

APPENDIX INTRO-1
NOP and Comment Letters



NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Date: September 5, 2024

To: Agencies and Interested Parties

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

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Proposed Oveja Ranch Solar Project

Review Period: September 5, 2024 to October 6, 2024

Sacramento Municipal Utility District (SMUD) is proposing the Oveja Ranch Solar Project which would include installation, operation, and maintenance of a photovoltaic (PV) solar power and battery storage renewable energy generation facility interconnected to SMUD's distribution grid in southeastern unincorporated Sacramento County. SMUD plans to prepare an environmental impact report (EIR) for the project to satisfy the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and will serve as the lead agency for CEQA compliance. Throughout the CEQA process, SMUD will work closely with Sacramento County because the County will play a role in the project to amend the existing Williamson Act contracts on the site and authorize encroachment permit(s).

Purpose of Notice: In accordance with the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15082), SMUD has prepared this notice of preparation (NOP) to inform agencies and interested parties that an EIR will be prepared for the above-referenced project. The purpose of an NOP is to provide sufficient information about the project and its potential environmental impacts to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including mitigation measures that should be considered and alternatives that should be addressed (State CEQA Guidelines 14 CCR Section 15082[b]).

Project Location: The project is located in unincorporated southeastern Sacramento County, south of the City of Rancho Cordova and north of Wilton (Figure 1). The project site is approximately 520 acres; the northern area (80 acres total) and the southern area (436 acres total) which are not directly adjoining properties, but would be connected by a 0.5 mile long connector line (Figure 1). The solar panels and associated infrastructure would be located on approximately 400 acres of leased land within the project site and the proposed overhead distribution line route would encompass up to 3.5 miles of new overhead distribution lines and reconductoring of up to 4 miles of existing lines outside of the 400 acres. 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 provided by entry roads from Eagles Nest and Florin roads.

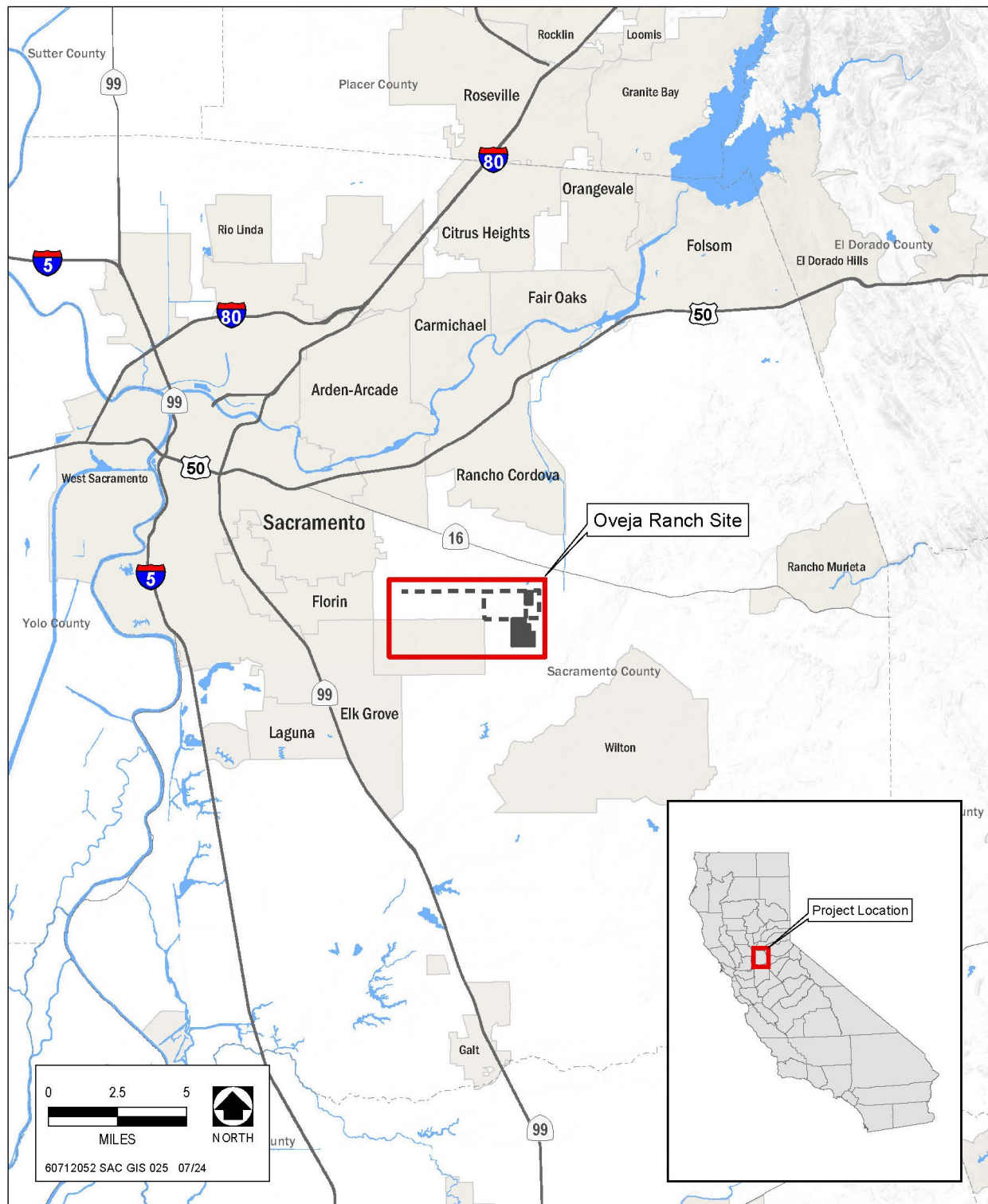
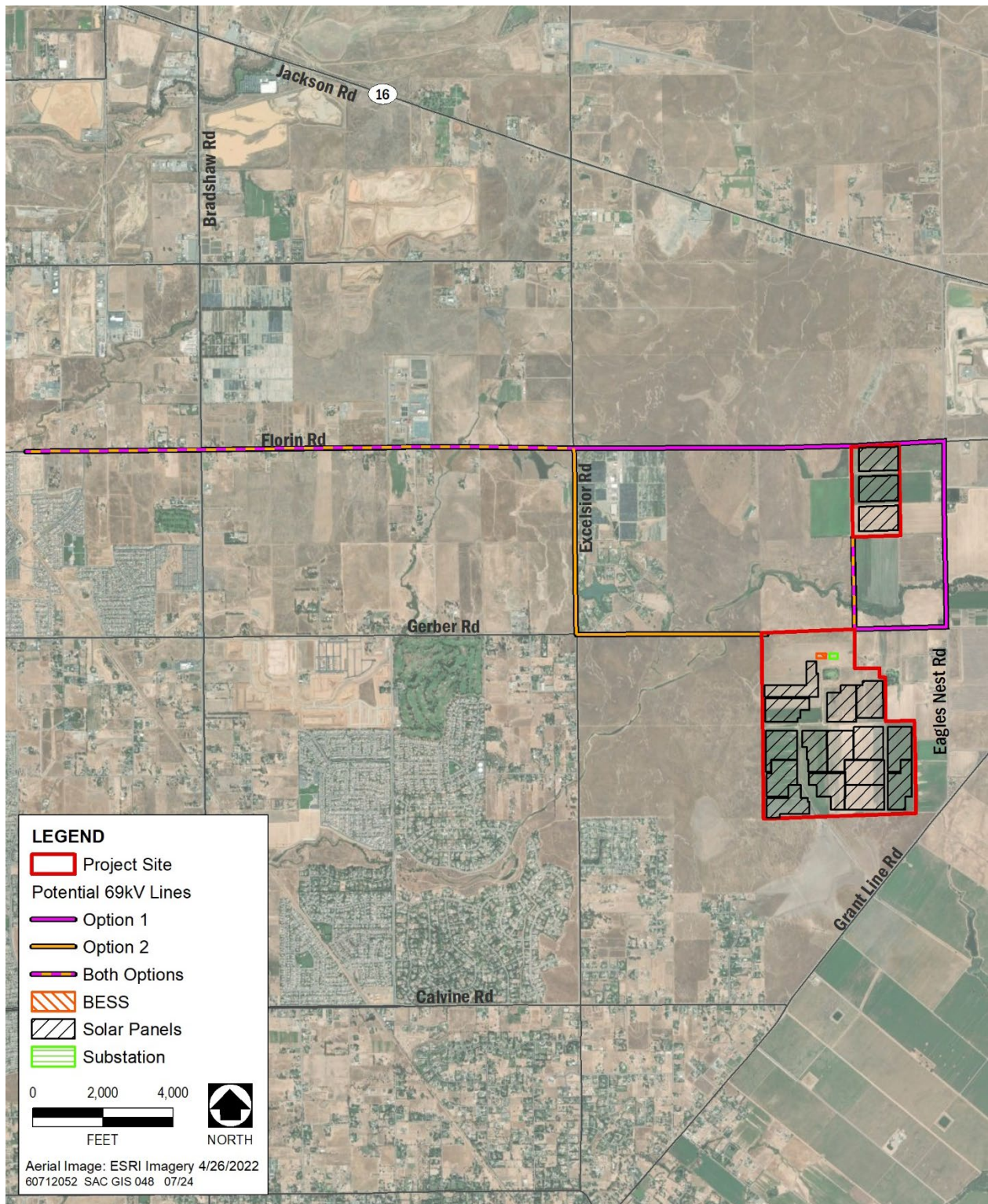


Figure 1. Regional Location Map



Source: SMUD 2024, AECOM 2024

Figure 2. Site Location Map with Proposed Project Elements

Project Objectives: SMUD is committed to developing carbon free renewable energy in a manner that supports the community, protects the environment, and respects human rights. SMUD's key objectives for the project include the following:

- Contribute to a diversified energy portfolio that will aid in the continued improvement of air quality in the Sacramento Valley Air Basin by decreasing reliance on fossil fuel combustion for the generation of electricity and reduce SMUD's exposure to price volatility associated with electricity and natural gas.
- Provide a renewable power resource to support the SMUD Board of Directors' 2030 Zero Carbon Plan, approved in 2021, which establishes a flexible pathway for SMUD to eliminate carbon emissions from its power supply by 2030 by developing and procuring dependable renewable resources.
- Develop a project that will deliver a reliable, long-term supply of economically feasible solar and battery storage for up to 75 MW of electrical capacity at a point of interconnection with the grid managed by SMUD.
- Site the project to avoid natural wetlands and other sensitive habitats.
- Develop an agrivoltaics project that integrates agricultural irrigation production including sheep grazing.
- Optimize the delivery of solar-produced and stored energy and minimize the geographic extent of impacts by locating the facility near existing electrical infrastructure with available capacity.
- Design a flexible PV solar energy and battery storage facility that is capable of utilizing the best available, efficient, cost-effective, and proven PV solar and storage technology.
- Construct the facility in a location that is readily accessible from existing roads and that would not require the construction of major new roadway improvements.

Project 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 site would generally comprise PV solar modules, foundation piles, racking, direct current (DC) collection, AC to DC inverters, alternative current (AC) collection, fencing, roads, inverters, medium voltage transformers, an interconnection line between the generation substation, BESS equipment, and interconnection lines 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.

Figure 2 provides a conceptual site layout for the solar and battery storage facility and supporting infrastructure based on currently available 10% design drawings. Based on analysis in this Draft EIR and advanced design engineering, the area ultimately developed by the project could differ slightly from what is shown in Figure 2. For example, the solar arrays could be arranged differently, the collection line layout altered, the battery storage may be in one yard

area or may be dispersed within the solar arrays, the generation substation location could be modified, or the access roadway or fencing alignments could change. However, the project footprint would not be larger than that shown in Figure 2 which therefore represents the largest potential development footprint. Furthermore, development of the current layout presented in Figure 2 has been guided by resource inventories for natural and cultural resources, and the layout has been sited to avoid sensitive resources. These siting constraints would be carried forward into future engineering design.

Williamson Act Contract Amendments

Under the California Land Conservation Act of 1965, also known as the Williamson Act, local governments can enter into contracts with private property owners to permanently protect land (within agricultural preserves) for agricultural and open space purposes.

All of the project site is within active Williamson Act contracted properties. As outlined in Table 1, there are three Williamson Act contracts associated with the project site in which those Williamson Act contracts include additional land and parcels outside of the project site.

Table 1. Williamson Act Contracts in the Proposed Project Study Area

Contract Number	Total Contracted Acreage	Contracted Acreage within Project Site
69-AP-023.2 (Northern Area)	316.3	80.5
69-AP-023.5 (Southern Area)	318.8	263.8
69-AP-023.6 (Southern Area)	396.9	190.8
Total	1,032.0	535.1

Source: Sacramento County 2023

The Williamson Act contracts for these parcels do not currently include PV solar development as a compatible use. As such, the property owners intend to amend their contracts to allow for solar PV facilities and BESS in conjunction with their ongoing agricultural activities. PV solar was not a foreseeable activity at the time most Williamson Act contracts were executed; however, it is quickly becoming a frequent co-use of agricultural and grazing uses throughout California and elsewhere. As part of the project, the contracts would be amended to allow for solar PV facilities and battery energy storage as compatible uses, consistent with the agricultural zoning of the site.

Solar Modules, Collection Systems, and Inverters

The project would install solar PV module arrays that would convert solar energy directly to electrical power to supply the electrical grid. The solar PV modules would convert the sunlight striking the modules directly into DC power, which would be transformed to AC power via an inverter. The precise configuration of the arrays within the project site may vary to avoid constraints identified over the course of environmental review and further design development.

The project would include PV modules mounted on a single-axis horizontal tracking system or a fixed tilt system, or a combination of both. The infrastructure described herein would be similar for either a single-axis tracking system or a fixed-tilt system.

A single-axis horizontal tracking system, shown in Figure 3, includes the installation of PV modules mounted on a rack with a torque tube, which would be designed to track the sun's path through the sky along a single axis. When the sun is directly overhead, the modules would be at a zero-degree angle (level to the ground). The modules would tilt in either direction (east or west), tracking the sun through the course of the day. At a horizontal position, the modules would be approximately 6 to 12 feet off the ground. The tracking system would be fixed to the ground via driven piles. Solar panels would be washed occasionally, using water from existing onsite sources.

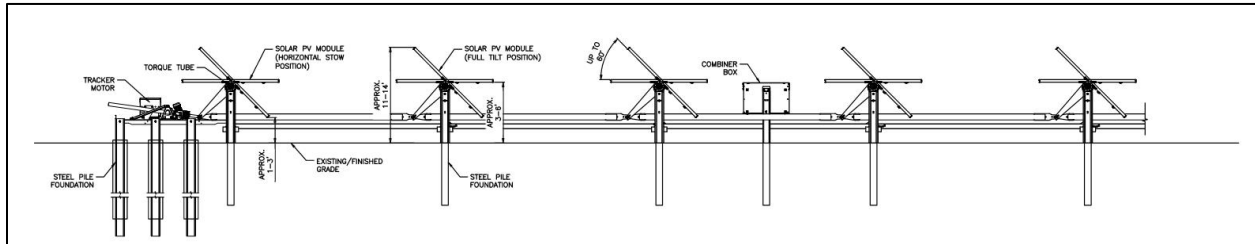


Figure 3. Single-Axis Tracker Solar PV Typical Elevation View

In addition to a single-axis horizontal tracking system, two types of fixed-tilt systems are being considered, horizontal and vertical fixed-tilt systems. If a horizontal fixed-tilt system were used, as shown in Figure 4, the modules would be fixed at an angle of approximately 15 to 25 degrees to the south. If a vertical fixed-tilt system were used, as shown in Figure 5, the modules would be mounted on two sides of the posts (bifacial) and fixed at an angle of approximately 90 degrees pointing east-west. The mounting system for both types of fixed-tilt modules would include posts driven into the ground, with table frames bolted to the driven posts. The modules would be mechanically fastened to the tables. These fixed-tilt modules would typically be up to 8 feet off the ground surface at the highest point of the array and 1 to 2 feet off the ground at the lowest point of the array depending on the terrain.

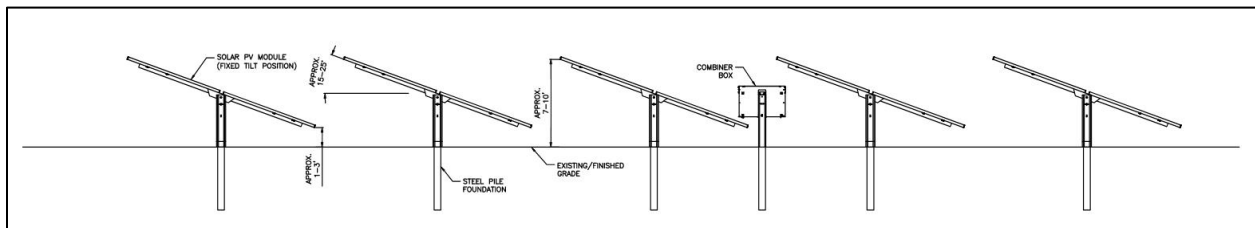


Figure 4. Horizontal Fixed-Tilt Racking Solar PV Typical Elevation View

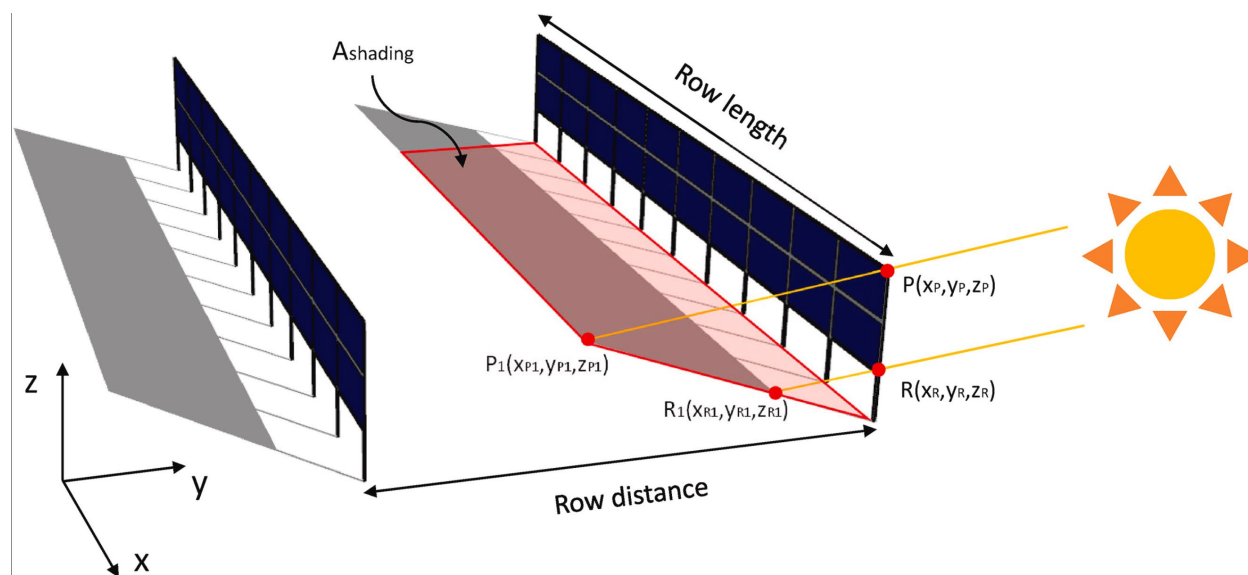


Figure 5. Vertical Fixed-Tilt Racking Solar PV Example

Depending on soil and hydrologic conditions, steel posts would be driven into the soil to a depth of approximately 3 to 11 feet. If the results of detailed geotechnical investigations indicate that driven steel posts are not an optimal foundation, other embedded foundation designs may be utilized.

The project would have an underground network of AC power cables and communication lines that would connect the array transformers to a medium voltage combining switchgear and communication equipment. The cables would typically be located in trenches up to 4 feet in depth backfilled with native soils or engineered material. This switchgear would connect, via an overhead or underground collection system, to the proposed generation substation. As discussed above, the project site would include a northern area that would include solar panels and a southern area that would include solar panels, the substation, the battery energy storage system, and other operational components. Since there would not be a substation or battery energy storage system in the northern portion of the site, the project would also include a 0.5-mile-long collector line that would run north-south between the northern part of the site to the southern part of the site and would connect both areas of the project site. Where an overhead line is used, it would be supported by wooden or steel poles approximately 30 to 40 feet tall. These lines would follow existing infrastructure easements or access roads when feasible. The onsite substation would then transform the final voltage to connect the project power to the existing SMUD distribution system.

Battery Energy Storage System

A battery energy storage system (BESS) is proposed to be constructed within the project footprint (see Figure 6 and Figure 7). Two main types of BESSs are being considered for the project: a DC-coupled and an AC-coupled system. A DC-coupled system would consist of multiple small battery units located on concrete skids or metal posts adjacent to the solar arrays. An AC-coupled system would consist of one or more metal containers similar in size to a shipping container likely located on a concrete pad in the battery storage area. The BESS would be connected to the proposed generation substation via an overhead or underground collection system similar to the solar component of the project.

The BESS storage system would follow the latest national fire protection safety codes. The codes include fire prevention, and mitigation and suppression system requirements.

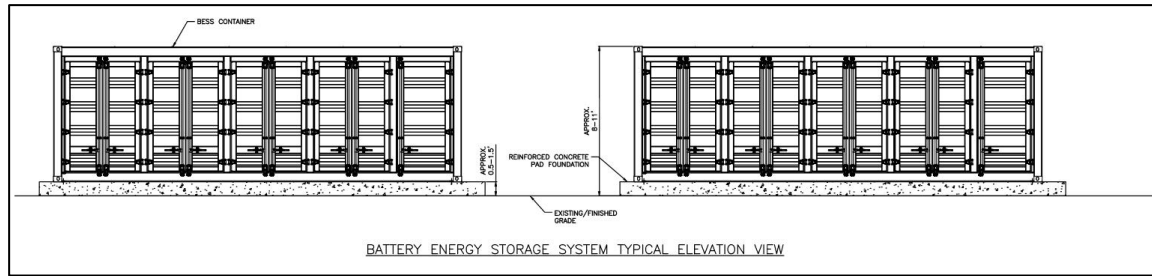


Figure 6. Battery Energy Storage System Typical Elevation View



Figure 7. Battery Energy Storage System

Substation

The proposed onsite substation would be a minimum of 350 feet by 350 feet and include three generation step-up transformers, breakers, buswork, protective relaying, meters, a site control center building, switchgear, backup power provided from the local utility, associated substation equipment, and a dedicated perimeter fence. The substation would be constructed and operated to step up the voltage of the electricity generated from the PV arrays or stored in the BESS. The substation site would be improved with compacted materials and foundations to support electrical equipment and supporting infrastructure. The substation structures would range in height from approximately 20 to 60 feet. Ten (10) foot security fencing consisting of chain link topped by barbed wire would be placed around the perimeter of the new substation.

Station service is planned to be provided via the new overhead distribution lines. Emergency generators may be needed in the event of loss of station service.

The substation may include a site control center building. The building would be less than 3,600 square feet in size and designed to meet federal, state and local building, electrical and fire

codes, and may include adjacent parking for employees. During construction and operations, portable sanitary facilities would be utilized.

Interconnection Lines

The project would interconnect to SMUD's distribution system through new and reconductored distribution facilities. The project would include up to 3.5 miles of new offsite 69 kilovolt (kV) lines and up to 4 miles of reconductored existing overhead 69kV lines. Reconductoring is the process of replacing wires on an existing electric circuit to update them to meet capacity needs; reconductoring often requires the existing poles to be replaced. There are two options to connect the project gen-tie lines to the SMUD 69kV system, as shown in Figure 2:

- Option 1: install 69kV along Florin Road, Eagles Nest Road to the property line to the Oveja Ranch property site. There is existing overhead 12kV along the majority of the route; plans call for installing a double-circuit 69kV with an 12kV underbuild.
- Option 2: install new 69kV along non-public road/property line to the west of the Oveja Ranch property site. There are no existing facilities along the route. This new line would connect to existing 69kV lines along Excelsior Road between Florin Road and Gerber Road which would require reconductoring of 69kV existing single-circuit 69kV with 12kV underbuild.

Both options include utilizing the existing 69kV line along Florin Road between approximately 300 feet east of Arroyo Willow Drive and Excelsior Road, which would require reconductoring existing single-circuit 69kV with a 12kV underbuild; the 12kV would also be reconductored since the pole line would have to be rebuilt.

The overhead lines (including the overhead distribution lines and 0.5-mile long collector line that connects the northern and southern portions of the project site) would be designed to reduce raptor and other bird collisions and electrocutions in compliance with SMUD's current Avian Protection Plan (APP) standards (SMUD 2016). Avian protection design standards and mortality reduction measures in the SMUD APP include installing flight diverters to increase overhead wire visibility in high-risk collision areas and using 60-inch clearance (minimum vertical separation of 36 inches from phase to ground on single-phase structures or 43 inches between energized conductors and ground on three-phase structures) pole design in eagle/raptor use areas. In addition, the APP requires that avian injuries and mortalities be reported to the SMUD APP Coordinator and that corrective actions be implemented if high mortality rates or avian caused power outages are recorded. Observations of injured or deceased birds during routine inspections are reported to SMUD's APP Coordinator.

Access and Internal Road Improvements

Primary access to the project site during construction and operation would be provided by existing, or newly constructed, paved, graveled, or dirt roads and/or driveways extending to the project site from Eagles Nest and Florin roads. To the extent possible, the existing earthen farm roads within the project site would be improved and utilized to provide access to the solar and BESS equipment to accommodate ongoing maintenance of these facilities and to accommodate emergency vehicles. Improved (earthen or graveled) roads, approximately 12 to 20 feet wide, would be constructed throughout the site and between arrays where existing farm roads cannot be utilized or new roads are needed. Internal roads within the site would be improved with a gravel overlay to minimize air quality impacts during construction and reduce dust accumulation on future solar panels.

Utilities

Existing overhead distribution lines adjacent to and within the project site may be used to provide energy to project infrastructure and personnel during construction and operation of the project. Some existing distribution lines may need to be removed, reconfigured, and/or placed underground.

Fencing and Lighting

The entire project site would be fenced to restrict access to authorized personnel only, improve safety, isolate electrical equipment, protect onsite improvements from theft and vandalism, and minimize potential conflicts with surrounding land use. The new security fencing would be chain link and typically six feet in height topped with three-strand security wire. A small gap at the bottom would allow small wildlife (e.g., small mammals, reptiles, and amphibians) passage under the fence. The final location and design of the fencing would depend on the final design of the project site. Additional fencing within the project site would be installed to protect sensitive resources (such as vernal pools and seasonal wetlands and adjacent buffers) and would remain in place during construction of the project. The fencing would be checked periodically, including after storms, and any debris build up removed by maintenance personnel.

The project would include external dark sky compliant safety lighting and permanent lighting on the substation, entrances to the arrays, and certain array or BESS-related equipment such as medium voltage combining switchgear. Temporary construction lighting also may be necessary. Construction lighting would be shielded and angled downwards. Mobile lighting would be used for nighttime construction activities and would also be shielded and angled downwards. No bright white lights, such as metal halide, halogen, fluorescent, mercury vapor, and incandescent lighting would be used during construction or for long-term operations. Lighting at the inverters medium voltage combining switchgear, and substation would generally be switched off and only switched on if maintenance is required outside of daylight hours. Lighting at entrances would be on motion sensors or on from dusk until dawn and some motion sensor lights would be installed along perimeters for security. These lights would be similar to flood lighting on the front of a home.

Meteorological Station and Telecommunications

Meteorological stations, approximately 10 to 15 feet in height, would be installed within the PV solar field. Telecommunications would be provided from a local provider or a microwave/satellite communications tower. Underground and/or overhead fiber optic cables would be installed onsite and along the interconnection and collection between the solar areas, BESS yard, and the generation substation.

Setbacks

A 250-foot setback would be established from onsite vernal pools and a 25-foot setback would be established from onsite seasonal wetlands. Wildlife friendly fencing would be used to demarcate the buffer and protect the seasonal wetlands and vernal pools during construction.

Construction Activities

Construction of the project would take approximately eighteen months to two years and is proposed to begin as early as the third quarter of 2026 and conclude in 2028. Preconstruction activities would include permitting, any required preconstruction resource surveys, geotechnical and other surveying, and installation of fencing. Additionally, the contractor would begin to

mobilize for construction. Construction mobilization would include preparing and constructing site access road improvements, establishing temporary construction trailers and sanitary facilities, preparing initial construction staging areas, and preparing water access areas near existing onsite wells. The project would utilize two onsite groundwater wells for construction and operations.

Construction staging and the temporary construction office would be located within the project site. Temporary lighting may be installed to facilitate deliveries and construction management. Construction staging areas would be used to store construction materials, worker parking, and provide a designated area for receiving construction deliveries, including temporary parking for delivery trucks waiting to unload. The staging areas would be cleared of vegetation during construction and may be graveled. Upon completion of construction, staging areas would be restored consistent with the rest of the site to post-construction conditions. Other temporary staging/laydown areas would also be established within the main project site during construction.

After establishment of the staging area(s), project construction would begin with initial site preparation work. Grading would be minimized to the extent feasible within the solar array areas and would be consistent with the setback requirements. Within the solar array area, limited and localized grading may be used to prepare the site for post and PV modules installation and to enhance or construct new access roads. Grading would likely be required for the proposed BESS yard and substation.

Following site preparation, vertical support posts would be driven into the ground and capped after installation. These posts would hold the support structures, or tables, on which PV modules would be mounted. Trenches for the underground AC and DC cabling and collection, and the foundations for the inverter enclosures and transformers, would be prepared. Trenching would occur within each array to place the AC and DC electrical cables underground. Upon placing the cables in the trenches, the trenches would be backfilled, and previous contours restored to the maximum extent feasible. The trenches for these cables are typically between 3 and 3.5 feet deep. During construction the trenches would be covered when not in active construction or ramps provided to ensure wildlife would be able to escape. Concrete foundations would be prepared for the BESS and generation substation components as well as for the interconnection and connector poles.

Once the foundations are complete, the BESS and generation substation equipment would be delivered, placed, and mounted on foundations. The BESS and generation substation components would be connected and prepared for commissioning and energization. Interconnection poles would be set at their foundation sites and conductor would be strung between the different facilities prior to commissioning and energization.

Typical construction equipment such as scrapers, dozers, dump trucks, watering trucks, motor graders, vibratory compactors, sheepsfoot, trenching and cable installation equipment, and backhoes would be used during construction. Other construction equipment that may be used would include generators, all-terrain vehicles (ATVs), pickup trucks, loaders, excavators, skid loaders, directional and other drilling equipment, road reclaimers, post drivers, forklifts, a mobile crane, and a boom lift.

Post-construction, the majority of the site would be vegetated with grazing and pollinator friendly vegetation, with the exception of the footprints for the substation, BESS yard, the solar panel support posts, the foundations for the inverters, switchgear, and transformers and roadways.

Fuel may be stored onsite during peak construction activities and would be stored consistent with standard construction best management practices. Self-contained concrete washout stations may be needed on the project site to support concrete foundation installation.

Construction Workforce

The expected number of construction workers onsite daily would vary by construction phase, with an expected daily average of 13 workers and a peak of 15 daily workers for the initial construction phase (site preparation) to up to a daily average of 219 workers and a maximum of 263 daily workers during the final construction phase (building/infrastructure construction). The construction workforce is expected to arrive at the project site between approximately 6:00 a.m. and 7:00 a.m. and leave the site between approximately 4:00 p.m. and 5:00 p.m., Monday through Friday for most of the project construction period. During hotter weather, construction crews may arrive earlier or leave later in the evening. Some earlier or later hours and weekend work may also be required to maintain the project construction schedule, complete critical activities, and accommodate deliveries. The number of personnel onsite during nighttime construction would depend upon the nature of the construction activity or materials being delivered to the site. As needed, mobile lighting units would be used to accommodate temporary construction activities.

Access and Traffic

Most of the traffic generated during project construction would be for employee commuting and the delivery of components and equipment. Primary access to the project site during both construction and operation would be provided from Eagles Nest and Florin roads. This could involve a temporary turn lane from Eagles Nest and/or Florin roads onto the project site (likely access would be from Florin Road for the northern area, and from Eagles Nest Road for the southern area) for construction, which could require road widening at that location and temporary construction access improvements.

In addition to construction workforce trips, project construction would require the following types of vehicle trips (all heavy vehicles):

- equipment and material deliveries;
- excavation, debris, and material hauling; and
- visitors, inspectors, management.

Most of the construction traffic would likely originate from Jackson Road (State Route 16) via Highway 50 or Grant Line Road via Highway 99. Materials would generally be delivered outside of the peak morning and afternoon traffic hours to the extent feasible and would be delivered to the designated receiving area. The materials would then be distributed within the site as needed.

Grading and Vegetation Removal

Grading and vegetation removal is proposed along the access roads, at the location of the inverters and transformers, at the BESS yard, and the generation substation. Aside from these areas, vegetation removal and site clearing would generally occur where solar panels would be installed. Tree removal is not anticipated. However, if tree removal is required, any applicable County tree ordinances would be adhered to. Following project construction, the majority of the site occupied by solar panels would be vegetated with grazing and pollinator friendly vegetation.

Other Site Improvements

To help prepare the project site for development of the project, the following site improvements would be completed:

- installation of a temporary 12kV line to provide power at staging yards;
- relocating existing 12kV lines providing power to wells.

Construction Waste Management and Recycling

Construction activities would generate waste and recyclables that in some cases may require offsite disposal. The California Green Building Code requires that 65 percent of construction and demolition waste be diverted from landfills.

Waste generated from the proposed project during site preparation and construction activities may consist of the following types of waste: scrap metal (copper wire, iron, steel, and aluminum); solid waste (trash, cardboard, wood products, inert organics, and concrete); and minimal hazardous waste (fuel, lubricants, and oils used by construction equipment).

All waste shipped offsite would be transported in accordance with the Department of Transportation, Code of Federal Regulations (CFR) Title 49, Subtitle B, Chapter I and California Code of Regulations (CCR), Title 13, Division 2.

Hazardous waste generated would be properly stored and disposed of in accordance with federal, state, and local regulations. No hazardous waste is expected to be generated during construction; however, construction equipment uses various hazardous materials (diesel fuel, oil, solvents, etc.). If disposal of these materials would be needed, they would be disposed of offsite in accordance with all applicable laws pertaining to the handling and disposal of hazardous waste.

Operation and Maintenance Activities

The project would operate seven days per week. One regular onsite employee may be required for approximately half the work week, and some personnel may visit the site to monitor, maintain, and if needed, repair the system. PV panels may be periodically washed with water during project operation, as needed. To conservatively estimate potential panel washing operational water use, it is estimated that solar panels would be washed once per year in case of excessive soiling. The project may also require occasional repair or replacement of project components. Inverters may require replacement every 10 years, while PV panels generally last 30 to 40 years. Thus, infrastructure replacement is expected to be rare. Other operational activities would include BESS equipment maintenance, interconnection equipment maintenance, production reporting, equipment inspecting and testing, and similar activities. General site maintenance would include vegetation management, road maintenance, removal of debris from fences, and general upkeep of the facility. Vegetation management would predominantly be accomplished by the landowner's sheep grazing operations.

After construction is complete, the project would continue to use the land for agricultural activities through continued irrigation of the pastures within the project site for grazing and possible crop production and the potential installation of pollinator friendly vegetation. Vegetation would grow under and between the modules to prevent erosion and provide forage for sheep to graze. The grazing lands would be irrigated using the existing flood irrigation system, which would be preserved to ensure that it remains functional during project operations.

Pickup trucks and flatbeds, forklifts, and loaders may be used for normal maintenance. Large, heavy-haul, transport equipment would be occasionally used to repair or replace equipment. Non-hazardous waste would be collected in designated locations and picked up/disposed of by a local waste disposal or recycling company. Oil, electronic equipment, and other potentially hazardous waste would be collected, stored, and disposed of in accordance with applicable laws and regulations.

Preventive maintenance kits and certain critical spare equipment would be stored onsite in a small structure or storage container, while all other components would be readily available from a remote warehouse facility.

A Pest Management Plan (PMP) would be prepared for the project prior to approval of improvement/grading plans for operations and maintenance that would identify the methods and frequency for management of weeds, insects, disease and vertebrate pests that may impact the project and adjacent sites.

Safety Controls

Health and safety plans would be developed for the construction and operational phases of the project. While project-specific plans have not yet been prepared, the plans would call for implementation of various measures including safety signage in accordance with applicable regulatory requirements.

Decommissioning and Site Restoration

At 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. Given the project's operating life cycle and distant timeframe for decommissioning activities, it would be too speculative to describe the specific decommissioning activities in this Draft EIR. Currently, standard decommissioning practices include dismantling and repurposing, salvaging/recycling, or disposing of the solar energy improvements, and site stabilization. The project would prepare a decommissioning and reclamation plan prior to decommissioning that would detail the timeline for removal of the project components.

Actual decommissioning and site restoration activities for the project would be conducted in accordance with all applicable requirements in effect at the time of project termination, and a final decommissioning plan, based on then-current technology, site conditions, and regulations, would be prepared prior to actual decommissioning.

Under current standard decommissioning practices, solar modules are removed, collected, and recycled or disposed of at a properly licensed landfill. Some or all components (i.e., aluminum and steel components) are salvaged and/or recycled, as feasible. Components that cannot be salvaged are removed and disposed of in accordance with applicable laws and regulations.

All components of the underground system would be removed down to six feet below ground surface as part of decommissioning activities. Similarly, access roads that would conflict with other land uses would be removed and the aggregate recycled, and roads that are compatible with other land uses would be left in place. Overhead electrical collection lines, poles, and associated components would be disassembled and removed, and reprocessed, sold, salvaged, or otherwise disposed of in an appropriate manner.

Substation components including steel, conductors, switches, transformers, fencing, control houses, and other materials, typically would be removed from a site and would be repurposed, salvaged, or recycled, or disposed of in an appropriate manner.

Some grading may be required to re-contour access road areas or address erosion. Future site restoration activities are assumed to be similar to the procedures used during construction to restore temporarily disturbed areas.

The above information is provided for context only. Additional CEQA analysis would be conducted prior to decommissioning, at the time when further details are known and the decommissioning plan has been prepared.

Potential Environmental Effects: The EIR will describe the significant direct and indirect environmental impacts of the project. The EIR also will evaluate the cumulative impacts of the project, defined as impacts that could be exacerbated when considered in conjunction with other related past, present, and reasonably foreseeable future projects. SMUD anticipates that the project could result in potentially significant environmental impacts in the following resource areas, which will be further evaluated in the EIR:

- **Aesthetics:** Temporary and long-term changes in scenic views or visual character of the project site as viewed by motorists on Florin Road, Gerber Road, and Grant Line Road and recreationalists, along with the potential for glare.
- **Agriculture:** Temporary or long-term changes to existing environment and conversion of important farmland to non-agricultural use.
- **Air Quality:** Temporary increases in air pollutant emissions associated with construction and operation associated with mobile-source emissions from maintenance worker trips and operation of the emergency backup generator.
- **Biological Resources:** Temporary disturbances or permanent losses of habitats and wildlife corridors; temporary disturbances or permanent losses of state or federally protected wetlands; temporary disturbances or permanent losses of special-status plant species; and construction disturbances or take of special-status terrestrial and aquatic species.
- **Cultural Resources:** Temporary or permanent disturbances of known or unknown historical or archaeological resources.
- **Environmental Justice:** Potential to create or worsen existing adverse conditions that would negatively impact communities within SMUD's service area, especially those identified as having a high sensitivity on the Sustainable Communities Resources Priorities Map.
- **Geology and Soils:** Potential soil erosion or loss of topsoil during construction; and potential impacts related to unstable soils, earthquakes, unique geological features, and expansive soils at the project site.
- **Greenhouse Gas Emissions:** Temporary increases in greenhouse gas emissions associated with mobile-source exhaust from construction worker commute trips, truck haul trips, and equipment (e.g., excavators, graders), with much greater long-term decreases in greenhouse gas emissions due to replacement of electrical generation by fossil fuel power plants.

- **Hazards and Hazardous Materials:** Potential spills of hazardous materials during construction; potential exposure of workers to hazardous materials during construction; and increased exposure to wildland fire risk during construction.
- **Hydrology and Water Quality:** Potential temporary and permanent alterations of local drainage patterns and increases in stormwater peak flow and volumes and potential downstream runoff effects; temporary effects on water quality during construction, including spills of fuel or other hazardous materials; and potential impacts to Federal Emergency Management Agency (FEMA) floodplains along the 69 kV powerlines.
- **Land Use and Planning:** Compliance with local and regional adopted plans.
- **Noise:** Temporary increases in noise (including off-site, truck traffic noise) and vibration levels during construction
- **Transportation and Traffic:** Temporary increases in traffic and traffic hazards on local roadways (including Florin Road and Werber Road) during construction.
- **Tribal Cultural Resources:** Potential substantial adverse changes to tribal cultural resources.
- **Utilities and Service Systems:** Potential increase in demand for additional water, wastewater, or solid waste treatment or disposal facilities, and its potential impacts on utility services. This section will also discuss the addition of the local interconnection facilities to the local grid.
- **Wildfire:** Potential increased exposure to wildland fire risk during construction.

These potential impacts will be assessed and discussed in detail in the EIR, and feasible and practicable mitigation measures will be recommended to reduce any identified significant or potentially significant impacts. The discussion in the EIR will also include an alternatives analysis.

SMUD anticipates that the project will not result in significant environmental impacts in the following resource areas, which will not be further evaluated in the EIR: energy, geology and soils, mineral resources, population and housing, and recreation.

Potential Approvals and Permits Required: Elements of the project could be subject to permitting and/or approval authority of other agencies. As the lead agency pursuant to CEQA, SMUD is responsible for considering the adequacy of the EIR. Other potential permits required from other agencies could include:

Federal

- **U.S. Army Corps of Engineers:** Compliance with Section 404 of the Clean Water Act (CWA) for discharge of fill to Waters of the U.S, if required.
- **U.S. Fish and Wildlife Service:** Section 7 of the Endangered Species Act (ESA) Consultation, if required.
- **State Historic Preservation Office (SHPO):** Compliance with Section 106 of the National Historic Preservation Act (required in support of CWA Section 404 permit, if required).

- **Federal Emergency Management Agency (FEMA):** Conditional Letter of Map Revision (CLOMR/LOMR) for floodplain boundary, if required.

State

- **State Water Resources Control Board:** Clean Water Act Section 402, construction general permit, if required.
- **Central Valley Regional Water Quality Control Board:** Clean Water Act Section 401, water quality certification; and/or waste discharge permit for waters of the state, if applicable.
- **California Department of Fish and Wildlife:** Compliance with California Endangered Species Act (CESA), potential permits under Section 2081 of the Fish and Game Code if take of listed species is likely to occur; and Section 1602 streambed alteration agreement for construction activities that occur within the bed, bank or channel of waterways, if required.
- **California Department of Transportation:** Encroachment permit and/or transportation management plan for any oversized equipment, such as transformers, if required.

Local

- **Sacramento County:** Williamson Act, i.e. California Land Conservation Act of 1965, contract amendments to allow solar panels as a compatible use.
- **Sacramento Metropolitan Air Quality Management District (SMAQMD):** Authority to Construct/Permit to Operate pursuant to SMAQMD Regulation 2 (Rule 201 et seq.), and Air Quality Management Plan consistency determination.

Document Availability: the NOP is available for public review on SMUD's website: www.smud.org/ceqa. Printed copies of the NOP are also available for public review at the following locations:

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

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

Public Scoping Meeting: An in-person public scoping meeting will be conducted by SMUD to inform interested parties about the project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. The public scoping meeting is an opportunity for interested parties to provide input on the project, though no decisions will be made. Anyone wishing to make formal comments on the scope or content in the EIR should also do so in writing. The meeting time and location are as follows:

Wednesday, September 18, 2024

Time: 5:30 – 7:00 p.m.

Location: Sheldon High School, 8333 Kingsbridge Drive, Sacramento, CA 95829

Comment Period: Agencies and interested parties may provide SMUD with written comments on topics to be addressed in the EIR for the project. Comments can be provided anytime during the NOP review period, but must be received by 5:00 p.m. on October 6, 2024. Please send all comments, with appropriate contact information, to the following address via hard copy or email:

Kim Crawford
Sacramento Municipal Utility District
Environmental Services Department
6201 S Street, MS B209
Sacramento, CA 95817
OvejaRanchSolar@smud.org

Project Updates: SMUD is committed to keeping the community informed about this project. We'll update our website - smud.org/OvejaRanch - with schedule information, construction impacts, and progress updates.

For environmental process questions, contact Kim Crawford at kim.crawford@smud.org or 916-732-5063

All comments on environmental issues received during the public comment period will be considered and addressed in the Draft EIR, which is anticipated to be available for public review in early 2025.


[EXTERNAL] Letter to SMUD

From Carl Werder <carl.l.werder@gmail.com>

Date Fri 9/20/2024 12:54 PM

To OvejaRanchSolar <OvejaRanchSolar@smud.org>

Cc Trask David <dmtrask@gmail.com>; Nelson Tom <tanelson41@gmail.com>

 3 attachments (573 KB)

Comment Ltr 9-20-2024.docx; Fall 2018 Groundwater Elevations.pdf; SCGA Well #6.pdf;

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

Please find attached my comment letter concerning your Oveja Ranch Solar Project.

September 20, 2024

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

Subject: Comment concerning Oveja Ranch Solar Project

Dear Ms. Crawford

I attended the presentation your company held on September 18th at Sheldon High School. I expressed my concerns over the use of groundwater during construction of the subject project.

The groundwater at the project location has a cone of depression caused by a loss of recharge due to remediation pumping at Areojet. (See attachment Remediation Down-Gradient) At your project location according to monitoring well SCGA-6 the water table has dropped approximately 50 feet from 2004 to 2018. (See SCGA-6 Graph) According to the information document sent to me dated September 5th, on page 11 “The project would utilize two onsite groundwater wells for construction and operation.” This use of the existing groundwater wells well only exasperate an overdraft problem in this area where I live.

A recommended solution for the required water during construction and operation would be to use water from the Folsom South Canal. SMUD has a water right to this canal for use at Rancho Seco. I believe the amount of water SMUD has a right to is 3,000 acre feet per year. The Folsom South Canal is located less than a mile away and thus could supply all the water needs for this project.

I recommend that this alterative water source be considered as part of the environmental review determination process.

Sincerely,

Carl L. Werder
8043 Dierks Road
Sacramento, CA 95830

Attachments: Remediation Down-Gradient

SCGA-6 Graph

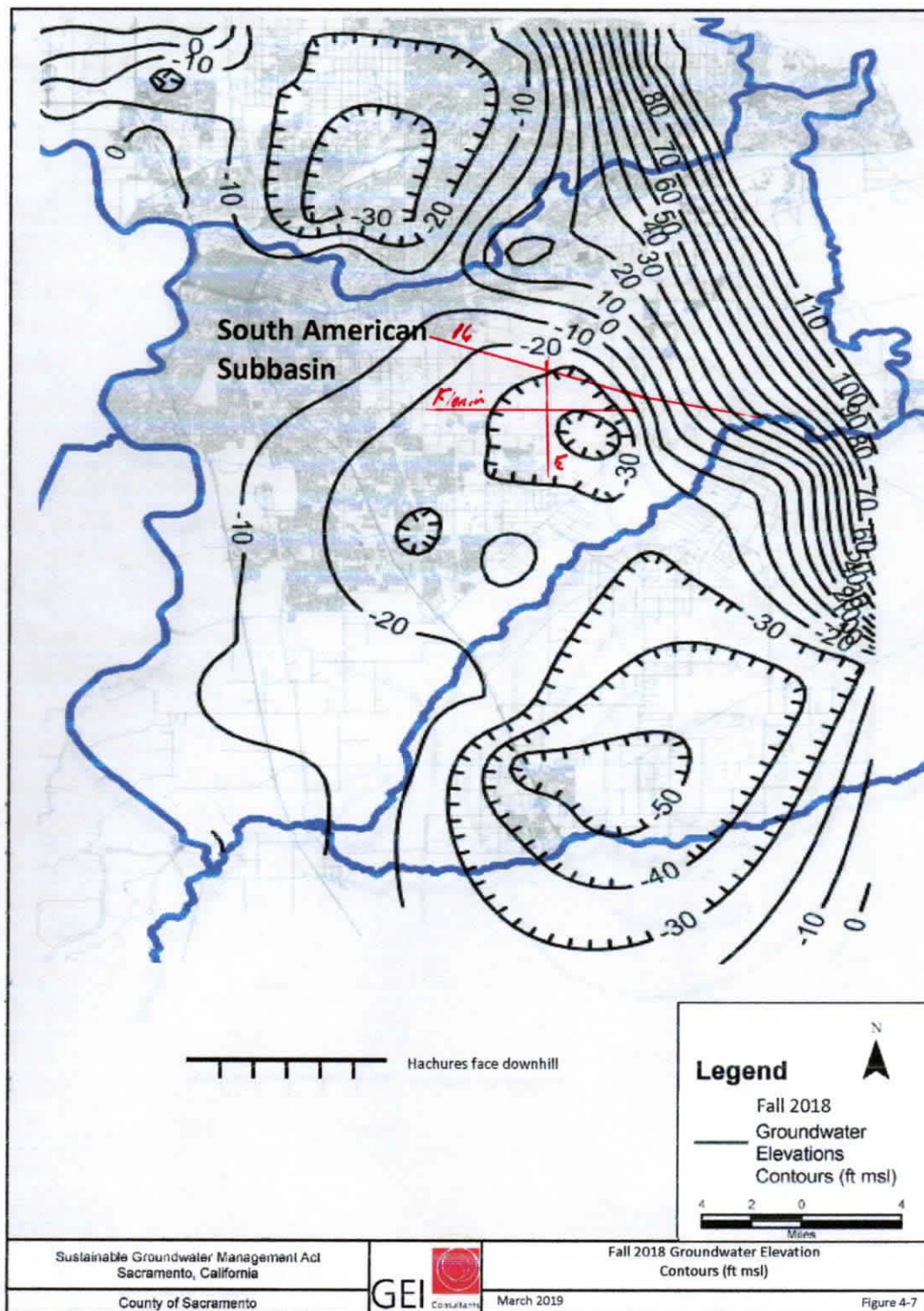
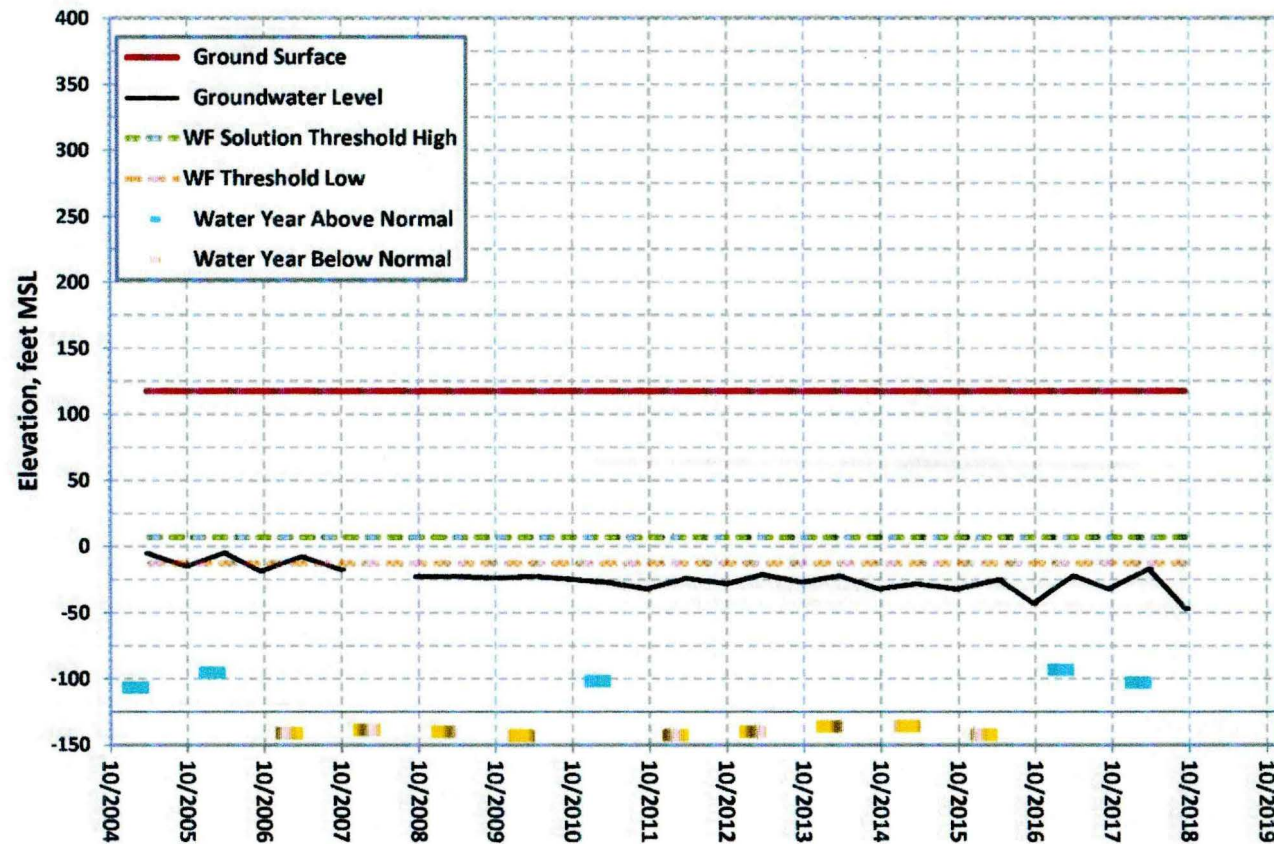


Figure 4-7. Fall 2018 Groundwater Elevations Contours with Monitoring Wells (ft msl)

SCGA-6 / 384798N1212614W001



Rest
Engles Nest Road
South of Florin


[EXTERNAL] Notice of Preparation of a Draft Environmental Impact Report for the Oveja Ranch Solar Project, Sacramento County

From Navarro, Karina <karina.navarro@ebmud.com>

Date Mon 9/30/2024 4:05 PM

To OvejaRanchSolar <OvejaRanchSolar@smud.org>

Cc Rehnstrom, David <david.rehnstrom@ebmud.com>; Navarro, Karina <karina.navarro@ebmud.com>

 1 attachments (2 MB)

Oveja Ranch MND.pdf;

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

This message has been approved by the Manager of Water Distribution Planning - David J. Rehnstrom

Dear Ms. Crawford:

East Bay Municipal Utility District appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Oveja Ranch Solar Project located in unincorporated Sacramento County. Please see attached document for comments.

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

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

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





Procedure 718

EFFECTIVE 13 DEC 22

SUPERSEDES 08 JUL 20

LEAD DEPARTMENT O&M

AUTHORIZED USES OF PIPELINE RIGHTS-OF-WAY

PURPOSE – To establish procedures and criteria for review and authorization of overhead, surface, and sub-surface use of District-owned and easement established property containing raw and distribution water aqueducts and pipelines (“pipelines”) for purposes other than installation, maintenance, and operation of District pipelines.

Forms Used	L-14	Limited Land Use Permit
	K-47	Work Request Agreement
	N-15	Certificate of Public Liability Insurance
	N-17	Certificate of Workers' Compensation Insurance
		Application for Use of EBMUD Property or Request for Information
		General Fund Receipts for Miscellaneous Payments

Authority and Responsibility

Use, development, and control of fee-owned and easement established rights-of-way for District and non-District uses must be consistent with the District's operations, maintenance, security, and the rights and obligations of the District. District and non-District uses of District-owned pipeline rights-of-way may be permitted, at the District's sole discretion, only if the uses conform to Policy 7.01 - Aqueduct and Distribution Pipeline Rights-of-Way Maintenance and the requirements of this Procedure.

- No use of District pipeline rights of way or property by others will be permitted as a condition to meet city/county zoning requirements or to obtain any land use permit, approval, or entitlement affecting properties not owned by the District.
- No use of District properties by others will be permitted except under terms of a written agreement.
- Use of pipeline rights-of-way for District purposes shall have the concurrence of the Director of Operations and Maintenance and shall include all applicable protections required for similar third-party use.
- The Board of Directors has exclusive authority to approve any proposed right-of-way use requiring the adoption and implementation of one or more mitigation measures to minimize potentially significant environmental impacts.
- The decision whether to authorize any party other than the District to use District-owned property containing pipelines for any non-District purpose is a legislative act undertaken at the sole discretion of District staff. No notice or hearing is required to consider an application for use of such property, and staff's decision is not subject to appeal.

Acceptable long-term uses of the pipeline rights-of-way include but are not necessarily limited to: utility crossings, road crossings, limited agriculture, equestrian and pedestrian trails, parks, oil and gas leases, and District-owned ground water wells. Acceptable long-term uses of rights-of-way and easements for future pipelines will be evaluated upon facility completion. Such uses will be authorized in writing. All approved uses will conform to the requirements and limitations described in the attached EBMUD Requirements for Entry or Use of Pipeline Rights-of-Way (Requirements for Entry or Use) and all other conditions as specified in the written approval.

The Water Supply Division and the Water Treatment and Distribution Division are each primarily responsible to implement this Procedure with respect to proposed uses of rights-of-way containing a facility “owned” by that Division. Facility “ownership” for this purpose is determined based on which Division has “Overall Responsibility” for the facility according to Table 1 of Procedure 706 – Facilities: Inspection, Maintenance and Repair. Wherever this Procedure allocates responsibility to both Divisions in the

alternative, the responsibility shall rest with the Division which owns the facility within the right-of-way which is proposed to be used.

The Water Supply or the Water Treatment and Distribution Divisions are responsible for monitoring permitted uses and detecting and preventing unauthorized uses of pipeline rights-of-way, respectively.

The Office of General Counsel and the Manager of Real Estate Services will be consulted when an unauthorized user will not voluntarily desist.

The Water Supply or the Water Treatment and Distribution Divisions are responsible for coordinating the development of recommendations with respect to the terms and conditions to be stipulated when a District or non-District use of a pipeline right-of-way is to be permitted.

The Director of Engineering and Construction shall be consulted as necessary to provide location analysis or to determine what structural, grading, drainage, corrosion protection or other engineering measures are required and to obtain estimates of engineering, design and inspection costs.

Inquiries and Applications for Use

Applications and inquiries for use of pipeline rights-of-way shall be processed by the Water Operations Department. Applications for non-District uses will not be processed unless accompanied by the appropriate application fees specified in the District's "Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees".

The **Water Operations Department** is responsible for:

- Providing requirements for use of the District's pipeline rights-of-way to applicants requesting use of the right-of-way. See the attached Requirements for Entry or Use.
- Providing requirements to applicants for proposed work located adjacent to the District's pipeline rights-of-way which has the potential to impact the District's pipelines (e.g., proposed excavations that may include use of tiebacks that could result in a vertical encroachment and/or excavations that have the potential for ground movements that could damage District pipelines).
- Checking for completeness of any permit (e.g., Encroachment Permit Application) to ensure compliance with the requirements for entry or use of pipeline rights-of-way contained in Requirements for Entry or Use plus any other conditions applicable to the proposed use.
- Collecting engineering, plan review and construction inspection costs and documentation of insurance coverage, if necessary.
- Monitoring existing encroachments and inspection of the construction of new approved encroachments.
- Providing information to the Engineering and Construction Department for technical input regarding additional permit requirements or special restrictions that may be applicable (in addition to those outlined in the Requirements for Entry or Use).
- Assuring proper environmental documentation for proposed uses through consultation with the Water Distribution Planning Division, when appropriate. Policy 7.01 - Aqueduct and Distribution Pipeline Rights-of-Way Maintenance, requires the District to ensure that any construction impacts from third-party use of District rights of way are mitigated to the level of "no significant impact."

Real Estate Services is responsible for:

- Advising the Manager of Water Supply or the Manager of Water Treatment and Distribution of any real estate matters which relate to a specific proposed use.
- Collecting application fees and charges, preparing and executing limited land use permits, leases, easements, and all other property-related agreements (except for revocable licenses and temporary entry permits) and recommending fees and charges appropriate to the property use allowed, and for securing payment. See the current applicable Water and Wastewater System Schedule of Rates and Charges and Fees.
- Maintaining records relating to rights-of-way crossings and use, and providing information to the Engineering and Construction Department for the update of District pipeline drawings and GIS applications.

**Types of Permit
License or
Easement**

The Manager of Water Supply or Manager of Water Treatment and Distribution shall keep available the forms listing the general requirements set forth in Requirements for Entry or Use for each of the following:

Temporary Entry/Temporary Construction Permit

For temporary access to pipeline rights-of-way such as for surveying, potholing, construction, for temporary access via the District's right-of-way to property adjacent to the right-of-way, and other similar short-term situations.

Revocable License and Revocable Landscape License

For pipelines, sewers, storm drains, overhead and underground cables, public trails, landscaping and other crossings or lateral encroachments.

Limited Land Use Permit

Provides for agricultural or other surface use of the right-of-way for a period not to exceed one year (vehicular parking is prohibited). These permits are renewable annually if inspection reveals satisfactory conformance to conditions of permit.

Easement

For streets, highways, large diameter pipelines, canals and railroads, and other permanent publicly-owned encroachments. Easements are officially recorded with the county having jurisdiction. The consideration for the easement (e.g., fee) will be based on the value of the property being encumbered.

The Manager of Water Supply or Manager of Water Treatment and Distribution shall request review of any proposed revisions to application forms and lists of requirements from the Engineering and Construction Department, Real Estate Services Division, Office of General Counsel, and the District's Pipe Committee.

**Processing
Applications**

Temporary Entry Permits and Temporary Construction Permits

The Manager of Water Supply or Manager of Water Treatment and Distribution (or designee) may issue temporary entry and construction permits including imposing standard and temporary conditions relating to the use. The Manager of Real Estate Services and the Office of General Counsel will be consulted regarding unusual circumstances.

Revocable Licenses

The Manager of Water Supply or Manager of Water Treatment and Distribution (or designee), if warranted, shall conduct a field investigation to determine pipeline protection requirements and in consultation with the Design Division or the Pipeline Infrastructure Division, will set forth the engineering and operating requirements.

The Manager of Water Supply or Manager of Water Treatment and Distribution (or designee), shall then specify any and all requirements, including special conditions to the applicant, and discuss the terms and conditions of the license agreement as well as any processing, design and inspection costs and license fee. The Manager of Water Supply or Manager of Water Treatment and Distribution may then enter into a standard license agreement with relevant special conditions on behalf of the District. The Manager of Real Estate Services and the Office of General Counsel shall be consulted regarding any unusual circumstances.

Copies of all revocable licenses issued by the Water Supply Division or the Water Treatment and Distribution Division shall be provided to the Manager of Real Estate Services.

Copies of all licenses or leases issued by the Manager of Real Estate Services on Pipeline Rights-of-Ways shall be provided to the Water Supply Division or the Water Treatment and Distribution Division.

Limited Land Use Permits

The Manager of Water Supply or Manager of Water Treatment and Distribution (or designee), shall convey the District's requirements to the applicant and investigate to determine any special conditions.

Real Estate Services shall prepare the Limited Land Use Permit (Form L-14) in duplicate, including special conditions or stipulations, accompanied by a District-prepared location sketch that will refer to pipeline stationing and other appropriate location identifiers, including adjacent pipeline structures.

Engineering and Construction Department shall prepare the location sketch.

After payment of the stipulated consideration determined by Real Estate Services, the Manager of Water Supply or Manager of Water Treatment and Distribution (or designee) shall review and execute the permit. These copies are then returned to the Manager of Real Estate Services, together with any stipulated consideration.

Forty-five days before expiration of a Limited Land Use Permit, the Manager of Real Estate Services shall notify the Manager of Water Supply or Manager of Water Treatment and Distribution, who shall investigate the permittee's operations. If renewal of the permit is recommended, the permit will be renewed by letter from the Manager of Real Estate Services.

Leases and Easements

The Water Supply or Water Treatment and Distribution Divisions shall conduct a field investigation to determine requirements for pipeline protection and, in consultation with the Design Division or Pipeline Infrastructure Division, if necessary, will set forth the engineering and operating requirements.

If structural or corrosion protective facilities are required, the Manager of Water Supply or Manager of Water Treatment and Distribution (or designee) shall request the Manager of Design Division or Pipeline Infrastructure Division to proceed with the required design or plan reviews. (During design, the designer will communicate with the applicant's engineer.) Upon completion of design, the plans will be delivered to the applicant via the Manager of Water Supply or Manager of Water Treatment and Distribution (or designee), who will arrange for inspection as required.

The Manager of Real Estate Services shall discuss with the applicant the terms of the agreement and the amount of the consideration, including any processing, design, and inspection costs. Real Estate Services shall obtain an appraisal and engineering estimates, if necessary.

Upon agreement with the applicant, the Manager of Real Estate Services, shall draft, for review and approval by the Manager of Water Supply Division or the Manager of Water Treatment and Distribution Division and Office of General Counsel, an agreement granting the applicant the property interest under the terms and for the consideration as approved. Real Estate Services shall assure that evidence of insurance is provided, if required. The lease or easement shall be submitted to the District's Board of Directors for approval, if required by Procedure 108 - Real Estate Transactions. Two copies of the lease or easement shall be sent to the applicant with instructions to sign and return the copies, together with the consideration, to the Manager of Real Estate Services. Easements shall be recorded and the applicant shall provide the Manager of Real Estate Services with the recording data.

Approvals

District and non-District uses of pipeline rights-of-way shall be confirmed in writing, listing any special conditions which may apply to the proposed use to the requesting District departments or third parties by the Manager of Water Supply or Manager of Water Treatment and Distribution (or designee).

Terminations

Any third-party use of the District's pipeline property may be terminated at the District's sole discretion, so long as the termination is authorized by and done in a manner compliant with the terms and conditions of the permit, license, or lease that governs the use. If the Water Supply Division or the Water Treatment and Distribution Division terminates any permit or license, the Manager of Real Estate Services and the Design Division shall be so notified by memo. The Office of General Counsel may be consulted before undertaking a termination which may affect the District's legal interests.

Terms and Conditions

The final determination of generally applicable terms and conditions appropriate for District uses of pipeline properties rests with the Director of Operations and Maintenance.

A specific third-party applicant for use of pipeline property may be required, as a condition of approval of the application, to comply with the generally applicable terms and conditions, or with different or additional terms and conditions that are determined to be in the District's best interest. The decision to approve or deny an application, and the selection of terms and conditions of any approval, shall rest with the Director of Operations and Maintenance. There is no right to an administrative appeal or hearing, and the decision of the Director or designee is final.

Records

The Manager of Real Estate Services shall maintain a file containing copies of all documents relating to right-of-way crossings or uses, except for temporary encroachment permits, and is responsible for the assignment of right-of-way crossing numbers to approved documents.

The Engineering and Construction Department shall maintain as-built and right-of-way drawings and other information of pipelines. Updates to these drawings shall be made following:

1. Grant of Revocable License or Easement. Notice to be supplied by the Manager of Real Estate Services.
2. Completion of crossing construction covered by license or easement. Notice, including "as built" location data, to be supplied by the applicant to the Water Supply Division or Water Treatment and Distribution Division for transmittal to the Engineering and Construction Department. This notice will be routed through the Engineering and Construction Department, as necessary, then to the Manager of Real Estate Services.
3. Termination of any pipeline right-of-way use. Notice to be supplied by the Manager of Real Estate Services.

Drawings of right-of-way crossings and uses within the service area will be updated in GIS applications by Mapping Services based on information provided from Real Estate Services.

Required Fees

Pipeline right-of-way fees for the processing of applications and documents related to proposed uses are included in the "Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees". The Manager of Water Supply and Manager of Water Treatment and Distribution are responsible for periodic review and updating of Requirements for Entry or Use. The Manager of Real Estate Services is responsible for review and updating of Fees and Documentation Charges, Use of Aqueduct and Distribution Pipeline Rights-of-Way by Others.

References

Policy 7.01 – Aqueduct and Distribution Pipeline Rights-of-Way Maintenance
Procedure 108 – Real Estate Transactions
Procedure 436 – Miscellaneous Accounts Receivable and Cash Receipts
Procedure 706 – Facilities: Inspection, Maintenance and Repair
Requirements for Entry or Use of Pipeline Rights-of-Way (attached)
Water and Wastewater System Schedules of Rates and Charges, Capacity Charges, and Other Fees (as updated periodically)



**EBMUD REQUIREMENTS FOR
ENTRY OR USE OF PIPELINE RIGHTS-OF-WAY**

East Bay Municipal Utility District

1. Requests for encroachment rights or for other uses of the District's raw and distribution water aqueduct and pipeline ("pipeline") properties shall be directed to the Manager of Water Supply, 1804 West Main Street, Stockton, California 95203. Property uses shall only be permitted subject to appropriate written permit, license, easement, or lease agreement.
2. Requests for property uses shall be in writing and accompanied by a completed application, application fees, plan and profile drawings of the area and work involved. District pipeline stationing and adjacent above-ground structures must be shown. Applicant's horizontal and vertical control must be correlated to the District's. Drawings and maps shall be ANSI D size (22x34 inch) or ANSI B size (11x17 inch) and must also be provided in electronic .pdf format. Application must include complete insurance documentation.
3. The applicant must indemnify, defend, and hold harmless the District and associated personnel from and against any claims, losses, and liability arising by reason of the applicant's use of District's property or the applicant's acts or omissions pursuant to any permit or approval issued by the District, on such terms as the District may require. The applicant may be required to provide evidence of insurance coverage.
4. All requests for uses of District property must be consistent with requirements and limitations set forth by Procedure 718 and will be reviewed and approved on a case-by-case basis.
5. District land and facilities shall be restored to a condition as good as that which existed before applicant's entry on the right-of-way.
6. Applicant's use of property shall not increase District costs or interfere with District access, operations, maintenance, or repair of its facilities.
7. The applicant must pay the District the appraised value of the easement or lease, if appropriate, for the rights granted to the applicant. Appropriate environmental documentation must be completed in accordance with the California Environmental Quality Act before the rights can be granted. The District may require the applicant to prepare the documentation at its expense before the application will be considered for approval. The District will review the environmental documentation to determine whether it (i) adequately describes the applicant's project, (ii) contains a detailed disclosure and analysis of the project's impacts, (iii) describes feasible measures to mitigate any construction impacts to the District's right-of-way to a level of no significant impact, and (iv) is otherwise legally sufficient. The District may rely on any existing environmental documentation for the applicant's project if the District determines that the existing documentation meets the above-described standards.
8. For any District-approved encroachment, the applicant must pay the District for any of the following measures, as determined necessary by the District:
 - a. Design of structural protective measures
 - b. Design of fences or other structures
 - c. Corrosion control protective measures
 - d. District engineering, plan review, and inspection of activities
 - e. Environmental documentation
 - f. Application, permit or license fees.
9. The plan for the execution of the work must be approved by the District.
10. The type and weight of equipment working over the pipelines must be approved by the District.
11. The use of vibratory compaction equipment is prohibited on the pipeline right-of-way unless otherwise approved by EBMUD. Allowable compaction effort, allowable equipment, and maximum depth of each lift of fill shall be subject to District review and approval before start of construction.
12. A minimum of 48 business hours' notice must be given to the District before work commences on District pipeline right-of-way. Contact information will be provided in permit.


13. A preconstruction meeting is required prior to start of work.
14. No building or portions of buildings shall be constructed on the property. No other types of structures shall be constructed unless specific approval is given by the District.
15. No longitudinal encroachments such as drainage ditches; gas, phone, or electrical lines; pipelines, or roads will be permitted. All property line fences (including footings) must be located completely outside District property lines.
16. District staff shall monitor pile driving or other work which can result in vibration and occurs within 100 feet of the aqueducts. District staff shall also monitor other work located within 100 feet of the pipeline right-of-way, if such work has the potential to result in ground movements that could damage the District's facilities (i.e., large excavations with potential for horizontal or vertical ground deformations within the District's rights-of-way).
17. Railroad, freeway and highway crossings of the pipeline right-of-way shall be on permanent bridges with a minimum vertical clearance of 14 feet 6 inches between the finished ground surface and the underside of the bridge. Crossings of pipeline rights of way, on grade will be over structurally-encased aqueducts with a sleeve for a fourth aqueduct.
18. Street and road crossings constructed on grade shall incorporate protection of the pipelines. Protective measures will be designed by applicant's licensed engineer to District standards with specific District approval of each design.
19. Existing pipeline protective measures such as concrete slabs shall not be cut, penetrated, or otherwise disturbed. If a protective measure is cut, penetrated, or disturbed, it shall be replaced with a new protective measure, designed by applicant's licensed engineer to District standards with specific District approval of design.
20. Traffic control fences or approved barriers shall be installed along each side of the street, road or trail before opening to the public.
21. Temporary construction fences and barricades shall be installed by contractor as directed by the District.
22. No geotechnical exploration such as drilling or boring shall be allowed on an pipeline right-of-way without prior written approval from the District.
23. Any changes in finished grade in the pipeline right-of-way must be approved by the Aqueduct Section. Earth fills or cuts on adjacent property shall not encroach onto District property except where authorized for vehicular crossings on grade and where the District determines that there will be no detrimental effect on or maintenance of the pipelines.
24. Crossings shall be perpendicular to the pipelines and on a constant grade across District property.
25. Sanitary sewers, water lines, petroleum product lines, or other lines crossing above the pipelines must be encased in a steel, polyvinyl chloride (PVC), or reinforced concrete pipe conduit or be imbedded in reinforced concrete with a minimum vertical clearance of two (2) feet between the casing/embedment and the top of District pipelines. The casing shall extend the entire width of the pipelines right-of-way.
26. All pipelines crossing below the pipelines must be encased in a steel or reinforced concrete conduit and provide a minimum of three (3) feet of clearance between the casing and the bottom of the District pipelines.

27. Trenchless construction methods such as horizontal directional drilling or jack-and-bore between the top of the pipelines and the bottom of the protective structure (slab) are prohibited.
28. On pressurized pipe crossings, shutoff valves shall be provided outside and adjacent to both sides of District property.
29. At the point of crossing, steel pipeline crossings and steel casings shall incorporate electrolysis test leads, bond leads, and leads necessary for interference testing. Corrosion control devices, when required, must be approved by the District.
30. Cathodic protection for steel encasements must be installed as follows:
 - Provide a dielectric coating to the exterior surface of the steel casing within the District's right-of-way, 16 mil epoxy or equivalent.
 - Provide galvanic protection to the portion of the steel casing within the District's right-of-way in accordance with the National Association of Corrosion Engineers RP-01-69.
 - If the carrier pipe is constructed of ductile iron or steel, provide electrical isolation between the carrier and casing using casing insulators; redwood skids are not permitted.
 - Provide test results to the District demonstrating the adequacy of the cathodic protection system, and the adequacy of the electrical isolation of the carrier (if metallic) from the casing. The District reserves the right to witness any such tests.
31. Gravity drainage of District property shall be maintained. Open channels constructed across the right-of-way shall be paved with reinforced concrete. Headwalls, inlets, and other appurtenances shall be located outside District property. Drainage facilities shall be provided outside the District's property at the top and/or toe of fill slopes or cuts constructed adjacent to District property to assure adequate drainage.
32. Overhead electrical power conductors across the property shall be a minimum of 30 feet above ground. Communication and cable TV crossings shall be a minimum of 20 feet above the ground. Supporting poles or towers shall be located outside the pipelines right-of-way.
33. Buried electrical cables passing over the pipelines shall be installed in PVC conduit and encased in red concrete across the entire width of the right-of-way. In some cases, PVC-coated steel conduit with a red concrete cap may be substituted. All other buried cables shall be installed in conduits and marked in the appropriate Underground Service Alert (USA) colored marking materials and with surface signs installed at 4-foot intervals that include the utility name, type, and emergency contact information across the entire width of the right-of-way. The minimum vertical clearance between the conduit and the top of the District's pipelines is two (2) feet.
34. Electrical or telecommunications cables shall not be allowed to pass under the pipelines.
35. Vehicular parking and storage of equipment or material on aqueduct or distribution pipelines property are prohibited.
36. All District survey monuments and markers shall be undisturbed. If any District survey markers or monuments must be disturbed, they will be replaced or relocated by the District at applicant's expense prior to the start of any ground disturbing work.
37. All pipeline crossings involving mechanical excavation on the right-of-way require potholing of all pipelines at the site of the proposed crossing. Visible reference markings showing the pipeline alignments and depths to top of pipe shall be maintained for the duration of any mechanical excavation on District property. Excavations within two (2) feet of pipelines shall be made by hand. Entry permits are required for pothole work.
38. All grading or excavating of the right-of-way requires USA notification and the maintenance of a current inquiry identification number.

39. Certified six-sack mix is the minimum acceptable concrete batch to be used on the pipelines right-of-way. Concrete compression strength shall be 3,000 per square inch (PSI) or better at 28 days. If samples do not reach 3,000 PSI at 28 days, the entire section of slab or encasement related to that sample must be removed and replaced at applicant's expense.
40. Each truckload of concrete to be placed on the right-of-way may be sampled by the District. No water may be added to the mix after sampling.
41. Maximum allowable slump is three inches. All concrete exceeding three inches will be rejected and cannot be used on the right-of-way.
42. No traffic will be allowed over protective slabs until 3,000 PSI is reached.
43. All work areas shall be inspected by the District for final approval. As-built drawing submittals are required for District approval.
44. No work is allowed on weekends or District-recognized holidays unless otherwise authorized in the required permit.

[EXTERNAL] Oveja Ranch Solar NOP comments, SCH#2024090310

From Grundy, Farl@DOC <Farl.Grundy@conservation.ca.gov>
Date Tue 10/1/2024 7:01 AM
To Kim Crawford <Kim.Crawford@smud.org>
Cc OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>

 1 attachments (243 KB)
OvejaRanchSolar NOPcomments.pdf;

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Good morning,

Attached are the Department of Conservation's comments on the Notice of Preparation for the Oveja Ranch Solar Ranch Project, SCH# 2024090310. Let me know if you have any trouble viewing the attached pdf, as a hard copy of these comments will not be sent unless specifically requested.

Sincerely,



Farl Grundy

Associate Environmental Planner
Division of Land Resource Protection
Williamson Act / CEQA

California Department of Conservation

715 P Street, MS 1904
Sacramento, CA, 95814
E: Farl.Grundy@conservation.ca.gov
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OCTOBER 1, 2024

VIA EMAIL: KIM.CRAWFORD@SMUD.ORG
SACRAMENTO MUNICIPAL UTILITY DISTRICT
ENVIRONMENTAL SERVICES DEPARTMENT
6201 S STREET, MS B209
SACRAMENTO, CA 95817
CONTACT: KIM CRAWFORD

Dear Ms. Crawford:

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE OVEJA RANCH SOLAR PROJECT, SCH# 2024090310

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Oveja Ranch Solar Ranch Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process, and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The Oveja Ranch Solar Project would allow the construction and operation of a photovoltaic 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 megawatts delivered at the point of

interconnection with the electrical grid managed by the Sacramento Municipal Utility District.

The project site contains Farmland of Statewide Importance, and Unique Farmland as designated by DOC's Farmland Mapping and Monitoring Program. A portion of the project site is subject to a Williamson Act contract.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Implementation of any City or County Agricultural Mitigation Plans, Programs, or Policies.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.
- The project's compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.

WILLIAMSON ACT

Where, as here, the project site is located on land subject to a Williamson Act contract, the Department advises that the environmental review discuss the compatibility of the project with the contract and local Williamson Act program requirements.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; see also *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional,

or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Oveja Ranch Solar Ranch Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

From: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>
Sent: Thursday, October 03, 2024 12:41 PM
To: OvejaRanchSolar
Cc: Shun, Michael@Wildlife; Wood, Dylan@Wildlife; Tran, Harvey@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife; OPR State Clearinghouse
Subject: [EXTERNAL] CDFW Comments - Oveja Ranch Solar Project DEIR (SCH # 2024090310)
Attachments: R2_CEQA_NOP_EIR_Oveja_Ranch_Solar_Project.pdf

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Hello,

Attached you will find a completely executed copy of the above referenced document. Please reply verifying you can open this email and the attachment.

Thank you,
Nicole Haggerty
Staff Services Analyst
California Department of Fish & Wildlife
North Central Region – Region 2
916.907.3438





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
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www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 3, 2024

Kim Crawford
Environmental Specialist
Sacramento Municipal Utility District
6201 S Street, MS B209
Sacramento, CA 95817
OvejaRanchSolar@smud.org

Subject: Oveja Ranch Solar Project
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2024090310

Dear Kim Crawford:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of an Environmental Impact Report (EIR) 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.¹

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

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

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environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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.

PROJECT DESCRIPTION SUMMARY

The Project site is located in unincorporated southeastern Sacramento County, south of the City of Rancho Cordova and north of Wilton; Assessor Parcel Number's (APN) 123-0040-001-000, 123-0030-003-000, and 067-0110-083-000.

The Project consists of the construction and operation of a photovoltaic (PV) solar power and battery storage facility and interconnection facilities, including a generation substation, 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 site would generally comprise PV solar modules, foundation piles, racking, direct current (DC) collection, alternative (AC) to DC inverters, AC collection, fencing, roads, inverters, medium voltage transformers, an interconnection line between the generation substation, BESS equipment, and interconnection lines 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 presented below to assist SMUD in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

Project Description

The Project description should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment stage area, spoils

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areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the EIR should include an appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the EIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. CDFW recommends the EIR specifically include:

1. An assessment of all habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following, *The Manual of California Vegetation*, second edition (Sawyer 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine United States Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the Department webpage www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species

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within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

3. A complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code § § 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. The EIR should include the results of focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly, indirectly, on or within a reasonable distance of the Project activities. CDFW recommends SMUD rely on survey and monitoring protocols and guidelines available at: www.wildlife.ca.gov/Conservation/Survey-Protocols. Alternative survey protocols may be warranted; justification should be provided to substantiate why an alternative protocol is necessary. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought or deluge.
4. A thorough, recent (within the last two years), floristic-based assessment of special-status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see www.wildlife.ca.gov/Conservation/Plants).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The EIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources. To ensure that Project impacts on biological resources are fully analyzed, the following information should be included in the EIR:

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1. The EIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The EIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed, and it must permit the significant effects of the Project to be considered in the full environmental context.
2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by Project activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages. The EIR should address Project-related changes to drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
3. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The EIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The EIR should include a list of present, past, and probable future projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. Please include all potential direct and indirect Project-related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

Mitigation Measures for Project Impacts to Biological Resources

The EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. CDFW also recommends the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of

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CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Several Fully Protected Species (Fish & G. Code § 3511) have the potential to occur within or adjacent to the Project area, including, but not limited to: golden eagle (*Aquila chysaetos*), and white-tailed kite (*Elanus leucurus*). Project activities described in the EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. If fully protected species cannot be completely avoided, the Project should obtain incidental take coverage for all species that have the potential to be present within or adjacent to the Project Area². CDFW also recommends the EIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that SMUD include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
2. *Species of Special Concern*: Several Species of Special Concern (SSC) have the potential to occur within or adjacent to the Project area, including, but not limited to: American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), northwestern pond turtle (*Actinemys marmorata*), and western spadefoot (*Spea hammondi*). Project activities described in the EIR should be designed to avoid any SSC that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the EIR fully analyze potential adverse impacts to SSC due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends SMUD include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce impacts to SSC.
3. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer 2009). The EIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
4. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the EIR should include mitigation measures for adverse Project-related impacts to these

² CDFW may only issue incidental take permits for specified projects if certain conditions are satisfied per SB 147.

Oveja Ranch Solar Project

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resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration, enhancement, or permanent protection should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The EIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be appropriately timed to ensure the viability of the seeds when planted. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes. Please see our website for more information on Scientific Collecting Permits at www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-.

Oveja Ranch Solar Project

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6. *Nesting Birds*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Potential habitat for nesting birds and birds of prey is present within the Project area. The Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the EIR.

CDFW recommends the EIR include specific avoidance and minimization measures to ensure that impacts to nesting birds or their nests do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The EIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. In addition to larger, protocol level survey efforts (e.g., Swainson's hawk surveys) and scientific assessments, CDFW recommends a final preconstruction survey be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

7. *Moving out of Harm's Way*: The Project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, SMUD should state in the EIR a requirement for a qualified biologist with the proper handling permits, will be retained to be onsite prior to and during all ground- and habitat-disturbing activities. Furthermore, the EIR should describe that the qualified biologist with the proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities, as needed. The EIR should also describe qualified biologist qualifications and authorities to stop work to prevent direct mortality of special-status species. CDFW recommends fish and wildlife species be allowed to move out of

Oveja Ranch Solar Project

October 3, 2024

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harm's way on their own volition, if possible, and to assist their relocation as a last resort. It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.

8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful. Therefore, the EIR should describe additional mitigation measures utilizing habitat restoration, conservation, and/or preservation, in addition to avoidance and minimization measures, if it is determined that there may be impacts to rare, threatened, or endangered species.

The EIR should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in the EIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral. CEQA Guidelines section 15126.4, subdivision (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. To avoid deferring mitigation in this way, the EIR should describe avoidance, minimization and mitigation measures that would be implemented should the impact occur.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (Fish & G. Code § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project.

State-listed species with the potential to occur in the area include, but are not limited to: Crotch's bumble bee (*Bombus crotchii*), Swainson's hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), Sacramento Orcutt grass (*Orcuttia viscida*), slender Orcutt grass (*Orcuttia tenuis*), and Boggs Lake hedge-hyssop (*Gratiola heterosepala*).

The EIR should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To facilitate the issuance of an ITP, if applicable, CDFW recommends the EIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

Oveja Ranch Solar Project

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Swainson's hawk (SWHA) Protocol-level Survey Measure

The Project is located within suitable foraging and nesting habitat for SWHA (*Buteo swainsoni*), a state threatened species, also protected under Fish and Game Code section 3503, 3503.5 and the federal Migratory Bird Treaty Act (MBTA). Therefore, impacts to SWHA may be considered potentially significant unless adequate mitigation is incorporated.

CDFW recommends that a qualified biologist conduct SWHA protocol-level surveys during all survey periods throughout the nesting season prior to the commencement of all construction activities, regardless of potential vegetation removal. Protocol-level surveys should be conducted within a minimum 1/2-mile radius around the project area in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000) as follows:

- January to March 20- One (1) Survey, All Day
- March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset
- April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset
- April 21 to June 10- Monitoring
- June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

Nests found within 0.50 miles should be monitored either continuously or periodically depending on the construction or maintenance activities and level of disturbance until young have fledged, are feeding independently and are no longer dependent on the nest. Additionally, CDFW recommends on-site monitoring by a qualified biologist familiar with the species, as buffers may need to be increased based on the birds' tolerance level to the disturbance as activities change and as the birds' transition through different stages of the nesting cycle.

Tricolored blackbird (TRBL) Nesting Survey Measure

The project site is within approximately 100 feet of suitable TRBL (*Agelaius tricolor*) nesting habitat, and construction activities could result in significant impacts to nesting tricolored blackbird through 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.

CDFW recommends implementing the following TRBL preconstruction survey measure prior to initiation of construction activities:

Tricolored blackbird Nesting Survey. Prior to initiation of construction in all project work areas and within a 1/4-mile of project work areas, a qualified biologist shall conduct protocol-level surveys to evaluate the presence of TRBL breeding colonies, suitable nesting and foraging habitat. Surveys shall be conducted during the nesting season

Oveja Ranch Solar Project

October 3, 2024

Page 11 of 15

(March 15 to July 31). If construction is initiated in the project work area during the nesting season, three (3) surveys shall be conducted within fifteen (15) days prior to the construction activity, with one of the surveys within three (3) days prior to the start of the construction. The surveys shall be based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1 (Meese 2017). If breeding colonies are found, the foraging behavior of the colony shall also be documented. Many TRBL breeding colonies expand over time as additional birds are recruited at the edges of established colonies. For this reason, it is important to reassess the extent of a breeding colony before the start of construction activities. If TRBL are found, no work shall begin until CDFW has been consulted and compliance with CESA can be demonstrated.

Burrowing owl Preconstruction Survey Measure

If construction activities are planned in suitable BUOW habitat, a designated biologist(s), approved by CDFW, should conduct a survey for burrowing owl following the methodology described in the [Staff Report on Burrowing Owl Mitigation](#), within 1-2 weeks prior to the start of construction. If burrowing owls are observed within 500 feet of the project area, the project proponent should develop an Impact Assessment consistent with the Staff Report on Burrowing Owl Mitigation and submit the Impact Assessment to CDFW prior to construction work. The final avoidance and mitigation measures will be determined in coordination with CDFW, but the Impact Assessment should at a minimum include the following mitigation measure:

Burrowing Owl Avoidance. Occupied burrows shall not be disturbed. If occupied burrows are found, the biologist will ensure active nests are avoided and a no disturbance or destruction buffer be established by a biologist. The buffer shall be kept in place until after the breeding nesting season or biologist confirms the young have fledged, and the nest is no longer active for the season. The extent of these buffers shall be determined by the biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.

Pollinators

The environmental document should 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. Solar sites can 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/>.

Native Plant Protection Act

The Native Plant Protection Act (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of State-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of State-

Oveja Ranch Solar Project

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listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

Lake and Streambed Alteration Program

The EIR should identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features, and any associated biological resources/habitats present within the entire Project footprint (including utilities, access and staging areas). The environmental document should analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that may occur because of the Project. If it is determined the Project will result in significant impacts to these resources the EIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;
2. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
3. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

If upon review of an entity's notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the EIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. All LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Oveja Ranch Solar Project

October 3, 2024

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Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. CDFW recommends lead agencies coordinate with us as early as possible, since potential modification of the proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into any forthcoming CEQA document(s) to avoid subsequent documentation and Project delays:

1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.
2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

Based on review of Project materials, aerial photography and observation of the site from public roadways, the Project site supports Frye Creek and an unnamed tributary to Deer Creek. CDFW recommends the EIR fully identify the Project's potential impacts to the stream and/or its associated vegetation and wetlands.

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 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.

FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by

Oveja Ranch Solar Project

October 3, 2024

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SMUD 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.)

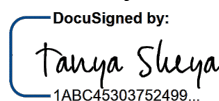
CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the 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.

CDFW appreciates the opportunity to comment on the Notice of Preparation of the EIR for the Oveja Ranch Solar Project and recommends that SMUD address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1ABC45303752499...

Tanya Sheya
Environmental Program Manager

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

Office of Planning and Research, State Clearinghouse, Sacramento

Oveja Ranch Solar Project

October 3, 2024

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REFERENCES

Bayne, E. M., L. Habib, and S. Boutin. 2008. Impacts of chronic anthropogenic noise from energy-sector activity on abundance of songbirds in the boreal forest. *Conservation Biology* 22:1186–1193.

Halfwerk, W., L. J. M. Holleman, Ck. M. Lessells, and H. Slabbekoorn. 2011. Negative impact of traffic noise on avian reproductive success. *Journal of Applied Ecology* 48:210–219.

Jossi, Frank. 2008. *Scientific American*. Solar Farms Produce Power—and Food. Retrieved on May 21, 2020

Patricelli, G., and J. J. L. Blickley. 2006. Avian communication in urban noise: causes and consequences of vocal adjustment. *Auk* 123:639–649.

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. *A Manual of California Vegetation*, 2nd ed. California Native Plant Society Press, Sacramento, California. <http://vegetation.cnps.org/>


[EXTERNAL] Project Comments - SMUD Oveja Ranch Solar Project NOP

From Roberto Ramirez <RRamirez@airquality.org>

Date Thu 10/3/2024 1:53 PM

To Kim Crawford <Kim.Crawford@smud.org>

Cc Paul Philley <PPhilley@airquality.org>

 1 attachments (176 KB)

Oveja Ranch Solar Project_SMAQMD.pdf;

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

Hi Kim,

Please find our comments for the SMUD Oveja Ranch Solar Project NOP attached. If you have any questions, please let me know.

Thank you,

Roberto Ramirez

Air Quality Planner/Analyst

ISA Certified Arborist #WE-14276A

Transportation & Climate Change

Desk: (916) 704-4552

www.AirQuality.org

 [@AQMD](#)





October 3, 2024

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

**Subject: Oveja Ranch Solar Project
Notice of Preparation for an Environmental Impact Report**

Dear Kim Crawford:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) with the opportunity to review the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for the Sacramento Metropolitan Utilities District (SMUD) Oveja Ranch Solar Project (Project). The Project is proposing to include installation, operation, and maintenance of a photovoltaic (PV) solar power and battery storage renewable energy generation facility interconnected to SMUD's distribution grid in southeastern unincorporated Sacramento County.

CEQA Review

Sac Metro Air District recommends using its [Guide to Air Quality Assessment in Sacramento County](#) (CEQA Guide) for any project requiring California Environmental Quality Act (CEQA) review. The CEQA Guide includes methods of quantifying, presenting, and analyzing operational and construction emissions of greenhouse gases, criteria pollutants, and toxic air contaminants from a proposed project.

Greenhouse Gases

Sac Metro Air District's [Greenhouse Gas Thresholds for Sacramento County](#) (Thresholds Document) provides information on complying with Sac Metro Air District thresholds of significance for greenhouse gas (GHG) emissions. To meet these thresholds, projects that are not consistent with a qualified Climate Action Plan must implement Best Management Practices (BMPs) as identified in the Thresholds Document. If CEQA analysis demonstrates that project GHG emissions will exceed the applicable GHG thresholds, we recommend mitigating emission impacts using mitigation methods referenced in [the CEQA Guide's chapter on GHG Emissions](#).

If the Project intends to offset construction GHG emissions with operational reductions associated with the Project, please ensure that the reductions associated with offsetting construction emissions are later not sold on the regulatory market or other GHG exchange, as they are being used for this project (i.e. please avoid double-counting credits).

Operations

If CEQA analysis demonstrates that project operational emissions will exceed applicable [Sac Metro Air District thresholds of significance](#) for operational criteria pollutants, Sac Metro Air District recommends mitigating emission impacts using applicable mitigation methods referenced in [the CEQA Guide's chapter on Operational Air Pollutant and Precursor Emissions](#).

Construction

The Sac Metro Air District has developed a screening level to assist a project proponent or lead agency in determining if NOx emissions from constructing a project in Sacramento County will exceed the Sac Metro Air District's construction significance threshold for NOx. Projects that are 35 acres or less in size generally will not exceed the District's construction NOx threshold of significance. However, given that the Project will encompass approximately 520 acres, construction emissions will need to be analyzed.

If CEQA analysis demonstrates that project construction emissions will exceed applicable [Sac Metro Air District thresholds of significance](#) for [pollutants regulated by the Clean Air Act](#) ("criteria pollutants"), Sac Metro Air District recommends mitigating associated impacts using mitigation methods referenced in [the CEQA Guide's chapter on Construction-Generated Criteria Air Pollutant and Precursor Emissions](#).

All projects are subject to Sac Metro Air District rules and regulations in effect at the time of construction. Please visit our website to [find a list of the most common rules that apply at the construction phase of projects](#). Implementing Sac Metro Air District [Basic Construction Emission Control Practices](#), also available on our website, will facilitate compliance with Sac Metro Air District's [Rule 403, Fugitive Dust](#).

Conclusion

If you have questions about these comments, please contact me at rramirez@airquality.org or 916-704-4552. Thank you for your attention to our comments.

Sincerely,

Roberto Ramirez
Air Quality Planner / Analyst

c: Paul Philley, AICP, Program Supervisor, Sac Metro Air District

Sacramento County - Department of Transportation Comment Letter
(October 4, 2024)

Betro, Jillian

From: Steinert. Kurtis <SteinertK@sacounty.gov>
Sent: Friday, October 04, 2024 2:24 PM
To: OvejaRanchSolar
Subject: [EXTERNAL] Comments from Sacramento County
Attachments: SacDOT Comments Oveja Ranch Solar Project.pdf

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

Hello Kim Crawford.

Thank you for the opportunity to comment on this project. After reviewing the NOP the County has prepared comments from the Department of Transportation which are attached.

Kurtis Steinert, AICP, Associate Planner

Planning and Environmental Review

827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-6929 (direct)

www.per.sacounty.net



Planning and Environmental Review has several customer service options available and appointments can be made for most services. Please see our website at planning.sacounty.gov for the most current information on how to obtain services including office and public counter hours.



County of Sacramento

September 27, 2024

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

**SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT
ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED
OVEJA RANCH SOLAR PROJECT**

Kim Crawford:

Sacramento County Department of Transportation (SacDOT) has reviewed the routing for the Notice of Preparation of a Draft Environmental Impact Report for the Proposed the Oveja Ranch Solar Project, dated September 5, 2024. We appreciate the opportunity to review this document and have the following comments:

1. 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.
2. 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.
3. 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.

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

Sincerely,

Gary Gasperi



Digitally signed by Gary Gasperi
Date: 2024.09.27 07:25:33-07'00'

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


GG:dl

CC:

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

[EXTERNAL] Defenders of Wildlife Scoping Comments of Oveja Ranch Solar Project

From Kate Kelly <kate@kgconsulting.net>
Date Mon 10/7/2024 9:08 AM
To Kim Crawford <Kim.Crawford@smud.org>
Cc 'Pamela Flick' <PFlick@defenders.org>

 1 attachments (168 KB)

Defenders of Wildlife Scoping Comments on Oveja Ranch Solar Project.pdf;

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

Hello Kim,
Scoping comments from Defenders of Wildlife for the Oveja Ranch Solar Project are attached. Please let me know if you have any questions.

Regards,

Kate

Kate Kelly | Kelly Group
(530) 902-1615 | kate@kgconsulting.net

From: Kim Crawford <Kim.Crawford@smud.org>
Sent: Wednesday, September 11, 2024 4:20 PM
To: Kate Kelly <kate@kgconsulting.net>
Cc: Pamela Flick <PFlick@defenders.org>
Subject: RE: Oveja Ranch Solar NOP Comments Due on Sunday Oct. 6th?

Sounds good. We look forward to your input.

Thanks again,
Kim Crawford

Environmental Specialist, Environmental Services
w.916-732-5063 | c.916-952-3911 | kim.crawford@smud.org

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SMUD | Powering forward. Together.
6201 S Street, Mail Stop B209, Sacramento, CA 95817
P.O. Box 15830, Sacramento, CA 95852-0830

From: Kate Kelly <kate@kgconsulting.net>
Sent: Wednesday, September 11, 2024 4:14 PM
To: Kim Crawford <Kim.Crawford@smud.org>
Cc: Pamela Flick <PFlick@defenders.org>
Subject: [EXTERNAL] RE: Oveja Ranch Solar NOP Comments Due on Sunday Oct. 6th?

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Thanks for the quick response. Monday the 7th it is.

Kate

Kate Kelly | Kelly Group

(530) 902-1615 | kate@kgconsulting.net

From: Kim Crawford <Kim.Crawford@smud.org>

Sent: Wednesday, September 11, 2024 4:13 PM

To: Kate Kelly <kate@kgconsulting.net>

Subject: Oveja Ranch Solar NOP Comments Due on Sunday Oct. 6th?

Hi Kate,

That is correct, but with that being said we'll accept comments the following day.

Thank you,
Kim Crawford

Environmental Specialist, Environmental Services

w.916-732-5063 | c.916-952-3911 | kim.crawford@smud.org

We're committed to 100% zero carbon by 2030 | Join the charge at CleanPowerCity.org

SMUD | Powering forward. Together.

6201 S Street, Mail Stop B209, Sacramento, CA 95817

P.O. Box 15830, Sacramento, CA 95852-0830

From: Kate Kelly <kate@kgconsulting.net>

Sent: Wednesday, September 11, 2024 4:10 PM

To: Kim Crawford <Kim.Crawford@smud.org>

Subject: [EXTERNAL] Oveja Ranch Solar NOP Comments Due on Sunday Oct. 6th?

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Hi Kim,

I am reviewing the Oveja Ranch solar project NOP. It says comments are due on October 6th which is a Sunday. Can you confirm the date comments are due?

Thanks,

Kate

Kate Kelly | Kelly Group

(530) 902-1615 | kate@kgconsulting.net



California Program Office

P.O. Box 401, Folsom, California 95763 | 916-313-5800
www.defenders.org

October 7, 2024

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

Delivered via email to: OvejaRanchSolar@smud.org

RE: Notice of Preparation of a 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 Notice of Preparation (NOP) of a 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 316,000 residing in California and 10,000 in Sacramento County.

Defenders strongly supports renewable energy generation. A low-carbon energy future is critical for California's economy, communities and environment. Achieving this future—and how we achieve it—is critical for protecting California's internationally treasured wildlife, landscapes, and diverse habitats. We believe transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis by thoughtfully planning projects while protecting habitats critical to species.

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 400 of 520 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.

Comments

We offer the following comments on the scope of the DEIR for the proposed Project:

Special Status Species

The following special species are known to occur in the vicinity of the proposed Project site:¹

Common_Name	Scientific_Name	Status
Swainsons hawk	<i>Buteo swainsoni</i>	State Threatened
white-tailed kite	<i>Elanus leucurus</i>	State Fully Protected
tricolored blackbird	<i>Agelaius tricolor</i>	State Species of Special Concern
burrowing owl	<i>Athene cunicularia</i>	State Species of Special Concern
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	Federal Threatened
vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	Federal Endangered
valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	Federal Threatened
northwestern pond turtle	<i>Actinemys marmorata</i>	Proposed Threatened
giant gartersnake	<i>Thamnophis gigas</i>	Federal and State Threatened
Boggs Lake hedge-hyssop	<i>Gratiola heterosepala</i>	State Endangered
slender Orcutt grass	<i>Orcuttia tenuis</i>	Federal Threatened and State Endangered
Sacramento Orcutt grass	<i>Orcuttia viscida</i>	Federal and State Endangered

Agency Coordination

Given the known presence of special status species, vernal pools, and wetlands in the vicinity of the project site, we strongly recommend early and frequent consultation and coordination with the responsible and trustee agencies. We recommend coordination with the appropriate agencies as early as possible to proactively identify survey requirements and avoidance, minimization, and mitigation measures. It is in the best interest of the SMUD to conduct consultation with the appropriate wildlife agencies early and often as it

¹ California Natural Diversity Database. Accessed 09/25/2024. <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.

could reduce costs associated with delays due to inadequate surveys, establishing mitigation measures and/or securing an Incidental Take Permit.

White-tailed kite – California Fully Protected Species

The white-tailed kite is a California fully protected species. Per Senate Bill 147, California's statute for fully protected species requires that take be avoided to the maximum extent possible. If take cannot be avoided to the maximum extent possible, then a project applicant must fully mitigate that take, ensure that all further measures necessary to satisfy the conservation standard of Section 2805(d) of the Fish and Game Code are in place, and provide for monitoring and adaptive management.

White-tailed kites have been observed in the vicinity of the Project site this year² and the site provides suitable habitat for this fully protected species. Complete protocol-level surveys must be performed to ensure that take will be avoided to the maximum extent possible.

Permanent Conversion

The NOP states the project would have an approximately 34 year lifespan and then be decommissioned. 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 Solar Ranch will be in demand far into the future and can reasonably be expected to simply 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 analysis must recognize the permanent nature of this conversion of land use and base the impact analysis accordingly.

Compensatory Mitigation

If habitat management (HM) lands are deemed appropriate due to survey results, the compensatory mitigation HM lands must contain suitable habitat for the species and be managed in perpetuity by a qualified conservation organization as defined by CA Civil Code Section 815.3. Alternatively, credits could be purchased from a mitigation bank approved by the California Department of Fish and Wildlife (CDFW).

² <https://ebird.org/home>

Revegetation

We appreciate the inclusion of pollinator-friendly vegetation for post-construction revegetation. We recommend using locally appropriate native plants and seed mixes for revegetation to support native bees and insects. SMUD should consult CDFW and the California Native Plant Society for recommended seed mixes.

Dark Sky Provisions

We applaud SMUD's dark sky provisions and encourage SMUD to require these provisions as part of any power purchase agreement it enters.

Lower Conflict Siting

In marked contrast to the ill-advised Coyote Creek Agrivoltaic Ranch Project, the Oveja Ranch project site appears to have fewer conflicts with natural and cultural resources. We appreciate SMUD's effort to seek a lower conflict site for its renewable energy development.

Conclusion

Thank you once again for the opportunity to provide scoping comments on the proposed Oveja Ranch Solar Project and for considering our comments. Defenders looks forward to reviewing the environmental documentation for the Project and request to be notified when it is available. Please feel free to contact me at kate@kgconsulting.net with any questions.

Respectfully submitted,

Kate Kelly
Consultant
Defenders of Wildlife

[EXTERNAL] SRPD - Oveja ranch

From Vincent King <vking@southgaterecandpark.net>

Date Mon 10/7/2024 4:54 PM

To OvejaRanchSolar <OvejaRanchSolar@smud.org>; Kim Crawford <Kim.Crawford@smud.org>

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

Hello,

The Southgate Park District has long-term plans to construct bicycle and pedestrian trails along the Laguna Creek corridor. We want to ensure the project will not preclude those plans. I hope to follow up with more official comments approved by our Board, but the timing is very restrictive. I wanted to flag this issue so you are aware. Please reach out when you are able.

Thanks - Vince

Vincent King | Planning Manager
Southgate Recreation & Park District
6000 Orange Avenue
Sacramento, CA 95823
(916) 428-1171 ext. 21
Cell: 916-203-6271



Additional comment received.

Thank you,
Kim Crawford

Environmental Specialist, Environmental Services

w.916-732-5063 | c.916-952-3911 | kim.crawford@smud.org

We're committed to 100% zero carbon by 2030 | Join the charge at CleanPowerCity.org

SMUD | Powering forward. Together.

6201 S Street, Mail Stop B209, Sacramento, CA 95817

P.O. Box 15830, Sacramento, CA 95852-0830

From: Minkel, Peter G.@Waterboards <Peter.Minkel2@waterboards.ca.gov>

Sent: Tuesday, October 8, 2024 3:03 PM

To: Kim Crawford <Kim.Crawford@smud.org>

Cc: Yang, Houa@Waterboards <Houa.Yang@waterboards.ca.gov>; State.Clearinghouse@opr.ca.gov; WB-RB5S-chron <RB5S-chron@Waterboards.ca.gov>

Subject: [EXTERNAL] COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, OVEJA RANCH SOLAR PROJECT, SCH#2024090310, SACRAMENTO COUNTY

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

Kim,

Enclosed are our comments for your Project. Please email if you have any questions.

Pete

Peter Minkel
401 Water Quality Certification and Dredging Unit
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Central Valley Regional Water Quality Control Board

8 October 2024

Kim Crawford
Sacramento Municipal Utility District
6201 S Street, MS B209
Sacramento, CA 95817
kim.crawford@smud.org

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, OVEJA RANCH SOLAR PROJECT, SCH#2024090310, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 10 September 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Oveja Ranch Solar Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

A handwritten signature in blue ink that reads "Peter G. Minkel".

Peter G. Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

This Message Is From an External Sender

This message came from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Good Afternoon Jillian,

I was holding off providing you the attached email because I thought they would follow up with a more detailed comment/ information. At this point we should assume that they don't have more detailed information to share.

Also on Tuesday 10/8 I received a voicemail from a gentleman named Chris (9167160208). He wanted to know what the project's mitigation needs will be and indicated he has mitigation land including Swainson's hawk foraging and agricultural lands that he isn't opposed to putting easement on located in the southern part of the County.

Thank you,
Kim Crawford

Environmental Specialist, Environmental Services
w.916-732-5063 | c.916-952-3911 | kim.crawford@smud.org

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