0 million, was \$55.2 million, which was \$8.3 million lower than planned, primarily due to lower fuel prices and milder-than-expected weather conditions.
  - Hydro production expenses were \$3.3 million lower, primarily due to the start time of mitigation studies at Union Valley and Chili Bar occurring later than plan.
  - Other power generation expenses decreased by \$2.6 million, primarily due to the timing-related deferral of non-essential planned maintenance and overhaul activities at the Campbell and Procter & Gamble plants.
- The "power margin", or sales to customers less cost of purchased power, production operations costs and gas hedges included in investment revenue was \$740.3 million, which was \$31.2 million higher than planned. The power margin as a percentage of sales to customers was 72.3 percent, which was 2.1 percent higher than planned. This is due to higher sales to customers and lower production costs due to lower fuel, operating, and maintenance costs of the thermal plants.

Other Operating Expenses

- All other operating expenses were \$586.8 million, which was \$59.3 million lower than planned.
  - Transmission and distribution operations expenses were down \$21.4 million primarily due to lower cost of transmission fees than planned.

- Customer service and information expenses were down \$9.7 million primarily due to lower participation in My Energy Optimizer Partner Plus, and delays to School Hosted Solar program and transportation electrification projects.
- Administrative & General expenses were down \$22.1 million primarily due to a slower start to projects such as Agile product teams, SAP S4 HANA, and Extended Day Ahead Market projects.
- Public Good expenses were higher by \$2.9 million primarily due to more participation in low income building electrification programs such as Community Impact Plan Meadowview project.
- Transmission and distribution maintenance expenses were \$4.5 million lower than planned. This is primarily due to lower vegetation management costs as a result of lower unit costs from two new contracts awarded in late 2024.
- Non-cash depreciation and amortization was lower by \$5.8 million primarily due to certain projects that were scheduled for completion but are still underway.

#### Non-operating Revenues and Expenses

- Other revenue, net, was \$106.2 million higher than planned primarily due to a payment received under the Inflation Reduction Act (IRA) direct pay program for clean energy tax credits linked to the Solano 4 wind farm project, grant revenue, higher interest income, a payment related to the Rancho Seco Solar power purchase agreement, and a gain on the Sacramento Municipal Utility District Financing Authority bond defeasance.
- Interest charges were \$6.2 million lower than planned due to lower interest on long term debt and commercial paper expenses.

**SACRAMENTO MUNICIPAL UTILITY DISTRICT**  
**STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN NET POSITION**  
**For the Month Ended July 31, 2025**  
(thousands of dollars)

	<u>Actual</u>	<u>Budget</u>	<u>Over (Under)</u>	<u>Percent of Increase (Decrease)</u>
<b>OPERATING REVENUES</b>				
Sales to customers	\$ 212,649	\$ 237,116	\$ (24,467)	(10.3) %
Sales of surplus power	17,422	14,743	2,679	18.2
Sales of surplus gas	7,290	-	7,290	*
SB-1 revenue (deferral)/recognition, net	85	-	85	*
Other electric revenue	4,078	3,107	971	31.3
Revenue from rate stabilization fund	958	2,405	(1,447)	(60.2)
Total operating revenues	242,482	257,371	(14,889)	(5.8)
<b>OPERATING EXPENSES</b>				
Operations				
Purchased power	53,059	57,317	(4,258)	(7.4)
Production	27,922	27,615	307	1.1
Transmission and distribution	7,583	10,768	(3,185)	(29.6)
Customer accounts	5,589	5,041	548	10.9
Customer service and information	7,404	9,325	(1,921)	(20.6)
Administrative and general	18,211	20,407	(2,196)	(10.8)
Public good	6,489	7,377	(888)	(12.0)
Total operations	126,257	137,850	(11,593)	(8.4)
Maintenance				
Production	2,819	3,089	(270)	(8.7)
Transmission and distribution	13,580	11,693	1,887	16.1
Total maintenance	16,399	14,782	1,617	10.9
Depreciation and amortization				
Depreciation and amortization	23,059	24,990	(1,931)	(7.7)
Amortization of regulatory asset	3,963	3,883	80	2.1
Total depreciation and amortization	27,022	28,873	(1,851)	(6.4)
Total operating expenses	169,678	181,505	(11,827)	(6.5)
<b>OPERATING INCOME</b>	72,804	75,866	(3,062)	(4.0)
<b>NON-OPERATING REVENUES AND EXPENSES</b>				
Other revenues/(expenses)				
Interest income	4,602	2,543	2,059	81.0
Investment revenue (expense)	(101)	-	(101)	*
Unrealized holding gains (losses)	(491)	-	(491)	*
Revenue - CIAC	1,815	1,818	(3)	(0.2)
Other income (expense) - net	(10,618)	360	(10,978)	*
Total other revenues	(4,793)	4,721	(9,514)	(201.5)
Interest charges				
Interest on long-term debt	8,359	9,782	(1,423)	(14.5)
Interest on commercial paper and other	41	125	(84)	(67.2)
Total interest charges	8,400	9,907	(1,507)	(15.2)
<b>CHANGE IN NET POSITION</b>	\$ 59,611	\$ 70,680	\$ (11,069)	(15.7) %

\* Equals 1000% or greater.

**SACRAMENTO MUNICIPAL UTILITY DISTRICT**  
**STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN NET POSITION**  
**For the Seven Months Ended July 31, 2025**  
(thousands of dollars)

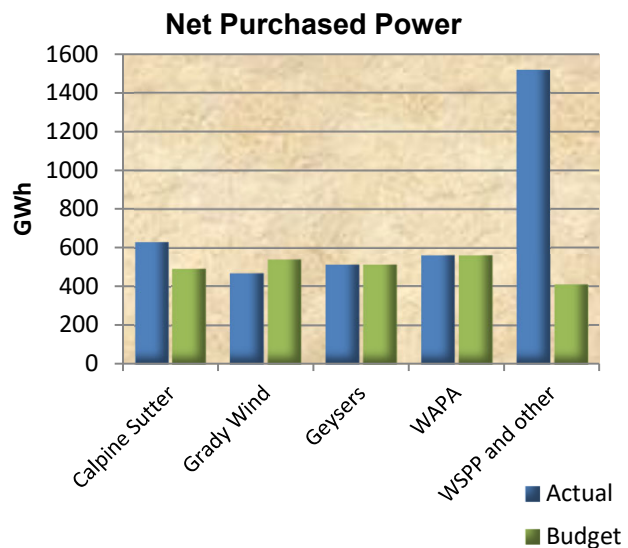
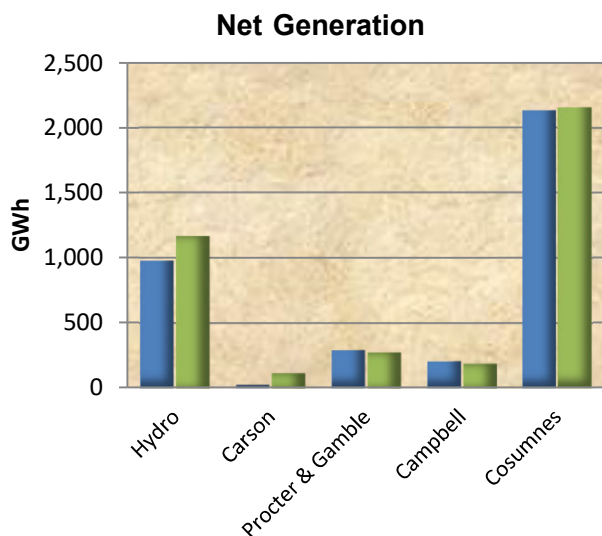
	<u>Actual</u>	<u>Budget</u>	<u>Over (Under)</u>	<u>Percent of Increase (Decrease)</u>
<b>OPERATING REVENUES</b>				
Sales to customers	\$ 1,023,574	\$ 1,009,366	\$ 14,208	1.4 %
Sales of surplus power	64,430	71,610	(7,180)	(10.0)
Sales of surplus gas	39,045	-	39,045	*
SB-1 revenue (deferral)/recognition, net	791	-	791	*
AB-32 revenue	11,028	-	11,028	*
LCFS revenue	2,690	-	2,690	*
Other electric revenue	26,951	23,489	3,462	14.7
Revenue to rate stabilization fund	(17,493)	-	(17,493)	*
Revenue from rate stabilization fund	25,715	14,892	10,823	72.7
Total operating revenues	1,176,731	1,119,357	57,374	5.1
<b>OPERATING EXPENSES</b>				
Operations				
Purchased power	213,646	215,635	(1,989)	(0.9)
Production	172,451	156,279	16,172	10.3
Transmission and distribution	51,417	72,822	(21,405)	(29.4)
Customer accounts	35,214	33,595	1,619	4.8
Customer service and information	51,674	61,374	(9,700)	(15.8)
Administrative and general	116,020	138,117	(22,097)	(16.0)
Public good	40,680	37,800	2,880	7.6
Total operations	681,102	715,622	(34,520)	(4.8)
Maintenance				
Production	30,488	32,084	(1,596)	(5.0)
Transmission and distribution	70,295	74,814	(4,519)	(6.0)
Total maintenance	100,783	106,898	(6,115)	(5.7)
Depreciation and amortization				
Depreciation and amortization	162,544	168,313	(5,769)	(3.4)
Amortization of regulatory asset	28,496	27,180	1,316	4.8
Total depreciation and amortization	191,040	195,493	(4,453)	(2.3)
Total operating expenses	972,925	1,018,013	(45,088)	(4.4)
<b>OPERATING INCOME</b>	203,806	101,344	102,462	101.1
<b>NON-OPERATING REVENUES AND EXPENSES</b>				
Other revenues (expenses)				
Interest income	27,484	17,715	9,769	55.1
Investment revenue (expense)	(638)	-	(638)	*
Unrealized holding gains (losses)	(127)	-	(127)	*
Revenue - CIAC	12,514	12,694	(180)	(1.4)
Gain on extinguishment of debt	2,930	-	2,930	*
Other income (expense) - net	97,389	2,947	94,442	*
Total other revenues	139,552	33,356	106,196	318.4
Interest charges				
Interest on long-term debt	56,605	60,556	(3,951)	(6.5)
Interest on commercial paper and other	1,402	3,613	(2,211)	(61.2)
Total interest charges	58,007	64,169	(6,162)	(9.6)
<b>CHANGE IN NET POSITION</b>	\$ 285,351	\$ 70,531	\$ 214,820	304.6 %

\* Equals 1000% or greater.

**SACRAMENTO MUNICIPAL UTILITY DISTRICT  
SOURCES AND USES OF ENERGY - COMPARED TO BUDGET  
For the Period Ended July 31, 2025**

Sources of Energy (GWh)	Month		Increase (Decrease)	Year to Date		Increase (Decrease)
	Actual	Budget	Percentage	Actual	Budget	Percentage
Net Generated						
Hydro	75	126	(40.5)	978	1,167	(16.2)
Carson Power Plant	1	42	(97.6)	26	117	(77.8)
Procter & Gamble Power Plant	47	72	(34.7)	293	276	6.2
Campbell Power Plant	44	56	(21.4)	207	189	9.5
Cosumnes Power Plant	370	358	3.4	2,130	2,157	(1.3)
Other	130	123	5.7	533	548	(2.7)
Total net generation	667	777	(14.2)	4,167	4,454	(6.4)
Purchased Power less transmission losses:						
CalEnergy	18	19	(5.3)	107	130	(17.7)
Calpine Sutter	78	127	(38.6)	630	487	29.4
Drew Solar	33	31	6.5	197	186	5.9
Feed in Tariff	24	25	(4.0)	130	134	(3.0)
Geysers	75	74	1.4	509	509	0.0
Grady Wind	53	69	(23.2)	464	535	(13.3)
Rancho Seco PV II	34	38	(10.5)	191	206	(7.3)
WAPA	133	131	1.5	558	557	0.2
WSPP and other	310	137	126.3	1,520	408	272.5
Other long term power	50	63	(20.6)	316	357	(11.5)
Total net purchases	808	714	13.2	4,622	3,509	31.7
Total sources of energy	1,475	1,491	(1.1)	8,789	7,963	10.4
Uses of energy:						
SMUD electric sales and usage	1,013	1,119	(9.5)	5,934	5,964	(0.5)
Surplus power sales	438	326	34.4	2,702	1,749	54.5
System losses	24	46	(47.8)	153	250	(38.8)
Total uses of energy	1,475	1,491	(1.1) %	8,789	7,963	10.4 %

\* Change equals 1000% or more.



Net generation is lower than planned for the seven-month period.

- Hydro generation is lower than planned (16.2 percent).
- JPA generation is lower than planned (3 percent).

Purchased power, less surplus power sales, is higher than plan (9.1 percent).

**SACRAMENTO MUNICIPAL UTILITY DISTRICT**  
**STATEMENTS OF NET POSITION**  
**July 31, 2025 and 2024**  
**(thousands of dollars)**  
**ASSETS**

	<u>Total</u>						
	SMUD	SFA	NCEA	NCGA #1	Intercompany Eliminations	2025	2024
<b>ELECTRIC UTILITY PLANT</b>							
Plant in service, original cost	\$ 6,926,090	\$ 984,497	\$ -	\$ -	\$ (4,578)	\$ 7,906,009	\$ 7,397,715
Less accumulated depreciation	3,225,504	749,977	-	-	(1,236)	3,974,245	3,765,458
Plant in service - net	3,700,586	234,520	-	-	(3,342)	3,931,764	3,632,257
Construction work in progress	666,107	19,739	-	-	-	685,846	784,476
Investment in Joint Power Agencies	345,782	-	-	-	(304,912)	40,870	38,393
Total electric utility plant - net	4,712,475	254,259	-	-	(308,254)	4,658,480	4,455,126
<b>RESTRICTED ASSETS</b>							
Revenue bond reserves	-	-	-	-	-	-	1,027
Restricted for payment of debt service	131,867	-	-	-	-	131,867	102,562
JPA funds	-	-	28,588	2,855	-	31,443	22,995
Nuclear decommissioning trust fund	10,155	-	-	-	-	10,155	9,707
Rate stabilization fund	341,841	-	-	-	-	341,841	211,227
Other funds	47,541	-	4,208	-	-	51,749	56,924
Due (to) from unrestricted funds (decommissioning)	(6,684)	-	-	-	-	(6,684)	(6,684)
Due (to) from restricted funds (decommissioning)	6,684	-	-	-	-	6,684	6,684
Less current portion	(162,719)	-	(32,796)	(2,855)	-	(198,370)	(149,778)
Total restricted assets	368,685	-	-	-	-	368,685	254,664
<b>CURRENT ASSETS</b>							
Cash, cash equivalents and investments							
Unrestricted	649,677	14,656	-	-	-	664,333	562,287
Restricted	162,719	-	32,796	2,855	-	198,370	149,778
Accounts receivable - net	428,927	33,207	3,939	2,994	(58,319)	410,748	405,441
Lease receivable	750	-	-	-	(225)	525	677
Energy efficiency loans due within one year	139	-	-	-	-	139	139
Interest receivable	9,602	31	-	3	-	9,636	8,019
Lease interest receivable	50	-	-	-	(27)	23	27
Regulatory costs to be recovered within one year	93,404	-	-	105	-	93,509	75,275
Derivative financial instruments maturing within in one year	18,674	-	-	-	-	18,674	23,371
Inventories	178,391	17,930	-	-	-	196,321	171,298
Prepaid gas to be delivered within one year	-	-	9,659	34,152	-	43,811	40,203
Prepayments and other	63,709	11,645	-	16	-	75,370	52,663
Total current assets	1,606,042	77,469	46,394	40,125	(58,571)	1,711,459	1,489,178
<b>NONCURRENT ASSETS</b>							
Regulatory costs for future recovery							
Decommissioning	93,915	-	-	-	-	93,915	97,437
Pension	607,165	-	-	-	-	607,165	526,224
OPEB	303,274	-	-	-	-	303,274	300,119
Bond Issues	-	-	-	96	-	96	714
Derivative financial instruments	-	-	-	-	-	-	193
Derivative financial instruments	32,360	-	-	-	-	32,360	28,804
Prepaid gas	-	-	682,994	31,657	-	714,651	758,459
Lease receivable	19,623	-	-	-	(3,299)	16,324	17,024
Energy efficiency loans - net	97	-	-	-	-	97	183
Other	92,658	9	-	13	-	92,680	68,415
Total noncurrent assets	1,149,092	9	682,994	31,766	(3,299)	1,860,562	1,797,572
TOTAL ASSETS	\$ 7,836,294	\$ 331,737	\$ 729,388	\$ 71,891	\$ (370,124)	\$ 8,599,186	\$ 7,996,540
<b>DEFERRED OUTFLOWS OF RESOURCES</b>							
Accumulated decrease in fair value of hedging derivatives	26,687	-	-	-	-	26,687	67,989
Deferred pension outflows	167,353	-	-	-	-	167,353	151,166
Deferred OPEB outflows	50,990	-	-	-	-	50,990	56,729
Deferred ARO outflows	-	498	-	-	-	498	1,266
Unamortized bond losses - other	27,017	-	-	-	-	27,017	31,424
TOTAL DEFERRED OUTFLOWS OF RESOURCES	272,047	498	-	-	-	272,545	308,574
TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES	\$ 8,108,341	\$ 332,235	\$ 729,388	\$ 71,891	\$ (370,124)	\$ 8,871,731	\$ 8,305,114

**SACRAMENTO MUNICIPAL UTILITY DISTRICT**  
**STATEMENTS OF NET POSITION**  
**July 31, 2025 and 2024**  
**(thousands of dollars)**

LIABILITIES AND NET ASSETS

	<u>Total</u>						
	SMUD	SFA	NCEA	NCGA #1	Intercompany Eliminations	2025	2024
<b>LONG-TERM DEBT - NET</b>	\$ 2,607,048	\$ -	\$ 718,128	\$ 34,825	\$ -	\$ 3,360,001	3,366,183
<b>CURRENT LIABILITIES</b>							
Accounts payable	160,577	5,448	-	29	-	166,054	132,661
Purchased power payable	90,461	23,382	-	177	(58,317)	55,703	65,918
Credit support collateral obligation	10,222	-	-	-	-	10,222	9,449
Long-term debt due within one year	90,045	-	5,455	31,420	-	126,920	107,585
Accrued decommissioning	7,471	-	-	-	-	7,471	7,140
Interest payable	38,790	-	17,244	210	-	56,244	56,144
Accrued interest liability	120	37	-	-	(29)	128	224
Accrued salaries and compensated absences	72,849	-	-	-	-	72,849	59,112
Derivative financial instruments maturing within one year	23,667	-	-	-	-	23,667	39,777
Customer deposits	4,089	-	-	-	-	4,089	2,131
Lease and subscription software liability	34,671	306	-	-	(225)	34,752	33,469
Other	53,298	-	-	-	-	53,298	55,212
Total current liabilities	586,260	29,173	22,699	31,836	(58,571)	611,397	568,822
<b>NONCURRENT LIABILITIES</b>							
Accrued decommissioning - net	97,387	10,467	-	-	-	107,854	110,626
Derivative financial instruments	3,072	-	-	-	-	3,072	28,771
Net pension liability	282,189	-	-	-	-	282,189	225,210
Net OPEB liability	44,299	-	-	-	-	44,299	49,478
Lease liability	27,426	4,568	-	-	(3,300)	28,694	54,681
Other	130,362	-	61	-	-	130,423	87,413
Total noncurrent liabilities	584,735	15,035	61	-	(3,300)	596,531	556,179
<b>TOTAL LIABILITIES</b>	<b>3,778,043</b>	<b>44,208</b>	<b>740,888</b>	<b>66,661</b>	<b>(61,871)</b>	<b>4,567,929</b>	<b>4,491,184</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>							
Accumulated increase in fair value of hedging derivatives	51,034	-	-	-	-	51,034	52,076
Deferred pension inflows	765	-	-	-	-	765	8,416
Deferred OPEB inflows	15,238	-	-	-	-	15,238	30,616
Deferred lease inflows	19,323	-	-	-	(3,340)	15,983	16,961
Regulatory credits	1,086,965	-	-	-	-	1,086,965	839,437
Unamortized bond gains - other	30,432	-	2,297	-	-	32,729	34,767
Unearned revenue	3,590	28	-	-	-	3,618	3,828
<b>TOTAL DEFERRED INFLOWS OF RESOURCES</b>	<b>1,207,347</b>	<b>28</b>	<b>2,297</b>	<b>-</b>	<b>(3,340)</b>	<b>1,206,332</b>	<b>986,101</b>
<b>NET POSITION</b>							
Balance at beginning of year	2,840,490	261,626	(13,147)	6,646	(283,496)	2,812,119	2,586,698
Net increase (decrease) for the year	282,461	5,084	(717)	(655)	(822)	285,351	241,131
Member contributions (distributions) - net	-	21,289	67	(761)	(20,595)	-	-
<b>TOTAL NET POSITION</b>	<b>3,122,951</b>	<b>287,999</b>	<b>(13,797)</b>	<b>5,230</b>	<b>(304,913)</b>	<b>3,097,470</b>	<b>2,827,829</b>
<b>TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND NET POSITION</b>	<b>\$ 8,108,341</b>	<b>\$ 332,235</b>	<b>\$ 729,388</b>	<b>\$ 71,891</b>	<b>\$ (370,124)</b>	<b>\$ 8,871,731</b>	<b>\$ 8,305,114</b>

**SACRAMENTO MUNICIPAL UTILITY DISTRICT**  
**STATEMENTS OF CASH FLOWS**  
**For the Period Ended July 31, 2025**  
**(thousands of dollars)**

	Month	Year to Date
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Receipts from customers	\$ 173,424	\$ 965,442
Receipts from surplus power and gas sales	16,425	90,914
Other receipts	15,036	60,607
Payments to employees - payroll and other	(48,164)	(267,913)
Payments for wholesale power and gas purchases	(64,317)	(277,272)
Payments to vendors/others	(61,023)	(339,037)
Net cash provided by operating activities	31,381	232,741
<b>CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES</b>		
Repayment of debt	(28,295)	(28,295)
Interest on debt	(1,017)	(20,294)
Net cash used in noncapital financing activities	(29,312)	(48,589)
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>		
Construction expenditures	(40,024)	(259,511)
Contributions in aid of construction	3,421	18,783
Net proceeds from bond issues	-	331,574
Repayments and refundings of debt	-	(174,775)
Issuance of commercial paper	-	75,000
Repayments of commercial paper	(75,000)	(75,000)
Other receipts	-	91,763
Interest on debt	(20)	(56,769)
Lease and other receipts/payments - net	(3,963)	(21,479)
Net cash used in capital and related financing activities	(115,586)	(70,414)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Sales and maturities of securities	53,369	465,080
Purchases of securities	(42,739)	(531,996)
Interest and dividends received	3,306	25,308
Investment revenue/expenses - net	(111)	(634)
Net cash provided by (used in) investing activities	13,825	(42,242)
Net (decrease) increase in cash and cash equivalents	(99,692)	71,496
Cash and cash equivalents at the beginning of the month and year	588,019	416,831
Cash and cash equivalents at July 31, 2025	\$ 488,327	\$ 488,327
Cash and cash equivalents included in:		
Unrestricted cash and cash equivalents	\$ 443,475	\$ 443,475
Restricted and designated cash and cash equivalents	28,224	28,224
Restricted and designated assets (a component of the total of \$368,685 at July 31, 2025)	16,628	16,628
Cash and cash equivalents at July 31, 2025	\$ 488,327	\$ 488,327





SSS No. IAS 2025-5

BOARD AGENDA ITEM

STAFFING SUMMARY SHEET

Committee Meeting & Date

Finance & Audit

September 16, 2025

Board Meeting Date

September 18, 2025

TO					TO											
1.	Scott Martin				6.											
2.	Lora Anguay				7.											
3.	Jose Bodipo-Memba				8.											
4.					9.	Legal										
5.					10.	CEO & General Manager										
Consent Calendar			Yes	No	If no, schedule a dry run presentation.		Budgeted	x	Yes	No (If no, explain in Cost/Budgeted section.)						
FROM (IPR)				DEPARTMENT				MAIL STOP		EXT.		DATE SENT				
Claire Rogers				Internal Audit Services				B409		7122		8/29/25				
NARRATIVE:																
Requested Action:		Informational agenda item to provide Board Members with the opportunity to ask questions and/or discuss recent reports issued by Internal Audit Services.														
Summary:		Reports issued by Internal Audit Services:														
		<table><tr><td>Title</td><td>Report Number</td></tr><tr><td>• Greenergy® Partner Plus Annual Verification .....</td><td>28007880</td></tr></table>											Title	Report Number	• Greenergy® Partner Plus Annual Verification .....	28007880
Title	Report Number															
• Greenergy® Partner Plus Annual Verification .....	28007880															
Board Policy:		Board-Staff Linkage BL-3, Board-Internal Auditor Relationship														
(Number & Title)																
Benefits:		N/A														
Cost/Budgeted:		N/A														
Alternatives:		N/A														
Affected Parties:		SMUD Board and Internal Auditor														
Coordination:		Internal Audit Services														
Presenter:		Claire Rogers, Director, Internal Audit Services														

Additional Links:

SUBJECT	Internal Audit Services Report	ITEM NO. (FOR LEGAL USE ONLY)
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ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.

# SACRAMENTO MUNICIPAL UTILITY DISTRICT

## OFFICE MEMORANDUM

**TO:** Board of Directors

**DATE:** August 8, 2025  
Audit Report #28007880

**FROM:** Claire Rogers

**SUBJECT:** Greenery Partner Plus Program Verification — Agreed-Upon Procedures

Internal Audit Services (IAS) has performed the procedures enumerated below, which were agreed to by SMUD and the Center for Resource Solutions (CRS), to verify SMUD's compliance with annual reporting requirements of the CRS' Greenery Partner Plus Program Verification for the year ended December 31, 2024. SMUD's management is responsible for compliance with the annual reporting requirements of the CRS' Greenery Partner Plus Program Verification.

The sufficiency of these procedures is solely the responsibility of the specified users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures include, but are not limited to:

- Validation and recalculation of Partner Plus retail sales;
- Validation and recalculation of Partner Plus Product resource supply, or renewable energy credits (RECs), retired in the Western Electric Coordinating Council (WECC) WREGIS tracking system database;
- Validation and recalculation of Partner Plus Product Content Labels.

Based on the Verification Audit Protocol for Greenery Partner Plus Program Verification and the results of the Agreed-Upon Procedures, IAS asserts that SMUD has no exceptions with regard to its compliance of the verification reporting requirements put forth in the Verification Audit Protocol.

The agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. IAS was not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on SMUD's compliance to the annual reporting requirements of the CRS' Greenery Partner Plus Program Verification. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to SMUD and CRS.





SSS No.  
BOD 2025-004

## BOARD AGENDA ITEM STAFFING SUMMARY SHEET

Committee Meeting & Date  
FINANCE & AUDIT - 2025  
Board Meeting Date  
N/A

TO				TO			
1.	Scott Martin			6.			
2.	Lora Anguay			7.			
3.	Jose Bodipo-Memba			8.			
4.				9.	Legal		
5.				10.	CEO & General Manager		

Consent Calendar		Yes	x	No If no, schedule a dry run presentation.	Budgeted	x	Yes	No (If no, explain in Cost/Budgeted section.)
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FROM (IPR)	DEPARTMENT	MAIL STOP	EXT.	DATE SENT
Rob Kerth / Crystal Henderson	Board Office	B307	5424	12/29/24

### NARRATIVE:

**Requested Action:** A summary of directives is provided to staff during the committee meeting.

**Summary:** The Board requested an ongoing opportunity to do a wrap up period at the end of each committee meeting to summarize various Board member suggestions and requests that were made at the meeting to make clear the will of the Board. The Finance & Audit Committee Chair will summarize Board member requests that come out of the committee presentations for this meeting.

**Board Policy:** Governance Process GP-4, Board/Committee Work Plan and Agenda Planning states the Board will focus on the results the Board wants the organization to achieve.  
(Number & Title)

**Benefits:** Having an agendized opportunity to summarize the Board's requests and suggestions that arise during the committee meeting will help clarify the will of the Board.

**Cost/Budgeted:** Included in budget for internal labor.

**Alternatives:** Not to summarize the Board's requests at this meeting.

**Affected Parties:** Board of Directors, Board Office and Executive Office

**Coordination:** Crystal Henderson, Special Assistant to the Board

**Presenter:** Rob Kerth, Finance & Audit Committee Chair

### Additional Links:

SUBJECT

Summary of Committee Direction – Finance & Audit Committee

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.