ACCESS FOR ALL, LLC

Amy Granat
access4all.llc@gmail.com
916-710-1950

Comments on the Coyote Creek Agrivoltaic Ranch Project

Control Number: PLNP2021-00191

State Clearinghouse Number: 2022010271

I would like to comment on the above-referenced project, on behalf of myself and the off-road community that enjoys recreating at Prairie City State Vehicular Recreation Area (PCSVRA). As an advocate for the greater motorized recreation community for over 20 years, I object to this project because Sacramento County clearly violated the California Environmental Quality Act (CEQA) requirements for public notification[1] as detailed on the Sacramento County Planning and Environmental Review website.

As the lead agency for this proposal, Sacramento County neglected to follow its own rules and regulations and failed to inform the off-road community that recreates in PCSVRA. Meaningful input from the off-road community was clearly lacking throughout the process as required by CEQA, although this is precisely the group of individuals that would be most highly affected by the project.

Under the section entitled Significant Effects Which Cannot Be Avoided starting on page 171, it is noted; *"…implementation of the proposed project would result in a substantial adverse effect on multiple scenic vistas from within the Prairie City State Vehicular Recreate ion Area (SVRA). Therefore, the impact is significant. Even with mitigation measure recommended in the EIR, there are no feasible mitigation measures that would fully avoid this impact or reduce the impact to less than significant. Hence, the impact is significant and unavoidable."*[2] The proposal continues to explain the serious impacts that would affect the off-road community from the proposal that cannot be mitigated throughout this section. It is incomprehensible that the project acknowledges a significant and unavoidable consequence in the proposal but has failed to involve the affected public from the very beginning of the project.

As per the direction on the Sacramento County Planning and Environmental Review website, the affected public, including the off-road community, should have been present during the planning process from the very beginning. Instead, the community

[1] https://planning.saccounty.gov/applicants/Pages/FAQ_ER.aspx#:~:text=Public%20review%20is%20considered%20one,for%20comments%20for%20each%20project.

[2] https://planning.saccounty.gov/Documents/Coyote%20Creek%20Agrivoltaic%20Ranch/DEIR/17-Coyote%20Creek_Summary%20of%20Impacts%20and%20Disposition_DEIR_FINAL.pdf

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finds itself scrambling at the last minute to submit substantive comments on a proposed project only ***after*** the Draft Environmental Impact Report has been released and the details of the project largely finalized. This puts the off-road community in a difficult position – this community has the greatest potential for unavoidable negative impacts and yet has not been consulted once throughout the development of the proposal.

Involving the off-road community in this project from the very beginning could have been easily accomplished by communicating more fully with PCSVRA and California State Parks during the development of this proposal. PCSVRA keeps a detailed record of all the individuals that have provided public comments on previous projects in the park, including the recently completed Road and Trail Management Plan. But Sacramento County neglected to fully pursue this avenue, which again, is a violation of the intent of CEQA and the regulations published on its own website.

There is further concern that the proposed project would interfere with and significantly impact the recently completed PCSVRA Road and Trail Management Plan. This plan was developed with meaningful input from the off-road community starting from the inception of the project. This plan holds significant importance to the off-road community, yet the Coyote Creek Agrivoltaic Ranch Project would negatively affect the ability of PCSVRA to implement the planned road and trail improvements throughout the park. The prospect that a project that lacks significant public involvement – Coyote Creek Agrivoltaic Ranch Project - would negatively impact an approved project that had significant public participation – PCSVRA Road and Trail Management plan is at the very least absurd, if it wasn't such a clear violation of CEQA.

Because of the clearly stated CEQA violations and failure to notify and involve the public, Sacramento County must remand this document and involve the off-road community fully from the very inception of the project and develop a project that does not significantly impact this community to such a great extent.

Sincerely,

Amy Granat
President
Access For All LLC
916-710-1950
Access4all.llc@gmail.com

Little. Alison

From: Alan Cook <alanbrucecook@gmail.com>
Sent: Tuesday, April 22, 2025 4:19 PM
To: PER-CEQA
Subject: RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be

paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Alan Cook

[1] 2023 MIC Economic Impact of the Powersports Industry for California.

[2] https://www.bea.gov/sites/default/files/2023-11/orsa1123.pdf

May 5, 2025

DEIR / Sacramento County

Planning and Environmental Review

Coyote Creek Agrivoltaic Ranch Project

Control Number: PLNP2021-00191

State Clearinghouse Number: 2022010271

To whom it may concern,

All Star Karting was not on the notification list for the DEIR. I am responding, as I was notified of the extension to respond.

My name is Donald Durbin Sr., I am the concessionaire with my partner Donald Durbin Jr. operating the Prairie City Kart Track located within the California State Park, Prairie City SRVA.

Since our first meeting with the Barton Ranch folks in 2021, we have had numerous meetings each year since. To this date we have made various business decisions and plans according to the needs of this project.

In 2024 things began to settle and the impact on our site and with customers became clearer, we felt we could now have some conversations with our clientele. We have built some excitement and concerns. – "When is it going to happen?" "How long is it going to take?" We do not have those answers, but we are trying to remain flexible.

Based on our agreement with the Sacramento Valley Energy Center who is facilitating the construction, we now have plans to look at and want to proceed.

At the first meeting we closed, shook hands agreeing to "cooperate and get the job done". I think cooperation has been mutual with State Parks, Barton Ranch representatives along with All Star Karting.

Sincerely, Don Durbin Sr

Don Durbin Sr.

All Star Karting

13515 Yarmouth Dr, Pickerington, Ohio 43147
AmericanMotorcyclist.com

May 1, 2025

Sacramento County
Department of Community Development, Planning and Environmental Review
827 7th St., Rm. 225
Sacramento, CA 95814
Attention: Environmental Coordinator

RE: Coyote Creek Agrivoltaic Ranch Project DEIR – Control #: PLNP2021-00191

Dear Environmental Coordinator,

The AMA is a not-for-profit, dedicated to pursue, protect and promote the interests of motorcycling. Established in 1924, the AMA represents the interests of motorcyclists nationwide. However, this document shall not preclude any of our districts, clubs or individual members, approx. 20,000 of whom reside in California, from submitting their own comments.

Our members, who enjoy recreating and competing at the Prairie City State Vehicular Recreation Area (SVRA), are very concerned with the proposed Coyote Creek Agrivoltaic Ranch Project and its potential to restrict or even ultimately result in the closure of this long-cherished SVRA. Originally opened in 1972 as McGills Cycle Park, this facility has hosted countless events and represents a long-standing partnership between the OHV community and State Parks, who took over management from Sacramento County in 2008.

The popularity and economic benefits of recreation at the facility cannot be denied. In fact, Fresno State University's recently published economic study showed ongoing use at the SVRA resulted in more than $59 million in economic output, including supporting 385 jobs, and generated over $9 million in tax revenues, including nearly $4.9 million in state and county tax revenue.

The AMA is also very concerned with the lack of meaningful public outreach to the surrounding riding and racing organizations. As a former Placerville resident myself, I have contacted numerous residents, and all have expressed surprise when I have informed them about this

proposal. Likewise, after speaking with members of the California Off-Highway Motor Vehicle Recreation (OHMVR) Commission, it appears they have largely been ignored by the project's proponents. This represents a significant oversight and is in direct conflict with Public Resources Code Section 5090.24 [that] (a) requires the commission to "*be fully informed regarding all governmental activities affecting the program.*"

The Draft Environmental Impact Report fails to explain or even substantially acknowledge the potential negative impacts a large industrial site and electrical generating facility will have on the SVRA or residents. This popular park unit is home to world class OHV events such as the Hangtown Motocross Classic and the UTV Ultra4 4900 Open Class Event, as well as numerous AMA District 36 races. While many Californians support sustainable solar projects, impacts on existing open space, parks/recreational facilities and the surrounding viewsheds must be minimized.

This project, as currently presented, would result in numerous unavoidable and direct impacts on park services and operations and would reduce public use and enjoyment of the facility. These impacts would be in conflict with Public Resources Code Section 5090.43 as cited below.

PRC § 5090.43 - (*a) State vehicular recreation areas consist of areas selected, developed, and operated to provide off-highway vehicle recreation opportunities. State vehicular recreation areas shall be selected for acquisition on lands where the need to establish areas to protect natural and cultural resources is minimized, the terrain is capable of withstanding motorized vehicle impacts, and where there are quality recreational opportunities for off-highway motor vehicles. Areas shall be developed, managed, and operated for the purpose of providing the fullest appropriate public use of the vehicular recreational opportunities present, in accordance with the requirements of this chapter, while providing for the conservation of cultural resources and the conservation and improvement of natural resource values over time.*

The AMA is also concerned that the DEIR does not meaningfully disclose or address project impacts to ongoing parks maintenance and operations, many of which rely on limited water resources which would be further strained by this proposal. In fact, the project DEIR offers no long-term solution and would only exacerbate the existing water shortage issues, especially given concerns that dust-related impacts would require additional site maintenance.

Equally significant, the environmental consequences as the result of a fire once the site becomes operational must be given full consideration. While the impacts from the recent (Feb. 2025) fire at the Moss Landing battery storage facility are still being determined, long term health effects and environmental contamination have already resulted in litigation. If a similar event were to occur, the negative impacts only be magnified given the facilities location. While the Moss Landing site was thankfully located in a less densely populated setting, the numerous housing

developments in the nearby communities of Folsom, Fair Oaks and Rancho Cordova are home to hundreds of thousands of residents and only expected to grow in the coming years. A fire could result in the long-term displacement of entire communities and must be weighed against any benefits being touted by project supporters. Plans to address and mitigate fires must include detailed and comprehensive short- and long-term evacuation and relocation contingencies.

In closing, while the AMA welcomes the opportunity to engage in meaningful discissions about this proposal, we believe the project proponents have yet to demonstrate a serious commitment to and open and transparent public process, and as such we cannot support it. The proponents must show a true commitment and willingness to engage with the OHV Commission, the OHV community, and residents, all of whom can provide relevant, meaningful and direct input

A welcome first step would be to publicly address the OHV Commission at the upcoming on the June 11- 12, 2025 State Parks OHMVR Commission meeting.

Sincerely,



Nicholas Haris
Director of Government Relations

Little. Alison

From: Arick vandenOudenaller <van2_798@yahoo.com>
Sent: Monday, May 5, 2025 8:35 AM
To: PER-CEQA
Subject: ATTN: Community Development Department, Planning & Environmental Review Division

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
If you have concerns about this email, please report it via the Phish Alert button.

Dear Project Planning Team,

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

I've spent the last 2 decades going to Prairie City SVRA, I learned how to ride a dirtbike there, I attended the Hangtown motorcross race there many times, I then found out about Norcal Rock Racing and have been attending that for about 10 years which has led to my love for rock crawling and the outdoors. I've seen thousands of people and families from all over the US come to Prairie City SVRA for many different events. Also there's thousands of local motorcyclists, offroaders, jeepers, racers, and go-carting enthusiasts that rely on Prairie City for there passions, along with the industries that support those users

I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project. [Use the talking points above to cite your concerns here, or add in other points from your own research and perspective.]

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:
• Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
• Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
• Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
• State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
• Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be

directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

Thank you for reviewing my concerns and recommendations.

Sincerely, Arick van den Oudenaller

Little. Alison

From: barbara dugal <babsdugal@hotmail.com>
Sent: Monday, May 5, 2025 3:58 PM
To: PER-CEQA
Subject: Coyote Creek Solar Project

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Please include the following comments on the Coyote Creek Solar Project. Thank you, Barbara Dugal 4616 Ashton Drive Sac 95864

The destruction of over **1,400 acres of oak woodland/grassland habitat, the removal of up to 4,787 50-150 year old oak trees, the loss of vernal pools, and related habitat is unacceptable**. Because of the age of these trees and the large number of trees, there is no way to mitigate these, and other, significant impacts.

Pursuant to the County's Tree and Preservation ordinances, Sec. 19.12.020…For at least several centuries prior to the arrival of the first Spanish explorers in California, native oak trees existed as dominant and magnificent features in the landscape of the Central Valley of California. These trees provided a predominant food staple for original Indian inhabitants, and a major source of firewood and building material for early explorers and settlers. Over the years, the vast majority of these trees have been cleared to accommodate agriculture, burned as firewood and removed to facilitate urban development. Only a small vestige of the original oak woodland forests remains today. The removal of oak trees continues to the present time, and occurs at a much faster pace than natural regeneration. Thus, it has become imperative that an ordinance be established to preserve and protect remaining native oak trees as significant, integral, and outstanding examples of the historical heritage of Sacramento County.

Furthermore, it is recognized that the preservation of trees enhances the natural scenic beauty, sustains the long term potential increase in property values which encourages quality development, maintains the original ecology, retains the original tempering effect of extreme temperatures, increases the attractiveness of the County to visitors, helps to reduce soil erosion, and increases the oxygen output of the area which is needed to combat air pollution.

For these reasons, in order to promote the health, safety, and general welfare, to preserve and protect significant historical heritage values, to enhance the beauty of the County of Sacramento, and to complement and strengthen zoning, subdivision and land use standards and regulations, while at the same time recognizing individual rights to develop private property, the Board of Supervisors adopts this ordinance, establishing basic standards and measures for the preservation and protection of trees.

Therefore, it shall be the policy of the County to preserve all trees possible through its development review process. (SCC 480 § 1, 1981).

The data, analysis, etc., that was conducted by which the "No Project" alternative was eliminated needs to be provided in the EIR.

Cumulative Impacts:
The County needs to analyze the potential significant cumulative impact from the proposed project and other proposed projects in Sacramento County that also involves the removal of trees and related habitat. The list of proposed and/or approved projects, that will contribute to loss of habitat in the Sacramento area grows by the day. A few of these projects include the following.

1.Along the American River, the **US Corps Of Engineers** proposes to destroy/remove approximately 700 trees, including heritage oaks, wildlife habitat and recreational access for the public.

2.Rancho Cordova, (**Kassis property**) there is a proposal to fill in 20 acres of the American River floodway raising the grade 10 feet to mass 29 million-dollar homes along the bluff overlooking the American River and Parkway. The remaining

acreage on the lower terrace will be developed with an additional 188 dwellings instantly obliterating approximately 300 trees including an historic walnut orchard. If this project moves forward, it will destroy critical habitat for the diversity of wildlife living in and on the River and Parkway.

3.**Airport South Industrial Project** - This project has direct impacts from habitat loss to over 100 species of birds that migrate within the Pacific Flyway in the Fall and Spring, and the many species of birds that winter and breed in the area.

Alternatives - The CEQA Guidelines provide that the discussion of alternatives in an EIR should focus on alternatives to the project or its location which are capable of avoiding or substantially lessening
any significant effects of the project" (CEQA Guidelines Section 15126.6[b]).

Sacramento County has of thousands of acres that have already lost their habitat value and would provide excellent locations for utility-scale solar. New green energy development is essential for reducing fossil fuel emissions – but it's critical that important undeveloped landscapes and the wildlife that live there are not destroyed in pursuit of these projects. Therefore, these previously disturbed lands need to be reviewed and analyzed. The project objectives also state "optimize use of existing electrical distribution and other infrastructure…to minimize environment impacts of new construction. An analysis needs to be conducted what would the environmental impacts be utilizing another site that would involve construction of the required infrastructure.

SMUD
As outlined in the Attainment of Project Objectives, the project is projected to provide a local supply of solar energy for the Sacramento County region to implement the County of Sacramento General Plan applicable to renewable energy. The EIR "assumes" that SMUD will in fact purchase the power from the proposed project. However, that is not a certainity. Additional analysis needs to be undertaken in the event SMUD chooses not to purchase the power. Further, Coyote Creek is particularly destructive and violates SMUD's own environmental solar siting guidelines. SMUD's own reliability studies have also shown that the 200 MW project will not be required to meet its Zero Carbon goals and to begin shutting down the existing gas power plants.

Little. Alison

From: Bert Buttinelli <bertbuttinelli@gmail.com>
Sent: Wednesday, April 23, 2025 10:02 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Bert Buttinelli

Little. Alison

From: bswallow@verizon.net
Sent: Wednesday, April 23, 2025 12:30 PM
To: PER-CEQA
Subject: Coyote Creek Solar Project

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827 7th Street, Room 225

Sacramento, CA 95814

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely, Blair Swallow

Sent from the all new AOL app for Android

Little. Alison

From: Bryan Potter <bkp73@comcast.net>
Sent: Tuesday, April 22, 2025 4:59 PM
To: PER-CEQA
Subject: Prarie City OHV Concern

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,
Bryan Potter

May 5, 2025

County of Sacramento
Submitted via email to: ceqa@saccounty.gov

RE: Coyote Creek Agrivoltaic Ranch Draft Environmental Impact Report

Dear Coyote Creek Agrivoltaic Ranch Planning Team,

California Four Wheel Drive Association (Cal4Wheel) is writing to provide feedback for the Coyote Creek Agrivoltaic Ranch Draft Environmental Impact Report[1], hereto forward referred to as the DEIR. Many of our members and supporters live near and/or recreate at the Prairie City SVRA (PCSVRA), which is located as an adjacent property to the proposed solar project at Coyote Creek Agrivoltaic Ranch. This letter of comment shall not supplant the rights of other Cal4Wheel agents, representatives, clubs, or individual members from submitting their own comments; the County of Sacramento should consider and appropriately respond to all comments received for the DEIR.

Cal4Wheel is a non-profit organization, representing over 3,500 members, that champions responsible off-highway vehicle (OHV) recreation and encourages a strong conservation ethic and individual stewardship. We advocate for responsible use of public lands for the benefit of the general public and all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access by working collaboratively with public land managers and other recreationists. Our members use OHVs of all forms, as well as other motorized methods, to enjoy federally and state managed public lands throughout California, including CA State Parks managed public lands such as PCSVRA. Cal4Wheel members visit PCSVRA for motorized recreation, and to participate in non-motorized and human-powered activity such as sightseeing, photography, dark sky celestial observation, wildlife and nature study, camping, and other similar pursuits on a frequent and regular basis throughout every season of the year. Additionally, our member clubs enjoy holding events on PCSVRA. Cal4Wheel members and supporters have concrete, definite, and immediate plans to continue such activities at PCSVRA throughout the future.

General Comments

We recognize the positive health and social benefits that can be achieved through outdoor recreation. We also recognize that motorized recreation provides business owners and local communities with significant financial stimulus. Of great importance to the impetus for this comment letter: our members are directly affected by the County of Sacramento's decisions concerning land use on property that is adjacent to PCSVRA, including and especially, decisions that impact the scope of public access for outdoor recreation at PCSVRA.

Our members subscribe to the tenets of:

- Public access to public lands now, and for all future generations
- Active stewardship to maintain conservation of public lands, and safety for those who enjoy them

8120 36th Avenue
Sacramento, CA 95824
office@cal4wheel.com

www.cal4wheel.com

(800) 4x4-FUNN
(916) 381-8300
Fax (916) 381-8726

- Conservation of ecological, cultural, and archeological resources in balance with implementation of the Congressional (federal) and Public Resource Code (state) mandates for multiple-use public land management
- Sharing our natural heritage

Cal4Wheel members as well as the general public desire access to public lands now and in the infinite foreseeable future. Restricting access today deprives our children of the opportunity to enjoy the many natural wonders of public lands. Cal4Wheel members and the general public are deeply concerned about the condition of the environment and public safety. They desire safe means to access public lands to engage in conservation efforts as well as outdoor recreation. The public desires to share our natural heritage now and in the future. How can our children learn about and appreciate our natural heritage when access to public lands is eliminated or restricted due to County of Sacramento (County) activity, when landscapes are allowed to be industrialized due to construction of utility-scale solar projects, and when public lands are degraded in value for the general public based on the imposition of County decisions that override and eradicate effective implementation of public enjoyment and recreation on public lands?

Cal4Wheel supports the concept of managed recreation and believes it is prudent to identify areas where off-highway vehicle (OHV) use is appropriate. Recreation, especially recreation off of paved or gravel roads, is the leading cause of growth in visitors to public lands[2]. This is a longstanding trend, and it is critical to note, California has led the nation as the state with the highest percentage of population and number of participants in OHV recreation since 2008. The US OHV market is worth more than $10 billion, and California represents over 10% of that market share. It is clear that public interest in OHV recreation is a dominant value and preferred mode of outdoor recreation for residents across the USA, and especially, in California.

CA State Parks manages 1.59 million acres of public land in California[3], encompassing 280 state parks. Within the state park system, only 9 of those 280 parks are State Vehicular Recreation Areas (SVRAs) that are dedicated to motorized recreation. The 9 SVRAs comprise 141,740 acres, which is less than 9% of the state park system. Outside of state parks, there is 48 million acres of federally managed public land in California. More than 50% of those 48 million acres are 100% closed to OHV access through designation as Wilderness, Wilderness Study Areas, Roadless Conservation Areas, Areas of Critical Environmental Concern, National Conservation Areas, Wildlife Refuges, and similar categories of environmentally-dominant classification. Additionally, large volumes of public land acreage have been eliminated from both motorized access and all public access due to the construction of utility-scale renewable energy (solar, wind, rare mineral extraction) projects. Within the remaining 50% of federally-managed public lands, the vast majority of OHV access is restricted to a continually shrinking set of designated routes. **Across the state of California, the 9 SVRAs that comprise a mere 141,740 acres represent a mere 0.2% of public lands that are designated for the purpose of OHV recreation.** These numbers are provided to demonstrate early in this discussion, that the volume of state park land that is available for OHV recreation is an exceptionally tiny fraction of California's state parks and public lands. Thus, the 9 SVRAs that are open for OHV access are truly precious to OHV enthusiasts and the OHV industry.

California's public lands offer the primary source for the public to enjoy outdoor recreation. Reduction or elimination of public access to CA State Parks managed land thus bears the potential to increase user conflicts and resource damage by removing sufficient recreation access to public lands for all forms of

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recreation, including OHV. Additionally, degradation of the natural and cultural values of CA State Parks managed public lands diminishes the quality of the outdoor experience for our members, as well as the general public.

As currently written, the DEIR provides an imbalanced set of proposed changes that will directly, immediately, and severely impose negative impacts on PCSVRA management that will unnecessarily restrict or close public access to motorized recreation at PCSVRA. The County of Sacramento neglected to fulfill both legal and administrative requirements as stipulated by CEQA and California's Public Resource Code (PRC). The SCP omits content specific to known and anticipated correlation between operation of a solar development immediately adjacent to operation of an existing OHV facility. We thus voice concern that the DEIR as drafted is insufficient to ensure viable operation of PCSVRA for perpetuity.

Cal4Wheel has reviewed the DEIR and asserts that the County of Sacramento is legally and procedurally compelled to resolve issues in the following Plan components:

1. Violation of California Public Resource Code
2. Failure to comply with CEQA requirements
3. Lack of analysis and mitigation for dust-related issues
4. CEQA regulations specific to economic and social impacts
5. Failure to assess long-term impact on OHV recreation and powersports events
6. Failure to protect PCSVRA from unnecessary encroachment
7. False assertion of government ownership of state-managed public lands

In summary reference to the items noted above, with additional detail for each following within this comment letter, we support any additional comments from individuals, groups, associations, and the general public that encourage the County of Sacramento to construct, manage, and maintain the proposed solar project in manner that will sustain the existing, legally protected values of PCSVRA for the use and enjoyment of present and future generations. We strongly advocate against any components of the DEIR that would diminish or eliminate public access to PCSVRA now or in the future, and/or diminish the quality of the outdoor recreation experience at PCSVRA for Cal4Wheel membership and the general public.

<u>County of Sacramento Legal Obligations Under PRC § 5090.24(a) and CEQA</u>

The proposed Coyote Creek Agrivoltaic Ranch project - a 2,704-acre, 200-megawatt solar and battery energy storage facility in unincorporated Sacramento County - raises significant legal and procedural concerns under California Public Resources Code (PRC) § 5090.24(a), particularly regarding its proximity to PCSVRA. Given the project's adjacency to PCSVRA, the County of Sacramento, as the lead agency under the California Environmental Quality Act (CEQA), is legally obligated to ensure that the project does not adversely affect the SVRA's operations and to involve the Off-Highway Motor Vehicle Recreation (OHMVR) Commission in the planning process.

PRC § 5090.24(a) mandates that the OHMVR Commission be fully informed about all governmental activities affecting the Off-Highway Motor Vehicle Recreation program. This includes the Coyote Creek Agrivoltaic Ranch, which, due to its proximity and potential impacts, directly affects the operations of PCSVRA. Furthermore, PRC § 5090.24(c) requires the Commission to hold public hearings to receive

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comments on proposed substantial acquisition or development projects near SVRAs. These provisions ensure that any significant projects adjacent to SVRAs undergo thorough review and public input to safeguard the interests of off-highway vehicle recreation[4].

The DEIR indicates that a 1.3-mile, 230-kilovolt gen-tie line would run parallel to the boundary of PCSVRA. This infrastructure will directly impact several recreational features within the SVRA, including the Mini MX Track, Quarter Midget Track, Kart Track, Feldspar Trail, Placer Trail, and the District Office. Such proximity raises concerns about noise, visual intrusion, and potential restrictions on recreational activities, which the DEIR must thoroughly assess and mitigate.

Under CEQA, lead agencies must evaluate and disclose the environmental impacts of proposed projects and consider feasible alternatives or mitigation measures. Given the potential impacts on Prairie City SVRA, the County of Sacramento is required to consult with the OHMVR Commission and the Department of Parks and Recreation during the environmental review process. This consultation ensures that the concerns of the SVRA and its users are adequately addressed. Moreover, CEQA mandates public participation, and the County must provide opportunities for public comment, particularly from stakeholders and users of Prairie City SVRA.

Failure for this project to comply with PRC § 5090.24(a) and CEQA requirements will lead to legal challenges. In *Friends of Mammoth v. Board of Supervisors* (1972)[5], the California Supreme Court held that public agencies must consider environmental impacts before project approval, emphasizing the importance of public involvement and thorough environmental review. Similarly, in *Laurel Heights Improvement Association v. Regents of the University of California* (1988)[6], the court underscored the necessity of detailed environmental analysis and public disclosure. These cases highlight the legal imperative for the County to engage in comprehensive environmental review and public consultation, particularly when projects may affect public recreational resources like PCSVRA.

The County of Sacramento has a legal and ethical responsibility to ensure that the Coyote Creek Agrivoltaic Ranch project does not adversely impact PCSVRA. Compliance with PRC § 5090.24(a) and CEQA requires thorough environmental analysis, public involvement, and coordination with the OHMVR Commission. By adhering to these requirements, the County may uphold the integrity of public recreational resources and maintain public trust in the environmental review process.

As of today's date, the County of Sacramento has not presented project Scoping nor the DEIR before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a). It is critical that the County, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to PCSVRA.

We exert the exigence that the County must immediately cease all progression to advance the DEIR towards final draft and implementation in order to first complete their legal obligation to conduct a hearing, as a public meeting, before the OHMVR Commission. CEQA mandates public participation, and the County must provide meaningful opportunities for public comment, particularly from stakeholders and users of PCSVRA. While the current comment period does

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allow stakeholders and users of PCSVRA to submit comments, the County has neglected to fully inform the OHMVR Commission and stakeholders of the range of impacts to PCSVRA. Therefore, the County has intentionally obfuscated both the Commission and members of the public from making relevant, informed, actionable comments on this project.

DEIR Lack of Analysis and Mitigation for Dust-Related Issues

The DEIR fails to analyze and disclose a significant environmental issue: the interaction between dust generated by standard recreational activity at the neighboring PCSVRA and the proposed solar facility operations. This omission poses not only a threat to the integrity of the solar project but more importantly, raises legal, financial, and operational risks for California State Parks and the Off-Highway Vehicle (OHV) Trust Fund, which supports PCSVRA.

Under CEQA, environmental documents must thoroughly examine a project's potential to cause physical environmental changes (Cal. Pub. Res. Code § 21002.1). The DEIR (Section 3, Air Quality) references general dust mitigation during project construction but fails to assess or disclose the implications of dust generated from PCSVRA – an existing facility known for its motorized off-highway vehicle (OHV) activities, which may produce dust during regular operation.

The omission contradicts CEQA Guidelines § 15126.2(a), which requires analysis of all phases of a project and identification of "any significant environmental effects the project might cause." In addition, § 15144 mandates that a "sufficient degree of analysis" be provided to inform the public and decision-makers. The DEIR does not include a dust transport model, analysis of prevailing wind patterns, or studies of particulate deposition from SVRA activities onto solar panels.

Notably absent from the DEIR is a discussion of dust-related maintenance and mitigation for the solar panels, which could require frequent cleaning or advanced filtration systems to maintain energy output. According to a 2019 study in *Renewable Energy*, dust accumulation can reduce solar photovoltaic efficiency by up to 25%, depending on local conditions. Nowhere in the DEIR is there mention of:

- How often the panels would require cleaning due to adjacent recreational dust.
- The estimated costs of such cleaning or performance loss.
- Who bears financial responsibility for this maintenance.

This is critical because PCSVRA, California State Parks, and the OHV Trust Fund must not be held liable for these costs. The DEIR's silence creates ambiguity that could later be used to transfer fiscal or operational responsibility to public land managers, thus violating public trust.

The County of Sacramento is held to legal obligations to prevent unfair liability. As noted previously, California Public Resources Code § 5090.24(a) clearly states that the OHMVR Commission must be informed of government activities affecting OHV lands. Failure to analyze potential liability or operational interference violates this statute, especially given that this project site directly borders an existing, active OHV park.

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Additionally, CEQA Guidelines § 15131(a) state that economic and social changes must be considered when they are linked to physical changes in the environment. The burden of maintaining solar infrastructure due to external dust sources (such as OHV activity) is a foreseeable economic effect with potentially physical implications, which may include decreased energy output or increased water usage for cleaning the solar panels.

If costs or operational restrictions were ever shifted to Prairie City SVRA, it would cause economic and social changes (potentially including, but not limited to, reduction in OHV programming or staffing) stemming from environmental interaction - thereby requiring analysis under CEQA.

Furthermore, the DEIR fails to model prevailing wind directions that could carry dust from the SVRA to the solar facility. Wind studies are standard practice in air quality assessments, and this omission undermines the DEIR's integrity under CEQA Guidelines § 15151, which require an EIR to be "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." Without wind mapping, the County of Sacramento cannot possibly understand or mitigate how OHV recreation may affect solar operations. This failure invites unnecessary litigation and project delays.

In *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344[7]. The court held that a DEIR that failed to disclose foreseeable environmental impacts was legally inadequate. Similarly, in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692[8], the court ruled that an EIR must evaluate reasonably foreseeable environmental effects and not simply rely on *assumption* or omission. These cases establish that failure to analyze predictable impacts—like dust—renders a DEIR non-compliant with CEQA, opening the County to potential lawsuits and CEQA challenges.

To bring the EIR into CEQA compliance and fulfill the County's public obligations, the Final EIR must:

1. **Conduct and include a comprehensive wind and dust transport study between PCSVRA and the proposed solar infrastructure.**
2. **Evaluate the potential operational impacts of dust deposition on solar panels and energy output.**
3. **Identify specific mitigation measures, such as panel cleaning protocols and cost estimates.**
4. **Explicitly state that California State Parks, Prairie City SVRA, and the OHV Trust Fund will bear no financial, legal, or operational liability for solar maintenance or performance loss tied to regional dust sources.**
5. **Consult with the OHMVR Commission, as required by Public Resources Code § 5090.24(a), and document that consultation in the Final EIR.**

Environmental review under CEQA is not just a bureaucratic formality - it is a legal safeguard to protect public resources and the public interest. The DEIR for the Coyote Creek Agrivoltaic Ranch fails to meet that standard. Until these dust-related deficiencies are remedied in the Final EIR, the County of Sacramento will not have fulfilled its legal obligation to protect PCSVRA, its users, and California's public recreation infrastructure.

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CEQA Regulations Specific to Economic and Social Impacts

The California Environmental Quality Act (CEQA) requires a comprehensive analysis of potential environmental impacts from proposed projects, including not only direct physical effects but also related economic and social impacts when they contribute to changes in the physical environment. While CEQA does not mandate a separate analysis of purely economic or social effects; it does require the examination of such impacts when they result in or contribute to physical environmental changes (CEQA Guidelines § 15131). This means that if a project leads to economic downturns, displacement of communities, or changes in land use that in turn affect the physical environment, those impacts must be considered in the draft document that is provided to the public for public comment.

Key provisions of CEQA regarding economic and social impacts include:

CEQA Guidelines § 15131 – Economic and Social Effects
CEQA states that "economic or social effects of a project shall not be treated as significant effects on the environment." However, when an economic or social impact triggers a physical environmental effect that effect must be analyzed and provided for public review and comment. For example: if the County approves construction of utility-scale renewable energy projects next to an existing legislatively-sanctioned State Vehicular Recreation Area wherein restriction or degradation of OHV recreation leads to a loss of tourism revenue, which then results in business closures and abandoned buildings, leading to urban decay, CEQA requires an analysis of that physical deterioration.

CEQA Guidelines § 15064(e) – Determining Significant Effects
CEQA states that "economic or social changes resulting from a project shall not be treated as significant effects on the environment." However, if economic changes indirectly lead to physical changes, those secondary effects must be studied. For example: restrictions or degradation of an OHV recreation area will result in increased illegal trail use elsewhere, leading to unregulated environmental damage in previously undisturbed areas. This example is apt to the conditions present at PCSVRA, as this SVRA is surrounded by lands in which OHV access is already severely restricted or completely banned. Closures and restrictions on OHV recreation at the legislatively-designated motorized recreation area may compel some OHV enthusiasts to seek out other places to ride nearby, either willfully or from lack of knowledge of current land access restrictions. This could result in damage to natural resources outside of PCSVRA – and per CEQA – this must be analyzed and provided for public review and comment.

CEQA Case Law Interpretation
In "Bakersfield Citizens for Local Control v. City of Bakersfield" (2004) 124 Cal.App.4th 1184, the court ruled that an EIR must analyze the urban decay resulting from economic impacts of a project because such decay could have significant environmental consequences.

In "Communities for a Better Environment v. California Resources Agency" (2002) 103 Cal.App.4th 98, the court reaffirmed that if economic impacts create conditions that affect the environment, they must be disclosed and analyzed in the EIR.

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CEQA Guidelines § 15382 – Definition of Significant Effect on the Environment
This section within CEQA defines a significant effect as "a substantial, or potentially substantial, adverse change in the environment." Economic consequences, such as job losses leading to population shifts, increased commuting, or changes in local land use, can contribute to environmental degradation that must be studied under CEQA.

Public land use policies that restrict or eliminate recreation - such as OHV and camping closures - can have significant economic and social consequences that trigger physical environmental changes that explicitly require CEQA analysis. Restriction or degradation of OHV access at PCSVRA will inevitably lead to economic decline and urban decay. A reduction in OHV recreation and camping at PCSVRA will harm local businesses, including gas stations, hotels, repair shops, and rental services. If businesses close, vacant commercial spaces may deteriorate, leading to blight and increased environmental hazards. CEQA requires the County of Sacramento to include robust analysis within the DEIR to define how these conditions will create a significant impact on the physical environment. Furthermore, recreation displacement leads to increased environmental damage elsewhere. If areas within PCSVRA are closed or restricted to OHV access, riders may move to unauthorized locations, leading to erosion, habitat destruction, and unregulated trail expansion. CEQA mandates that the DEIR must assess these indirect but foreseeable environmental effects.

Under CEQA, economic and social changes must be considered when they contribute to physical environmental impacts. Within the DEIR, the County of Sacramento must evaluate not just direct ecological effects, but also the broader economic consequences that may lead to environmental deterioration. Failure to analyze these factors is an explicit and willful legal violation of CEQA's requirements, as established in both its statutory provisions and case law precedents.

To remedy this gross omission within the DEIR and ensure a thorough CEQA analysis, the County of Sacramento must retract the current DEIR, pause any further progression towards making a final decision on the draft plan, conduct economic and social impacts analysis as required by CEQA, and then re-issue the revised DEIR for public review and comment. It is only through this modification of process that the County can make a balanced decision that adequately addresses economic and social impacts, thereby avoiding unintended consequences. Neglect on the part of the County to conduct analysis of economic and social impacts as noted above is a willful violation of current law and public statute, which opens up the County to a myriad of risk in litigation and administrative review.

Failure to Assess Long-Term Impact on OHV Recreation and Powersports Events

The DEIR neglects to evaluate a critical issue: the long-term viability of PCSVRA and the future of OHV recreation and powersports events like the Hangtown Motocross Classic and NorCal Rock Racing's Ultra4 Stampede. As previously noted, CEQA requires analysis of foreseeable environmental and operational impacts. Under CEQA, an EIR must assess the project's potential to cause significant direct, indirect, and cumulative environmental effects (Cal. Pub. Res. Code § 21002.1; CEQA Guidelines § 15126.2). These impacts include effects on nearby land uses, especially when public recreational lands are involved.

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Yet, the DEIR lacks any meaningful discussion of how constructing and operating a utility-scale industrial solar facility may affect:

- Soundscape compatibility with motorsports activities.
- Visual and aesthetic buffers between energy infrastructure and recreational use.
- Dust and air quality interaction.
- Public access logistics, including traffic interference during construction.
- Public safety and liability concerns.

This omission directly contradicts CEQA Guidelines § 15151, which requires that an EIR provide *"a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences."*

Impacts on OHV and powersports events must be addressed in the DEIR. PCSVRA is not just a local riding area - it is a regionally and nationally recognized recreation destination, home to some of the most prestigious powersports events in the United States. Events like the Hangtown Motocross Classic, one of the longest-running rounds of the Pro Motocross Championship, and the Ultra4 Stampede, part of the NorCal Rock Racing Series, bring thousands of spectators and riders and inject significant economic activity into the surrounding region. The DEIR fails to analyze how:

- The presence of an adjacent solar facility might trigger future regulatory pressure to restrict motorsports noise levels.
- Construction activity and increased traffic could disrupt event access or diminish the SVRA's appeal as a venue.
- Long-term infrastructure or security measures (fencing, surveillance, transmission lines) might visually or physically encroach on the SVRA boundary, interfering with trail maintenance, emergency access routes, or spectator overflow areas.

The failure to examine these foreseeable consequences is inconsistent with CEQA Guidelines § 15126.2(a), which requires a project proponent to consider the environmental effects of locating the project near existing facilities that may be affected by the project.

Public resources code § 5090.24(a) requires consultation with ohv authorities. Under PRC § 5090.24(a), government agencies and project proponents must consult with the OHMVR Division and Commission regarding land uses that may affect OHV areas. There is no evidence that the County of Sacramento, or the project developer, consulted with PCSVRA managers, the OHMVR Division, or State Parks to determine whether project design or implementation could endanger the future viability of the SVRA. This lack of consultation represents a procedural flaw and a potential legal deficiency under state law.

Several legal precedents require evaluation of indirect and cumulative impacts. California case law reinforces the requirement to analyze indirect impacts on public land use and recreation. In *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, the California Supreme Court affirmed that reasonably foreseeable indirect impacts - even those not directly caused by the project - must be disclosed and analyzed. Similarly, in *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, the court invalidated an EIR for failing to address how a nearby development would

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impact surrounding land uses. Applying this legal standard, the DEIR's silence on how PCSVRA might be economically, socially, or operationally harmed by the project renders it vulnerable to legal challenge.

The county must analyze and mitigate long-term recreational impacts. **To comply with CEQA and uphold its public trust responsibilities, the County of Sacramento must revise the Final EIR to:**

- **Analyze operational conflicts between the solar facility and current/future SVRA uses.**
- **Model sound and dust transport that could impact solar infrastructure or motorsports viability.**
- **Assess event traffic management overlap between construction timelines and major SVRA events.**
- **Coordinate with State Parks and OHMVR to ensure all potential encroachments or conflicts are identified and resolved.**
- **Include enforceable mitigation measures that prevent future solar development pressures from resulting in operational reductions or closures of the SVRA.**

Most importantly, the County must explicitly state that Prairie City SVRA, State Parks, and the OHV Trust Fund bear no financial or legal liability related to the presence or operation of the solar facility.

It is critical for the County of Sacramento and the project Planning Team to understand that PCSVRA is a vital public resource for OHV recreation, youth rider development, and motorsports culture in California. The failure of the DEIR to consider the impacts on this facility is not only a violation of CEQA, but also a disservice to the public. The Final EIR must rectify these omissions and provide a legally adequate, environmentally responsible, and recreationally protective assessment of the project.

Failure to Analyze Critical Water Supply Impacts

A remarkable gap within the DEIR is evident in that it ignores critical impacts to local water supply, which is an area of analysis that is required by CEQA. Water supply issues are an existing concern within the immediate and broader geographic region where this project site is proposed. Additionally, water scarcity is an area of concern for PCSVRA specifically. PCSVRA depends on a stable and sufficient water supply for dust suppression on trails and tracks, maintenance of event facilities, cleaning and cooling of infrastructure, public health and sanitation at high-use events, among other uses. PCSVRA already faces ongoing water supply limitations, particularly in drought years. Yet, the DEIR for the adjacent solar facility fails to analyze whether the new development will exacerbate those existing water issues.

Again, as noted previously, CEQA clearly requires thorough analysis of environmental resource conflicts. Under CEQA Guidelines §15126.2(a), the EIR must disclose "any significant environmental effects which may result from locating the project near sensitive land uses." The DEIR's failure to analyze whether solar panel washing, construction water use, or operational maintenance needs will compete with Prairie City SVRA's limited water supply constitutes a violation of CEQA's disclosure requirements.

Additionally, California Public Resources Code §21061 and §21083 require that lead agencies ensure that an EIR evaluates a project's indirect and cumulative environmental impacts, including resource

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competition. No such analysis appears in the DEIR, despite the obvious interrelationship between the two sites.

Additionally, no mitigation measures or water coordination plans have been proposed by the DEIR. Solar panel cleaning and construction grading often require nontrivial water usage, particularly in dry, dusty climates such as Sacramento County's Sierra foothills. However, the DEIR fails to:

- Quantify projected water usage during construction and operations,
- Identify proposed sources of water for the project,
- Address the proximity of existing groundwater wells or water delivery infrastructure,
- Explore any mitigation measures to prevent competition with Prairie City SVRA's needs.

This omission violates CEQA's requirement to identify feasible mitigation measures (§21081(a) and Guidelines §15126.4) to minimize significant environmental impacts.

A myriad of precedent-setting cases require disclosure of resource competition. In the case of *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the California Supreme Court ruled that an EIR must analyze whether sufficient long-term water supplies exist and whether there is potential for conflict with existing uses. The court held that failing to provide such analysis constitutes an inadequate environmental review under CEQA. Similarly, in *Environmental Defense Fund, Inc. v. Coastside County Water Dist.* (1972) 27 Cal.App.3d 695, the court emphasized that a public agency has a duty to ensure that existing users are not adversely impacted by newly approved projects that could affect shared environmental resources. Applying these precedents, the County of Sacramento has a legal obligation to determine whether the Coyote Creek project would diminish or disrupt PCSVRA's already constrained water supply, and if so, develop enforceable solutions.

Public resources code §5090.24(a) requires interagency coordination. PCSVRA is operated by California State Parks and funded through the Off-Highway Vehicle (OHV) Trust Fund. Under California Public Resources Code §5090.24(a), state and local agencies are required to coordinate and cooperate on planning matters that affect SVRAs. There is no evidence in the DEIR that the County of Sacramento consulted with SVRA managers or State Parks officials about existing water shortages or potential project impacts. The failure to engage in such required coordination is not only a procedural error but a potential legal liability under the Public Resources Code.

The final EIR must address the following deficiencies in order to comply with CEQA and California law:

1. **Quantify water demand for all phases of the project—construction, operation, and panel maintenance.**
2. **Identify sources of water and analyze the availability and sustainability of those sources.**
3. **Assess cumulative impacts on the region's water supply, including potential reductions in water availability for Prairie City SVRA.**
4. **Consult with California State Parks and the OHMVR Division to determine potential conflicts and mitigation strategies.**

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5. **Include enforceable mitigation measures, such as off-site water sourcing, storage tanks, or dry-cleaning technologies for solar panels.**
6. **Clarify in writing that State Parks, the OHV Trust Fund, and Prairie City SVRA are not financially or operationally responsible for addressing any future water conflicts caused by the solar project.**

The DEIR presents a one-sided analysis that fails to acknowledge or mitigate the real risk of water resource conflict with a critical piece of California's public recreation infrastructure. Under CEQA and California Public Resources Code, the County of Sacramento is legally required to address this omission in the Final EIR - and to ensure that the operations and sustainability of Prairie City SVRA are not undermined in the process.

Failure to Protect PCSVRA From Unnecessary Encroachment

The DEIR fails to account for another critical and foreseeable impact: displacement of off-highway vehicle (OHV) riders and its ripple effects on other OHV recreation sites and environmental resources across the region. As drafted, the project threatens not only the integrity of PCSVRA, but the broader off-road recreation system, with implications that require deeper environmental analysis under the CEQA and California Public Resources Code.

As history has proven, displacement inevitably leads to resource overload at other OHV sites. PCSVRA serves tens of thousands of off-roaders annually and hosts major events like the Hangtown Motocross Classic and Ultra4 Stampede. If solar facility infrastructure is placed within or adjacent to PCSVRA's boundaries, it may reduce the usable area for OHV activities, lead to safety conflicts between recreational users and facility operations, and trigger a loss of capacity for hosting large public events. This displacement of users will inevitably increase pressure on other OHV areas, many of which are smaller, more ecologically sensitive, or already at use capacity. The result: new, unintended environmental impacts at other locations, including damage to wildlife habitats, cultural sites, and overuse of trails.

Once again, we must emphasize the need for the County of Sacramento to abide by the CEQA requires to analyze indirect and cumulative impacts. Under CEQA Guidelines §15126.2(a), agencies must evaluate not just direct impacts, but "reasonably foreseeable indirect physical changes in the environment." Displacing a large user base from PCSVRA to other OHV areas is such an indirect impact.

Moreover, CEQA Guidelines §15130 mandates a robust cumulative impacts analysis. The increased burden on other OHV sites - especially when compounded by other land access restrictions—meets the threshold for cumulative effects and must be disclosed in the EIR. The DEIR's failure to assess this foreseeable displacement impact renders it legally deficient.

Per PRC §5090.24(a), PCSVRA must be protected from encroachment. California Public Resources Code §5090.24(a) requires that: "State agencies and local and federal agencies shall cooperate to ensure that laws, regulations, and programs relating to off-highway vehicle recreation are implemented in a manner that will maintain the long-term viability of lands within the system." Placing industrial infrastructure within or along the boundary of Prairie City SVRA violates this directive, undermining the area's long-term recreational viability. The County of Sacramento, as the lead agency, is obligated to

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coordinate with California State Parks and must exclude Prairie City SVRA lands from the development area in accordance with this statutory mandate.

Legal precedent demonstrates that ignoring secondary impacts Is grounds for rejection. In *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, the court held that failing to analyze indirect impacts violated CEQA, even where the project proponent argued that those impacts were speculative. Likewise, in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, the court emphasized that cumulative impacts must be meaningfully addressed, not dismissed due to uncertainty or lack of data. These cases reinforce that a shift in recreation patterns caused by land-use changes must be assessed, and potential resource degradation at alternative sites must be disclosed and mitigated.

In order to rectify this deficiency in the DEIR, our recommendation is for PCSVRA to be excluded from all project activity. To comply with CEQA and uphold the public interest, the County of Sacramento must formally exclude:

- **All land within the legal boundary of Prairie City SVRA,**
- **Any easements, rights-of-way, or infrastructure that could interfere with OHV operations,**
- **Any project components that pose a safety or functional conflict with OHV uses.**

The Final EIR must include specific language ensuring that PCSVRA is not subject to project encroachment, either directly or through spillover effects such as dust, fencing, traffic reconfiguration, or visual disruption.

This project, while aligned with renewable energy goals, cannot come at the expense of California's legally protected and publicly treasured OHV recreation areas. The displacement of users from PCSVRA to other OHV sites is a significant indirect impact that the DEIR fails to address in violation of CEQA, PRC §5090.24(a), and multiple legal precedents. The County must act to preserve recreational access, protect natural and cultural resources, and comply with state law by removing all PCSVRA-adjacent and internal lands from the project footprint.

<u>False Assertion of Government Ownership of State-Managed Public Lands</u>

It is important for the County of Sacramento and the Planning Team for this project to understand that State Park lands in California are public lands, meaning they are not owned by the State, rather they are owned by the citizens as a collective. The California Department of Parks and Recreation (California State Parks) is the managing authority, but it does not "own" the land in a private sense. Rather, the department manages these lands on behalf of the public, ensuring they are protected, conserved, and available for public use under the framework of state law.

The California Public Resources Code (Sections 5001–5077) defines the roles and responsibilities of the State Parks Department, emphasizing its duty to manage the parks for public benefit, preservation, and enjoyment. This aligns with the concept that state parks are public assets held in trust for current and future generations.

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Additionally, state parks in California are classified under the broader concept of public trust lands, which means they are managed in the public interest, reflecting shared ownership by all citizens. By legal statute, the land belongs to the people of California, with the State Parks Department merely acting as the permitted land manager that happens to currently hold responsibility for facilitating operation of these legally endowed public lands that are owned wholly by the citizens of California.

Thus, we are alarmed and disappointed that there are statements within the DEIR that assert that the CA State Parks "owns" PCSVRA, which is in fact, merely managed by CA State Parks. Additional statements within the DEIR attribute ownership of public lands to other state and federal agencies. In order to protect the vested rights and ownership that American citizens possess through the endowment of our treasured public lands, and to ensure accurate language that aligns with PRC and the US Constitution, each of these false statements within the DEIR must be corrected. Erroneous references to state or federal ownership of public lands are found in the following:

- DEIR Chapter 3: Aesthetics, Existing Land Uses. Page 148, second paragraph, first sentence:
  - *"The northern portion of the project site is adjacent to, and partially within, an easement over the southern end of the Prairie City State Vehicular Recreation Area (SVRA), which is owned and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division."*
  - This must be corrected to state "…the Prairie City State Vehicular Recreation Area (SVRA), public land that is owned by the citizens of California, and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division…"
- DEIR Chapter 11: Land Use and Planning. Environmental Setting. Existing Land Uses. Page 504, first paragraph, first sentence:
  - *"The northern portion of the project site is adjacent to, and partially within, an easement over the southern end of the Prairie City State Vehicular Recreation Area (SVRA), which is owned and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division."*
  - This must be corrected to state "…the Prairie City State Vehicular Recreation Area (SVRA), public land that is owned by the citizens of California, and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division…"

Please note, the examples noted above do not reflect a complete list of all false assertions of state-owned public lands within the DEIR. There may be additional erroneous references to state or federal ownership of public lands throughout the DEIR and supporting documents. The items in need of correction as noted above are not intended to be a comprehensive list of all such references. The examples cited above, along with all additional erroneous references, must be corrected.

Again, it is critical for the County of Sacramento to bear in mind that state and federal agencies do not own our public lands. State and federally managed lands are a part of the public endowment, as all public lands are owned by the citizens of the USA (the public); CA State Parks, the Forest Service, the BLM, and all other state and federal agencies are merely contracted to manage those lands within the defined scope of limited authority that is granted by PRC, the US Congress, and the US Constitution. Thus, we assert the exigence that the County of Sacramento must correct

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each item of erroneous language that states implicitly or explicitly that any state or federal agency owns our public lands.

Closing

We would like to close by once again calling your attention to the vested interest that Cal4Wheel, other members of the outdoor recreation sector, local business owners, and the general public have as vested stakeholders of CA State Parks and PCSVRA. We encourage the County of Sacramento to uphold their legal obligation to alignment with CEQA and Public Resource Code PRC through draft, final decision, and implementation of this project.

California Four Wheel Drive Association would like to be considered an interested public for the proposed DEIR. Information can be sent to the following address and email address:

Rose Winn
California Four Wheel Drive Association
8120 36th Avenue
Sacramento, CA 95824
rwinn@cal4nrc.com

Sincerely,

Rose Winn
Natural Resources Consultant
California Four Wheel Drive Association

References

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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

April 30, 2025

Julie Newton
Principal Planner
Sacramento County
827 7th Street, Room 225
Sacramento, CA 95614
CEQA@saccounty.net

Subject: Coyote Creek Agrivoltaic Ranch
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2022010271

Dear Julie Newton:

The California Department of Fish and Wildlife (CDFW) received and reviewed the DEIR from Sacramento County for the Coyote Creek Agrivoltaic Ranch Project (Project) in Sacramento County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.[1] CDFW previously submitted comments in response to the Notice of Preparation on February 7, 2022.

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

CDFW ROLE

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

[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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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

Sacramento Valley Energy Center, LLC proposes to construct and operate a 200-megawatt, alternating current (AC), photovoltaic (PV) solar energy facility on parcels that total approximately 2,704 acres in the Cosumnes community of unincorporated Sacramento County. The project is generally located south of U.S. Route 50, northwest of Rancho Murieta, southeast of the Prairie City State Vehicle Recreation Area (PCSVRA), and south of White Rock Road in the Cosumnes community. Specifically, it is located on what is known as the "Barton Ranch" adjacent to 3830 Scott Road. A dedicated transmission line called a generation tie (gen-tie) line would extend approximately 1.3 miles west to provide an interconnection to the Sacramento Municipal Utility District (SMUD) 230 kilovolt powerline which runs through PCSVRA. The assessor parcel numbers for the gen-tie alignment are 072-3160-002, 072-0100-027, 072-0100-018, 072-0110-031, and 072-0110-068. The applicant is proposing to construct, operate, and at the end of the project's life, decommission a solar generation and energy storage facility. Of the approximately 2,704-acre project site, approximately 1,412 acres would be in the Solar Development Area (SDA). The SDA will include an onsite substation, inverters, fencing, roads, and supervisory control and data acquisition system. Energy storage facilities would be developed at a centralized location or distributed throughout the Project site. The remaining approximately 1,292 acres would not be developed as part of the project.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Sacramento County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

CDFW is primarily concerned with the project impacts to California state listed species, fully protected species, and California Native Plant Society (CNPS) species including but

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not limited to: American badger (*Taxidea taxus*) (SSC), bald eagle (*Haliaeetus leucocephalus*) (FP), bank swallow (*Riparia riparia*) (ST), burrowing owl (*Athene cunicularia*) (SCE), California black rail (*Laterallus jamaicensis coturniculus*) (ST), Crotch's bumble bee (*Bombus crotchii*) (SCE), golden eagle (*Aquila chrysaetos*) (FP), grasshopper sparrow (*Ammodramus* savannarum) (SSC), Ringtail (*Bassariscus astutus*) (FP), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) (SSC), Swainson's hawk (*Buteo swainsoni*) (ST), tricolored blackbird (*Agelaius tricolor*) (ST), western pond turtle (*Actinemys marmorata*) (SSC), westen Spadefoot (*Spea hammondii*) (SSC), white-tailed kite (*Elanus* leucurus) (FP), Boggs Lake hedge-hyssop (*Gratiola heterosepala*) (SE), Sacramento Orcutt grass (*Orcuttia viscida*) (SE), and Slender Orcutt grass (*Orcuttia tenuis*) (SE).

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

COMMENT 1: Construction Best Management Practices, Mitigation Measure BR-1a, page 317

Issue: Mitigation Measure BR-1a provides construction best management practices to reduce impacts to the habitat and wildlife present in the Solar Development Area (SDA), however some of the included measures do not adequately reduce the potential for impacts to occur to special status species onsite.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1a for Construction Best Management Practices be revised to the following (additions are noted in **bold** while deletions are noted in strikethough):

- Revegetation. Cut-and-fill slopes shall be revegetated **by seeding** with **a pollinator friendly** native ~~or existing noninvasive, non-native plants~~ **seed mix of known genetic origin whose original stock seed was collected from a local seed bank (e.g. Sierra Nevada Foothills or the Great Central Valley)** ~~(e.g., non-native grasses)~~ suitable for the altered soil conditions. Non-native plants identified as a State listed noxious weed or as a California Department of Food and Agriculture rated A through C invasive plant are prohibited. **Revegetation shall be completed in the fall before the start of the rainy season and as soon as possible after project activities. Seeded areas shall be covered with broadcast straw, mulch, and/or erosion control blankets.**

- No Pets in Construction Areas. To avoid harm and harassment of native species, workers and visitors shall not bring pets **except those in the possession of authorized security personnel or federal, State, or local law enforcement officials or working dogs and sheep present during grazing activities** onto a project site **during construction and Operation and Maintenance activities**.

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- Minimize Effects from Temporary Channel Re-Routing. If necessary to temporarily **dewater** ~~reroute~~ a stream, creek, or drainage in order to conduct project work activities (i.e., conducting work when the channel is naturally dry is not feasible), **a temporary water diversion plan will be submitted for review and approval to Sacramento County.** The **temporary diversion** ~~re-routing~~ will be completed in a manner that minimizes impacts to beneficial uses and habitat. The following measures will be employed to minimize disturbances that will adversely impact water quality:

    - No Equipment will be operated in areas of flowing or standing water.

    - Construction materials and heavy equipment must be stored **in a designated staging area** outside of the active flow **and where they do not have the potential to enter** ~~of~~ any waters **of the state**.

COMMENT 2: Avoid, Minimize, and Mitigate for Impacts on Westen Spadefoot, Mitigation Measure BR-1c, page 325

Issue: The Spadefoot Friendly Fencing Specification measure outlines using a 3-inch-wide gap between the surface and bottom of the fence. However, this size may not be sufficient for other wildlife present, including but not limited to Western Pond Turtle, from being able to traverse through the solar array fields, therefore impacts will not be reduced to a less-than-significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1c for Avoid, Minimize, and Mitigate for Impacts on Westen Spadefoot be revised to include a 6-inch gap instead of 3-inch.

COMMENT 3: Avoid, Minimize, and Mitigate for Impacts on Western Burrowing Owl and Occupied Nesting Habitat, Mitigation Measure BR-1e, page 331

Issue: The DEIR does not outline mitigation measures that adequately reduce project impacts to burrowing owl (BUOW). As stated in the DEIR, the project site provides nesting and foraging habitat for BUOW. The DEIR states that the Project is anticipated to permanently impact 1064.03 acres and temporarily impact 220.99 acres of suitable nesting and foraging habitat. BUOW have suffered significant habitat loss due to large-scale development, including wind and solar energy infrastructure development, and from the killing and removal of mammals during significant grading activities whose underground burrows the owls use for nesting. BUOW is designated as a candidate species under CESA and has additional protection under the Migratory Bird Treaty Act and Section 3503.5 of the Fish and Game Code. Additionally, the DEIR proposes to conduct preconstruction surveys 30 days prior to initiating ground disturbing activities. However, such a large survey window prior to construction implementation increases the potential for

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take of BUOW if individuals move onsite to breed or overwinter within the Project Area. Therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1e for Avoid, Minimize, and Mitigate for Impacts on Western Burrowing Owl and Occupied Nesting Habitat be revised to the following (additions are noted in bold while deletions are noted in strikethough):

- **Burrowing Owl Survey. No more than 14 days prior to beginning activities (including ground disturbing O&M), a qualified biologist shall conduct at least four surveys using the methods described in CDFW's *Staff Report on Burrowing Owl Mitigation*, *Appendix D* (2012). Surveys shall be conducted during the breeding season (February 1 to August 31) and include no fewer than four survey visits: at least one site visit between February 15 and April 15 and a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Surveys shall also be conducted during the non-breeding season (September 1 to January 31) before the start of construction activities to determine seasonal residency. Non-breeding season surveys shall consist of at least four visits, spread evenly, throughout the nonbreeding season. The presence of BUOW individuals, BUOW complexes or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.), anywhere on the site or within a 1650-foot accessible radius around the Project Area shall be recorded and mapped. The qualified biologist shall submit the results of the survey, including a Burrow Complex Map to Sacramento County for approval in consultation with CDFW prior to beginning Project activities. If changes in BUOW presence are detected (e.g., BUOW have moved onsite or changed burrow use), the qualified biologist shall contact Sacramento County within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project to BUOW and the qualified biologist shall establish buffers in consultation with CDFW.** ~~A qualified biologist shall conduct a preconstruction survey for burrowing owl no more than 30 days prior to ground-disturbing activities to provide updated information on owl locations and occupied burrows for impact avoidance, minimization, and mitigation planning. The survey shall cover the limits of ground disturbance and potentially suitable habitat within 500 feet. The survey shall be consistent with CDFG (2012), or more current CDFW guidelines. If ground-disturbing activities are delayed, then additional surveys shall be conducted such that no more than 7 days elapse between the survey and ground disturbing activities.~~

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- **Burrowing Owl Preconstruction Surveys. No more than 14 days prior to beginning O&M Project activities, a qualified biologist shall conduct a preconstruction survey for the BUOW. Surveys shall be conducted during the breeding (February 1 to August 31) and overwintering (September 1 to January 31) seasons. The presence of BUOW individuals, BUOW complexes prescribed by Condition of Approval 6.25 or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.), anywhere on the site or within a 1650-foot accessible radius around the Project Area shall be recorded and mapped. The qualified biologist shall submit the results of the survey to Sacramento County for approval in consultation with CDFW prior to beginning Project activities. If changes in BUOW presence are detected (e.g., BUOW have moved onsite or changed burrow use), the qualified biologist shall contact Sacramento County within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project to BUOW and the qualified biologist shall establish buffers in consultation with CDFW. If a lapse in Project-related work of 14 calendar days or longer occurs, another preconstruction survey and consultation with Sacramento County and CDFW shall be required before project work can be reinitiated. Survey results shall only be valid for the season (breeding or non-breeding) during which the survey was conducted.**

- A Burrowing Owl Mitigation and Management Plan shall be developed in consultation with CDFW and consistent with CDFG's Staff Report on Burrowing Owl Mitigation (March 2012), or more current CDFW guidelines prior to project construction. The CDFW approved Burrowing Owl Mitigation and Management Plan shall be submitted to the County of Sacramento for review prior to the start of construction. The plan shall address long-term ecological sustainability and maintenance of the site for burrowing owls, where feasible in the solar development area (i.e., temporary impact areas) and in adjacent areas. The Plan shall require the applicant to achieve a performance standard of no net loss of burrowing owl ~~nesting and~~ foraging habitat **and a minimum of 3 acres for each acre habitat replacement for nesting sites**, function, and values and shall include the following elements:

    - A description of the preconstruction distribution and abundance of burrowing owls and existing habitat conditions at the project site, **including a burrow complex map showing natural burrow complexes and atypical burrows (e.g. culverts, buckled concrete, etc.) utilized by the BUOW. The map**

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shall show details and locations of all burrow sightings capable of supporting the BUOW and shall indicate potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and sign. The map shall include a title, an outline of the Project Area, north arrow, scale bar, and legend.

- Avoidance and minimization measures to be implemented during project construction to avoid direct and indirect impacts on burrowing owls (e.g., establishment by a qualified biologist of a minimum of 165 feet, up to 1650 feet, non-disturbance buffers around active burrows depending on the time of year and type of activity, consistent with CDFW's 2012 Staff Report guidelines); ~~including a discussion of any proposed passive relocation activities, if necessary (e.g., non-breeding season active burrows that cannot feasibly be avoided).~~

- Proposed management of burrowing owl nesting and foraging habitat during project operation and maintenance to achieve the goal of no net loss of existing habit value for burrowing owls within temporary impact areas;

- A monitoring and reporting plan addressing implementation and success of the management plan and identifying actions needed to maintain foraging and nesting habitat and reduce stressors on wintering and nesting burrowing owls;

- An adaptive management plan that includes additional measures described below if the performance standards of no net loss of burrowing owl nesting and foraging habitat value are not being met;

- If CDFW determines that off-site compensatory mitigation is necessary to comply with the performance standard of no net loss of habitat acreage, function, and values for burrowing owls, compensation shall be implemented consistent with the SSHCP goals of preserving and linking high-quality habitat, preserving and reestablishing natural land covers that provide suitable habitat, and maintaining or expanding the existing distribution of the species within the SSHCP Area. The applicant may provide off-site compensatory mitigation to achieve the no net loss performance standard through acquisition of a conservation easement or mitigation credits from an appropriate mitigation bank, or another form of mitigation, as approved by CDFW. Compensation may be layered with other mitigation requirements,

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such as for Swainson's hawk foraging habitat (see Mitigation Measure BR-1f, if acceptable by CDFW);

- **If impacts on BUOW individuals cannot be avoided during the breeding or non-breeding season, obtain an Incidental Take Permit (ITP) from CDFW for anticipated exclusion of BUOW during construction and O&M activities.**

COMMENT 4: Avoid, Minimize, and Mitigate for Impacts on Tricolored Blackbird, Mitigation Measure BR-1g, page 340

Issue: The project site is less than a mile from suitable tricolored blackbird (TRBL) nesting habitat, and construction activities could result in significant impacts to nesting tricolored blackbird through loss of foraging habitat, noise, fugitive dust, human presence, and/or night lighting. Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise. Mitigation Measure BR-1g is not adequate in reducing impacts to TRBL to a less-than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1g for Avoid, Minimize, and Mitigate for Impacts on Tricolored Blackbird be revised to the following (additions are noted in bold while deletions are noted in strikethough):

- A qualified biologist shall conduct a preconstruction survey for nesting tricolored blackbird approximately two days prior to vegetation or tree removal or ground-disturbing activities during the nesting season (approximately April through August). The survey shall cover the limits of construction and suitable nesting habitat within **¼ mile** ~~500 feet~~. **The surveys shall be based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1. If breeding colonies are found, the foraging behavior of the colony shall also be documented.**

- If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance (i.e., non-disturbance) buffer from the active nest. The buffer distance for tricolored blackbird shall generally be **¼ mile** ~~500 feet~~ and shall be determined based on factors such as topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction shall be established in the field with flagging, fencing, or other appropriate barriers to avoid active nests. **This buffer**

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may be modified with written approval from CDFW in areas with dense forest, buildings, or other features between the construction activities and the active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; or where sound curtains have been installed. Construction limits shall be based on the biologist-defined appropriate buffer distance and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.

- If an active nest is identified within **¼ mile** ~~500 feet~~ of the work area after construction has started, work within **¼ mile** ~~500 feet~~ of the nest shall be suspended until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction. Appropriate measures may include a no-disturbance buffer until the birds have fledged, limitations on construction activities that generate substantial vibration and/or noise, and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest. **This buffer may be modified with written approval from CDFW in areas with dense forest, buildings, or other features between the construction activities and the active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; or where sound curtains have been installed.**

COMMENT 5: Avoid, Minimize, and Mitigate for Impacts on American badger, Mitigation Measure BR-1j, page 346

Issue: American badgers (*Taxidea taxus*) are a CDFW species of special concern (SSC) and have been experiencing serious population declines that, if continued or resumed, could qualify it for State threatened or endangered status.

The American badger utilize different types of dens throughout their life: reproductive (natal and rearing), over-wintering and hunting. The American badger mates between July and September with delayed implantation of the embryo occurring between January and February (Long, 1973). Females give birth underground between March and April. Kits typically disperse from the reproductive den at three to four months of age (Messick et al., 1981) although some young American badgers have delayed dispersal until their second year. Mitigation Measure BR-1j states if dens are found during the preconstruction survey, they will be excavated or blocked to discourage use if they are potentially active. However, forced relocation of kits prior to their ability to disperse on their own can result in unforeseen stressors or impacts to local badger populations. Therefore, this measure does not reduce project impacts to a less-than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1j for Avoid, Minimize, and Mitigate for Impacts on American

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Badger be revised to the following (additions are noted in bold while deletions are noted in strikethough):

- A qualified biologist shall conduct focused surveys for American badger dens within **7 calendar days** ~~two weeks~~ prior to ground-disturbing activities in suitable habitat (i.e., undeveloped grassland, blue oak woodlands, and seasonally inundated wetlands/waters) within the solar development area. The survey shall cover the limits of ground disturbance and a 100-foot buffer. Any potentially active American badger dens located during the survey that show signs of recent activity shall be evaluated (typically with remote cameras) to determine activity status.

- If an active American badger den is detected during the breeding season (typically from March **1** through **June 1** ~~May~~), then prior to construction, the qualified biologist**, in coordination with CDFW, shall determine an appropriate no disturbance buffer (e.g., staking, flagging, or similar measures) to avoid impacts to the den.** ~~shall establish a 100-foot no-disturbance buffer (e.g., staking, flagging, or similar measures) around the den.~~ The buffer shall be maintained until the qualified biologist determines that the den is no longer active, and the young are no longer dependent upon the den for survival. If a natal den site cannot be avoided throughout the life of the project (including operations and maintenance), **excavation and exclusion implementation shall take place between the non-breeding season (typically September 1 through January 1) in consultation with CDFW.** ~~destruction of the natal den burrow shall only proceed den excavation after the natal den is no longer active and no badgers are present within the burrow~~.

- If construction occurs during the non-breeding period (i.e., typically from **September 1 through January 1** ~~June through February~~) and an active non-natal den is found in or immediately adjacent to the construction footprint, a qualified biologist**, in coordination with CDFW,** shall attempt to ~~trap or~~ flush the individual (e.g., passive exclusion with one-way doors). After exclusion is completed, the vacated or unoccupied den can be excavated, and construction can proceed.

COMMENT 6: Avoid, Minimize, and Mitigate for Impacts on Nesting Raptors and Migratory Birds, Mitigation Measure BR-1k, page 348

Issue: Mitigation Measure BR-1k requires preconstruction surveys and buffer implementation for nesting birds within the Solar Development Area (SDA). However the buffer radius should be variable depending on the species present and other site factors including but not limited to the level of anticipated disturbance, topographic features, or timing relative to nesting cycle. Additionally, the measures currently do not include a requirement to coordinate with Sacramento County to review and approve the proposed

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buffer sizes. Without these additions to Mitigation Measure BR-1k, the projects impacts are not reduced to a less-than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends that Mitigation Measure BR-1k for Avoid, Minimize, and Mitigate for Impacts on Nesting Raptors and Migratory Birds be revised to the following (additions are noted in bold while deletions are noted in strikethough):

- A qualified biologist shall conduct a survey for nesting birds within one week prior to vegetation/tree removal or ground-disturbing activities within suitable habitat during the nesting season (i.e., February 1 through August 31). The survey shall cover the limits of construction and accessible suitable nesting habitat within **a minimum ¼ mile radius of project activities** ~~500 feet (and within 0.25 mile for potential raptor nests)~~. If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than seven days elapse between the survey and vegetation removal activities.

- If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest. The buffer distance **shall be determined and established by a qualified biologist, in coordination with the Sacramento County. The buffer shall be kept in place until after the breeding nesting season or the qualified biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season.** ~~shall typically range from 50 to 500 feet (or more for some raptors) and~~ **The extent of these buffers** shall be determined based on factors such as the species of bird, topographic features, existing background disturbance levels, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground disturbance schedule. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist. T~~ypical nest buffers implemented are as follows:~~

    - ~~50-150 feet for passerines and other non-raptors~~

    - ~~500 feet for raptors and owls~~

- If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be suspended as needed until the **qualified** ~~project~~ biologist**, in coordination with Sacramento County,** can provide appropriate avoidance and minimization measures to ensure

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that the nest is not disturbed by construction. Appropriate measures may include a no disturbance buffer until the nest has fledged and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest.

COMMENT 7: Avoid, Minimize, and Mitigate for Impacts on Bats, page 350

Issue: Mitigation Measure BR-1l requires preconstruction surveys for bats within the Solar Development Area (SDA). However, the DEIR does not provide adequate reporting requirements or mitigation measures to better understand bat populations in the area and to reduce impacts to bat colonies or their roosting structures if they are found onsite during the surveys. Survey results should include additional information including but not limited to the location, size of roost, type of roost, and proposed mitigation measures for the loss of bat roosts, if present prior to tree removal activities.

Recommendation or Recommended Measure: CDFW recommends that Mitigation Measure BR-1l for Avoid, Minimize, and Mitigate for Impacts on Bats be revised to the following (additions are noted in bold while deletions are noted in strikethough):

- A qualified biologist shall conduct a preconstruction habitat assessment for potential communal bat roosts within the solar development area and a 300-foot buffer to the solar development area, ideally one year in advance of, but no less than 30 days prior to the start of construction. The habitat assessment should include a visual inspection of potential roosting features (e.g., hollows in trees, bridges, and **culverts**), including looking for the presence of guano. If potential maternity roosts or winter hibernacula are found, ~~their locations shall be mapped, and~~ the project shall avoid all areas within a 300-foot buffer around the potential roost sites. **The qualified biologist shall identify the bats to the species level, evaluate the colony to determine its size and develop appropriate mitigation measures for review and approval by Sacramento County. The bat survey shall include: 1) the exact location of all roosting sites (location shall be adequately described and drawn on a map), 2) the number of bats present at the time of visit (count or estimate), 3) each species of bat present shall be named (include how the species was identified), 4) the location, amount, distribution of all bat guano shall be described and pinpointed on a map, and 5) the type of roost: night roost (rest at night while out feeding) versus a day roost (resting during the day) must also be clearly stated, 6) species specific measures to compensate for the loss of suitable bat habitat.** The non-disturbance buffer shall remain in place during the maternity and winter hibernation seasons (May 1 through August 15, and November 1 through March 31) or until bats have vacated the roost, unless otherwise authorized by **Sacramento County in consultation with** CDFW and USFWS, as relevant.

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COMMENT 8: Ringtail

Issue: Mitigation Measure BR-1l requires preconstruction surveys for bats within the Solar Development Area (SDA). However other nocturnal species including but not limited to Ringtail could be present within the project area. Ringtail is a CDFW fully protected species and has suffered from habitat fragmentation due to urban development and agriculture. Ringtails live in a variety of habitats within their range, but they have a decided preference for chapparal, rocky hillsides, and riparian areas (Grinnell et al. 1937, Seton 1929, Trapp 1978). Their denning areas include rock crevices, boulder piles, underground cavities, hollow trees or underground in hollow roots of trees (Trapp 1978). Ringtails are widespread throughout California; however, their current population trend is unknown. Their primary threats are intentional and incidental trapping of fur-bearers as well as automobile roadkill (Reid et al. 2016). Fragmented habitat, removal of riparian vegetation, and increased traffic on Scott's Road during construction, could impact Ringtail if present within or near the Project Area.

Recommendation: CDFW recommends the addition of the following Mitigation Measure:

- **The Project Applicant(s) shall retain a qualified biologist to conduct a survey for ringtails and ringtail dens in conjunction with the bat surveys within 7 calendar days of the initiation of project activities within suitable habitat for Ringtail. If no individuals and/or dens are found during the preconstruction survey, the biologist shall document the findings in a letter report to Sacramento County, and no further mitigation shall be required. If individuals and/or dens are found, the qualified biologist shall consult with lead agency and CDFW to determine appropriate avoidance measures.**

COMMENT 9: Avoid, Minimize, and Mitigate for Impacts on Crotch's Bumble Bee, Mitigation Measure BR-1m, page 352

Issue: Mitigation Measure BR-1m involves the drafting of a Crotch's bumble bee (*Bombus crotchii*) (CBB) avoidance plan with measures to reduce potential impacts to the species. However, it does not require CDFW consultation in the plan's development prior to implementation. Additionally, the measure states that the plan is anticipated to include preconstruction surveys, avoidance for vegetation removal, and buffers around CBB nests and individuals but does not make these avoidance methods required. Without appropriate avoidance and minimization measures for CBB and their habitat, project-related activities involving ground and vegetation-disturbance could result in potential significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young and/or queens, and direct mortality. Therefore, there could be significant impacts to CBB, if the measures are not revised.

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Recommendation or Recommended Mitigation Measure: CDFW recommends that the Mitigation Measure BR-1m for CBB be revised to the following (additions are noted in bold while deletions are noted in strikethough):

- If Crotch's bumble bee is detected, the qualified biologist shall notify CDFW, and survey data shall be submitted to CDFW via a written report and also via CNDDB. The written survey report will be submitted to CDFW within 30 days of the pre-construction survey. The report will include survey methods, weather conditions, **proposed no-disturbance buffers,** and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. If nests are observed, the survey report will also include the qualifications/resumes of the surveyor and qualified biologists for identification of photo vouchers, detailed habitat assessment, photo vouchers, and recommendations for avoidance. In addition, if Crotch's bumble bee is detected in the solar development area, then a site-specific Crotch's Bumble Bee Avoidance and Minimization Plan shall be prepared and implemented in coordination with CDFW to avoid take, or consult with CDFW to obtain an Incidental Take Permit (ITP) if take of Crotch's bumble bees may occur during project activities. The plan shall include a description of on-site habitat, potential nest and overwintering sites present, recommendations for avoidance and minimization (such as active nest avoidance buffers). If an ITP is sought, mitigation for the loss of potential nest sites will be fulfilled at a minimum **3:1** ~~1:1~~ nesting habitat replacement **and a minimum 1:1 foraging habitat replacement** of equal or better functions and values to those impacted by the project, and may include measures such as incorporation of appropriate native flower resources into the Agricultural Management Plan that would support this species throughout the flight period and promote development of queens (i.e., perennial plants), and reducing use of harmful pesticides. All the measures included in the approved plan and/or ITP shall be implemented during project activities.

- **For both the construction and operation and maintenance phases, if feasible, native or non-native flowering vegetation removal shall occur prior to bloom and before the Colony Active Period (approximately February 1 through October 31). If project activities cannot be avoided during this time and vegetation needs to be removed during the bloom period for those species, project proponent shall remove flowering vegetation in a patched manner, to the extent feasible while also being cognizant of wildfire concerns, leaving areas of floral resources as refugia for foraging CBB or wait until bloom has ceased. During the bloom period and Colony Active Period, removal of non-native plants should be prioritized over native plants.**

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- **Project activities involving vegetation and ground disturbance in CBB habitat to the extent feasible during the queen/gyne flight seasons, when queens emerge in the spring (February to March) searching for nest sites and during the fall flight period (September to October) when gynes mate and search for overwintering habitat.**

- **If feasible during construction, project activities will be restricted to daytime hours. If nighttime construction is needed, the following measures will be implemented within 500 feet of CBB habitat:**

    - **All construction-related lighting shall not have significant illumination pass beyond the immediate work area. Shielding techniques may include, but should not be limited to, the use of fence slats, netting, mesh, or tarps; and all construction lighting used shall be yellow or orange lighting.**

    - **To minimize light effects during the operational period, the project shall not install lighting (e.g., street lighting, trail lighting) that produces illuminance (lux) outside of the project site, onto adjacent habitat areas.**

    - **If CBB is detected within 100 feet of project activity, a qualified biologist or biological monitor will be onsite during any ground disturbance and/or vegetation removal activities that occur when CBB are present within the activity footprint. A 25-foot no-disturbance buffer will be implemented around CBB individuals within the area and monitored until the CBB leaves the area on its own.**

    - **If no CBB nests or adults are detected during the CBB surveys, at the discretion of the qualified biologist, additional surveys or biological monitoring may be prescribed depending onsite conditions and work activities, as well as seasonal factors.**

COMMENT 10: Pollinators

Issue: The DEIR does not include measures to increase use by pollinators such as dual use farming. The Project should be designed to optimize a balance between electrical generation and agricultural production (Jossi 2018) or native plants. Native plantings or dual use farming techniques provide additional foraging resources for pollinator species including but not limited to CBB, and for other native species by increasing the amount of nectar resources on a local level. Incorporating locally native plantings or dual use farming

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techniques help to increase pollinator populations and would help to reduce project impacts to a less than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends the restored temporarily disturbed areas 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/.

COMMENT 11: Site Assessment for Impacts to State Listed Plants and California Native Plant Society (CNPS) Plants, page 286

Issue: Many CNPS species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. Vegetation removal during ground disturbing activities may result in the loss of special status or CNPS plant species and the loss of habitat that supports numerous wildlife species. The activities associated with grading may also disturb associated soil seed banks that sustain local plant populations and CNPS sensitive plant communities. Currently, the DEIR is lacking information for proper evaluation of state listed and CNPS sensitive plant species that may be present onsite. Supplemental information including but not limited to reference points and surveyors' qualifications were not provided in the DEIR. Additional information is necessary to quantify whether the proposed measures and site evaluation will feasibly reduce the project impacts to less than significant.

CDFW is particularly concerned about impacts to Bogg's Lake Hedge-hyssop, Slender Orcutt grass, and Sacramento Orcutt grass. Additionally, CNPS plant species including but not limited to *Calandrinia breweri* (CNPS 4.2), *Clarkia biloba ssp. Brandegeeae* (CNPS 4.2), and *Eriophyllum jepsonii* (CNPS 4.3) were not analyzed in the DEIR. However, there are CNPS documented occurrences within approximately 6 miles of the Project Area.

Recommendation or Recommended Mitigation Measure: CDFW recommends that the DIER further analyze potential impacts to Bogg's Lake Hedge-hyssop, Slender Orcutt grass, and Sacramento Orcutt grass. These species are particularly rare within Sacramento County and further analysis is needed to determine whether project activities could impact the persistence of the species within Sacramento County and within the State of California. Specifically, how the project may or may not affect countywide and statewide populations. For Sacramento Orcutt grass, please provide an analysis of both county and statewide populations. CDFW also recommends conducting additional preconstruction surveys during the appropriate blooming period for all CNPS listed plants that have the potential to occur onsite and to provide avoidance and minimization measures to help reduce potential impacts to their populations locally.

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ENVIRONMENTAL DATA

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

FILING FEES

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

CONCLUSION

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

CDFW appreciates the opportunity to comment on the DEIR for the Coyote Creek Agrivoltaic Ranch Project to assist Sacramento County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Michael Shun, Senior Environmental Scientist (Specialist) at (916) 767-8444 or michael.shun@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Tanya Sheya
1ABC45303752499...
Tanya Sheya
Environmental Program Manager

ec: Dylan Wood, Senior Environmental Scientist (Supervisory)
Michael Shun, Senior Environmental Scientist (Specialist)

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Harvey Tran, Senior Environmental Scientist (Specialist)
CEQACommentLetters
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

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Date: [May 5, 2025]

County of Sacramento

Attn: Community Development Department, Planning & Environmental Review Division

827 7th Street, Room 225

Sacramento, CA 95814

RE: Draft Environmental Impact Report, Coyote Creek Agrivoltaic Ranch Project

Dear Project Planning Team,

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies

that are situated near the range of available land for this solar project.

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- · Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- · Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- · Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- · State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
- · Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of

restrictions, reductions, limitations, and closure of operations for perpetuity

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

Thank you for reviewing my concerns and recommendations.

Sincerely,

Chris Silveira

chris@cal4wheel.com

Little. Alison

From: Chris Thompson <duzitall@aol.com>
Sent: Wednesday, April 23, 2025 6:21 AM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
If you have concerns about this email, please report it via the Phish Alert button.

Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities must be respected and protected.

Sincerely,

Chris Thompson
3179 Fair Acres LN
Spring Valley, CA 91978

17 April 2025

Julie Newton
Sacramento County Planning
827 7th Street, Suite 225
Sacramento, CA 95814
newtonj@saccounty.net

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, PLNP2021-00191 COYOTE CREEK AGRIVOLTAIC RANCH PROJECT, SCH#2022010271, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 3 March 2025 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the PLNP2021-00191 Coyote Creek Agrivoltaic Ranch 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_201805.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.

Peter G. Minkel
Engineering Geologist

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

Central Valley Regional Water Quality Control Board

2 May 2025

Sacramento County
Department of Community Development, Planning and Environmental Review Division
Attention: Environmental Coordinator
827 7th Street, Room 225
Sacramento, CA 95814

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE COYOTE CREEK AGRIVOLTAIC RANCH PROJECT, STATE CLEARINGHOUSE NUMBER 2022010271

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is providing comments on the Draft Environmental Impact Report (DEIR) prepared by the County of Sacramento for the Coyote Creek Agrivoltaic Ranch Project (State Clearinghouse # 2022010271), in accordance with the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq. The proposed project involves the construction, operation, and decommissioning of an approximately 200-megawatt photovoltaic solar energy generating facility and associated battery energy storage system on parcels that total approximately 2,700 acres in the Cosumnes community of unincorporated Sacramento County.

In evaluating whether a project will result in significant environmental impacts, Part IX(d) of Appendix G to the CEQA Guidelines instructs the lead agency to consider whether the project will "[b]e located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code [section] 65962.5 and, as a result, would … create a significant hazard to the public." Comments presented herein address this consideration, and supplement Central Valley Water Board comments submitted in a 17 April 2025 letter addressing the project regulatory setting and permitting requirements.

Aerojet General Corporation Superfund Site Background

A portion of the Project Site, as identified on Plate PD-5, is within the Aerojet General Corporation Superfund Site (Superfund Site) in Rancho Cordova, which appears on the "Cortese List". Aerojet has operated at their approximately 8,500-acre facility in Rancho Cordova since the 1950's. Aerojet's operations at the Rancho Cordova facility included solid rocket motor manufacturing and testing, liquid rocket engine manufacturing and testing, and chemical manufacturing. These operations resulted in the release of unknown quantities of hazardous substances, including trichloroethene, perchlorate,

and N-Nitrosodimethylamine to soil and groundwater. Aerojet discontinued rocket manufacturing and testing activities at this facility in 2019.

Operable Unit 5 Zone 3 Groundwater Monitoring & Remediation

The northwesterly portion of the Project Site, where construction of the switchyard and the westerly end of the generation tie line is proposed, is co-located with Superfund Site Operable Unit 5 (OU-5) Zone 3, as shown on Plate PD-5. Groundwater monitoring and extraction is conducted in this area to monitor and contain the Superfund Site groundwater contaminant plume. Staff concurs that Mitigation Measur*e Haz-2a: Prohibit New Groundwater Wells and Use of Existing Groundwater Wells Within the Contaminant Plume Consultation Zone* will mitigate the potential for human exposure to Superfund Site contaminants in groundwater and the potential for project activities to cause migration of the Superfund Site groundwater contaminant plume. Superfund Site monitoring well 1582 is within the proposed switchyard footprint. Aerojet is planning to abandon and replace monitoring well 1582 to facilitate switchyard construction. Superfund Site monitoring well 30411 is located southeast of OU-5 Zone 3 but within the Project Site on Assessor's Parcel Number (APN) 072-0110-070. Groundwater monitoring wells, extraction wells, and associated infrastructure must be protected to ensure the success of the groundwater remedy**.**

Operable Unit 7 Source Areas

A portion of the Project Site east of the switchyard is co-located with Superfund Site Area 39, which is part of Operable Unit 7 (OU-7). Area 39 was used by Aerojet between 1970 and 1972 as a burn area for chemical waste. Area 39 should be added to Plates PD-5 and HAZ-2, so these figures present a comprehensive depiction of Superfund Site areas that are co-located with, or in the vicinity of, the Project Site. Section 9 should also be updated to address the potential hazards associated with Area 39. Plate HAZ-1 shows the location of Area 39; however, this 2006 figure indicates that Area 39 is part of Superfund Site Operable Unit 6 (OU-6). In 2011, Area 39 source areas were transferred from OU-6 to OU-7. Plate HAZ-1 should be updated to reflect that Area 39 is part of OU-7, as the OU-7 remedial investigation is ongoing and, as such, the extent of contamination at Area 39 source areas has not been fully delineated. The proposed project must not introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the Superfund Site. Any party that causes or exacerbates the contamination could potentially be held liable for the contamination.

Land Use Covenant Restrictions

The switchyard, western end of the generation tie line, and westernmost laydown area are proposed within the property identified as APN 072-3160-005, which is subject to the restrictions in the *Covenant to Restrict Use of Property – Environmental Restrictions on Groundwater at a Portion of the Perimeter Groundwater Operable Unit* (Former Ehnisz Property LUC), which was executed in November 2012. Section 4.01 of the Former Ehnisz Property LUC requires approval from the United States Environmental

Protection Agency (USEPA) and the Central Valley Water Board prior to conducting activities that may interfere with the existing groundwater remediation system, including groundwater extraction, recharge, and injection. Section 4.02 of the Former Ehnisz Property LUC requires approval from the USEPA and the Central Valley Water Board prior to any proposed development involving permanent roadways, water infrastructure (e.g., well, pumping station, pipeline, etc.), or surface water drainage. The Central Valley Water Board summarized these Former Ehnisz Property LUC restrictions and approved the project plan in an 18 January 2024 letter to D.E. Shaw Renewable Investments, LLC, the parent company of Sacramento Valley Energy Center, LLC, the project applicant. However, the project plan presented at that time did not include any "water storage ponds" during project construction, as are proposed on Page 2-27 of the DEIR. The locations of the proposed water storage ponds do not appear to be presented on any Draft EIR figures. USEPA and Central Valley Water Board approvals must be obtained prior to the construction of water storage ponds or any other activity which is restricted by the Former Ehnisz Property LUC, if the activity is planned within one or more of the parcels subject to the Former Ehnisz Property LUC requirements.

If you have any questions or concerns, please contact Geoff Rader at (916) 464-4707 or via e-mail at geoff.rader@waterboards.ca.gov.



Geoffrey Rader, P.E. #C80249
Senior Water Resource Control Engineer

cc: *electronic submittal*
Joseph Dumont, United States Environmental Protection Agency
Susan Scudder, California Department of Toxic Substances Control

Little. Alison

From: Dan Child <dtchild1@gmail.com>
Sent: Wednesday, April 30, 2025 9:37 AM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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Sacramento County

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from*

substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations. Also, if dust control is necessary, the solar project owners should be responsible for any and all costs related to dust control for the duration of their project. OHV Trust funds absolutely should not be used to mitigate a situation created by others and for the benefit of non-OHV projects

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the Commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Daniel T. Child

(650) 208-9515

Dan

Little. Alison

From: Dan Ortega <xtreme1@ymail.com>
Sent: Tuesday, April 22, 2025 4:51 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely, Daniel Ortega Avid OHV Enthusiast and Prairie city recreationalist.

Yahoo Mail: Search, Organize, Conquer

Little. Alison

From: Hey Its Dan Whats Up <dadsgetndown@hotmail.com>
Sent: Tuesday, April 22, 2025 3:52 PM
To: PER-CEQA
Subject: RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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EMAIL TO: CEQA@saccounty.gov

Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am EXTREMELY concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully

informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Dan Powers.

Little. Alison

From: Dane Locke <1dtl3@live.com>
Sent: Monday, May 5, 2025 6:45 AM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
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As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

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It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely, Dane Locke

May 5, 2025

Julie Newton

Principal Planner

Sacramento County

827 7th Street, Room 225

Sacramento, CA 95614

CEQA@saccounty.net

Subject: Coyote Creek Agrivoltaics Ranch Draft Environmental Impact Report (DEIR) SCH No. 2022010271

Dear Julie Newton:

Thank you for the opportunity to provide comments on the subject Project related to my role as a Commissioner on the CA Department of Parks and Recreation (CDPR) Off-Highway Motor Vehicle Recreation (OHMVR) Commission, as a Board Trustee of the CA State Parks Foundation, and as a Board member with the National Audubon Society (although I am not speaking on behalf of these organizations). I support the state's 2030 goal of meeting our energy needs with increased renewable sources along with the state's goal to protect and enhance our overall biodiversity of our lands, waters and species.

As you are aware, the CDPR is a Responsible Agency under CEQA and a Trustee Agency for the CA State Parks under its management and stewardship. I would expect the Project proponents to honor this relationship and provide the CDPR an opportunity to provide comments on the project's

DEIR prior to public notice as is customary. In addition, the project proponents did not bring this project to the OHMVR Commission as required by PRC Section 5090.24 (a) that requires the OHMVR Commission to be fully informed regarding all government activities affecting the OHMVR program. A hearing before the Commission would be appropriate to better inform all OHV recreational riders, competitive riders, and power sports businesses impacted by this project.

Impacts to the Prairie City State Vehicle Recreation Area (SVRA):

The siting of a major industrial electric power generation facility adjacent to a popular CA State Park is significant. I am very concerned about the estimated 12-month construction period for the proposed project and its impact on recreational use as well as the long-term viability of the Prairie SVRA.

Since the proposed project will have temporary and permanent impacts on the operation of the SVRA, I would expect the project to address these impacts specifically with the Park's management team to ensure they are addressed adequately and follow a similar strategy for any other sensitive resource issue – avoid, minimize and mitigate the impacts. These impacts include water supply and usage for solar panel cleaning that may impact the park's water source and usage; blasting and excessive noise activities that could impact (and scare) recreational users of the park; dust related to the project construction and maintenance that may affect park visitors; the new easement needed for the project's electrical switchyard and gen-tie facilities and the potential impact to existing and planned facilities identified in the Prairie City SVRA General Plan, and Road and Trail Management Plan. These significant issues need to be addressed specifically and adequately in the DEIR so that the recreational usage and experience at the Prairie City SVRA is not adversely impacted, including financial impacts, from the proposed project.

Impacts to Native Vegetation, Native Trees and Oak Woodlands:

There is likely no perfect place to build a large new solar energy facility in the Sacramento Valley that meet all the conditions required by Sacramento County. However, the significant and unavoidable impacts to native trees and blue oak woodlands, especially heritage oaks, are unconscionable! These 100-year-old blue oaks and native oaks are rare and irreplaceable. The mitigation proposed for replacement of heritage blue oak and native oak trees is inadequate and doesn't factor in the time value of the habitat lost while the acorn grows and provides some habitat in 5-10 years?!? The maximum number of heritage blue oak and native oak trees should be preserved through site specific adjustments for the location of the solar panels' arrays. In addition, the proposed Alternative 2 Project should be preferred since it minimizes some impacts to heritage blue oak and native oak trees.

Impacts to Raptors and Migratory Birds:

The significant grading, blasting, and leveling of the rolling hills covered with oak woodlands will negatively impact many sensitive and protected species as detailed in the DEIR. The removal of thousands of trees in the solar development area also will negatively affect raptors and migratory birds displacing nesting activities and opportunities. There is no mitigation proposed in the DEIR for loss of nesting habitat which will impact future populations of raptors and migratory birds.

Impacts to Sensitive/Protected Plants and Animals:

I would expect the project proponent will be able to avoid all impacts to vernal pools and other important wetland and riparian features through site specific adjustments for the location of the solar panels' arrays. These sensitive aquatic resources are rare and irreplaceable.

I support all the recommendations provided by the CA Department of Fish and Wildlife to improve the avoidance and minimization measures required for the proposed project.

Impacts to Traditional Cultural Resources:

It is sad that some of the last remnants of the Tosewin Oak Woodland Traditional Cultural Property will have a significant and unavoidable impact from the proposed project that substantially alters the historical values and elements which is also spiritually significant to living descendants of the many native tribes living in the area. I would hope that the project proponent would continue to consult and work with the native tribes to explore what additional enhancements to the ecology or interpretation, or other measures could help to lessen the impact.

Thank you for the opportunity to comment and provide my perspective and recommendations.

Sincerely,

Diane Ross-Leech

dianeleech@comcast.net

Little. Alison

From: Douglas McCay <douglasmccay@hotmail.com>
Sent: Wednesday, April 23, 2025 12:33 PM
To: PER-CEQA
Subject: Impacts to Prairie City SVRA

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Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

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It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Douglas McCay

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

May 5, 2025

Julie Newton
Environmental Coordinator
Sacramento County Planning
827 7th Street STE 225t
Sacramento, CA 95814
newtonj@saccounty.net

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR PLNP2021-00191 COYOTE CREEK AGRIVOLTAIC RANCH PROJECT DATED MARCH 3, 2025 STATE CLEARINGHOUSE NUMBER 2022010271

Dear Julie Newton,

The Department of Toxic Substances Control (DTSC) reviewed the Draft Environmental Impact Report (DEIR) for PLNP2021-00191 Coyote Creek Agrivoltaic Ranch Project (Project) and requests consideration of the following comments:

The proposed Project includes the construction, operation, and decommissioning of an approximately 200-megawatt photovoltaic solar energy generating facility and associated battery energy storage system (BESS) in unincorporated Sacramento County.

The DEIR describes the proposed Project location, current land uses, surrounding properties, Project details, and identifies potential environmental impacts of the Project. The DEIR also includes recommendations for mitigation measures to reduce or avoid potentially significant impacts and protect resources.

Plate PD-2: Project Setting of the DEIR shows the location of the proposed Project. The proposed Project location overlaps with portions of the Aerojet-General Corporation Superfund Site (Aerojet Superfund Site) Operable Units (OUs) 5 and 7, which are undergoing active investigation and cleanup.

The proposed Project must not in any way introduce new contamination or spread or exacerbate existing contamination in soil and groundwater at the Aerojet Superfund Site. Any party that causes or exacerbates the contamination could potentially be held liable for the contamination.

AEROJET-GENERAL CORPORATION SUPERFUND SITE

The Aerojet Superfund Site is located south of Folsom Boulevard and generally north of White Rock Road between Prairie City Road to the east and the Folsom Canal to the west. Aerojet Rocketdyne, Inc. (Aerojet) and its subsidiaries operated at the approximately 8,500-acre facility in Sacramento County from the 1950s; operations primarily included solid rocket motor manufacturing and testing, liquid rocket engine manufacturing and testing, and chemical manufacturing. These operations resulted in the release of hazardous substances/materials, including trichloroethene (TCE), perchlorate, and N-nitrosodimethylamine (NDMA), resulting in impacted soil, groundwater, and soil vapor. Sitewide preliminary characterization was completed in the 1990s, and additional investigation and cleanup activities have been undergoing at the Site since then under the oversight of the United States Environmental Protection Agency (USEPA) as lead agency, and the DTSC and California Central Valley Regional Water Quality Control Board (RWQCB) as supporting agencies.

Perimeter Groundwater Operable Unit 5, Zone 3

As described in the DEIR and shown on Plate PD-5 of the DEIR, a portion of the Project overlaps with Zone 3 of the Perimeter Groundwater Operable Unit (PGOU), OU-5 of the Aerojet Superfund Site. Groundwater monitoring, extraction, and treatment are conducted at PGOU to monitor and contain the groundwater contaminant plume and prevent the plume from spreading. Aerojet groundwater monitoring wells and extraction

wells are located on or near the planned location for the Project. The protection of these wells is necessary to the success of the groundwater remedy.

Additionally, in 2012 a land use covenant (LUC), referred to as the Former Ehnisz Property LUC, was recorded on a portion of PGOU Zone 3 that overlaps with the proposed Project location. The Former Ehnisz Property LUC is recorded with the Sacramento County Recorder, Book 20121126, Page 006. The Former Ehnisz Property LUC includes environmental restrictions related to groundwater and requires written approval by the USEPA and RWQCB for certain developments and uses, including the development of permanent roadways and surface water drainage features, and installation of infrastructures, equipment, and/or facilities related to wells or pumping stations.

The DEIR discusses the Aerojet Superfund Site OU-5 groundwater remedy, monitoring and extraction well locations, potential environmental hazards, and proposed mitigation measures to minimize the potential hazards and impacts of the Project's location overlapping OU-5. The DEIR also describes the Ehnisz LUC and the coordination with Aerojet and the Aerojet Superfund Site remediation agencies to maintain compliance with the LUC and prevent impacts to the OU-5 remedy. The mitigation measures proposed related to the Aerojet Superfund Site include the following:

- HAZ-2a: Prohibit New Groundwater Wells and Use of Existing Groundwater Wells Within the Contaminant Plume Consultation Zone.
- HAZ-2b: Prepare and Implement a Health and Safety Plan.
- HAZ-2c: Coordinate with Aerojet to Close, Relocate, or Avoid Monitoring Wells.

DTSC supports these mitigation measures and appreciates the efforts by the Project proponent to ensure no conflict with the ongoing Aerojet Superfund Site groundwater remedy. As a regulatory agency overseeing cleanup at the Aerojet Superfund Site, please include DTSC among the agencies requiring notification under mitigation measure HAZ-2b if evidence of previously undiscovered soil or groundwater contamination is encountered within the area overlapping the Aerojet Superfund Site.

Island Operable Unit 7, Area 39

Portions of the Project site may overlap with Area 39 of the Island Operable Unit (IOU), OU-7 of the Aerojet Superfund Site. Area 39 was used by Aerojet between 1970 and 1972 as a burn area for chemical waste. Area 39 is in the southern portion of the Prairie City State Vehicular Recreation Area (SVRA). OU-7 is currently undergoing a Sampling and Analysis Plan Addendum for supplemental sampling in support of the completion of the Remedial Investigation. Once the Remedial Investigation is completed, a Feasibility Study will be prepared, followed by USEPA issuing a Proposed Plan for the cleanup of OU-7, then a Record of Decision (ROD).

Area 39 and/or OU-7 are not mentioned in the DEIR. The Hazards and Hazardous Materials section of the DEIR discusses the Aerojet contaminated groundwater plume but does not discuss Area 39 which has soil contamination and for which the remedial investigation has not been completed. Area 39 appears to be overlapping and adjacent to the north of the Project area, based on comparison of the DEIR's Plate HAZ-1, which shows Area 39, to Plate HAZ-2 which includes an outline of the Project site. A thorough evaluation of the potential hazards and environmental impacts of the Project overlapping Area 39 of the Aerojet Superfund Site should be included in the environmental impact report.

DTSC appreciates the opportunity to comment on the DEIR for Coyote Creek Agrivoltaic Ranch Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please contact Susan Scudder at (916) 255-3601, or Susan.Scudder@dtsc.ca.gov.

Sincerely,

Juan Peng Ph.D., P.E.
Unit Chief
SMRP - National Priorities List Unit
Department of Toxic Substances Control
Juan.Peng@dtsc.ca.gov

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
State.Clearinghouse@opr.ca.gov

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Remedial Project Manager
USEPA Region 9
Dumont.Joseph@epa.gov

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Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

Little. Alison

From: Erik FORBERG <forbergler@aol.com>
Sent: Tuesday, April 22, 2025 5:20 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

Dear Environmental Coordinator,

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The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Erik Forberg

Frequent user of Prairie City SVRA

Little. Alison

From: Gary Egan <egan.w.gary@gmail.com>
Sent: Tuesday, April 22, 2025 5:25 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Gary Egan
175 San Rafael Way
San Francisco,CA 94127

Little. Alison

From: PER-CEQA
Sent: Thursday, April 24, 2025 8:58 AM
To: Messerschmitt. Kevin; Nagao. Michelle; Newton. Julie; Little. Alison; Shippey. Anastasia
Subject: FW: Stop the land grab. Save our off road park. Coyote creek. Deir. Prairie city is our only. Close. Play area. For off roading

Andrea Guerra, Senior Office Assistant
Planning and Environmental Review
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-2862 (direct)
www.planning.saccounty.gov
SACRAMENTO COUNTY

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

From: pyrojames1963 <pyrojames1963@gmail.com>
Sent: Tuesday, April 22, 2025 5:30 PM
To: PER-CEQA <ceqa@saccounty.gov>
Subject: Stop the land grab. Save our off road park. Coyote creek. Deir. Prairie city is our only. Close. Play area. For off roading

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Sent from my Verizon, Samsung Galaxy smartphone

Little. Alison

From: Gordon Rudy <gordonrudy@msn.com>
Sent: Thursday, April 24, 2025 5:22 PM
To: PER-CEQA
Subject: Prairie City OHV solar field project

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
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Dear Sac county,

I am against any possible encroachment or future restriction to the riding areas and race tracks. I appreciate any communication to be shared.

Best,
Gordon Rudy

Gordon Rudy, REALTOR®
CalBRE#01460336
Schwarzbach Associates
Mobile: 408-316-5975
www.rudyrealtors.com
gordonrudy@msn.com
https://www.facebook.com/RudyRealtors/?fref=ts

Little. Alison

From: Heather Parker <green.envy.jku@icloud.com>

Sent: Friday, May 2, 2025 6:27 PM
To: PER-CEQA
Cc: rwinn@cal4nrc.com
Subject: RE: Draft Environmental Impact Report, Coyote Creek Agrivoltaic Ranch Project

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Date: 5/2/2025

County of Sacramento
Attn: Community Development Department, Planning & Environmental Review Division
827 7th Street, Room 225
Sacramento, CA 95814

RE: Draft Environmental Impact Report, Coyote Creek Agrivoltaic Ranch Project

Dear Project Planning Team,

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

My family has been coming to this location for several years. My boys learned to ride dirt bikes at Prairie City. We belong to several off-road clubs and often have picnics and get togethers near the track.

The loss of this area would be huge to our communities. People will recreate elsewhere and in turn Sacramento areas would lose money. I own a 4 wheel drive shop in Rancho Cordova and being so close to the area I am able to help fellow Jeepers out if they need it and in turn, builds more business for Rancho Cordova's private sector.

I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project.

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
- Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

Thank you for reviewing my concerns and recommendations.

Sincerely,

Heather Parker
green.envy.jku@icloud.com

Sent from my iPhone

Little. Alison

From: Howard Phelps <hp_simi@yahoo.com>
Sent: Thursday, April 24, 2025 6:18 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Howard Phelps

hp_simi@yahoo.com

Little. Alison

From: jheavyh@aol.com
Sent: Sunday, May 4, 2025 4:42 PM
To: PER-CEQA
Cc: rwinn@cal4nrc.com; David Law via groups.io; Ole Stortroen
Subject: RE: Draft Environmental Impact Report, Coyote Creek Agrivoltaic Ranch Project

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Dear Project Team,
I am writing because om my concerns relating to this project. I am an avid outdoor recreation participant, especially now that I am retired. The Prairie City SRVA is a popular spot for me and likeminded individuals that use Off Road vehicles for recreation and family adventures. I am very concerned about development in and around the park. Looking at the Draft Environmental Impact Report I see several areas of concern.
- The DEIR does not address how the construction of the facility adjacent to Prairie City could impact its long-term viability of staying open for OHV recreation. I have not seen any analysis of potential impacts from solar facility construction, operation, and maintenance on the current SVRA.
-Exclude all lands within the boundary of Prairie City SRVA from the footprint of available land for construction. In fact, I would love to see the SRVA expanded for more recreation activities.
- What about the winds and blowing dust that come with construction. I'm sure dust and solar panels are not a good combination.
- What about the impacts with respect to water? Supply is already a problem within the SRVA and surrounding area.

In closing, I hope you consider my comments moving forward and do more research to address my concerns.
Thank you.
J. Howard
Jheavyh@aol.com

Little. Alison

From: VANCOURT/HEISER <vancourt7027@sbcglobal.net>
Sent: Sunday, April 27, 2025 6:53 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

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Sacramento County, Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

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It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Jeri Heiser
vancourt7027@sbcglobal.net

Little. Alison

From: John Begin <John@jbcontractors.com>
Sent: Tuesday, April 22, 2025 4:04 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

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Dear,

Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

John Begin 909-261-6802 / john@jbcontractors.com

Respectfully Yours,

John Begin / JB Contractors
133 E. Bonita Ave,Suite 201
San Dimas, CA. 91773
Office 909-261-6802, Cell 909-261-6802

Little. Alison

From: Johnnie Smith <JSmith@hangtownelectric.com>
Sent: Tuesday, April 22, 2025 4:23 PM
To: PER-CEQA
Subject: Prairie City SVRA Solar Project

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division
Attention: Environmental Coordinator
827 7th Street, Room 225
Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Johnnie Smith

Thank you,

HANGTOWN ELECTRIC, INC.

Johnnie R. Smith
O: (916) 859-0500
D: (916) 661-6476
F: (916) 859-0555
M: (916) 717-7598
jsmith@hangtownelectric.com





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May 5, 2025

Sacramento County Office of Planning and Environmental Review
827 7th Street, Suite 225
Sacramento, California 95814
Delivered via email to: CEQA@saccounty.gov

RE: Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report
Sacramento County #PLN2021-00191 (SCH 2022010271)

These comments are submitted on behalf of 350 Sacramento, California Native Plant Society, California Wildlife Foundation, Central Valley Bird Club, Defenders of Wildlife, Habitat 2020, Sacramento Audubon Society, and Sierra Club on the draft environmental impact report (DEIR) for the proposed Coyote Creek Agrivoltaic Ranch Project (Project). A list of comment preparers and our technical experts is provided in Section 14 of this letter.

Our organizations strongly support renewable energy development and the Sacramento Municipal Utility District's 2030 Zero Carbon Plan. A low-carbon energy future is critical for California's economy, communities, and environment. Achieving this future—and *how* we achieve it—is crucial for protecting California's internationally treasured wildlife, landscapes, and diverse habitats. Transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis if planning for projects is thoughtfully executed to protect habitat critical to species.

350 Sacramento is a grassroots climate justice organization in California's capital city. Through advocacy, education, and the power of community, 350 Sacramento pursues active solutions

and policies that support a future where all people are free to breathe fresh air, access clean energy, and live in a safe, healthy environment.

California Native Plant Society (CNPS) is a non-profit environmental organization with more than 13,00013,000 members in 36 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plants and their natural habitats, today and into the future, through science, education, stewardship, gardening, and advocacy. CNPS's mission is to protect California's native plants and their natural habitats, today and into the future, through science, education, stewardship, gardening, and advocacy. We work closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices. CNPS supports science-based, rational policies and actions, on the local, state, national, and international levels, that lead to the continued study and enjoyment of the state's botanical resources.

California Wildlife Foundation is committed to conserving, restoring, and maintaining habitats and corridor linkages throughout the state to ensure the biological diversity of species over time. California Wildlife Foundation's California Oaks program works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing plant and wildlife habitat, and sustaining cultural values.

Center for Biological Diversity
The Center for Biological Diversity is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. On behalf of the Center's 1.7 million staff, members and supporters throughout California and the western United States we joint these comments, noting that the development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions. The Center strongly supports the development of renewable energy production, and the generation of electricity from solar power, in particular. However, like any project, the proposed solar power project should be thoughtfully planned to minimize impacts to the environment and fully comply with State and local planning requirements. In particular, renewable energy projects should avoid impacts to sensitive species and habitats and should be sited in proximity to the areas of electricity end-use to reduce the need for extensive new transmission and the efficiency-loss associated with extended energy transmission. Only by maintaining the highest environmental standards regarding local impacts, and effects on species and habitats, can renewable energy production be truly sustainable.

Central Valley Bird Club is dedicated to the study of the distribution, status, ecology, and conservation of birds in the Central Valley of California. The Central Valley Bird Club represents over 500 birders, biologists, resource managers and conservationists in California's Central Valley.

Defenders of Wildlife (Defenders) has 2.1 million members and supporters in the United States, 311,000 of which reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

Habitat 2020 is the Environmental Council of Sacramento's coalition of Sacramento area environmental organizations that works to protect the lands, waters, wildlife and native plants in the Sacramento region.

Sacramento Audubon Society is a volunteer-run organization. Through extensive educational programs, ongoing community outreach, land stewardship, and science-based conservation efforts, our volunteers seek to effect positive change in our community and work towards preserving our region's biodiversity for future generations.

Mother Lode Chapter of the Sierra Club has 4,200 members and supporters in Sacramento County, over 400,000 members in California, and 3.8 million members in the United States. Our mission is to explore, enjoy and protect the planet; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out those objectives. We champion solutions to the climate crisis. We work for clean air, safe water, land protection, and a vibrant natural world. We fight for environmental and social justice. We believe in getting people outside to enjoy the outdoors.

Understanding of the Project

The proposed Project is located in the Cosumnes community in an unincorporated portion of Sacramento County. The proposed Project site is 2,704 acres of the historic Barton Ranch with a proposed solar development area on 1,412 acres. The remaining 1,292 acres are proposed to continue livestock grazing operations by the landowner. New water troughs and fencing would be installed, and reseeding is proposed to improve grazing habitat within the fenced solar array. Additionally, pollinator-friendly habitat areas are proposed to be planted.

The proposed Project is anticipated to generate approximately 200 megawatts (MW) of electricity using solar photovoltaic (PV) panels and store electricity in an onsite battery system. The proposed Project's 230-kilovolt gen-tie line would be approximately 1.3 miles long, paralleling the Prairie City State Vehicle Recreation Area (SVRA) boundary. The gen-tie line would connect with a new switchyard adjacent to the Prairie City SVRA that would be constructed to interconnect the proposed Project into the Sacramento Municipal Utility District (SMUD) 230 kV powerline farther to the west.

Project Objective

The DEIR asserts that the proposed Project's primary objective is to assist SMUD in meeting its carbon reduction goals. But the project is not at all necessary for the ultimate success of SMUD's 2030 Zero Net Carbon Plan.

SMUD staff had originally projected that the proposed Project would be needed to enable the shutdown of the first of SMUD's gas power plants at the former Campbell Soup facility. SMUD's latest Zero Carbon Plan Update[1] finds that the Country Acres' 344 MW solar plant -- being built now -- will provide enough generation to the local grid to replace Campbell, without assistance from the proposed Project.

The Proposed Project Site will be permanently converted and will require permanent mitigation.

California's ambitious renewable goals require ever-increasing renewable energy generation in the foreseeable future to support the electrification of the residential, municipal/industrial, and transportation sectors and the exploding energy demands of data centers.[2] Solar projects currently under construction or constructed are expected to be repowered/upgraded and continue to operate well beyond the end of their initial contract. These projects are a permanent conversion of land use and, as such, require impact analysis and mitigation that addresses the permanent nature of the impacts.

The proposed Project will permanently convert important habitat lands into an industrialized facility and land use. This site will have new roads, new transmission lines, grading for energy equipment, energy storage, and the accompanying infrastructure. Development of the proposed Project will require grading, blasting, and recontouring of the land including excavation of 1,461,000 cubic yards earth and rock, 1,203,500 cubic yards of fill, with over 257,000 cubic yards of earth and rubble left over that will require disposal. This significant earthmoving will result in an irreversible change to the land, altering the topography, character and environment of this proposed Project site. The DEIR acknowledges the planned operational life of the proposed Project is not limited to 35 years but does not properly address the permanent nature of the impacts. The DEIR must fully recognize that the proposed Project will reasonably and foreseeably result in a permanent change to the site from an open space/rangeland use to an industrial land use, with permanent changes to the topography, character and environment of these lands. This project will not be a temporary conversion of land. Its impacts are permanent. Furthermore, the ownership and/or management of the proposed Project can be reasonably expected to change over thirty-five years. The proposed mitigation measures, particularly those associated with project operations and management, become meaningless and uncertain if their durability is not ensured.

[1] https://www.smud.org/-/media/Documents/Corporate/About-Us/Board-Meetings-and-Agendas/2025/April/2025-04-16_Exhibit-to-Agenda-Item-1_ZCP-Update.ashx
[2] California Energy Commission, SB 100 Joint Agency Report, https://www.energy.ca.gov/sb100

In the unlikely event that the solar use of the proposed Project is decommissioned, the site will not return to its original state, given the massive change in topography. Moreover, it is still unlikely that the site will return a rangeland, given the significant, industrial-scale infrastructure that will already be constructed on and leading to the site. Instead, it can be reasonably expected that the site will be redeveloped into another industrial or residential land use. The proposed Project must be considered a permanent conversion from open space and agricultural use to an industrial land use and, as such, must be analyzed and mitigated accordingly.

Comments

As California transitions to a clean energy future, it is imperative for our future and the future of our wild places and wildlife that while addressing the long-term impacts of climate change, we also consider the near-term impact of solar development on our biological diversity, fish and wildlife habitat, and natural landscapes. Sacramento County needs smart planning for renewable power that avoids and minimizes adverse impacts on wildlife and lands with known high-resource values.

Our review of the DEIR found that not only is the proposed Project location completely inappropriate for the proposed development, but the DEIR itself is so deeply flawed that it is insufficient to support informed decision-making by Sacramento County and trustee agencies.[3] **The DEIR must be revised to address the flaws identified in this letter and recirculated to the public for review.**

Our comments address the following impact areas in greater detail:

1. Biological Resources
2. Wildlife Corridors and Habitat
3. South Sacramento Habitat Conservation Plan
4. Hazards and Hazardous Materials
5. Hydrology and Water Quality
6. Land Use and Planning
7. Traffic and Circulation
8. Tribal Cultural Resources
9. Alternatives Analysis
10. Cumulative Impacts
11. Growth Inducement

[3] *See Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 513 [a legally adequate EIR must "facilitat[e] 'informed decision making and informed public participation.'"]

1. Biological Resources

Protection of biological resources is a fundamental policy incorporated in CEQA. CEQA states that "it is the policy of the state to [p]revent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities."[4]

Environmental Setting

The proposed Project site consists of rolling hills with a mix of open grasslands and oak woodlands. There are seasonal wetlands, vernal pools, seasonally inundated wetlands, and ephemeral drainages throughout the project site. Two perennial streams, Carson Creek and Coyote Creek, flow northeast to southwest across the project site and merge offsite, flow into Deer Creek, and eventually connect with the Cosumnes River.

This DEIR fails to clearly identify how many acres of habitat would be permanently impacted for species. For each species, there must be a full accounting of the permanent and the temporary direct and indirect impacts. Without this accounting, it is impossible to understand the nature of the impacts as well as the adequacy of the compensatory mitigation presented to address those impacts.

Vegetation and Land Cover Impacts Analysis

<u>The DEIR and Biological Resources Technical Report Are Insufficient and Must Be Revised.</u>
The DEIR and Biological Resources Technical Report (BRTR) lack information to allow reviewers to determine the effectiveness of the survey methodology for identifying special status plant species with the potential to occur on the proposed Project site. The DEIR and BRTR lack analysis of areas adjacent to the project site, fail to provide complete descriptions of survey efforts, and misrepresent species with the potential to be impacted.

An EIR's mode of analysis must be "adequate to inform" to be legally sufficient under CEQA.[5] In *Sierra Club v. County of Fresno*, the court held that the ultimate inquiry, as case law and the CEQA Guidelines make clear, is whether the EIR includes enough detail "to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.[6] The court further held that whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate, one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document.[7] Thus, "a sufficient discussion of significant

[4] Pub. Resources Code, §21001(c).
[5] *Sierra Club v. County of Fresno*, supra, 6 Cal.5th at 521.
[6] Id. at 521.
[7] Id.

impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.[8]

The DEIR and BRTR state that surveys followed the California Department of Fish and Wildlife (CDFW) Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (Protocols).[9] However, much of the information that the CDFW Protocols recommend be included in a survey report is not present in the BRTR. The CDFW Protocols recommend that the following information be included:

- The names and qualifications of the surveyors;
- The dates and locations of surveys, names of surveyors on each date, and person hours spent on each date;
- A description of the reference sites used and the phenology of target plants at reference sites;
- A description and map of the area surveyed relative to the project area;
- A discussion of how climatic conditions may have affected survey results;
- A discussion of how the timing of surveys may have affected survey results;
- A discussion of the potential for a false negative survey;
- A discussion of the significance of special status plant populations in the project area, considering nearby populations and total range and distribution;
- A discussion of the significance of sensitive natural communities in the project area, considering nearby occurrences and natural community distribution;
- A discussion of project-related direct, indirect, and cumulative impacts to special status plants and sensitive natural communities;
- A discussion of the degree and immediacy of all threats to special status plants and sensitive natural communities, including those from invasive species; and
- A discussion of the degree of impact, if any, of the project on unoccupied, potential habitat for special status plants.

The survey report only discloses the dates that botanical surveys occurred and does not include any additional information needed to determine the adequacy of these survey efforts, or if target species would have been identifiable. Table 2 (Summary of Protocol-Level Botanical Surveys Conducted within the Project Study Area) in Chapter 6 of the DEIR does not indicate that any botanical surveys occurred in 2024, despite being described in Section 7 of Appendix D of the BRTR.

Appendix C, Observed Species Compendium, of the BRTR is riddled with inaccuracies, including outdated and misspelled scientific names, obscure common names, and identifies several native species as non-native and several non-native species as native. **Please see**

[8] Id., citing Cleveland National Forest Foundation v. San Diego Association of Governments (2017) 3 Cal.5th 497, 514-515.
[9] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline

Attachment A, "Errata in the Biological Resources Technical Report, Appendix C, Observed Species Compendium," for a list of some errors identified in the Biological Resources section of this DEIR. Additionally, there are species that should have been identified to a taxonomic level sufficient to determine the status of the species. While Ione manzanita (*Arctostaphylos myrtifolia*, 1B.2 FT) is unlikely to occur within the proposed Project study area (PSA), the *Arctostaphylos* species observed during surveys should have been identified to a taxonomic level to ensure that these are not a special status species. The *Iris* species discovered during surveys should also have been identified to a taxonomic level to ensure that it is not *Iris longipetala* (4.2). As mentioned previously, *Allium jepsonii* also has the potential to occur on the proposed Project site, and there is a possibility that the unidentified *Allium* in the species compendium is *Allium jepsonii* (1B.2). Identification to species level is also important in the case that any undescribed taxa are present on the proposed Project site.

Inconsistency in survey results and the lack of supporting information raise the question of the extent and thoroughness of the surveys and whether the proposed Project site was surveyed adequately to identify populations of special status species. Some species were encountered in 2023 but not in 2024, and vice versa. Given the amount of precipitation in 2023, it is highly unlikely that the populations of *Brodiaea rosea* ssp. *vallicola* would not have been detectable that year, indicating an ineffective survey and the need for the use of reference sites. It is also unlikely that the population of *Juncus leiospermus* var. *ahartii* found in 2023 would not have been detectable in 2024.

There are additional inconsistencies between the DEIR and the BRTR. The DEIR does not incorporate any information from the BRTR regarding 2024 surveys, other than mentioning that "Valley brodiaea species was not observed during protocol level botanical surveys in 2021, 2022, or 2023; but was observed in 2024" in Table BR-3. This table did not include the 2024 observations of *Navarretia myersii* ssp. *myersii* or *Calycadenia spicata*.

The DEIR contains an insufficient and inconsistent analysis of botanical resources, leading to a misrepresentation of the potential impacts of this proposed Project. **The DEIR must be revised to include an explicit discussion of populations, special status species observed, area of occupancy, numbers of individuals, potential project impacts, and provide species-specific avoidance, minimization, and mitigation measures, including maintenance and monitoring through the life of the proposed project, for this species. Please see Attachment B, "Suggested Amendments to Avoidance, Minimization, and Mitigation Measures of Botanical Resources" for more specific suggested amendments to these measures.**

Special-Status Plants with Potential to Occur within the Solar Development Area

Spiked western rosinweed (*Calycadenia spicata*)

The DEIR also misrepresents the statewide abundance of spiked western rosinweed by claiming that there are 160 occurrences of the species listed in the Calflora database. The Calflora database includes observations of the species, not occurrences. Many of the observations listed may be of the same occurrence observed at different dates and or by different observers. Portraying all observations of this species as occurrences greatly exaggerates the number of populations of this species and distorts the analysis of impacts to the species at the statewide level. The DEIR and BRTR do not clarify if the occurrences found on the proposed Project site during surveys represent individual plants or populations of plants, and this does not allow for an accurate analysis of the scale of impacts to spiked western rosinweed on the proposed Project site. Despite the lack of clarifying information, it is clear that impacts to spiked western rosinweed would be significant, as indicated in the DEIR. However, the proposed avoidance, minimization, and mitigation measures are insufficient to reduce these impacts to less than significant and would cause a net loss of individuals and habitat for this species. Where ground disturbance of spiked rosinweed species is not avoidable, the provided mitigation measures to salvage and re-establish this species lack several elements essential to ensuring successful mitigation. Salvaged topsoil needs to be kept free of any additional non-native seeds or propagules and needs to be stored where it can be kept dry to prevent premature germination of seed until it is reapplied to the landscape. We strongly recommend that spiked western rosinweed seed be collected prior to ground disturbance and be bulked by a qualified California native seed producer (see Attachment B, “Suggested Amendments to Avoidance, Minimization, and Mitigation” for more details). **The DEIR must be revised to include sufficient AMM to reduce the proposed Project impacts to less than significant, and then recirculated for public review.**

Impacted Plant Species Not Included in the DEIR

The DEIR and BRTR claim that occurrence data from the California Natural Diversity Database (CNDDB), CNPS Rare Plant Inventory, the South Sacramento Habitat Conservation Plan (SSHCP), and the U.S. Fish and Wildlife Service (USFWS) were used to identify special status species with the potential to occur on the project site by querying for occurrences in the United States Geological Survey (USGS) quads that the proposed Project occupies, and quads immediately adjacent to these quads. However, this analysis did not include the Citrus Heights, Shingle Springs, Elk Grove, or Irish Hill quads. While not all species from these quads would have the potential to occur on the proposed Project site, all of the special status species in these quads should have been analyzed for the potential to occur. Special status species not included for analysis include Jepson’s onion (*Allium jepsonii*), brassy bryum (*Bryum chryseum*), Stebbins’ morning-glory (*Calystegia stebbinsii*) chaparral sedge (*Carex xerophila*), Fresno ceanothus (*Ceanothus fresnensis*), tripod buckwheat (*Eriogonum tripodum*), and Tehama navarretia (*Naverretia heterandra*). This is especially important for *Allium jepsonii*, as an *Allium* species was detected during surveys that was not identified beyond the genus level. **The DEIR must be revised to assess the proposed Project’s impacts to these special status species.**

Valley brodiaea (*Brodiaea rosea* ssp. *vallicola)*

The DEIR fails to include a discussion of populations or potential impacts to valley brodiaea. Table BR-3 of the DEIR and Table D.1 of the BRTR indicate that *Brodiaea rosea* ssp. *vallicola* was observed within the solar development area, however the DEIR excludes this species from discussion of special status plant species beginning on page 6-52 of the DEIR. This section states that "four rare plants were observed during project surveys in 2023 and 2024 within and near the solar development area that could be affected by project activities: spiked western rosinweed (*Calycadenia spicata*) (within and adjacent to the solar development area), and Ahart's dwarf rush and pincushion navarretia (adjacent to the solar development area)." Despite the fact that four rare species were observed, only three of these are mentioned in this section and there is no mention of *Brodiaea rosea* ssp. *vallicola* here or in the discussion of avoidance and minimization measures (AMMs) or mitigation measures. The revised DEIR must include a discussion of valley brodiaea and the potential impacts that the proposed Project would cause to the species.

Mitigation Measure BR-1b

The section describing impact analysis and identification of required mitigation for special status plant species, beginning on page 6-52, does not describe potential impacts to valley brodiaea, which was found to be present during surveys, and this species is not included in mitigation measure BR-1b. Mitigation measure BR-1b does not require the use of pre-construction surveys, a standard practice for projects of this type, and does not offer any assurance that any special status species discovered during project activities would be subject to any avoidance, minimization, or mitigation measures.

This measure also only provides species-specific mitigation measures for spiked western rosinweed rather than including them for all species discussed in the DEIR. Species-specific measures for the other special status species found on the proposed Project site and general mitigation measures for any additional species found during pre-construction surveys must be included as part of the revised DEIR. This measure should require that all, not portions of, special status populations be avoided where feasible, and that avoidance should be prioritized in all cases.

Mitigation Measure BR-1b does not provide a sufficient monitoring schedule, does not include any active management, and does not provide any performance standards to ensure that mitigation of this species would be successful. Mitigation Measure BR-1b must be revised to include performance standards for successful mitigation, monitoring of populations of special status plant occurrences each year for the first five years post-construction to ensure no net loss of any special status plant occurrences followed by intermittent monitoring throughout the life of the proposed Project, provisions for active management to ensure success, and financial assurances to support monitoring and management.

Any grazing or mowing plan must be approved by a qualified biologist, and the biologist conducting monitoring of spiked western rosinweed populations shall have the authority to amend the grazing/mowing plan and apply additional active management measures to ensure the persistence of spiked western rosinweed throughout the life of the project. Given that onsite mitigation of impacts to spiked western rosinweed may be ineffective, conservation of offsite populations should also be included in this mitigation measure.

Specific recommendations for monitoring and management are attached in Attachment B, "Suggested Amendments to Avoidance, Minimization, and Mitigation Measures of Botanical Resource."

Additionally, revisions of mitigation measure BR-1a must require that fiber rolls and seed mixes used for erosion control be free of any viable non-native seed. Seed mixes for erosion control and revegetation must be composed of locally native species, preferably sourced from on or adjacent to the project site, or bulked (growing a limited quantity seed in a controlled setting to produce sufficient quantities of seed for restoration needs) from seed collected on or adjacent to the project site.

Special Status Wildlife Species

According to the DEIR, the following Threatened, Endangered, and Fully Protected Species are known to occur on the proposed Project site (Table BR-4; DEIR, pp. 6-23 to 6-28):

- **Vernal pool fairy shrimp**: Federal Threatened. Presence assumed.
- **Vernal pool tadpole shrimp**: Federal Endangered. Presence assumed.
- **Western pond turtle**: Federal Threatened Candidate
- **Tricolored blackbird**: State Threatened. Also listed as a Red-Alert Tipping Point Species in the 2025 U.S. State of the Birds Report (North American Bird Conservation Initiative, 2025). Tipping Point Species are those with perilously low populations and steep declining trends that have lost more than 50% of their populations within the past 50 years.
- **Swainson's hawk:** State Threatened
- **Golden eagle:** State Fully Protected
- **Southern bald eagle:** State Endangered and Fully Protected
- **White tailed kite:** State Fully Protected
- **Burrowing owl**: State Candidate
- **Valley elderberry longhorn beetle**: Federal Threatened

According to the DEIR, the following species also have the potential to occur on the proposed Project site (Tables BR-3 and BR-4; DEIR, pp. 6-18 to 6-28):

- **Slender Orcutt grass**: Federal Threatened, State Endangered
- **Sacramento Orcutt grass**: Federal Endangered, State Endangered
- **Boggs Lake hedge-hyssop**: State Endangered

- **Crotch's bumble bee**: State Endangered Candidate
- **Foothill yellow-legged frog (South Sierra Distinct Population Segment)**: Federal Endangered, State Endangered
- **Cooper's hawk**: No listing status
- **Ferruginous hawk**: No listing status.
- **California black rail**: State Threatened and Fully Protected
- **Bank swallow**: State Threatened
- **American badger**: CDFW Species of Special Concern
- **Western spadefoot toad**: CDFW Species of Special Concern

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. Before issuing an incidental take permit, CDFW must:

- Identify and enforce stipulations necessary to **avoid, minimize, and fully mitigate** the take of, **and to conserve**, fully protected species.
- Require a monitoring plan that includes observation frequency, and an adaptive management component so that modifications to the monitoring program and impact mitigation measures can be made in a timely manner.

In comments on the Notice of Preparation for the proposed Project, CDFW recommended that 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**. (DEIR, Appendix PD-2, CDWF letter at p. 6.)

Special-Status Wildlife with Potential to Occur within the Solar Development Area

Amphibians

Western spadefoot toad (*Spea hammondii*)

The DEIR notes that 2021 was a relatively dry year and only surveys during 2021 are mentioned for WST (DEIR, p. 6-23). The species was not found, but suitable habitat was

present. It may be that WST were not active during 2021 and so were not found. Lacking a wet-year survey, the proposed Project should assume WST is present on-site and significantly impacted by the project. **The DEIR must include surveys that adequately represent habitat suitability, inclusive of all expected weather conditions for the proposed Project site.**

Recommended mitigation: Prior to the County's issuance of a grading permit or other authorization for ground disturbance, including blasting, a qualified biologist shall conduct a minimum of three nighţme visual encounter and acoustic detection (i.e., listening for male breeding call) surveys and one daytime egg mass survey. Surveys shall be timed during late winter and early spring, generally February 15 - April 1, but shall not begin until the site has received adequate rainfall to form breeding ponds and daytime temperatures are consistently greater than 60 degrees. Surveys shall be conducted no more than 24 hours following a rain event, with at least 7 calendar days between each survey. Survey methods and results shall be provided to CDFW upon request. If any life stage of western spadefoot is encountered, CDFW shall be consulted to determine appropriate avoidance, minimization, and compensatory mitigation measures. Compensatory mitigation in the form of permanent habitat preservation on or off-site may be required. Ground-disturbing activities shall not commence until written approval is received from CDFW. **Any construction fencing, such as orange webbing, shall not be allowed to obstruct the movement of western spadefoot toads.**

Impacted Amphibians that were not included in the DEIR:

California tiger salamander (*Ambystoma californiense*)

The DEIR analysis should have included the California tiger salamander - a federally and state-listed Threatened species that has the potential to occur on the proposed Project site. Suitable habitat for this species is present. According to the U.S. Fish and Wildlife Service,[10] California tiger salamanders require access to both aquatic and upland habitat throughout their life cycle. They use standing bodies of freshwater, like ponds, vernal pools, and other ephemeral or permanent water bodies for breeding. These bodies of water must hold water for a minimum of 12 weeks to support the salamander larvae development. The salamanders also need access to upland habitat that contains small animal burrows or underground hideaways, including those constructed by California ground squirrel (*Spermophilus beecheyi*) and valley pocket gopher (*Thommomys bottae*)."

The U.S. Fish and Wildlife Service (USFWS) interactive range map for the species shows its estimated range extending to within approximately 3.5 miles to the south of the proposed Project.[11] No surveys for this species were conducted on the proposed Project site. **Surveys should be conducted for this species that conform to the survey guidelines published by**

[10] U.S. Fish & Wildlife, California Tiger Salamander (*Ambystoma californiense*), https://www.fws.gov/species/california-tiger-salamander-ambystoma-californiense
[11] U.S. Fish & Wildlife, California Tiger Salamander (*Ambystoma californiense*), https://www.fws.gov/species/california-tiger-salamander-ambystoma-californiense/map

CDFW.[12] The results of the survey should be used to determine the impacts of the proposed Project on this species and its habitat, and the DEIR should be revised accordingly and recirculated to the public for review and comment.

Reptiles

Northwestern pond turtle (*Actinemys marmorata*)

Because this species is proposed for federal listing, the DEIR should treat the species as federally threatened. This species and its habitat were found on the proposed Project site (DEIR, p. 6-23). As well as streams and ponds, this species uses upland habitats to rest, to lay eggs, overwinter, and to disperse (Western Pond Turtle Rangewide Conservation Coalition, 2020). They may move as much as 500 m (0.3 mile) into uplands.

Effects on annual breeding movements of the western pond turtle depend on the distance they travel from aquatic to upland nesting sites, the width of no-disturbance buffers, post-project suitability of developed sites, and fencing specifications that would exclude turtles. Construction activities may kill or injure turtles hidden in upland habitats. Proposed project mesh fencing and/or permanent wire-mesh fencing around solar panel arrays may obstruct movements of western pond turtles or entrap them.

The width of the buffer from creeks is stated as a "minimum 100 ft." The fence design is not specified, but a standard 7-foot fence is typically of chain link, which will exclude movements by pond turtles. Davidson and Alvarez (2020) summarized numerous studies and concluded that the average distance of movements of pond turtles from aquatic habitats to nest sites was 50 m (i.e., 160 ft). Thus, at a minimum, retaining only a 100-ft buffer would result in a significant impact to significantly disrupt a large proportion of movements of turtles' ability to travel to nesting sites. The DEIR impact analysis for this species must be revised to assess the actual designs of fenced areas and the amount of turtle use that would be excluded, and the impact significance re-determined. Construction fencing must not be allowed to obstruct the movement of northwestern pond turtles.

The DEIR impact analysis doesn't explicitly identify the mortality of individuals as an impact, even though it later states that the impact is considered significant. The DEIR should assess how many pond turtles may be present in project areas slated for disturbance and how many would be killed despite efforts to avoid them. In particular, information should be presented on what distances the turtles move from aquatic habitat to forage and nest (using Davidson and Alvarez (2020) and Alvarez and Del Vecchio (2024), among other references), and thus how likely they are to be killed or injured. The DEIR should address the extent to which take can be

[12] "Interim Guidance on Site Assessment and Field Surveys for Determining Present or a Negative Finding of the California Tiger Salamander," October 2003, https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83915&inline

reduced by imposing wider no-disturbance buffers from aquatic areas and whether such buffers are feasible to implement. Finally, the analysis must address the duration of effect of "temporary disturbance" by burrow removal, estimate the number of years until burrows will be re-excavated naturally, and whether any means are available to increase burrows by managing for ground squirrel populations or enhancing nesting habitat onsite.

It is misleading to characterize the cumulative impacts of the proposed Project as 3% of the "suitable upland habitat … for this species in the regional project analysis area." This is an example of "shifting baseline analysis," where all of the past impact to habitat is not considered. Extensive amounts of pond turtle upland habitat have been destroyed in Folsom, El Dorado Hills, Rancho Cordova and elsewhere in Sacramento and El Dorado counties. **The DEIR must assess the acres of pond turtle habitat that has been lost, as well as the large amount of net loss expected under the SSHCP, as proper context for these impacts, as they contribute to a significant cumulative impact that is directly tied to the precarious status of the species in this region.**

Birds

Tricolored blackbird (*Agelaius tricolor*)

The Tricolored blackbird is a state listed threatened species. The DEIR fails to adequately address the Tricolored blackbird. It appears that the preparers of the DEIR were unaware of the information on this species in the Tricolored Blackbird Portal and in numerous publications documenting the biology, status, habitat requirements, and development impacts on the species (e.g., Airola 2021; Airola and Young, 2015; Airola et al. 2015a, b, 2016, 2018a, b, 2023, 2024; Beedy et al., 2023; Meese, 2015).[13] Information presented on colony occurrence, as noted in the DEIR, is incomplete.

Between 2014 and 2022, the species has nested at least twice (2016 and 2019), in the pond along Scott Road within the proposed Project area.[14] In addition, there is a large population that breeds regularly immediately west of the Prairie City State Vehicular Recreation Area that averages 3,800 breeders annually and regularly travels the 2.5 miles from the colony site to feed in the proposed Project area (D. Airola, unpub. data; D. Airola, pers. obs.).

The DEIR presents no information on the criteria used to identify "potential nest sites." Reporting the number of birds observed during field visits is meaningless and misleading without information on the timing and extent of surveys (Airola et al., 2024). The species is well known to nest irregularly within the proposed Project area (i.e., in wetter years when suitable emergent vegetation is present in the Scott Road pond) and to regularly travel to the proposed Project area to forage.

[13] UC Davis, Tricolored Blackbird Portal, https://tricolor.ice.ucdavis.edu/
[14] Id.

Use of the terms “an active nest” and “the nest” in the DEIR is curious and suggests a lack of understanding of the biology of the species. As a colonial species, nesting occurs in groups of 50-3,000+ nests. Tricolored blackbird fledglings generally remain at the colony site for up to a week after fledging (Beedy et al., 2023). Renesting also may occur at colonies after fledglings appear (Schackwitz et al., 2020). Therefore, determinations of nesting presences and appropriate protections buffers should be made by qualified biologists with specialized expertise with this species, and protection at active colonies should extend until it is determined with certainty that fledglings have departed the nesting area and no re-nesting has occurred.

The DEIR’s statement that “very little potentially suitable nesting habitat” occurs in the proposed Project area is inaccurate. (DEIR, p. 6-71.) Tricolored blackbirds in this region nest in dense colonies, with 500-5,000 birds nesting in patches of blackberry or emergent vegetation that occupy on average only 0.6 ac (range = 0.1-2.7 ac; Airola, 2021). Thus, small patches of suitable nesting habitat can support a substantial nesting population, and active nests often cannot be seen because of the density of the vegetation in which they nest. Despite occurring in high densities, these same colonies require very large areas (roughly 20,000 acres) for foraging within 3 miles of colony sites, of which a minimum of 60% must be in suitable land covers (grazed annual grassland, irrigated pasture, and annual crops; Airola et al., 2023a). Determination of nesting needs to be based **not** on nest observation, as specified in the DEIR, but rather on observations of the extent of occurrence and observed nesting behaviors. The detailed guidelines for conducting tricolored blackbird surveys (Airola et al., 2024) should be followed.

To minimize impacts from the proposed Project, the DEIR should include measures to enhance nesting habitat onsite or in a nearby protected area. This enhancement could involve management of stormwater runoff to create suitable conditions to support nesting in all years, rather than just wetter years, and possibly topographic modifications (e.g., constructing a berm at the outflow of the pond to increase water storage or recontouring the pond to concentrate water over less area in dry years). Although the loss of foraging habitat due to the proposed Project could reduce the potential for nesting to occur, nesting habitat should be established as a reasonable mitigation measure, nonetheless.

Attempting to maintain or enhance existing nesting habitat onsite is important, but should be considered experimental. Tricolors will nest in disturbed areas if adequate foraging habitat remains in the surrounding area (i.e., if >70% of the area will remain in suitable foraging habitat). However, as discussed below, the loss of foraging habitat within the foraging range of this site, caused by the proposed Project and cumulatively from other projects, may cause the nesting habitat to be unused, regardless of its quality. If the habitat loss analysis shows that the site is no longer likely to be usable, additional nesting habitat should be created in an adjacent

off-site area with a more intact foraging area that could serve the same population of birds. Because such an evaluation is lacking, the DEIR is deficient.[15]

By characterizing permanent habitat losses as only 53 acres, the DEIR has, without justification, made the determination that post-project lands within the solar arrays will remain suitable as foraging habitat. This determination is not explained or justified. Species expert D. Airola is confident that no published research has documented continued foraging by tricolored blackbirds in areas after solar arrays have been installed. Given the propensity of the species to forage in open habitats (Airola et al., 2023a; Beedy et al., 2023), it is, at best, unknown whether the species will forage within and among the solar arrays. Absent supporting evidence, all lands occupied by arrays and probably intervening lands on the proposed Project area must be considered as permanently impacted foraging habitat.

The statement "…there is a large amount of grassland and cropland available as foraging habitat in the region" (DEIR, pp. 6-77) is simplistic and misleading. A substantial amount of foraging habitat has been lost in the surrounding region to development within the South of Folsom project and in Rancho Cordova and El Dorado Hills. This development has been directly implicated in the elimination of many tricolored blackbird colonies in the area since 2014, including its elimination as a nesting species in El Dorado County and loss of the long-term colony at Iron Point Road in Folsom (Airola et al., 2023b). Foraging habitat is not abundant and is limiting to the tricolored blackbird population in the region surrounding the proposed Project site. Further, during breeding, this species is a central-place forager, and good foraging near their nests is important to maximize nest success, so that impacts from constructing panel arrays near the nesting area are likely to be negative by increasing foraging time expenditure and effort. Mitigation for tricolored blackbird impacts in Alternative 1 must avoid valuable foraging areas near the intermittently occupied breeding pond in the northeast corner of the proposed Project site.

In the foothill region, one of the largest and most regularly active colonies (known as "Just West of Prairie City OHV area"*)*, occurs along Grant Line/White Rock Road near the entrance to the SVRA, which is less than 1.5 miles from the proposed Project area boundary. This site is one of few sites in the central foothills studied over 2014-2022 that was occupied every year, and it supported the second highest average annual breeding population (3,800 birds/year; Airola et al., 2023; D. Airola unpub. data). The proposed Project will permanently eliminate over 1,000 acres of suitable foraging habitat that is known to be used regularly by foraging birds from this colony, as well as the onsite nesting birds in years when nesting could occur. Recent research shows that tricolored blackbird colonies do not occur in the foothills when the proportion of land supporting suitable foraging habitat in a 10,000-hectare block is less than 60% and the probability of occurrence increases linearly with foraging area above that threshold (Airola et al., 2023a). The proposed Project also must be considered in context with impacts to tricolored

[15] *Sierra Club v. County of Fresno, supra*, 6 Cal.5th at 521.

blackbirds that have occurred in the nearby surrounding area. Since studies began in 2014, six breeding colony sites have become inactive in the Folsom-El Dorado Hills area: Iron Point Rd, Bridge Colony, Tule Marsh, Farm House, Latrobe Rd #1, and Wetsel-Oviatt Quarry.[16] Although some suitable nesting habitat remains at all sites, development of adjacent foraging habitat over this period made the sites no longer suitable for nesting by reducing the proportion to below the 60% minimum threshold (Airola et al., 2023). Thus, the proposed Project would contribute to a large-scale, long-term elimination of tricolored blackbird colonies and the species population in the central Sierra foothill region. This is a significant adverse impact.

It is concerning that the DEIR preparers are not aware of readily available information regarding the determinants of this species occurrence in the region (i.e., proportion of land in suitable foraging land cover types over large areas; Airola et al., 2023a) and thus how project impacts should be evaluated. The analysis should evaluate how the proposed Project will affect the proportion of suitable habitat area within 3 miles of the onsite and Prairie City nest colony sites and should include the cumulative impacts of ongoing, approved, and proposed developments including those on the Aerojet property, South of Folsom, the AKT/UC Davis project proposed south of Payen Road, in Rancho Cordova, and any other road, mining, or development projects.

The statement “approximately 13 percent of the state-wide population of Tricolored Blackbirds occurs in Sacramento County across 15 occupied sites”, based on the 2022 statewide survey (Colibri, 2022, *incorrectly cited as CDFW,* 2022), should be clarified. The species is an “itinerant” breeder (Hamilton, 1998), with the same population moving to breed multiple times, generally early in the south and later in the north. The statewide surveys are conducted early in the breeding season when blackbirds are usually concentrated in the San Joaquin Valley (Meese, 2014), except in dry years, when they may abandon the San Joaquin Valley and move north earlier. Thus, while the statewide survey adequately meets its purpose of assessing the statewide population, it is not an accurate representation of the breeding population in individual regions outside the San Joaquin Valley where breeding occurs later (Airola et al., 2023b).

In 2022, the number of birds reported in the statewide survey in Sacramento County (27,690) was 26% lower than the number (37,625) that actually bred there, as recorded during season-long breeding colony surveys (Airola et al., 2023b). Thus, Sacramento County supports approximately 17% of the statewide breeding population. The nearby *Just West of Prairie City OHV Area* site alone, with an average of 3,800 breeders per year over 2014-2022 (D. Airola, unpub. data), supports about 2% of the 2022 statewide population. This colony regularly commutes to forage within the proposed Project site and thus will be affected by foraging habitat loss.

[16] UC Davis, Tricolored Blackbird Portal, https://tricolor.ice.ucdavis.edu/

The DEIR's analysis must be revised to include this additional information on the species, including how the proposed Project would impact its foraging.[17] Mitigation measures must be changed to avoid foraging areas, and the revised DEIR must be recirculated to allow review by agencies and the public.

Golden eagle (*Aquila chrysaetos*)

All of the comments about the California Fully Protected Species Status and treatment of the white-tailed kite in this DEIR, see *infra*, also apply to the DEIR's failure to address impacts to the golden eagle. As such, the same deficiencies are extant in the treatment of this species in this DEIR.

Burrowing owl (*Athene cunicularia*)

The burrowing owl is currently a state Candidate for listing largely because of habitat loss and direct effects of land disturbing projects similar to the proposed Project. As a Candidate species, any "take" of burrowing owl will require that the project developer receive a permit under Fish and Game Code Section 2081. Potential burrows/complexes including one with signs of use were observed in the solar development areas making the proposed Project site, one of the few remaining sites where the species nests within the eastern portion of Sacramento County (Pandolfino et al., 2021; C. Conard, pers. comm.). Thus, every effort should be made to preserve the suitability of the habitat onsite for the species.

We concur with the DEIR's analysis that the proposed Project site, in total, will be unsuitable for burrowing owls after development. In addition, cumulative impacts of habitat loss from residential and commercial development, mining, and solar development in the surrounding area and region is not addressed in the DEIR, which is a serious deficiency and does not meet California Environmental Quality Act (CEQA) requirements.

As the lead CEQA agency, the County must disclose whether the impacts of habitat loss are significant, and if so to describe mitigation measures that will reduce impacts to a less-than-significant level or issue a statement of overriding concerns. The proposed Project clearly will result in significant impacts to the burrowing owl, based on information presented in the DEIR. The deferral of habitat compensation, to be implemented only "if CDFW determines that the off-site compensatory mitigation is necessary" does not meet CEQA requirements for addressing significant impacts.[18]

The SSHCP should not be used as the sole source of information since it was prepared based on data and management practices that are up to 25 years old. The CEQA lead agency is required to take a fresh look at impacts and mitigation measures for this proposed Project, given

[17] Sierra Club v. County of Fresno, supra, 6 Cal.5th at 521.
[18] CEQA Guidelines, § 15126.4.

the declining status of the species since the Plan was prepared and approved, to the point where listing of the burrowing owl has been proposed.

The specific habitat requirements of this species should be explicitly considered in land selection and management. In mitigating impacts to the burrowing owl, a large area of what might be considered potentially suitable breeding habitat (annual grassland and annual agricultural cropland) may not be occupied. Therefore, mitigation land acquired for burrowing owls should show evidence of being occupied. Given the precarious status of the species, meeting this requirement may not be feasible. “Layering,” otherwise known as “stacking” mitigation contemplated Mitigation Measure BR-1e for multiple species, should not be accepted lightly. Layered compensatory mitigation must be approved by CDFW and include provisions for adaptive management if conservation objectives are not met, including the acquisition of additional habitat.

To achieve no net loss in habitat value, any acquired mitigation lands must be enhanced to increase their capacity to support a higher number of burrowing owls than existed before acquisition. A management plan must be developed and approved for any mitigation lands to address the following issues, among others: 1) elimination of any insecticide or rodenticide use, 2) livestock grazing at a level that will result in increases in California ground squirrel and burrowing owl populations, 3) provision of artificial dens if they are limiting, and 4) ongoing monitoring and reporting. Mitigation areas must be acquired prior to proposed Project construction, and habitat quality standards and population increases need be achieved before construction occurs.

The proposed Project mitigation must also include contributing to the development of a burrowing owl release site for impacts to birds from this site and other county-wide, such as is being accomplished successfully in San Diego County (Hennessy et al., 2022).

Ferruginous hawk (*Buteo regalis*)

Contrary to the DEIR, ferruginous hawks do not nest in California, but spend the winter in grassland habitat with scattered trees, which is present on the proposed Project site. A known CNDDB occurrence of this species is located approximately three miles northeast of the proposed Project site. There are many eBird records of the species within the proposed Project site.[19] This species should be assumed to occupy the proposed Project site during the winter season.

The ferruginous hawk has suffered declines from loss of grassland habitat in the proposed Project vicinity. The DEIR should be revised to include available information from the Folsom

[19] https://ebird.org/map/ferhaw?neg=true&env.minX=&env.minY=&env.maxX=&env.maxY=&zh=false&gp=false&ev=Z&excludeExX=false&excludeExAll=false&mr=1-12&bmo=1&emo=12&yr=all&byr=1900&eyr=2025

CBC, which includes the proposed Project area, and analyze potential impacts to this species from the proposed Project. including the loss and fragmentation of grassland habitat.

Swainson's Hawk (*Buteo swainsoni*)
Due to the presence of numerous trees on the proposed Project site, including oaks and Fremont cottonwoods, Swainson's hawks should be assumed to nest onsite even though they were not observed nesting during surveys. The DEIR states that "Project construction would result in the direct permanent removal of five potential nest sites (i.e., trees with raptor nest structures present) in the southern portion of the solar development area" and that "removal of a known active nest site could reduce future reproductive success of Swainson's hawk that return to breed the following season(s) after nest site removal…."

The DEIR further states that "occurrences of nesting or suspected nesting for this species have been recorded at the confluence of Deer Creek and Carson Creek to the southwest, along Scott Road approximately 1 mile southeast, and east of White Rock Road within approximately 1 mile from the north northwestern boundary of the project site." (DEIR, p. 6-25.) In addition, there are 29 nest sites within 10 miles of the proposed Project area that were not active or activity was not reported.

The DEIR text regarding Swainson's hawk nesting that "none were reportedly active in the last five years" is unclear as to whether the 29 nest sites within 10 miles of the proposed Project area were not active or activity just was not monitored, reported, or entered into the California Natural Diversity Database (CNDDB). (DEIR, p. 6-66.) The latter is more likely, due to the backlog of records that have not been entered into the CNDDB, as D. Airola and colleagues found recently for bald eagles (Airola et al., 2025). Alternatively, it is also possible that the lack of records simply indicates a lack of surveys conducted in the region.

The density of Swainson's hawks in the proposed Project area described in the DEIR indicates that this area is a regionally important concentration area for the species. Protocol surveys documented 11 raptor nests, two of which were attributed to Swainson's hawks, and five observations of courting were documented.

Given the density of hawks and their observed behavior, the County should assume that Swainson's hawks nest within the proposed Project area, even if they were not observed during the relatively brief surveys conducted. The removal of more than 4,000 blue oaks and other mature trees indicates that nest tree removal is highly likely.

The DEIR must be revised to include an evaluation of whether the modification of foraging habitat, separate from loss of nesting habitat, will result in potential nest failure and long-term abandonment of nesting territories, independent of whether potential or suspected nest trees are removed. The DEIR fails to assess whether grassland conditions in the proposed Project area are consistent with those at sites studied by Estep (Estep Environmental Consulting,

2021), which indicated that Swainson's hawks regularly foraged within solar arrays, and thus whether similar use will occur. In particular, the DEIR must at least opine whether the hawk's response in an area dominated by annual grasslands (reported in the DEIR to be of low foraging habitat value) will be similar to the relatively high use reported for the Estep south Sacramento County study area.

The DEIR must include a comparison of any differences between management of vegetation within and adjacent to the solar arrays proposed for the proposed Project area, and that within areas studied by Estep and whether that may affect use, and model vegetation management based on conditions reported by Estep.

The analysis should explicitly note that noise impacts from proposed Project construction and especially more than 30 days of blasting that may "result in nest abandonment or forced fledging and subsequent incidental loss of fertile eggs, nestlings, or juveniles; or harassment of adult" (DEIR, p. 6-66) all are violations of the California Endangered Species Act (CESA) take provisions and would require issuance an Incidental Take Permit pursuant to Fish and Game Code Section 2081 with associated minimization and mitigation measures.

The DEIR must determine if the "(i)ndirect impacts on adjacent foraging habitat from construction or operations and maintenance activities that introduce weeds or create dust" that "could reduce habitat quality" (DEIR, p. 6-66) are significant and thus require additional mitigation for habitat losses.

The DEIR fails to analyze the effects of land use changes on populations of potential species that could compete with or prey on Swainson's hawks, including common ravens, red-tailed hawks, and great horned owls, and thus affect the resident Swainson's hawk population.

Regardless of what the Sacramento County Swainson's Hawk Ordinance requires, the DEIR cannot assert, without evidence, that preservation and even enhancement of offsite foraging habitat at a 1:1 ratio will result in no net loss.[20] We are unaware of any published or unpublished studies that show that habitat value can be doubled in annual grassland mitigation areas, which would be required to achieve no net loss at that ratio.

The DEIR fails to acknowledge the loss of nesting trees for Swainson's hawk is a significant adverse impact, especially because the species returns to the same nests in subsequent breeding years.

Establishing the performance standard for tree replacement of 65% survival after five years is inadequate. Planted trees will not become suitable nesting habitat for Swainson's hawks for at least 20-50 years after planting and thus are of no value to the current population. Furthermore,

[20] Sacramento County Code, § 16.130.

mitigation lands must be managed in perpetuity to ensure that suitable trees remain available for nesting and replanted as needed. There are numerous examples of oaks in mitigation sites in nearby areas that met the 5-year survival requirement and then were killed by grass fires, which occur regularly in this region, thereby eliminating the intended habitat value (D. Airola. pers. obs.).

White-tailed kite (*Elanus leucurus*)

The white-tailed kite is a California Fully Protected species, which has, until recently, meant that outside a Natural Communities Conservation Plan, this species cannot be harmed or killed.[21] So, unlike the Swainson's hawk, which can be "taken" under CESA, Fish & Game Code, sections 2081(b), impacts to this species which constitute "take" under California fully protected species status typically had to be avoided. On July 10, 2023, Governor Gavin Newsom signed into law Senate Bill 147 (SB 147), which allowed for "take" of California Fully Protected Species by renewable energy development and infrastructure projects under certain conditions. See Fish and Game Code Section 2081.15. Specific conditions were established before an Incidental Take Permit could be issued by CDFW, including requiring permittees to minimize and fully mitigate impacts to the species and provide for the "conservation" of that species, as defined by the Fish and Game Code Section 2805(d).[22] Thus, under these new requirements, permittees must exceed the typical minimization and mitigation measures associated with permits under CESA (Cox Castle, 2023).[23]

The DEIR does not provide impact analysis or any specific mitigation measures for the white-tailed kite, even though they are known to occur on the proposed Project site, as indicated by onsite surveys, occurrence data, and range maps. The DEIR incorrectly states that it is not a species covered by the South Sacramento Habitat Conservation Plan (SSHCP). No NCCP-grade above and beyond conservation measures were proposed. This DEIR is therefore deficient because it fails to include: a species-specific impact analysis, species-specific AMMs, and species-specific mitigation measures consistent with the requirements in Fish and Game Code Section 2081.15.

The DEIR must be revised to account for the impacts to white-tailed kite and what measures will be required to fully avoid "take" of this species and to promote its conservation per California Fish and Game Code Section 2081.15.

Bald eagle (*Haliaeetus leucocephalus*)

The bald eagle is still listed as Endangered under the CESA. The status of this species was recently evaluated in the central interior portion of California, which included the study area

[21] California Fish & Game Code, § 3511(a)(1), (12).
[22] Id., § 2081.5.
[23] Cox Castle, 2023, "Governor Signs Legislation Allowing for Permits to Take Fully Protected Species," https://www.coxcastle.com/publication-governor-signs-legislation-allowing-for-permits-to-take-fully-protected-species

(Airola et al., 2025). The species is expanding its breeding range and population. Bald eagles in this region nest in gray pines, Fremont cottonwoods, and a variety of other tree species. The nearest known nests to the proposed Project are 5-miles away at Lake Clementia at Rancho Murietta and 6.5-miles away at Lake Natoma. The DEIR acknowledges that the bald eagle occurs in the proposed Project area, where it likely scavenges on livestock and wildlife. The DEIR failed to evaluate whether proposed Project construction and subsequent management will reduce the quality of foraging habitat for this species.

Bank swallow (*Riparia riparia*)
There are no eBird records of the bank swallow in the vicinity of the proposed Project area and no suitable nesting habitat is available onsite. Its potential for occurrence is low, in contrast to the characterization in the DEIR, which should be revised accordingly.

Impacted Birds that were not included in the DEIR:

Loggerhead shrike (*Lanius ludovicianus*)
This species was not included in the impacts summary table BR-4 despite its designation as a state Species of Special Concern and known breeding at nearby Deer Creek Hills. It is also regularly reported by birders on the Folsom Christmas Bird Count (CBC), which includes the proposed Project area, and in eBird, including a likely record of a nest with young within the proposed Project area.[24] The loggerhead shrike in the Sierra Nevada foothills is an open country bird that does not persist in areas with extensive tree canopy, likely because the presence of perch sites encourages competitors and predators (Hampton and Yamamoto, 2004). The presence of numerous perching sites on solar arrays for these other species will likely make the entire proposed Project site unsuitable for the species. This information should be included in a revised DEIR, including how the proposed Project will impact this species and its presence in the region. The species is declining within the Folsom CBC area, likely due to a combination of factors, including substantial loss of grassland habitat and West Nile virus infection, from which it has not been documented to have recovered (Pandolfino, 2020).

The DEIR should be revised to include analysis of impacts to Loggerhead shrike and provide AAMs.

Lewis's woodpecker (*Melanerpes lewis*)
The DEIR fails to analyze the proposed Project's impact to Lewis's woodpecker. This species is listed by the North American Bird Conservation Initiative (NABCI; 2025) as a "Tipping Point Species" indicating "species with long-term population losses but relatively stable recent trends, with continued conservation efforts needed to sustain recovery." While the NABCI characterization of recent stability may be true range-wide, the species has certainly declined in

[24] eBird. 2022. eBird: North Scott Rd Pond, Daniel Airola. Cornell Lab of Ornithology, Ithaca, New York. http://www.ebird.org

the region surrounding the project as oak savanna habitat has been converted to residential and commercial development.

The Scott Road area, including the proposed Project area, is recognized as a current stronghold for the Lewis's woodpeckers in the Sacramento region, an area where many birders go to find the species.[25] Nonetheless, the Folsom CBC data show that the species appears to be declining, with less frequent incursions of wintering birds as development of open woodland and grassland habitat proceeds in the area.

The species abundance here in winter is likely a result of large areas of open space and large (50-150 year-old) valley oaks scattered among grasslands from which the woodpecker hawks flying insects. It is not uncommon to see from a single spot 5-10 Lewis's woodpeckers foraging from large oaks within the proposed Project area. Loss of large valley oak trees under the proposed Project will eliminate this unique habitat and result in continued decline in the wintering population, as has past development in surrounding lands. This impact cannot be mitigated through acquisition of already functioning habitat or planting of oak seedlings in mitigation areas, which won't become suitable foraging habitat for many decades.

The impact of loss of mature oak savanna habitat, and its effects on the Lewis's woodpecker, as well as a variety of other species, including Bullock's orioles, western bluebirds, acorn woodpeckers, loggerhead shrikes, and white-tailed kites, should be considered a significant impact that cannot be fully mitigated. Nonetheless, mitigation should be enacted that permanently protects and manages similar oak savanna habitat. The mitigation areas should target those lands most likely to be subject to future development induced by transportation and infrastructure improvements in the surrounding region.

The DEIR should be revised to include an analysis of impacts to Lewis's woodpecker and provide AAMs.

Additional Mitigation for Impacted Bird Species

Nest Boxes

Mitigation measures in the DEIR must be revised to incorporate the addition of nest boxes at a density of at least 5 boxes per acre to offset the effects of the loss of nesting cavities. Nest boxes installed in oak mitigation plantings have been shown to be an effective tool in supporting some of the species lost due to woodland removal (Airola et al. 2024).

Lake Effect

As noted in the DEIR, birds may be attracted to the vast arrays of PV solar panels due to the "lake effect" caused by reflected polarized light. Birds mistake the panels for water and can be

[25] Id.

injured or killed due to collisions with Project facilities. The proposed concepts to be included in the Avian Protection Plan lack specific detail to address how they would prevent or reduce bird strikes and strandings/entrapment. **The protocol outlined in the DEIR must be revised to reduce the potential for bird collisions with a photovoltaic array. This shall be done by arranging the panels in the position where they last tracked the sun each night, or by pre-positioning the panels toward the east to capture sunrise (i.e., panels should be in a close to vertical position). This measure shall be implemented during operation and maintenance activities.**

Inclusion of this mitigation measure will help reduce impacts during the off hours, however, it does not mitigate the potential impact during operating hours when sunlight would be reflecting off the panels; thus, bird collisions and entrapment remain a significant adverse impact.

Mammals

American badger (*Taxidea taxus*)
The construction of the proposed Project, including blasting (DEIR, p. 2-23 to 2-25), could harm American badgers, and the operation of the proposed Project with its extensive fences would exclude badgers from a substantial area and create a very large, convoluted barrier with significant potential to block or entrap their movements.

Recommended mitigation: In addition to the proposed Mitigation Measure BR-1j, to reduce the potential for mortality or injury of American badgers, qualified wildlife biologist(s) shall conduct pre-construction field surveys for possible burrows and place wildlife cameras to detect any badgers at risk of blasting impacts. Before blasting, any badgers found in proximity to blasting and not breeding should be passively excluded from their burrows, and blasting delayed until they have moved to a safe distance. Any breeding badgers shall not be disturbed until the young have dispersed.

Impacted Mammals not included in the DEIR:

Ringtail (*Bassariscus astutus*)
The DEIR does not include the ringtail (genus Bassariscus) even though the proposed project is within the range of the species (Gould, 1998). According to CDFW, the “Ringtail is widely distributed, common to uncommon,” “usually not found more than 1 km (0.6 mi) from permanent water,” and “occurs in various riparian habitats, and in brush stands of most forest and shrub habitats, at low to middle elevations.”

Ringtails have been well documented in the Sacramento Valley (D. Wyatt, presentation to CDFW Science Symposium, 2015), so the species’ omission from the DEIR is a deficiency. We consulted with noted ringtail researchers Dr. Wyatt and K. Schulte of Sacramento City College, and they reported a 2023 Ringtail camera image from near the Cosumnes River, less than 7

miles from the proposed Project site. According to them, there appears to be suitable habitat for the species on the proposed Project site and potential for the species to occur there.

Ringtails are Fully Protected under State Fish and Game Code, and are subject to the requirements in Fish and Game Code Section 2081.15 for this project under SB 147. As such, an impact analysis should have been provided as well as AMMs and mitigation measures that meet the requirements of Fish and Game Code Section 2081.15. This species should be included in the list of Fully Protected Species in the DEIR and a complete impact analysis and AMMs and mitigation measures that satisfy SB 147 should be included in a revised DEIR and subject to public review and comment.

Sensitive Natural Communities

Vernal Pool Impacts

The DEIR fails to provide adequate analysis to determine actual, indirect, and potential impacts to vernal pools and the biota that occupy them, some of which are both state and federally-listed species. The DEIR and Appendix BR-1 only briefly describe the vernal pools, using boilerplate language. The Aquatic Resources Delineation Report (February 2024 contained in BR-1) is missing 36 detailed wetland delineation maps and all of the appendices that might shed light on the site-specific vernal pool resources and conditions. Additionally, two of the rare plants identified during site surveys, *Navarretia myersii ssp. myersii* and *Juncus leiospermus var. ahartii*, occur in vernal pools or similar wetlands, and yet there is no description of the specific habitat conditions or associated species.

From what can be inferred from the proposed Project level maps, all of the vernal pools appear to occur adjacent to linear wetland features. That indicates they are in topographically low-lying areas within the overall site. This will subject them to indirect impacts related to alteration of upslope hydrology (generally and at the individual pool watershed level), potential sedimentation from upslope soil disturbances, non-point source pollution from PV maintenance activities, etc. Additionally, Table BR-13 lists temporary impacts to vernal pools that have been known to result in permanent destruction of the habitat or the occupying biota. Restoring soil compaction and vegetation to approximate pre-project conditions is not an assurance that the impacts are only temporary.

The DEIR analysis of vernal pool impacts must be revised to identify the actual direct, indirect, and potential impacts to vernal pools and the biota that occupy them, some of which are both state and federally-listed species**. The revised DEIR must identify appropriate, effective AMM mitigation measures. The revised DEIR must be recirculated for agency and public review.**

Valley Needlegrass Grassland

Mitigation measures for valley needlegrass grassland in Mitigation Measure BR-2 are lacking many of the same elements that are lacking in Measure BR-1b and should include, following CDFW Protocols in pre-construction surveys, a monitoring and management schedule as described above for Mitigation Measure BR-1b, and financial assurances for monitoring and active management. Valley needlegrass grasslands are home to purple needlegrass (Stipa pulchra), the California State grass. Given the limited areas of this habitat remaining throughout California, the conservation of valley needlegrass grasslands on the proposed Project site should be prioritized.

Establishing woodland habitat as mitigation in areas currently supporting grasslands will reduce habitat for grassland-dependent species. These secondary impacts were not recognized and quantified. **The DEIR must identify and address these secondary impacts and provide mitigation to offset the effects.**

Even if the grassland habitat were re-established after the construction of the proposed Project, the DEIR's acknowledgement that re-established grassland habitat areas "would be expected to retain some habitat connectivity…" indicates that some connectivity will be lost. **The degree to which connectivity of grassland habitat areas would be disrupted, and the significance of that disruption, must be presented and analyzed in the DEIR**.

Oak Woodland

The proposed Project site supports many species of native trees, notably the blue oak, interior live oak, valley oak, unidentified oak species, and Fremont cottonwood (see Figures 1 and 2, which show the location and extent of blue oak woodlands within and around the proposed Project area). The DEIR (DEIR, p. 6-11–12) states that an inventory of all trees within the solar development area and proposed Project site was conducted, but later states that the entire proposed Project site was not surveyed for individual trees (DEIR, 6-13), implying that there are more trees than reported. **The inventory of all native trees within the proposed Project site must be provided to give the public an understanding of the significant impact of the loss of native trees.**

The inventory found 6,795 individual trees within the proposed Project area, which are protected under the Sacramento County General Plan, 4,787 of which would be removed within the solar development area. Of these, 4,699 are oaks, including 4,554 blue oaks. This adds up to a loss of 287 acres of oak woodlands and over 54 continuous acres of canopy cover. The preservation of existing oak woodlands at any ratio or payment of mitigation fees would still lead to a net loss of oak woodland habitat and should not be considered viable options given the limited extent of oak woodlands in Sacramento County. It is estimated that in Sacramento County, oak

woodlands with a canopy cover at or above 10% have dwindled to ~3% of their previous range, and this project alone would remove 30% of this small remainder.

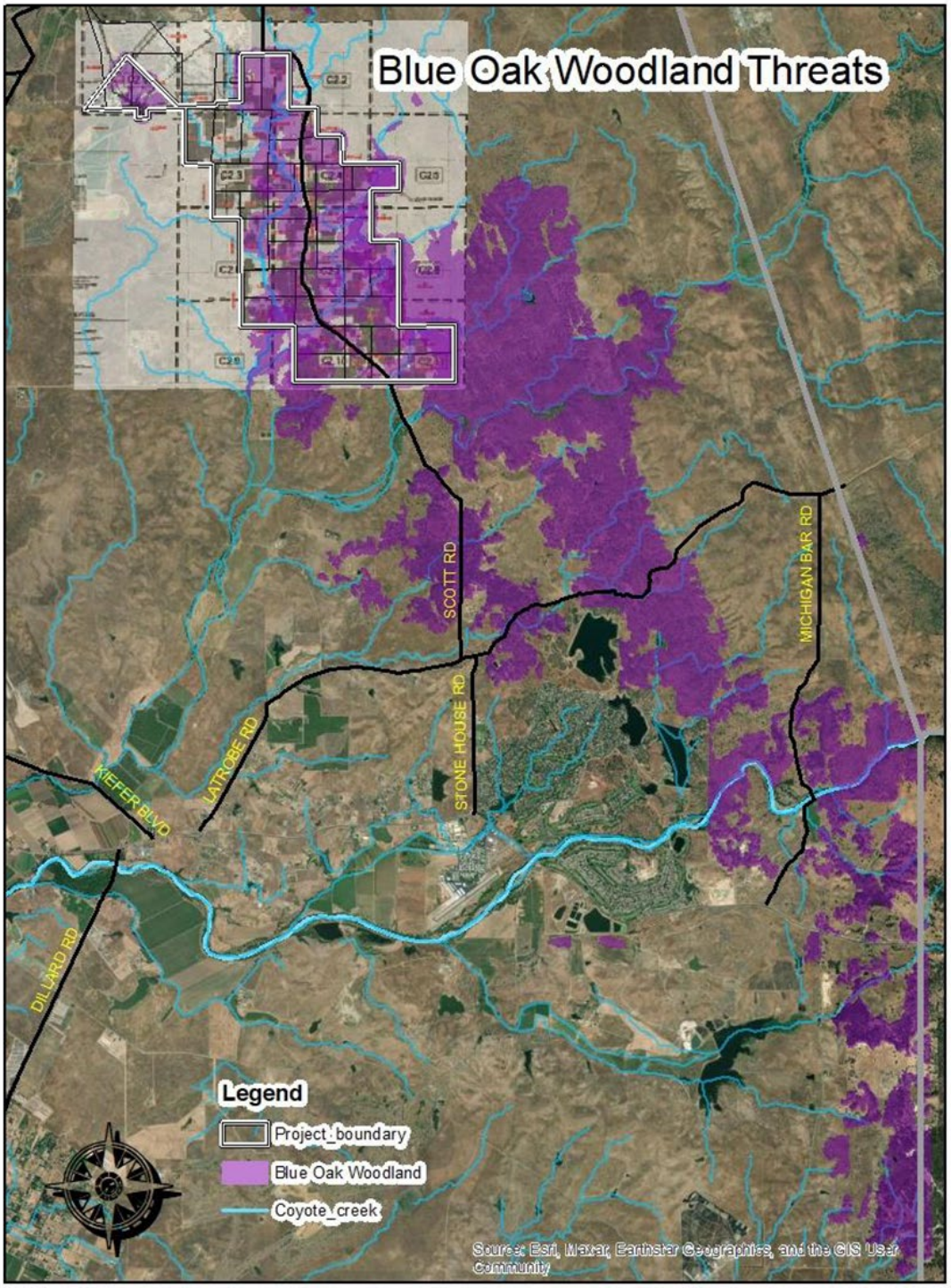


Figure 1. Location and extent of blue oak woodlands within and near the proposed Project area. Map prepared for Sierra Club.

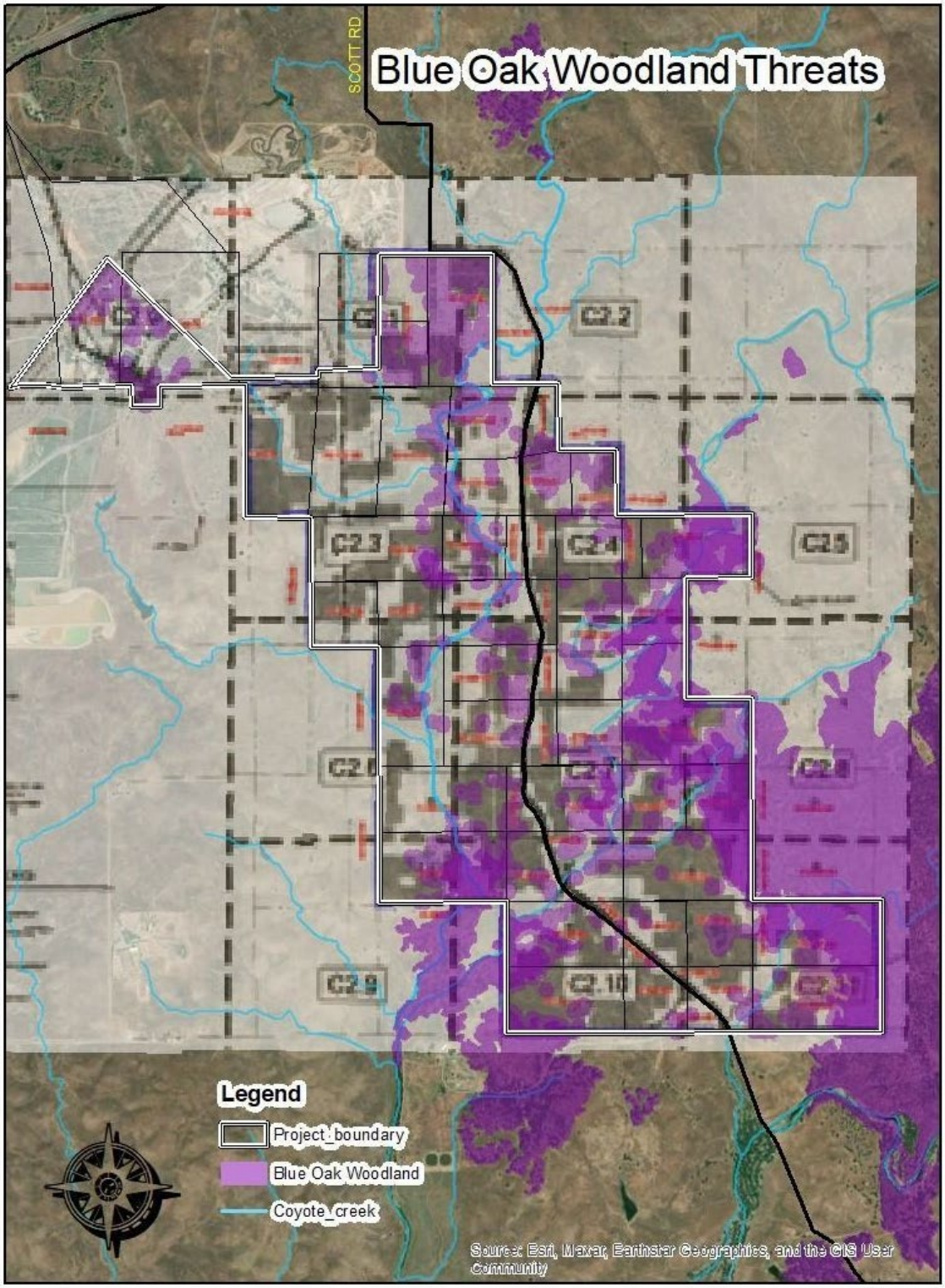


Figure 2. Location and extent of blue oak woodlands within and near the proposed Project area. Map prepared for Sierra Club.

A Sacramento County Planning and Environmental Review planning guidance document on oak woodlands states that “Our best efforts at restoration even over decades of time cannot replace the complex and intricate ecological balance of plant and animal life that required hundreds of years to evolve into the oak woodland plant community.”[26] The document recommends preserving the remaining large, undeveloped parcels of oak woodland to help ensure the persistence of sensitive species. The Facilities Element of the Sacramento County General Plan, regarding Solar Electric and Other Renewable Energy Facilities, states that “Sprawling facilities can despoil pristine landscapes and natural resources such as oak woodlands and vernal pools. Larger-scale multi-megawatt systems should be designed in a manner that minimizes land use and environmental impacts and therefore should be located away from sensitive habitats.”[27]

In-kind establishment of oak woodlands is not a practical mitigation measure. Blue oaks are one of California's slowest-growing oak species and only begin to mature at ~90 years, and at this age, trees are just beginning to produce acorns, snags, downed wood, and hollows that are needed to support many of the wildlife species that call these woodlands home. To meet the 30% canopy cover by 15 years as required in CO 141, blues oaks would need to be planted at a rate of 500-600 trees per acre resulting in a shrubland 10-12 times the density of a natural mature blue oak woodland, these would need to be thinned as they mature to ensure that plantings would not create unnatural canopy closure that would reduce wildlife value or contribute to increased fire hazard. It would likely take many decades or more than a century, with regular management, for an in-kind planting project to provide the habitat values lost to removal in this project and would need to be continually monitored and managed during this time to ensure success.

We do not see how a mitigation tactic that would only just begin to achieve its objective more than 60-90 years after the construction of the proposed Project could be considered to be achieving no net loss or would result in no significant impact, especially when the success criteria only addresses the first five years after planting. All impacts to oaks and other native trees should be avoided or, if not avoided, then must be mitigated with the permanent protection of oak woodlands of equal or better quality and quantity. Thus, the proposed Coyote Creek Project is inconsistent with the County’s planning guidance, and the project site should be preserved to help meet these recommendations. **A complete inventory of native and protected trees on the proposed Project site and the solar development area must be performed and the results included in a revised and recirculated DEIR, in addition to revising the impact analysis and identifying measures to avoid, reduce, and compensate for unavoidable adverse impacts.**

[26] https://planning.saccounty.gov/InterestedCitizens/Pages/ER_OakWoodlands.aspx
[27] https://planning.saccounty.gov/PlansandProjectsIn-Progress/Documents/Public%20Facilities%20Element%20-%20Amended%2012-17-2019.pdf

Even if in-kind planting were a suitable mitigation tactic, the DEIR does not indicate that a sufficient amount of suitable contiguous land that would be able to support in-kind planting needs has been identified on the proposed Project site.

Any lands identified for in-kind plantings of oak woodlands would need to be surveyed following CDFW Protocols to ensure that mitigation activities would not adversely impact any special status species or sensitive habitat type. **The DEIR needs to be revised to evaluate the environmental impacts of establishing new oak woodlands through planting. In particular, the conversion of grasslands to oak woodland will have impacts on a large number of special-status species. The revised DEIR should identify how these impacts will be mitigated to a no-net-loss standard.**

Mather Core Recovery Area

The Mather Core Recovery Area was designated by USFWS for recovery of the vernal pool fairy shrimp and vernal pool tadpole shrimp, both federally listed as Endangered by the USFWS. Per the DEIR, approximately 568 acres of the proposed Project site, including 289 acres within the solar development area, are within the Mather Core Recovery Area.

The DEIR states that “protocol-level surveys for these species were not conducted, approximately 8.59 acres of vernal pool and other seasonally inundated habitats that provide potentially suitable habitat for special-status aquatic invertebrates is present and assumed to be occupied by these two species within the solar development area.” (DEIR, p. 6-76) A proposed buffer around these and other wetland habitats of at least 250 feet would be delineated with fences and would be off-limits to development. Protocol surveys for vernal pool fairy shrimp must be conducted so that it can be determined if these species are present and their abundance.

Surveys for listed invertebrates must be conducted to properly assess project impacts. Also, specific analysis of impacts of grading and construction within the watersheds of vernal pools must be provided, along with mitigation measures to minimize these effects, and mitigation to address impacts that cannot be mitigated.

The DEIR states that “if avoidance, as described above, is not practicable, implement Mitigation Measure BR-3, Avoid, Minimize, Restore, and Mitigate for Impacts on State and Federally Protected Wetlands to achieve the performance standard of no net loss of State and Federally Protected Wetlands, including vernal pool habitat acreage, function, and values for vernal pool fairy shrimp and vernal pool tadpole shrimp. Direct and indirect effects to on-site suitable aquatic habitats that may support federally listed vernal pool brachiopods shall be offset through on-site preservation and/or the purchase of tadpole shrimp and fairy shrimp species preservation credits from a USFWS-approved in-lieu fee program or other USFWS-approved conservation or mitigation bank.” (DEIR, p. 6-77.)

Last year, the California Legislature enacted AB 2875, which was signed into law by Governor Newsom and became law on January 1, 2025. California Water Code Section 16201 states that it is the policy of the state to ensure no net loss and long-term gain in the quantity, quality, and permanence of wetlands acreage and values in California. Thus, the proper performance standard for wetlands mitigation is not only "no net loss" but also "long-term gain."

Vernal pool habitat should be strictly avoided, and the no-development buffer should be expanded to include adjacent habitat for other special status species, such as the Western spadefoot toad, which is known to migrate up to at least several hundred meters between non-breeding and breeding habitats.[28]

Compensatory mitigation in the form of acquisition and protection of this habitat either on- or off-site would result in a net loss. The DEIR fails to indicate how the no net loss and long-term gain standard could be achieved. Meeting this standard typically requires not only the acquisition of off-site habitat, but also the creation of new vernal pool habitat to ensure that there is no net loss and long-term gain. The DEIR also did not discuss where new pools would be created or what impacts would be associated with their creation.[29]

[28] https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.100387/Spea_hammondii
[29] *Sierra Club v. County of Fresno*, supra, 6 Cal.5th at 521.

2. Wildlife Corridors and Habitat Linkage Impacts

In its current, predominately undeveloped state, the proposed Project site offers nearly unfettered movement potential to wildlife, and provides excellent connectivity to surrounding undeveloped or lightly developed habitat on almost all sides, including the Boys Ranch property, the nearby Deer Creek Hills Preserve of the Sacramento Valley Conservancy, the Prairie City SVRA (of which there are several areas not used by OHVs), and private lands.

The proposed Project would create a miles-long, mile-wide, nearly impassable maze of barriers to movement for terrestrial wildlife. Further, the maze-like array of PV panel areas and fencing is likely to entrap wildlife if they do access the site. This is a significant adverse impact and adversely affects the County's impending need to provide for wildlife connectivity under Assembly Bill 1889.[30] The extensive barrier created by the proposed Project would significantly reduce the connectivity between properties all around it.

We concur with the described important east-west and north-south designated wildlife corridors in the DEIR (Plate BR-3, DEIR, p. 6-32). The effects of the proposed Project on the function of these corridors form a major basis for our concern about the project. If approved, the proposed Project would add to the significant cumulative loss of lands with natural cover within the Sacramento region, including the loss and fragmentation of habitat with high and moderately high intactness. The DEIR must address the effects of this disruption on movements of individual animals and on the demographics and genetics of populations. The analysis must be conducted cumulatively to recognize recent and proposed projects that would, along with the Project, substantially reduce connectivity in the surrounding region and commit to comprehensive planning to maintain connectivity to the greatest possible degree.

We present maps from the SSHCP the proposed Project area in relation to priority corridor areas in eastern Sacramento County (Figure 3), terrestrial intactness of the land (Figure 4), and terrestrial biodiversity (Figure 5).

[30] Section 1(b) of AB 1889 states: It is the intent of the Legislature that, in carrying out the policy of the state, local jurisdictions, including cities and counties, shall consider and implement measures to avoid, minimize, and mitigate impacts to fish, wildlife, and habitat connectivity from existing and planned land uses within their jurisdictions. It is further the intent of the Legislature that local jurisdictions, including cities and counties, implement measures to remediate barriers to wildlife connectivity within their jurisdictions to the maximum extent feasible.

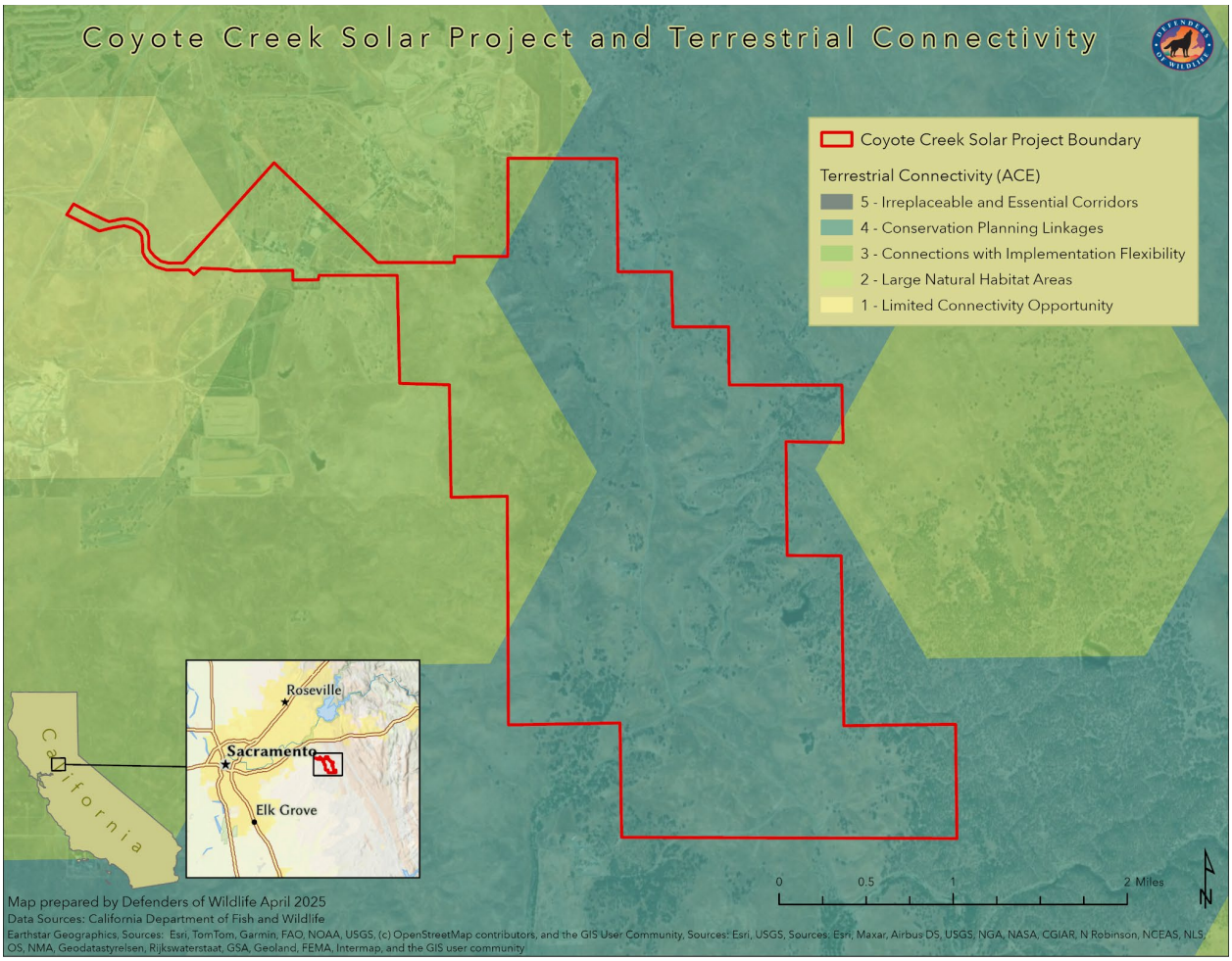


Figure 3. Location of the Project area in relation to connectivity corridors.

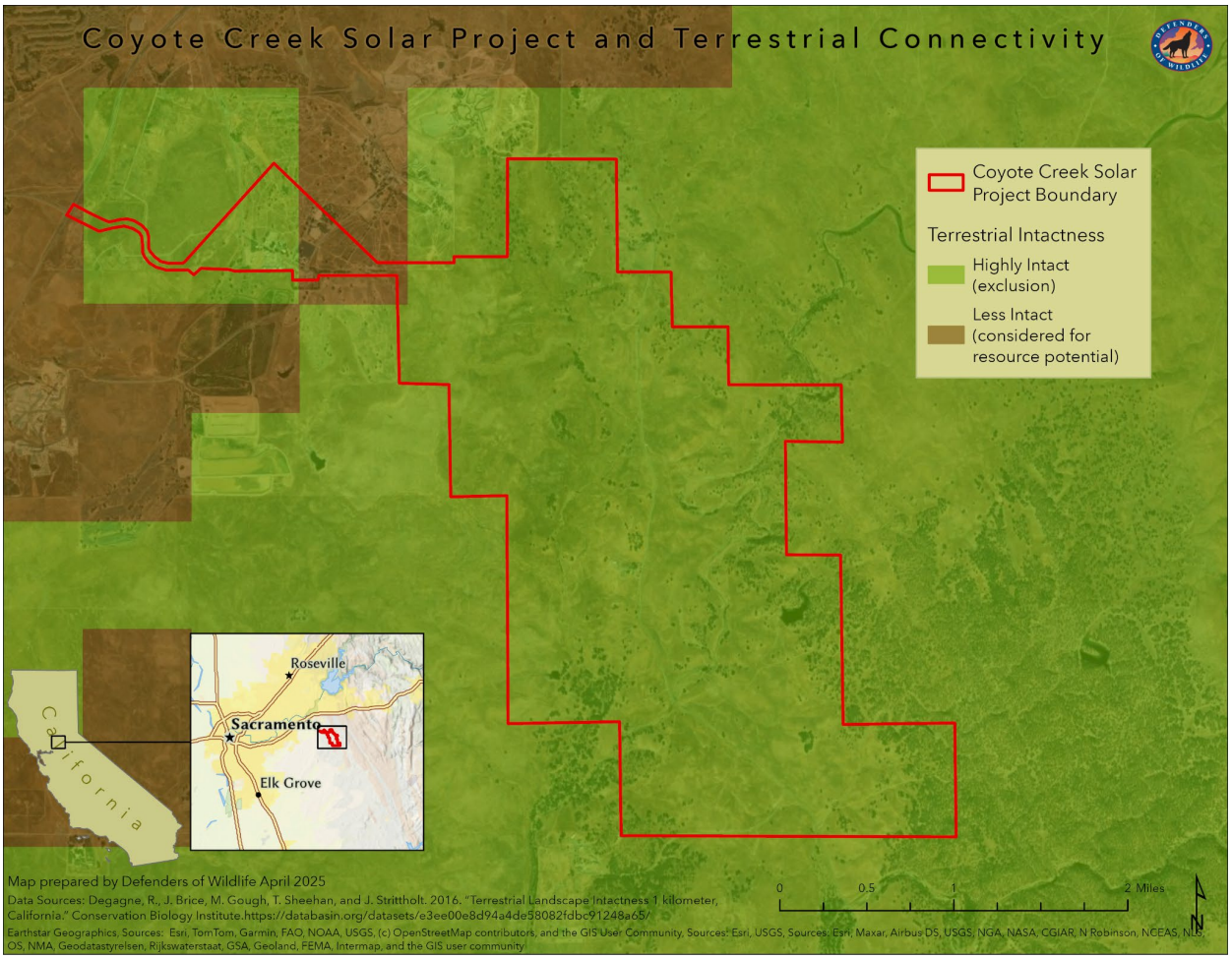


Figure 4. Location of the Project area in relation to terrestrial intactness.

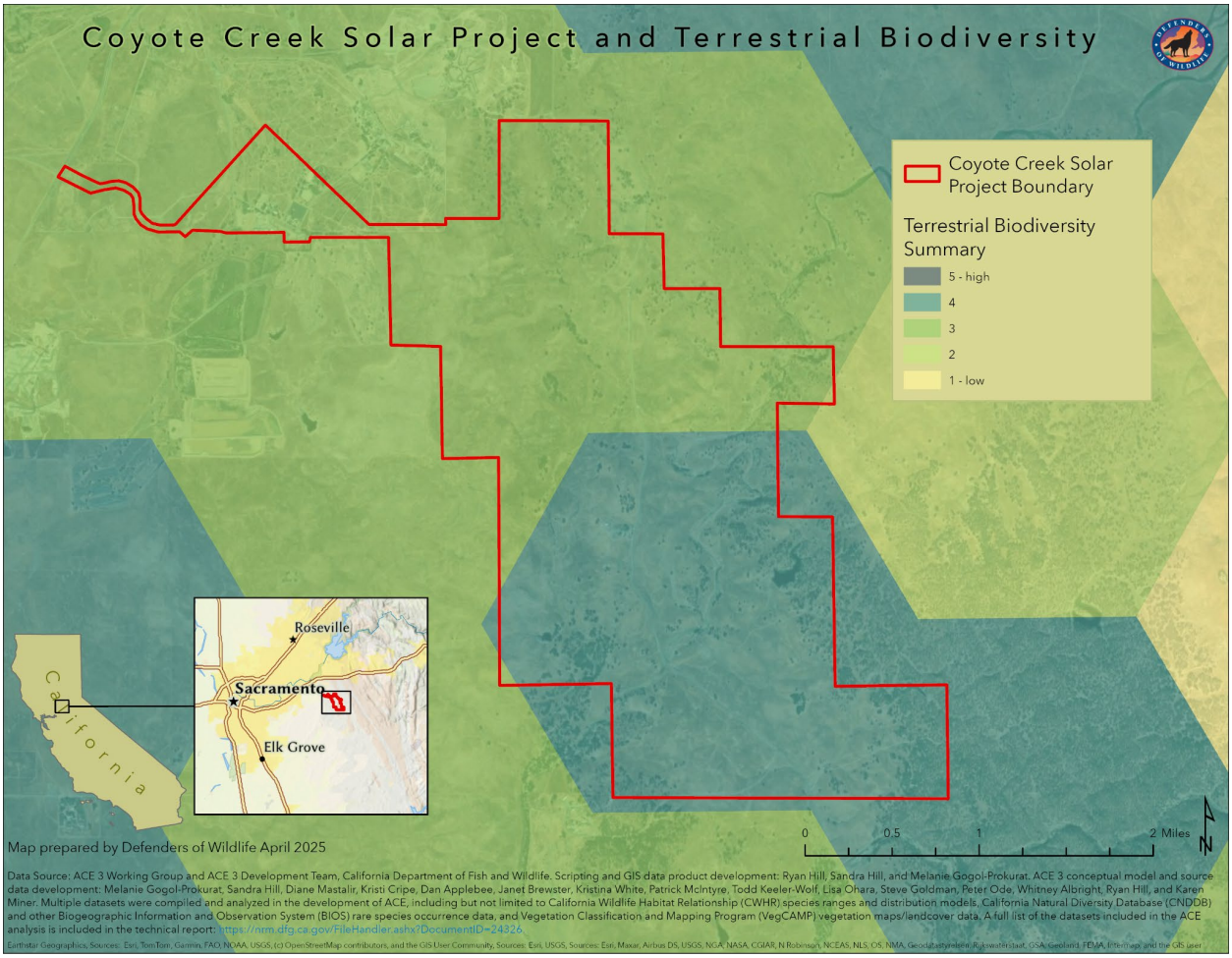


Figure 5. Location of the Project area in relation to terrestrial biodiversity.

While habitat compensation that occurs elsewhere may partially offset habitat losses to regional populations, it is not reasonable to conclude that it would contribute to maintaining connectivity onsite. The effects of the proposed Project on connectivity can be reduced, but not eliminated or adequately mitigated.

Specifically, the DEIR does not adequately address fencing design specifications or incorporate designs that can reduce impacts to smaller terrestrial species. The DEIR must disclose the size of the mesh to be used in the “agricultural-style woven wire” security fencing contemplated around the solar development area. This mesh comes in different sizes. A very common mesh size - 3 inches - would exclude pond turtles, badgers, foxes, mule deer, coyotes, bobcats, and mountain lions, and thus substantially reduce their ability to move through the site. A mesh of any available size or even fencing of barbed wire would be likely to exclude or entrap mule deer, which would be unable or unwilling to jump the fence’s planned 7-foot height. **The DEIR must be revised to include a mitigation measure to require that all permanent fencing must, at**

a minimum, be wildlife-friendly and shall not be electrified. Fence design must meet CDFW and USFWS recommendations.

Once lost or degraded, wildlife corridors and habitat linkages are difficult to impossible to restore. Also, these effects are site-specific. Compensating for these impacts at locations outside of the proposed Project area requires careful land selection to maximize their corridor value and may not be feasible to restore connectivity for impacted natural populations. They will still result in a net loss of these important movement areas, however, and effects are unlikely to be capable of reduction to a less-than-significant level.

3. South Sacramento Habitat Conservation Plan Consistency

The entirety of the proposed Project site is located within the eastern portion of the South Sacramento Habitat Conservation Plan. The proposed Project extends over the edge of two Preserve Planning Units (PPU 1 and PPU 5) in the SSHCP, while also stretching eastward into the blue oak woodlands and savanna. The DEIR misrepresents the purpose and function of the SSHCP, and the consistency analysis is flawed.

CEQA requires an environmental document to discuss any inconsistencies between the Project and the applicable plans.[31] An applicable plan is a plan that has been adopted and legally applies to the Project.[32] Identifying a project's inconsistencies with applicable plans means that a lead agency may be able to modify the project to avoid the inconsistencies.[33] While an inconsistency with policies of applicable plans does not necessarily mean that the project will have a significant environmental impact, CEQA requires that the environmental document contain a discussion and analysis.[34] As discussed below, the DEIR fails to adequately address the Project's inconsistency with the SSHCP.

The DEIR analysis did not consider larger-scale consistency with the South Sacramento Habitat Conservation Plan

There is an underlying assumption in this DEIR that utilizing the mitigation ratios and AMMs provided in the SSHCP, and calculating how much land will be removed from the inventory of Preserve Planning Units 1 and 2, will somehow elevate this project to consistency with the Conservation Strategy of the SSHCP, which is a regional multi- species habitat conservation plan. Before looking at the impact on the SSHCP from this project, it is revelatory to examine how this assumption is not only inaccurate but also obfuscates the extent of the negative impact of the proposed Project on the SSHCP.

The SSHCP did not contemplate a gigantic solar PV facility outside the Urban Development Area (UDA) within its Plan area. Though this DEIR correctly states that the SSHCP does not preclude development outside the UDA within its Plan area, it does provide coverage for specific projects outside of the UDA, and the impact analysis and coverage for these projects is included in the Plan. There was no take of blue oak woodland or savanna anticipated or analyzed for the covered activities in the SSHCP. As a result, there was no analysis of impacts to blue oak woodlands or blue oak savanna, and no AMMs were presented, or specific mapping identifying high quality habitat, or suitable compensatory mitigation locations identified. There was analysis and mapping of the covered species that utilize the Plan area in the northeast

[31] CEQA Guidelines, § 15125(d).
[32] *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145, n. 2.
[33] See *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169.
[34] See *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695; Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903.

portion of the SSHCP footprint outside of the UDA, but not specifically for the areas outside of the Preserve Planning Units, where the bulk of this project is proposed. **The DEIR must be revised to consider larger-scale consistency with the SSHCP.**

The DEIR inappropriately relied on smaller-scale consistency with the SSHCP to claim overall consistency

This DEIR took the species associations with different land covers found within the Preserve Planning Units (PPUs) and extrapolated those relationships out into a portion of the Plan footprint that had no PPUs, and therefore no specific conservation requirements, and acted as if this process was consistent with the approach of the SSHCP. This fundamentally ignores how the SSHCP was built. It is true that there are consistent relationships with species and the types of habitat (land covers in the jargon of the SSHCP) that they use, and that it is crucial to preserve these habitats to conserve the species. But the structure of the Conservation Strategy also relies on PPUs that recognize the unique biological resource attributes of different sectors of the Plan footprint and require conservation actions to protect covered species in those habitats. The SSHCP was described as NCCP-like in many early descriptions, partly because of this approach, which recognized the importance of saving ecosystems. As discussed during the preparation of the SSHCP, the eastern portion of the Plan, where the blue oak woodlands and blue oak savanna are located, clearly contained all the attributes of a PPU, but there was no "take" for covered activities in the Plan footprint because no covered projects inside or outside the UDA were going to result in the destruction of these two rare habitats, and therefore there was no mechanism to require fees for mandatory compensatory mitigation to save these vanishing habitats. Had there been any take of blue oaks in the covered activities, there would have been a PPU that contained the proposed Project site, and there would have been a specific landscape conservation strategy, AMMs, and mitigations that considered the totality of the resource in the County and its significance to covered species. It is therefore inaccurate to claim that the proposed Project impact analysis and suggested AMMs and mitigations are consistent with the SSHCP. They fall far short of the scope and rigor found in the SSHCP. **The DEIR must be revised to improve its analysis of impacts and AMMs, and mitigation measures so that they are consistent with the SSHCP for the entire footprint of the proposed project.**

This Scale of the Project in the SSHCP Plan Area Will Impact Implementation

The 1,412-acre size of this solar development project, a project type that was not analyzed as a covered activity in the SSHCP, constitutes approximately 4.5% of the total acreage of covered activities that were analyzed in the Plan, a regional HCP with a 50-year permit period. So, relative to the total footprint of covered activities in the SSHCP, this should be considered a huge project. All of the proposed Project site is outside of the UDA. To appreciate what a project of this size outside the UDA means in the context of the SSHCPs Conservation Strategy, it is important to acknowledge the grand compromise that constitutes the SSHCP - the paradigm that it is better for the long term viability of the covered species in south Sacramento County to allow the majority of lands within the UDA to be developed, with the exception of indispensable

vernal pool resources agreed upon in the Plan preparation process, and then to use the mitigation fees from that development to create large interconnected preserves outside the UDA as mitigation. This approach provides the added benefit that this regional approach could better ensure that the best resources outside were conserved compared to the patchwork of conserved land acquisition outcomes seen in project-by-project outcomes. And, the mitigation lands were to be purposefully designed to be, with some exceptions, large in size because contiguous acquisitions would be targeted to reduce edge effects and were to be interconnected to allow species movement across the landscape. Such a large development project situated outside the UDA and not covered by the SSHCP and situated on such important biological resources promises to create significant barriers for implementing the SSHCP, as discussed below. **The DEIR must be revised to include discussion about the scale of the proposed relative to SSHCP-covered activities and the Conservation Strategy.**

Compensatory Mitigations are not geographically consistent with SSHCP

All impacts in the SSHCP Plan area are planned to be mitigated in that Plan area, focused on preserving the highest quality habitats available for each covered species and the land covers that they utilize that would be impacted. This entire proposed Project is situated within the Plan area, though a large portion of it is outside of a PPU as discussed above. To be consistent with the SSHCP conservation strategy, the compensatory mitigation for the impacts from the proposed Project also needs to be within the Plan area; otherwise, important resources within the SSHCP are being impacted without the benefit of high-quality habitats being acquired within the Plan area as compensation. A fundamental biological goal of the SSHCP is to conserve its covered species in perpetuity. Clearly, this project would negatively impact that effort if it did not geographically mitigate for its impacts consistent with the Plan. The DEIR should start with the high-value habitat maps in the SSHCP to identify appropriate compensatory mitigation locations for the proposed Project's impacts in PPU 1 and PPU 5, but then update those locations based on a review of more recent literature for covered species such as the Tricolored blackbird. **The DEIR must be revised to provide evidence that compensatory mitigation will be consistent with the SSHCP in terms of location, and that it is relying upon more recent literature for species like the Tricolored blackbird.**

Insufficient information was provided for the location and scale of compensatory mitigation

The DEIR fails to provide the proposed geographic locations for, or even the amount of proposed compensatory mitigation for, the loss of land covers from the proposed Project. This failure is further obfuscated by the fact that the DEIR barely mentions what it claims are permanent versus temporary impacts for some SSHCP covered species - and it should be noted here again that the initial thirty year long impacts, followed by the almost complete certainty of permanent extensions of the proposed Project, necessitates that the project footprint must be considered a permanent impact. The SSHCP calculated the loss of each land cover, clearly outlined the math for the compensatory mitigation for covered species habitat losses, AND provided high value habitat maps that can be used for finding appropriate compensatory

acquisition lands, as well as designed PPUs with specific acquisition requirements within specific sectors of the Plan area. The DEIR only calculated the loss of land covers from the proposed Project but failed to provide a coherent compensatory mitigation strategy. **The DEIR must be revised to provide the locations for compensatory mitigation, as well as exactly how much will be provided for each species.**

The impact on the Plan inventory from compensatory mitigation was not considered
Since it would be necessary to mitigate within the footprint of the SSHCP to maintain consistency with the Conservation Strategy of the SSHCP, the impact on the available inventory of mitigation lands must be calculated by including the acreage of the habitat lost plus the compensatory mitigation acreage. Here, again, the project impacts need to be considered permanent. So the impacts on the "inventory lands" (lands appropriate for mitigation within the SSHCP footprint consistent with the Conservation Strategy of the Plan) are doubled in terms of the "inventory lands" removed. **The DEIR must be revised to include an analysis of the impact on the SSHCP mitigation lands inventory and then be recirculated to agencies and the public for review.**

The DEIR failed to analyze the impact of the loss of Mather Core Recovery Area lands on the SSHCP
The SSHCP has a requirement to conserve a portion of the vernal pool habitat within and/or adjacent to the Mather Core Recovery Area. There are 568 acres of Mather Core Recovery Area that extend into the proposed Project construction area, with 279 of those acres in the preliminary site and 288 within adjacent lands. The DEIR failed to analyze what the impact of the loss of this portion of the Mather Core Recovery Area would be on the SSHCP's requirement to save a portion of this area. The DEIR must be revised to address the impacts from the loss of the Mather Core Recovery Area lands to SSHCP and provide appropriate mitigation. **The DEIR must be revised to examine the impact of this proposed project on the SSHCP Conservation Strategy target for preservation in the Mather Core Recovery Area.**

The impact of Appendix J voluntary conservation was not considered
The DEIR claims: "The SSHCP has no specific preservation goals or objectives for areas outside the Preserve Planning Units, so development of these areas should not conflict with implementation of the SSHCP conservation strategy" (DEIR, Appendix BR1, p. 129). As already discussed, the SSHCP contains no financial mechanism to conserve blue oak woodlands because there was no take of this habitat type covered by the SSHCP and therefore no fees for compensatory mitigation. Because of this reality, and the acknowledgement of the importance of this area's habitats, an 8,000 acre target for acquisition was included in the Voluntary Additional Conservation listed in Appendix J of the SSHCP - "J.2.1. Northeast Section of the Plan: Protect 8,000 acres of the total oak woodland and oak savanna, and grassland in the northeast portion of the plan area." This important conservation goal had to be voluntary because, as already discussed, there was no financing mechanism available to make it mandatory. But, the wildlife

agencies verbalized during Plan preparation that this Appendix J target was extremely important because more conservation needed to be done in the south county for the ferruginous hawk in particular, but also for the other covered species using that area (Sean Wirth, personal communication, 2017). As well, the prospect that the tri-colored blackbird might be listed evidenced the need to provide more conservation for that species.

The 8,000-acre target could be considered the equivalent of a sustainable PPU conservation goal for the blue oak woodland and savanna habitat matrix in the eastern portion of the Plan.

The fact that the 8,000 acre target is voluntary is not an appropriate reason to claim that Appendix J can be ignored by this project when analyzing consistency because it is an important and needed goal to ensure the persistence of many of the covered species in the south county as evidenced by the significance given to these targets by the wildlife agencies, even to the point that they verbalized that they felt more confident in the success of the Conservation Strategy because of the presence of the voluntary conservation included in the Plan (Sean Wirth, personal communication, 2017). The impact of this project on the Appendix J conservation targets needs to be identified and analyzed in the DEIR. **The DEIR must be revised to consider the impact on the acquisition targets in Appendix J of the SSHCP.**

No consideration was given to the financial impact of this project on the SSHCP
If this project were to be approved, the cost of conservation land in the northeast portion of the Plan would assuredly increase substantially because why would a landowner settle for a conservation easement when there was a possibility that they could lease out their land for a solar farm for more money. This speculative pressure, along with the increased costs of land resulting from reduced acreage availability, would make acquiring the 8,000 acres called out for conservation in the Appendix of the SSHCP significantly more expensive and potentially out of reach.

During the preparation of the SSHCP, there was a failed attempt by Elk Grove to increase its sphere of influence by 10,000 acres. Even though this effort ultimately failed, all of those lands inside the proposed sphere amendment increased substantially in value due to the assumption that, at some future point, those lands within the sphere of influence application could be urbanized. The financial consultants for the Plan determined that the process resulted in a 3-to-5-fold increase in the cost of those lands. At present there is little speculative pressure on the proposed Project site from potential urbanization, but were this proposed Project to be approved, this type of facility would monetarily amount to the highest yielding land use option in the area and would be a factor to be considered by any nearby landowner when considering the willing sale of their property. T**he DEIR must be revised to consider the financial impact on the cost of acquisitions of compensatory mitigation land in the SSHCP inventory area.**

There was no discussion of the impact on the required linkage in PPU 1

For PPU 1, there was no discussion of the connectivity preservation goal required by the SSHCP. “The focus of preserve design for PPU 1 outside the UDA is to maintain connectivity with Linkage Preserves L-2 (Deer Creek linkage) inside the UDA, and to provide connectivity to an existing preserve both within and south of the UDA. This will be accomplished by establishing a Preserve in PPU 1 outside the UDA, which primarily will include valley grassland as well as vernal pool land covers.” This omission further demonstrates that the consistency analysis was incomplete. **The DEIR must be revised to include a discussion of the impact of the proposed project on the SSHCP required linkage in PPU 1.**

The impact of this project on the SSHCP-covered species was incomplete
At least 23 covered species in the SSHCP are known to occur or are likely to occur in the proposed Project site. There was only discussion and analysis of impacts for a small subset of this group, beyond identifying the land cover types that would be impacted. Consistency with the SSHCP would require presentation of analysis and AMMs, and mitigations for at least the 23 covered species that occur on the proposed Project site. Without this, it is not possible to determine if consistency has been achieved.

Most of the proposed Project area is not within the PPUs of the SSHCP inventory area – the area outside the UDA where land acquisitions will occur for preserve creation. Some of the biological information in the SSHCP, which was heavily relied upon, is over two decades old, and therefore, that information is substantially out-of-date, such as for the tricolored blackbird. Given that most of the proposed Project is not within the inventory area of the SSHCP, the County and their consultants are obligated to use the most up-to-date information in impact analysis and significance determination. In addition, drawing conclusions about the absence of species from the proposed Project area based on the California Natural Diversity Database can result in errors because it does not show where species are absent. Finally, almost no citations of scientific studies are included to support the resource descriptions, impact assessment, and proposed mitigation measures. **The DEIR must be revised to include a full analysis of the impact of this proposed project on each of the covered species in the SSHCP.**

The scale of impact on land covers of the SSHCP was presented in a misleading way
The approach used in the table showing modeled habitat in the impact area of the proposed Project as compared to the SSHCP modeled habitat within 5 miles (DEIR, APPENDIX BR-1, p. 56) is misleading as it purports to show how much equivalent habitat is extant within 5 miles of the proposed Project site and within the footprint of the SSHCP versus what is found on the proposed Project site. This gives the impression that the habitat loss from the proposed Project is insignificant in light of how much similar habitat is extant within five miles. It completely ignores the massive historical losses of these habitat types, and rather than acknowledging that the proposed Project will be detrimentally affecting a substantial portion of what remains of these habitat types. If abundance were the reality, there would have been no need for the SSHCP to begin with. As well, the fact that there is a misleading presentation of an abundance where there is what actually amounts to vestiges of historical habitat ranges in that table speaks

more to the importance of this area for conservation rather than the insignificance of it being developed. **The DEIR must be revised to correct the misleading impression of the scale of impact on land covers of the SSHCP.**

The nature of the impacts is inaccurately presented

The DEIR categorizes impacts to biological resources as either permanent or temporary. Permanent impacts cause long-term permanent loss of biological resources (vegetation communities, wildlife habitat, injury or mortality of individual plants or animals, and blocking wildlife movement or eliminating habitat connectivity). Temporary impacts cause a temporary loss of biological resources for a short period of time and would typically end once construction is complete or shortly thereafter through the application of restoration measures.

The DEIR states, “Indirect impacts are reasonably foreseeable project effects on adjacent biological resources outside the direct disturbance zone that may occur typically during construction, such as from dust, noise, vibration, increased human activity, and pollutants.”

This statement is legally incorrect. CEQA Guidelines Section 15064 (d) states:

1) A direct physical change in the environment is a physical change in the environment that is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from the construction of a sewage treatment plant, and possible odors from the operation of the plant.
2) An indirect physical change in the environment is a physical change in the environment that is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.
3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact that may be caused by the project. A change that is speculative or unlikely to occur is not reasonably foreseeable.

The impacts that occur during project construction, such as from dust, increased human presence, and pollution, are direct impacts. Indirect impacts typically occur as a result of the project, but at a later time.

The DEIR identifies natural communities and land covers without trees that would be **temporarily impacted** by aspects of the proposed Project that include, but are not limited to, **photovoltaic panels**. This determination is incorrect. The areas where photovoltaic panels will be installed, as well as adjacent intervening lands, must be identified as permanent impact areas due to the displacement of wildlife, loss of habitat, human activity, and use of motorized

vehicles for inspection and maintenance of the facilities. Regarding site preparation, the DEIR states that perimeter fence installation, site preparation, and clearing/grading/blasting, tree removal, etc., will be required.

Below is a visual simulation from the DEIR showing solar panels and the absence of native vegetation, which constitutes a permanent loss of native vegetation and wildlife habitat.



Figure 6. Visual simulation of solar panels on the proposed Project site (DEIR, p. 3-54).

The DEIR's handling of "temporary" and "permanent" impacts blurs with its use of "direct" and "indirect" impacts, such that a temporary impact may be confused or interchanged with an indirect impact. All impacts in the proposed Project footprint should be considered direct and permanent impacts, and indirect impacts in adjacent lands may be permanent or temporary, depending on the nature and duration of the impact. **The DEIR must be revised to properly identify and analyze the permanent impacts resulting from the construction, inspection, and maintenance of the solar panel array areas, and be recirculated for public review and comment.**

The DEIR Inappropriately Relies on Deferred Mitigation Measures

CEQA does not allow an agency to defer analysis of impacts and mitigation measures.[35] The general rule is that an EIR is required to provide the information needed to alert the public and the decision makers of the significant problems a project would create and to discuss currently feasible mitigation measures. Mitigation measures need not include precise quantitative

[35] Guidelines, § 15126.4(a)(I)(B).

performance standards, but they must be at least partially effective, even if they cannot mitigate significant impacts to less than significant levels.[36]

A mitigation measure violates CEQA if it "is devoid of criteria for measuring the effectiveness of mitigation measures."[37] The general rule against deferred mitigation bars "loose or open-ended performance criteria."[38]

Thus, "[f]ormulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."[39] "Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigation in the manner described in the EIR."[40] "[W]hen, for practical reasons, mitigation measures cannot be fully formulated at the time of project approval, the lead agency may commit itself to devising them at a later time, provided the measures are required to 'satisfy specific performance criteria articulated at the time of project approval."[41] Thus, a mitigation performance standard must identify the specific criteria the agency will apply in determining that the impact will be mitigated.[42]

Throughout the DEIR, mitigation measures are deferred to a later date, such as a yet to be prepared: Burrowing Owl Mitigation and Management Plan (BR-1e), Avian Protection Plan (BR-1k), Bat Protection Plan (BR-1l), Tree Resource Mitigation Plan (BR-2), Aquatic Resource Mitigation Plan (BR-3), Level 4 Drainage Study (HYD-3), and Blasting Plan (NO-11a), or determined under Incidental Take Permits for fully protected species (as a result of SB 147) and species that are listed as threatened or endangered or are candidates for listing, or under a Lake and Streambed Alteration Agreement.

In order to provide meaningful public input, the DEIR must identify proposed impact mitigation measures, including compensatory mitigation for unavoidable adverse impacts. For most or nearly all the impacts to threatened or endangered species, fully protected species and wetlands, the acres of compensatory mitigation must be provided, including an analysis that demonstrates how such compensatory mitigation will result in the required no net loss to – or

[36] *Laurel Heights Improvements Association v. Regent of the University of California* (1988) 47 Cal.3d 375, 404; CEQA Guidelines, § 15370.
[37] CEQA Guidelines, § 15126.4(a)(1)(B); see Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 306-307 (improper to defer formulation of mitigation measures until after project approved).
[38] Rialto Citizens for Responsible Growth v City of Rialto (2012) 208 CA 4th 899, 945.
[39] Id.
[40] *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 4th 200, 236.
[41] *Sacramento Old City Assn v. City Council* (1991) 229 Cal.App.3d 1011, 1028-1029.
[42] Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 525; Citizens for a Sustainable Treasure Island v. City & County of San Francisco (2014) 227 Cal.App.4th 1036, 1059; Friends of Oroville v City of Oroville (2013) 219 Cal.App.4th 832, 838; North Coast Rivers Alliance v Marin Municipal Water Dist. (2013) 216 Cal.App.4th 614, 630.

the net gain/conservation of – the specific species and their habitats. **The DEIR must be revised to provide this information and recirculated for public review and comment.**

Compensatory Mitigation is Not Achieved

Achieving a no net loss or net gain/conservation of habitat lost due to the Project requires that habitats acquired for compensation of impacts be enhanced to increase their capacity to support and sustain the species being adversely impacted. Achieving the standard of no net loss requires that compensation occur at a ratio of **greater than 1:1** to account for the temporal loss of resources, or the loss of ecosystem function and services from an area between the time of impact and the completion of mitigation.[43] Habitat enhancement on compensation lands is also required to achieve a no-net-loss. Further, to achieve a net conservation gain, compensation ratios should be increased to a minimum ratio of 3:1, including habitat enhancement.

For example, loss of Swainson's hawk habitat requires that compensation achieve a no net loss, but the proposed mitigation is to compensate for loss of foraging habitat at 100% of acres lost, which is a 1:1 ratio. This proposed mitigation will result in a net loss of foraging habitat, and the compensation ratio should be greater than 1:1.

Compensatory mitigation ratios at less than 3:1 fail to achieve no net loss of habitat. The DEIR must be revised to increase the compensatory mitigation ratio to achieve a no net loss or net gain/conservation of habitat.

43 https://www.google.com/url?q=https://www.sciencedirect.com/science/article/pii/S0301479724016608%23abs0010&sa=D&source=docs&ust=1746408165709608&usg=AOvVaw2pfTCv0TmmUksEzqsHKz7b

4. Hazards and Hazardous Materials

Impact HAZ-2: Hazards from Development on a Site Listed in California Government Code Section 65962.5 (Cortese List)

Potentially significant impacts relating to groundwater pumping impacts on groundwater contamination plumes within and near the proposed Project site are acknowledged in the DEIR. However, the likely effectiveness of Mitigation Measure HAZ-2a to mitigate exacerbating or inducing migration of contamination plumes is not evaluated. Mitigation Measure HAZ-2a limits Project groundwater pumping to locations greater than 2,000 feet from the known extents of contamination plumes. Site-specific consideration of the sufficiency of a setback of 2,000 feet from the known extents of contamination plumes (based only on the required Consultation Zone for well permitting as defined in County Code Section 6.28 G) is not sufficiently evaluated. The DEIR presents rationale for why the existing contamination plumes are unlikely to impact the quality of groundwater produced by the proposed Project. However, the DEIR fails to provide supporting rationale related to how or if groundwater pumping for the proposed Project might impact the rate and direction of migration of contamination plumes. Nor did the DEIR include information on recent results from groundwater quality analysis of existing wells or boreholes on the property to ensure the boundaries of the groundwater contamination plumes defined by others are accurate. **The DEIR must be revised to address these deficiencies.**

5. Hydrology and Water Quality

Below is a summary of the review of the DEIR, in which the DEIR failed to sufficiently evaluate or address a number of key potential impacts from the Project on water resources as described below. For more detailed identification and analysis of the flaws and deficiencies with the DEIR, along with recommended changes to the DEIR, please see the attached Appendix C, Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report, prepared by Luhdorff & Scalmanini Consulting Engineers, dated April 25, 2025.

Impact HYD-1: Violate Water Quality Standards or Substantially Degrade Surface Water or Groundwater Quality

As discussed under our comments on Hazard Impact 2 (HAZ-2), DEIR fails to include sufficient characterization and analysis of groundwater quality on the proposed Project site and evaluation of potential impacts of groundwater extractions for long-term Project operation on groundwater contamination plumes existing beneath and adjacent to the Project site. We reiterate our comments on HAZ-2 here.

Impact HYD-2: Impede Sustainable Groundwater Management of the Basin by Substantially Decreasing Groundwater Supplies or Interfering with Groundwater Recharge

1. The DEIR references an inappropriate interpretation and application of the South American Subbasin-wide (regional) sustainable yield estimate as rationale for the volume of groundwater that can be extracted locally without causing impacts. The DEIR references the sustainable yield of the South American Subbasin and an equal apportioning of the sustainable yield estimated in the Groundwater Sustainability Plan (GSP) for the Subbasin across the entire Subbasin (approximately 250,000 acres) as indicating the amount of planned groundwater pumping for the Project is sustainable.

   Sustainable yield estimates in the GSP are only for the entire Subbasin and should not be interpreted as representing local conditions at all areas across the Subbasin. Existing Representative Monitoring Sites (RMS) for the South American Subbasin GSP indicate chronically declining groundwater levels in the general vicinity of the Project over the period of data record, with greater rates of decline over the last 20 years (see Figure 1 in Appendix C of this letter), suggesting that current groundwater extraction volumes occurring in the vicinity of the Project are already greater than what is being replenished. Furthermore, groundwater levels in three nearby RMS are very near to or below the Minimum Threshold used to define sustainability in the South American Subbasin GSP. The proposed Project site is at the edge of the

Subbasin where productive aquifer materials are very limited in lateral and vertical extent.

The Water Supply Assessment completed for the proposed Project acknowledges insufficient data to evaluate groundwater availability on the Project site: “There is insufficient data and information with which to evaluate the feasibility of obtaining all project water from on site or near-site groundwater sources. Additional testing and evaluation would be necessary to determine the feasibility of obtaining all water from on-site groundwater resources.” (DEIR Appendix HY-1; Dudek, 2024a, p. 17). **Accordingly, the DEIR must be revised to include an analysis of long-term groundwater impact from the operation of the proposed Project, including how potential impacts relate to the Sustainable Management Criteria defined in the South American Subbasin GSP.**

2. The DEIR failed to adequately characterize Groundwater Dependent Ecosystems (GDEs) in the Project area, including thorough documentation of the limitations of analyses used to identify potential GDEs in the South American Subbasin GSP. Analysis of GDEs for the GSP was conducted at a regional scale with more limited groundwater level data and does not accurately reflect site-specific conditions at or near the proposed Project. Information presented in the Groundwater Resources Impact Analysis presented in the DEIR (DEIR Appendix HY-1, Dudek, 2024b) describes the presence of a spring on the proposed Project site and groundwater level data from a variety of wells and boreholes indicating the presence of very shallow groundwater levels (<15 feet below ground surface) in areas within and around the proposed Project site (see Figure 2 in Appendix C of this letter), which may support GDEs. Other data sources reviewed by LSCE suggest the potential presence of GDEs at or near the proposed Project site (see Figures 3 and 4 in Appendix C of this letter). The potential presence of GDEs in the vicinity of the Project site was not adequately analyzed or acknowledged in the DEIR, nor was the potential for impacts to GDEs from groundwater extraction evaluated in the DEIR. **The DEIR must be revised to characterize GDEs in the Project area and analyze impacts from the proposed project to GDEs.**

3. Although the current Project description suggests Project water demands during construction and decommissioning are currently planned to be met by off-site water sources, short-term impacts of higher rates of pumping that would need to occur if those demands were to be met by on-site groundwater could substantially lower groundwater levels during the construction and decommissioning phases of the Project and have significant and longer-lasting impacts (e.g., mortality) on GDEs. The DEIR notes the potential for significant impacts from extraction of groundwater for the proposed Project and notes that a groundwater study should be performed to further evaluate impacts. However, the study is described as only meant to address potential impacts to nearby wells and only if groundwater is planned to be used for meeting

water demands during construction and decommissioning. No robust evaluation of potential impacts related to groundwater extraction needed to meet the ongoing Project operations was included in the DEIR. Further, the analysis of potential impacts from groundwater use for the Project (for construction, decommissioning, and ongoing operation) must evaluate potential impacts on GDEs, nearby contamination plumes, and groundwater sustainability. The metrics that will be used to evaluate the results from the groundwater study are not described.

4. Water level data in a variety of wells/boreholes on the Project site in addition to one known spring indicate the presence of shallow groundwater (<15 feet below ground surface) conditions in parts of the Project site. The DEIR does not discuss whether land grading, blasting, and excavation activities have the potential to intersect shallow groundwater and cause the discharge of groundwater at the land surface, an occurrence that could have potential adverse impacts on springs, groundwater levels, and/or depletion of groundwater resources. **The DEIR must be revised to analyze potential impacts from land grading, blasting, and excavation for the proposed Project on groundwater resources. This includes assessment and quantification of anticipated cumulative impacts (including for typical storms and wet seasons) on groundwater recharge from the Project resulting from alterations to stormwater runoff processes as a result of site development.**

   Although the proposed Project includes limited construction of impermeable surfaces on the ground, these impermeable surfaces in conjunction with the construction of solar panels over the ground and land surface grading are likely to concentrate precipitation at panel drip lines and otherwise result in increased stormwater runoff or erosion, thereby reducing water infiltration and groundwater recharge occurring on the site, impacts that should be sufficiently mitigated. A Level 3 Drainage Study was conducted for the Project (but is currently not available for review with the DEIR) and notes some predicted increases in stormwater runoff (1 to 4 cubic feet per second [cfs] per subarea modeled for a 100-year storm). The cumulative impact (combined for all subareas of the Project site and total storm event or wet season period - details are not provided in DEIR) on stormwater runoff from the Project is not described or presented. It is notable that 1 to 4 cfs is equal to 2 to 8 acre-feet per day, so the cumulative increased volume of runoff could be substantial. If this additional stormwater runoff would have infiltrated and recharged groundwater under existing conditions, the Project could substantially reduce the volume of groundwater recharge occurring at the site. **The DEIR must be revised to address stormwater runoff and erosion from the panel drip lines and the impact on groundwater recharge. The revised DEIR must include any supporting studies, such as the Level 3 Drainage Study, to allow public review of the analysis.**

5. Insufficient evaluation or discussion of potential effects from land grading on the flow regime in Carson Creek is provided in the DEIR. Minimal discussion of potential adverse impacts on streamflows in Carson Creek or other nearby watercourses (or potential mitigation measures) resulting from land grading (excavations) is presented in the DEIR, especially cutting to depths that intersect the groundwater table, resulting in groundwater discharge at the surface and potential depletion of streamflow.

   The Water Supply Assessment (Dudek, 2024) completed for the Project states that Carson Creek is a seasonal creek that is confined to steep hills and some exposed bedrock and can have water year-round. The DEIR failed to evaluate and address the potential effects from land grading, excavation, and blasting on the flow regime in Carson Creek. **The DEIR must be revised to include analysis of potential adverse impacts on flows in Carson Creek or other nearby watercourses (or potential mitigation measures) resulting from land grading, blasting, and excavations, especially cutting to depths that intersect the groundwater table and may cause groundwater discharge at the surface.**

6. The locations and potential impacts of proposed blasting operations in relation to existing nearby wells are not well described in the DEIR. Blasting in close proximity to existing wells can affect well integrity and function and appropriate mitigation measures should be included (if necessary) to ensure existing off-site production wells and on- and off-site extraction and monitoring wells being used to mitigate and monitor groundwater contamination at and near the Project site are not adversely impacted by blasting operations. The DEIR notes that steps would be taken to coordinate with Aerojet to ensure wells used for the monitoring and mitigation of existing Aerojet contamination plumes are not damaged. **The DEIR should be revised to provide specifics of how this would occur and describe any Project design modifications required to ensure the Aerojet monitoring wells are not damaged.**

Impact HYD-3: Substantially Alter Drainage Patterns or Add Impervious Surfaces That Would Result in Increased Erosion, Exceed Storm Drainage Systems, Substantially Degrade Water Quality, Result in Increased Flooding, or Impede or Redirect Flood Flows

The DEIR does not sufficiently evaluate how increased runoff resulting from the proposed Project could lead to channel degradation (e.g., bank erosion, incision) in nearby watercourses, including impacts to sediment transport and channel erosion processes and related effects on GDEs. Protective measures for GDEs are essential to protect groundwater resources and should be clearly described, including explicit measures that would occur to control disturbed sediment and otherwise mitigate potential effects on GDEs such as those located in or along Carson Creek and other watercourses within and near the Project site.

The DEIR notes that the results of a Level 3 Drainage Study suggest that stormwater runoff conditions would increase by as much as 1 to 4 cubic feet per second during a 100-year storm for some areas of the Project site. (DEIR, p. 10-28.) However, the Level 3 Drainage Study did not include assessment of the impacts from the switchyard, which includes 8.25 acres of additional impermeable surface. This is a significant impact. The DEIR attempts to rely on the future preparation of a Level 4 Drainage Study to mitigate this impact. Deferred impact analysis is not adequate mitigation and prevents meaningful public engagement.[44]

The DEIR should be revised to include the results from project specific Level 4 Drainage Study that identified impacts from all of the proposed Project components that result in the alteration of drainage patterns or the addition of impervious surfaces that increase erosion, exceed storm drainage systems, substantially degrade water quality, result in increased flooding, or impede or redirect flood flows. The Level 4 Drainage Study should address and include site design mitigation measures to mitigate cumulative impacts on stormwater runoff and associated potential impacts on groundwater recharge, as also noted for Impact HYD-2.

Impact HYD-4: Conflict with a Water Quality Control Plan or Sustainable Groundwater Management Plan

Concerns related to the adequacy of the DEIR in evaluating potential impacts from the Project on stormwater runoff and groundwater recharge under Impacts HYD-2 and HYD-3, groundwater quality under Impact HAZ-2, and groundwater levels and GDEs under Impact HYD-2, are discussed above; however, these concerns also relate to Impact HYD-4 and potential conflicts with the GSP. Groundwater level data presented in the DEIR (see Figure 2 in Appendix C of this letter) indicate the presence of shallow groundwater conditions in the vicinity of the Project site and therefore the potential for interconnectivity between groundwater and surface water resources that exist on or near the Project site. **The DEIR must be revised to incorporate and consider local groundwater level conditions (including shallow groundwater level data presented in the DEIR) in conducting a robust assessment of potential interconnected surface water (ISW) resources in the vicinity of the proposed Project and potential for the depletion of any surface water resources by groundwater pumping proposed for the Project.** The DEIR indicates that boreholes proposed to be potentially used to supply groundwater for the Project have shallow groundwater levels and are in close proximity to Carson Creek (see Figure 5 in Appendix C of this letter). Although the South American Subbasin GSP did not identify any likely ISWs near the Project site, the analysis of ISWs for the GSP was conducted at a regional scale with

[44] CEQA Guidelines, § 15126.4(a)(I)(B); Laurel Heights Improvements Association v. Regent of the University of California, supra, 47 Cal.3d at 404.

more limited groundwater level data and likely does not accurately reflect site-specific conditions at or near the Project.

6. Land Use and Planning

As discussed above, CEQA requires an environmental document to discuss any inconsistencies between the Project and the applicable plans.[45]

Analysis of Resource Conservation Area Designation

The analysis of consistency with land use plans and policies beginning on page 11- does not recognize that the Sacramento County General Plan Land Use map identifies most of the project site with an overlay designation of Resource Conservation Area. **The DEIR must be revised to recognize that designation and indicate how its boundaries apply to the project boundaries.**

The project is Inconsistent with Policy PF-78

More importantly, the analysis and conclusion of the DEIR on page 11-11 that "the proposed project does not conflict with adopted County General Plan Policies…." is flawed. Policy PF-79 directs the County to minimize the impacts to sensitive biological resources such as oak woodlands and vernal pools, cultural resources, and farmlands. Yet the project would result in the removal of over 4000 trees, most of them oaks, which can by no means reasonably lead to the conclusion of insignificance. The DEIR does, however, conclude that the *cumulative* impacts related to oak tree removal would be significant and unavoidable. Similarly, the DEIR notes on page 11-10 that despite mitigation measures to "minimize" the project's impacts to scenic vistas along Scott Road, a designated Scenic Road, they would still be significant and unavoidable. And finally, the DEIR notes that even though some impacts to cultural and paleontological resources would be "minimized" by mitigation to a less-than-significant level, the impacts to tribal cultural resources would nevertheless be significant and unavoidable.

The use of the word "minimize(d)" in the discussion on page 11-10 in the context of mitigation of impacts is not appropriate and should be replaced with the word "reduce(d)". The impacts of the project certainly will be reduced by the proposed mitigation measures, but they have not been minimized, and they are still significant and unavoidable. The only conclusion can be that the project, despite proposed mitigation, is not consistent with PF-79.

The analysis on page 11-10 recognizes the inconsistency of the analysis in the following paragraph, but uses Policy PF-66 to conclude that the project does not conflict with adopted County Policies.

> "While the proposed project would result in significant and unavoidable impacts to visual resources, TCRs, and cumulative tree impacts, as described above, County General Plan policy PF-66 permits the Board of Supervisors and County Planning Commission to

[45] CEQA Guidelines, § 15125(d); *Chaparral Greens v. City of Chula Vista, supra,* 50 Cal.App.4th at 1145, n. 2.) *Joshua Tree Downtown Business Alliance v. County of San Bernardino, supra,* 1 Cal.App.5th at 695.

approve development projects for energy resources that are contrary to any of the policies of the Public Facilities element when justification is provided through findings. In accordance with Policy PF-66, findings would be adopted as part of the Final EIR for the proposed project. Implementation of the proposed project would not conflict with adopted County General Plan policies…" (Coyote Creek Agrivoltaic Ranch Project DEIR, p. 11-11).

The fact that Policy PF-66 authorizes the County to approve the project despite the inconsistency with Policy PF72 does not eliminate that inconsistency, and the DEIR must reflect that.

7. Traffic and Circulation

Forcing wildlife onto Scott Road (DEIR, p. 6-102) by fencing the project area is likely to create a significant safety hazard for motorists and lead to significant road mortality for species. A review of June 2024 Sacramento County traffic data from Scott Road indicates an annual volume of about 3300 vehicles per day and peak traffic of 300 vehicles per hour on Scott Road, higher than the DEIR reported from 2015-2019 (Sacramento County, 2024). This traffic increase has likely at least partially resulted from the substantial development in the South of Folsom area since 2019. Thus, the DEIR's analysis of potential road mortality caused by obstructing animal movements is out of date and inaccurate.

Traffic of 3300 vehicles per day equates to a daily average of 2.3 cars per minute. Peak traffic of 300 cars per hour equates to 5 cars per minute. This traffic volume does not appear to be properly characterized as "not… a high traffic volume" from the perspective of animal mortality and public safety, considering that drivers typically drive very fast on this road despite its twisty alignment and associated limited visibility. And as has happened between 2015 and 2024, traffic is likely to continue to increase substantially as the South of Folsom development continues to build out. **The DEIR should address the potential significant impact to wildlife movement and populations, and to public safety from wildlife being shunted onto Scott Road due to the proposed Project and its fencing creating barriers to movement.**

The project design should be modified to allow animals to move through the project area without having to use the road as a corridor. Pre- and post-project surveys of road mortality also should be conducted to determine if the project causes an increase in road mortality and additional mitigation is needed, including fencing to direct wildlife to safer road crossing points. Simply augmenting the fencing along Scott Road, without modifying the project configuration, may reduce public safety impacts, but will increase the detrimental effects of the project on animal movements, so it should not be relied on as a new measure to address this issue.

8. Tribal Cultural Resources

The County's AB 52 consultation failed to meet CEQA's tribal consultation requirement. CEQA mandates a notice and consultation process to facilitate agencies' consideration of tribal "expertise concerning their tribal cultural resources."[46] "'Meaningful' discussion is the hallmark of CEQA's tribal consultation requirement. As we have described above, consultation means the '*meaningful* and timely process of seeking, discussing and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement.' (Gov. Code, § 65352.4, italics added.)"[47]

In *Koi Nation of Northern California v. City of Clearlake*, *supra,* 109 Cal.App.5th 815; the court held that when the agency failed to comply with the consultation requirement the information the Legislature deemed necessary for informed decision-making and public participation was not presented to the decision makers or included in the documents available to the public. As discussed below, the County failed to engage in meaningful consultation in violation of CEQA's requirements.

The proposed project site includes a suite of historical and cultural resources that, individually and collectively, are a significant cultural landscape that is irreplaceable. The development of the proposed Project would result in significant irreparable adverse impacts to these resources and the cultural landscape. The prevalence of the resources and the whole of the cultural landscape make it impossible to design the Project to avoid significantly impacting these resources. These impacts cannot be mitigated to a less-than-significant level.

We are aware that the County unilaterally closed the AB 52 consultation process without the tribes' consent. The County must 1) reinstate and continue the AB 52 consultation process in good faith with the tribes; 2) identify and evaluate alternative project site(s) that would avoid areas with high sensitivity for cultural resources; 3) require enforceable, long-term protections for Tribal Cultural Resources including fully funded perpetual conservation easements approved by the tribes and held by a qualified conservation organization approved by the tribes;[48] 4) record avoidance zones; and 5) bind and fully fund mitigation measures developed in coordination with the tribes.

Once the reinstated AB 52 consultation process is completed with the tribes' consent, the DEIR must be revised to reflect the outcome of the consultation process, and the impact analysis and mitigation measures must be revised accordingly. The DEIR must then be recirculated for public review and comment.

[46] Pub. Resources Code, § 21080.3.1(a); *Koi Nation of Northern California v. City of* Clearlake (2025) 109 Cal.App.5th 815.
[47] *Koi Nation of Northern California v. City of Clearlake, supra,* 109 Cal.App.5th 815.
[48] Civil Code § 815 et seq.

9. Alternatives Analysis

The Project objective of "providing a local supply of solar energy for the Sacramento County region…" is overly narrow, limits the scope of reasonable alternatives in the DEIR, and prevents identifying and considering reasonable project alternatives to avoid or minimize adverse project impacts. There are a variety of renewable energy technologies and locations within the Sacramento Valley on least-conflict lands that would reduce the obstacles, extended timelines, and expense associated with permitting and mitigation that have been and will be required for the proposed Project site.

A project proponent cannot artificially confine the range of available alternatives by relying upon an overly narrow statement of project objectives.[49] Doing so enables the lead agency to skew the alternatives analysis process by improperly "dismiss[ing] out of hand" all alternatives except the preferred one.[50] To allow the project's objectives to be unreasonably narrowed renders CEQA's mandate to consider a reasonable range of potentially feasible alternatives meaningless.[51] When an agency rejects one or more alternatives as infeasible during the scoping process does not mean that the EIR need not contain a range of alternatives to the project.[52] Thus, whether an EIR includes a reasonable range of alternatives is based upon those alternatives that are carried forward to the EIR for further analysis, not the numerous alternatives that the agency rejected during the scoping process, even though they are mentioned in the EIR as having been rejected as infeasible.

Alternative Sites

CEQA requires that an EIR must "[d]escribe a range of reasonable *alternatives to the project, or to the location of the project,* which could feasibly attain the basic objectives of the project, and evaluate the comparative merits of the alternatives."[53] Project alternatives fall into one of two categories: on-site alternatives, which generally consist of different uses of the land under

[49] *North Coast Rivers Alliance v. Kawamura ("NCRA")* (2016) 243 Cal.App.4th 647, 668, *quoting In re Bay-Delta Programmatic EIR* (2008) 43 Cal.4th 1143, 1165; see also *We Advocate Through Environmental Review v. County of Siskiyou ("WATER")* (2022) 78 Cal.App.5th 683, 692; *Kings County Farm Bureau v. City of Hanford,supra,* 221 Cal.App.3d at 736; see also *City of Carmel-By-the-Sea v. U.S. Department of Transportation* (1997) 123 F.3d 1142, 1155 (the project objective "necessarily dictates the range of 'reasonable' alternatives and an agency cannot define its objectives in unreasonably narrow terms.").

[50] *NCRA, supra,* 243, Cal.App.4th at 668.)

[51] *Kings County, supra*, 221 Cal.App.3d at 737.

[52] See *In re Bay Delta Programmatic Environmental Impact Report Coordinated Proceedings, supra,* 43 Cal.4th at 1164; *California Native Plant Society, supra,* 177 Cal.App.4th at 981; *Citizens of Goleta Valley v. Board of Supervisors, supra,* 52 Cal.3d at 59 (EIR examined 4 development alternatives); *Laurel Heights I, supra,* 47 Cal.3d at 403.

[53] CEQA Guidelines, § 15126(d), italics added.

consideration; and off-site alternatives, which usually involve similar uses at different locations.[54]

Under the "Alternatives" section (DEIR, p. 16-8 to 16-9), the DEIR claims to have conducted a survey of available land within the County that would provide a suitable alternative to the 200-MW proposed project. Citing multiple challenges, including land assembly and property availability, the DEIR concluded that "finding other large parcels adjacent to existing transmission lines that would support a utility-scale solar project, and that could reduce potentially significant impacts compared to the proposed projects was ultimately infeasible." (DEIR, p. 16-8.)

This is incorrect. In fact, numerous large-scale solar and battery projects have requested placement in the Sacramento Municipal Utility District's (SMUD) queue for potential interconnection. The current list of applicants, maintained on SMUD OASIS website (see Figure 7 below), includes eight active solar plus battery projects of similar size or larger than Coyote Creek and totaling more than 2,200 MW that are seeking interconnection to SMUD's grid to provide commercial service.[55]

[54] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 566; see also *Laurel Heights, supra,* 47 Cal.3d at 403-407; *Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286–288.

[55] https://www.oasis.oati.com/woa/docs/SMD1/SMD1docs/Interconnection_Queue_2025-03-27.pdf

Active Solar + Battery Interconnection Requests to SMUD

Website: 6201 HQ Letterhead

Queue Date	Status	Generation Type	MW	Point of Interconnection	Proposed In-Service Date	Feasibility Study	System Impact Study	Facilities Study
2/13/2020	Active	Photovoltaic & Battery Storage	250 S&W	New substation near Cordova 230kV Substation	4/1/2027	Completed	Completed	Completed
11/3/2020	Active	Photovoltaic & Battery Storage	250 S&W	New substation near Elverta 230kV Substation	1/4/2029	Completed	Completed	Completed
1/25/2021	Active	Photovoltaic & Battery Storage	344 S&W	New substation near Elverta 230kV Substation	12/15/2026	Completed	Completed	Completed
3/16/2021	Active	Photovoltaic & Battery Storage	170 S&W	Cordova 230kV Substation	1/4/2028	Completed	Completed	Completed
5/20/2021	Active	Photovoltaic & Battery Storage	250 S&W	Q3 new switching station near Cordova 230kV Substation	12/31/2028	Completed	Completed	Completed
7/7/2022	Active	Photovoltaic & Battery Storage	550 S&W	New switching station near Rancho Seco 230 kV Substation	12/31/2029	Completed	Completed	Completed
9/22/2022	Active	Photovoltaic & Battery Storage	275 S&W	Rancho Seco 230 kV Substation	8/31/2030	Completed	Completed	Completed
12/12/2022	Active	Photovoltaic & Battery Storage	156 MW	Proposed Country Acres 230 kV (Q8)	9/15/2029	Completed	Completed	In Progress
		Total	***2,245 MW***					

Blue shading indicates request at same interconnection point for Coyote Creek

Figure 7. SMUD Interconnection Queue

Nearly all these potential projects have already completed the three studies (Feasibility, System Impact and Facilities) necessary for interconnection, two of them at the same interties point as Coyote Creek. The connection-readiness for so many solar projects in the County undermines the DEIR's further, unfounded constraint to limit alternative sites to those within 1000' of existing SMUD transmission lines.

The methodology for alternative site selection was inappropriately limited by the extraordinarily limited gen-tie distance criteria. While shorter gen-ties are generally preferred, the 1000' criteria is inconsistent with industry norms and those used to assess techno-economic feasibility by the California Public Utilities Commission (CPUC).[56] The CPUC uses a range of up to 30 miles to assess economic viability for substation-level interconnection for utility-scale solar projects and ranks projects within 10 miles higher.

[56] CPUC Methodology for Resoruce-to-Busbar Mapping for the Annual TPP. September 2024 at pg. 20

In fact, the proposed Project's gen-tie is 1.3 miles long. Thus, the project site itself would not have qualified as an alternative site since, at 1.3 miles long, the gen-tie is not under the 1000' criteria used to screen potential sites. The overly narrow alternative site selection criteria excessively limits the consideration of alternative sites.[57]

The alternatives analysis in the DEIR must be revised to consider a range of alternative sites in the Sacramento region, including adjoining counties, that are within 10 miles of transmission.

Front of the Meter Distributed Generation

The DEIR failed to consider medium utility-scale solar in front of the meter (FTM); distributed generation and storage that is:

- developed on and within the built environment (e.g., warehouses, schools, distribution centers, large commercial and industrial buildings, parking lots),
- located close to the load (where energy is used), and
- utilizes the local distribution grid

To be clear, residential rooftop solar is not front-of-the-meter distributed generation. Front-of-the-meter distributed generation and storage (FTM DGS) is utility-scale solar generation placed on large commercial, industrial, and parking facilities and connected directly to SMUD's distribution and transmission grid.

Front-of-the-meter distributed generation and storage provide both community benefits and the opportunity to reduce the need for costly new bulk transmission and the vast acreage needed to develop utility-scale renewable energy generation. FTM DGS can rapidly advance clean energy deployment due to its reduced land-use impacts, improved community energy and economic resilience, and reduced need for costly transmission capacity.

Front-of-the-meter distributed generation and storage developed in the built environment, located close to load– particularly in areas with high electric load growth– is more sustainable, nimble, and aligned with state policies to meet our clean energy future and protect our environment. **The DEIR must be revised to consider a front-of-the-meter distributed generation and storage alternative.**

From a biological resource impact perspective, CEQA Guidelines, section 15370, requires public lead agencies to impose feasible mitigation measures as part of the project approval process to lessen or avoid adverse effects upon the environment, including habitat and wildlife. Mitigation measures must follow the mitigation hierarchy to 1) avoid adverse impacts, 2)

[57] See *North Coast Rivers Alliance v. Kawamura, supra,* 243 Cal.App.4th at 668.

minimize those impacts, and 3) compensate for unavoidable adverse impacts, in that order. The most comprehensive approach to avoid, minimize, and mitigate for impacts to biological resources would be to relocate the project to large parking lots and rooftops within the built environment (FTM) as just discussed. This would completely avoid biological and open space impacts, provide shade for parking lots and rooftops, and reduce transmission requirements. The DEIR dismisses the feasibility of a more urban or 'brownfield' alternative with wholly inadequate analysis of feasibility or impacts.

Alternative 1 Biological Resources:

The following maps clearly display the widely distributed existence of the Blue Oak Woodlands in eastern Sacramento County near the site of the proposed project, as shown above in Figures 1 and 2. These maps are an overlay of the proposed Project site over the entire South County woodland area and clearly demonstrate that the proposed Project will negatively impact 1/3 or more of the entire Blue Oak woodlands in our region. Figure 2 shows that the several thousand trees noted in the DEIR are widely dispersed across the proposed Project site, indicating that even a reduced project would still have a significant adverse impact on the removal of a large amount of this woodland. The negative impacts will be both direct and permanent, the removal of large numbers of trees, and indirect and permanent, with the introduction of heavy equipment impacting root structures and grading that will affect hydrology on the site. The permanent direct impacts include the removal of 1/3 or more of the blue oak forest – a slow-growing species that is essentially non-renewable – and would constitute a change in land use that will never fully recover.

Of particular note, a 2017 SMUD-commissioned study that evaluated landscape carbon sequestration in our region cited the high carbon sequestration value of these woodlands in Sacramento County. The Sacramento Municipal Utility District Sacramento County Landscape Carbon Assessment, December 2017, showed that while forests, which in this report include oak woodlands, covered only 2% of Sacramento county they made up 8% of the county's carbon storage, and highlighted this as an important factor to consider as development in these areas would have a higher carbon impact than other land types. Averaged over a 200 year period, mature oaks can sequester up to 50 lbs of atmospheric carbon each year (Vignesh, 2022) representing a loss of up to 117 tons of CO_2 capture annually that would have been sequestered by oak trees proposed for removal, not accounting for other types of trees from project implementation.

The DEIR states that the solar facility would result in more GHG savings than those provided by sequestration by the trees on the site. However, this is an unfair comparison because the facility could be sited in a far more appropriate location, allowing for both the savings from a solar facility and the sequestration provided by the trees.

The alternatives and potential impacts presented in Alternative 1: Biological Resources and Alternative 2: Scott Road Buffer are so similar to the proposed Project that they provide no value to the public and decision-makers. The revised DEIR must provide suitable alternatives for proper consideration.

10. Cumulative Impacts

CEQA mandates that an EIR discuss a cumulative impact if the project's incremental effect, combined with the effects of other projects, is "cumulatively considerable."[58] The cumulative impact determination is based on an assessment of the project's incremental effects "viewed in connection with the effects of past projects, the effects of other current projects, and effects of probable future projects."[59]

The increasing development within the region is having a significant impact on biological resources and habitats, including but not limited to the burrowing owl, oak woodlands, Swainson's hawk, vernal pools, and western spadefoot. This Project is no exception and would significantly add to the loss of Sacramento County's important and declining biological resources.

The DEIR arbitrarily limited the cumulative impacts analysis to projects within a 5-mile radius of the proposed Project site.[60] The DEIR's geographic limitation fails to comply with CEQA. An agency has discretion in selecting an assessment area.[61] The DEIR must provide an explanation supported by the evidence as to the limits of the geographical scope.[62]

The 5-mile limit is inconsistent with the cumulative impacts analysis methodology used in the environmental impact reports for recent solar projects in Sacramento County, including Country Acres,[63] Oveja Ranch,[64] and Sloughhouse[65] which did not include a distance limitation. Furthermore, while the DEIR included the Oveja Solar Ranch project in the list of projects considered in Table SI-6, which is eight miles away from the proposed Project, it did not include four projects that are less than eight miles away:

Carli Expansion Mining project on 140 acres, approved in 2020;[66]

[58] CEQA Guidelines, § 15130(a).
[59] CEQA Guidelines, § 15065(a)(3); see also *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1228.
[60] See DEIR, p. 17-36 to 17-39 (Cumulative Related Projects).
[61] *South of Market Community Action Network v. City & County of San Francisco* (2019) 33 Cal.App.5th 321, 338.
[62] CEQA Guidelines, § 15130(b)(3); *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 907; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1216 (EIR lacked explanation of the criteria for determining geographic area of impact analysis that ignored a similar concurrent project located 3.6 miles away); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721 (air pollution inadequate because EIR failed to include the entire San Joaquin Valley).
[63] Country Acres Solar Project SCH Number 2021110307
[64] Oveja Ranch Solar Project SCH Number 2024090310
[65] Sloughhouse Solar Facility SCH Number 2021100444
[66] Sacramento County Planning Number PLNP2017-00243

Mather South Community Master Plan covering 848 acres, approved in 2020;[67]

NewBridge Specific Plan covering 1,095 acres, approved in 2020;[68]

Sloughhouse Solar Project on 400 acres, approved in 2023. In fact, the final EIR for Sloughhouse included the proposed Project in its table of cumulative projects.[69]

Even with the selected 5-mile radius, the analysis failed to include projects located within El Dorado County– less than 3 miles to the east of the proposed Project site.[70] At least three reasonably foreseeable projects are located within 5 miles of the proposed Project site in El Dorado County. These projects are either in the permitting process or have been discussed publicly by the applicant and are known to the lead agency and community. These projects include:[71]

- Gateway Specific Plan covering 97[72] acres
- Creekside Village Specific Plan[73] covering 208 acres
- Community Health and Independence (AKT/UCD) Project[74] covering 1,460 acres

CEQA requires that the DEIR address cumulative impacts from past, current, and probable future projects.[75] Moreover, the cumulative impact analysis is not limited to projects within the agency's control.[76] The standard for compiling the list of projects that should be included when it is reasonable, feasible, and practical to do so, given the information available about the projects and when the failure to include those projects in the cumulative impact analysis would result in an inadequate analysis of the severity and significance of the cumulative impacts.[77] As discussed by the court in *Environmental Protection Information Center v. Department of Forestry & Fire Protection* (2018) 44 Cal.4th 459, 524, the requirement that the cumulative impacts analysis take into account past projects "signifies an obligation to consider the present project in the context of a realistic historical account of relevant prior activities that have had significant environmental impacts." This historical information helps to identify "previous activities that have caused intensive environmental impacts in a given area, the full effects of

[67] Sacramento County Planning Number PLNP2013-00065
[68] Sacramento County Planning Number PLNP2010-00081
[69] County of Sacramento. Final Environmental Impact Report Sloughhouse Solar Facility. December 2023. at pg. 15-28.
[70] See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713 (an inconsistency in the EIR raises questions about the adequacy of the cumulative impacts analysis).
[71] https://engageeldorado.us.engagementhq.com/edc-projects-in-your-area
[72] El Dorado County Planning Application #PA24-0009
[73] El Dorado County Planning Applications General Plan Amendment GPA20-0001, Rezone Z20-0005, Specific Plan SP20-0001, Tentative Map TM20-0002
[74] El Dorado County Planning Application PA23-0015
[75] CEQA Guidelines, § 15065(a)(3).
[76] CEQA Guidelines, § 15130(b)(1)(A).
[77] *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 529.

which may not yet be manifested, thereby disclosing potential environmental vulnerabilities that would not be revealed merely by cataloging current conditions."[78]

The DEIR's cumulative impacts analysis fails to consider the effects of projects that have already been built out in Rancho Cordova and Folsom and Folsom Lake, and Lake Natoma and approved development in Rancho Cordova. These projects have created or are further adding to a substantial barrier to animal movement, to which the Coyote Creek Project will contribute. Many of the cumulative effects of habitat loss on wildlife species depend on their populations and extend substantially beyond a 5-mile distance from the project site.

The DEIR provides no justification for the limited and less rigorous analysis of projects that would contribute to cumulative impacts from the proposed Project.

The arbitrarily selected 5-mile radius must be discarded, and meaningful areas should be proposed and defended for the cumulative analyses, based on the characteristics of resources. For example, watershed effects on streams should be based on effects within their watershed areas. The cumulative impacts analysis must be revised to include the complete suite of projects, including mining and other extractive projects, located within an appropriate, resource-determined distance of the proposed Project, regardless of the jurisdiction they are located. Jurisdictional boundaries do not limit cumulative environmental impacts. **The DEIR must be revised to include an expanded cumulative impacts analysis and recirculated.**

[78] *Environmental Protection Information Center v. Department of Forestry & Fire Protection* (2018) 44 Cal.4th 459, 524

11. Growth Inducement

CEQA requires that an EIR describe any growth-inducing impacts of the proposed project.[79] Thus, the EIR must discuss "the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth."[80] The discussion "must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."[81] The growth-inducing impacts must be discussed, even though those effects will result only indirectly from the project.[82]

As discussed below, the development of electric infrastructure, including the gen-tie power line and electrical generating capacity that can be used to serve other projects in the region, constitutes a growth-inducing impact. This is especially true when the power generated by the project is not needed to replace other electrical generation in the area, but would add to the electrical power available to the region.

The analysis of the potential for growth inducement of the proposed Project on page 17-66 of the DEIR is unacceptably narrow. Substantial additional urban development to the northeast and just to the east of the north part of the proposed solar facility, extending into El Dorado County, is under consideration by the City of Folsom and El Dorado County. While the proposed solar facility might not directly induce development, it would definitely facilitate it by extending the electrical infrastructure. In addition, by substantially reducing the quality and value of the natural landscape outside the UDA, the proposed Project would provide an additional rationale to justify further eastward urban expansion.

The proposed Project includes the development of a new 1.3-mile-long gen-tie power line and a new switch yard. Much like new roads and housing developments, new power lines and switchyards can induce additional development of industrial and energy uses. The DEIR failed to consider the potential for the proposed Project to induce additional solar energy development in the blue oak woodlands to the east and south of the project site. Privately developed solar facilities are, after all, economic investments, and they rightly belong within the scope of the CEQA guidelines.

The proposed Project would represent the first proposed solar facility in the midst of an oak woodland within the greater Sacramento Region, possibly within all of Northern California. Its construction would substantially alter the oak woodland environment. It is not unreasonable to

[79] Pub. Resources Code, § 21100(b)(5); CEQA Guidelines, § 15126(d).
[80] CEQA Guidelines, § 15126.2(e).
[81] Id.
[82] *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 368.

suggest that further solar development proposals, either expansion by the project developer or new projects by other solar entities with no connection to SMUD, will be forthcoming if this project is approved and will result in further destruction of oak woodlands in the area. **The DEIR should consider the potential impacts of induced development due to additional solar facilities in the oak woodlands of Sacramento and El Dorado Counties.**

12. Conclusion

The proposed Coyote Creek Project would result in numerous adverse impacts to species protected under state and federal laws and regulations, and many of those impacts are significant, as defined under CEQA. The alternative locations proposed for the Project are deficient because they were arbitrarily constrained by limiting the distance from the Project to the nearest transmission infrastructure, and by unsubstantiated dismissal of the feasibility of urban or brownfield alternatives. The DEIR lacks sufficient impact analysis, documentation, and specific actions to fully mitigate significant adverse impacts to attain the required no net loss to numerous species and their habitats. Similarly, the hydrological analysis was deficient because of numerous omissions, and it requires substantially more analysis before it approaches being sufficient as an informational document.

For all of the above reasons, the DEIR is inadequate and lacks sufficient information to be relied upon by the County and other trustees and responsible agencies for decision-making. Thus, the DEIR must be substantially revised to correct deficiencies identified in this comment letter and must be recirculated for agency and public review and comment.

Notwithstanding this need, we are dubious that even fully analyzed and documented impacts are likely to comply with CEQA requirements to select the least environmentally detrimental alternative, which is a relocation to another less sensitive site. **Therefore, we recommend that the proposed Project site not be approved and that either another less-damaging site be selected or the No Action alternative be identified as the most appropriate choice in complying with numerous laws and regulations governing the species and their habitats that occur on the proposed Project site.**

Please feel free to contact us with any questions.

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14. Comment Preparers

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Jeff is a Wildlife Biologist and Senior California Representative for Defenders of Wildlife's California Program. Thirty-two-year career in federal government, including Wildlife Biologist and Supervisory Natural Resource Specialist with the Bureau of Land Management and National Park Service.

Dan Airola - Biological Resources, Alternatives, and Cumulative Impacts
Daniel is a Certified Wildlife Biologist who has worked for over 40 years in Northern California in land planning, environmental compliance, resource management, and conservation-related research. He has conducted studies for over 10 years on the population status and habitat requirements of the Tricolored Blackbird in the foothills of the Sierra Nevada. He has also published recent research on Swainson's Hawks, Bald Eagles, and other raptors and songbirds. He also serves as the editor of the regional ornithological journal Central Valley Birds. In 2025, Dan received the Outstanding Professional award from the Western Section of the Wildlife Society.

Rob Burness - Land Use and Growth Inducement
Rob was a senior planner at the County of Sacramento for thirty years, where, among many accomplishments, he was the architect of the Urban Services Boundary. He is currently the conservation chair for and on the board of Friends of Stone Lakes. He is on the board, executive committee, and co-chairs the habitat committee for the Environmental Council of Sacramento. He is also on the Conservation Committee of the Mother Lode Chapter of the Sierra Club.

Rick Codina - Alternative Analysis
Rick is the chair of the SMUD Watch Team for 350 Sacramento. He retired after more than 30 years at the Sacramento Municipal Utility District in varying capacities, including Commercial Energy Auditor, Resource Planner, and Rate Analyst (1981-2014). He helped to develop the utility's marginal cost model for project evaluations, assisted in several Integrated Resource Plans for state submittals, and helped design some of SMUD's innovative rates, including for time of day, electric vehicle, and customer solar. Prior to SMUD, he served as the Conservation Director for the Bureau of Electricity in Alameda (1979-1981), California, and before that, worked as a technical writer for Department of Energy grants at Lawrence Berkeley Lab (1977-1979). He has a Bachelor's in communication from the University of Texas, Austin, and a masters in Regional Planning from the University of California, Berkeley, where he also did coursework in the Energy Resources Department.

Pamela Flick - General
Pamela Defenders of Wildlife's California Program Coordinator and is their liaison to federal and state agencies, elected officials and their staff, and the general public. Pam has over 20 years of experience in public and private land use planning and policy, species conservation, and water policy. Her core programmatic issues include California condor conservation and recovery with emphasis on impacts from spent lead ammunition; public lands management, especially in the Sierra Nevada; increasing public awareness about California's marine environment and the federally threatened southern sea otter; reducing human-wildlife conflicts; and working to protect

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Luz Lim - General
Luz is the Policy Analyst for Habitat 2020 and the Environmental Council of Sacramento (ECOS). She also serves as the co-lead for the ECOS Environmental Justice Team. Luz has a Bachelor of Arts in Geology from Amherst College and is currently pursuing a Master's in the Department of Geological Sciences and Engineering at the University of Nevada, Reno. Her research investigates the impact of ultra-high pressure and temperature tectonic processes on the preservation of chemical records in zircon, one of the most used minerals in geochemical investigations.

Brendan Wilce - Biological Resources, Alternatives, and Cumulative Impacts
Brendan joined CNPS in spring 2022 as the Natalie Hopkins Conservation Intern. He has a background in horticulture with a Bachelor of Science from UC Davis in Environmental Horticulture and Urban Forestry with an emphasis in Greenhouse and Nursery Production, including extensive coursework in restoration ecology. He has enjoyed over 15 years in the nursery industry working as an assistant manager and grower in the Sierra Nevada foothills. Brendan's knowledge and love of plants and nature led him from production to protection, working with the CNPS's conservation team. His current project is the compilation of an annotated bibliography of scientific research and reviews relating to fuel breaks, effects of grazing, type conversion, invasive species, post-fire recovery, effects of salvage, industrially managed forests, and restoration. He also supports the conservation team in the review of proposed projects, environmental assessments/impact reports, and identifies research to support concerns and objections to these projects and assessments.

Sean Wirth - Biological Resources and South Sacramento Habitat Conservation Plan Consistency
Sean has a zoology degree from UC Berkeley and worked as an environmental representative directly with the wildlife agencies in the preparation of the South Sacramento Habitat Conservation Plan. He currently sits on the Implementation Review Committee for that Plan. He has been the Conservation Chair for the Mother Lode Chapter of the Sierra Club for the last twelve years, and also sits on the board, executive committee, and co-chairs the habitat committee for the Environmental Council of Sacramento.

David Wright - Biological Resources, Alternatives, and Cumulative Impacts
David has a Ph.D. in Ecology and Evolutionary Biology from the University of Arizona. David is now retired, after working as an Entomologist at the California Department of Fish and Wildlife.

CONSULTANTS

Kim Delfino - General
Kim is the President and Founder of Earth Advocacy. Kim provides policy and advocacy expertise to nonprofits and foundations with the goal of protecting and restoring our lands, water, and wildlife for future generations. Prior to establishing Earth Advocacy, Kim was the California Program Director for Defenders of Wildlife for two decades. Kim has thirty years of

experience in public and private land use planning and policy, species conservation, and water policy, including serving on the California Water Commission from 2010-2015. Kim serves on the board of the American Bar Association Section of Environment, Energy and Resources *Trends*. She is also an adjunct professor at the University of the Pacific McGeorge School of Law. Kim began her career as an associate attorney in Washington, D.C. with the public interest law firm of Meyer & Glitzenstein, where she specialized in cases involving the Endangered Species Act, Clean Water Act, and other environmental laws. She holds a B.A. from UC Davis and a J.D., *cum laude*, from McGeorge School of Law at the University of the Pacific.

Kate Kelly - Land Use, Tribal Cultural Resources, Alternatives Analysis, Cumulative Impacts, and Growth Inducement
Kate provides land use, project management, and governmental relations consulting to conservation organizations and public agencies. Kate focuses on land use policies and planning for siting and procurement of renewable energy that balances the protection of natural and cultural resources with meeting climate goals. She is engaged in energy policy, planning, and procurement proceedings at the California Public Utilities Commission, California Energy Commission, California Independent System Operator, and local governments. As a consultant to Defenders of Wildlife, Kate has been a leader in their California Renewable Energy Programs and works to incentivize siting of renewable energy projects in least-conflict areas with low natural and cultural resource value as an essential strategy for accelerating renewable energy development and protecting vital natural and cultural resources. Kate is the principal author of:

- Conserving California's Harvest: A Model Mitigation Program and Ordinance for Local Governments, which provides a comprehensive guide to assist local governments in developing and implementing farmland mitigation programs, including the use of conservation easements.
- Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley, which provides a suite of recommendations and implementation strategies for environmentally sensitive renewable energy development.

Luhdorff & Scalmanini Consulting Engineers (LSCE) - Hazards/Hazardous Materials and Hydrology
LSCE provides hydrological consulting to address groundwater quality at local and regional scales, including anthropogenic and naturally occurring water quality phenomena. They provide consulting services on projects that range from site-specific investigations at wastewater treatment plants, landfills, mining operations, and other facilities to non-point source regional water quality issues.

Don Mooney - Legal Review
Donald Mooney has been a CEQA practitioner for over 35 years, primarily representing citizen groups and environmental groups throughout northern and central California. During this time, he has litigated hundreds of CEQA cases at the trial court level and handled over 100 appeals.

15. Attachments

A. Errata in the Biological Resources Technical Report, Appendix C, Observed Species Compendium
B. Suggested Amendments to Avoidance, Minimization, and Mitigation Measures of Botanical Resources
C. Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report - Luhdorff and Scalmanini Consulting Engineers, April 2025

ATTACHMENT A.
ERRATA IN THE BIOLOGICAL RESOURCES TECHNICAL REPORT, APPENDIX C, OBSERVED SPECIES COMPENDIUM

Sambucus nigra ssp. caerulea - now known as Sambucus mexicana

Pistacia chinensis - Chinese pistache - non native

Daucus pusillus - wild carrot - native

Asclepias fascicularis - Mexican whorled milkweed - obscure common name for narrow leaf milkweed

Artemisia californica - California native, although likely introduced to project site

Carduus tenuiflorus - non native

Wyethia angustifolia - native, additionally California compass plant is an obscure common name for narrow leaf mules ear

Arctostaphylos sp. - this should have been identified to the species level to ensure status

Cercis canadensis - eastern redbud - non native

Mentha arvensis - native

Fraxinus angustifolia sub sp. oxycarpa - raywood ash - non native

Platanus racemose - California sycamore - native - misspelled, should be “racemosa”

Acer saccharinum - silver maple - non native

Tamarix chinensis - five-stamen tamarisk - non native

Allium sp. - onion species - this should have been identified to the species level to ensure status

Iris sp. - Iris species - this should have been identified to the species level to ensure status

ATTACHMENT B.
SUGGESTED AMENDMENTS TO AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES OF BOTANICAL RESOURCES

MITIGATION MEASURES 6-49
BR-1a: Implement Construction Best Management Practices to Avoid and Minimize Potential for Construction-Related Impacts on Special-Status Plants and Wildlife.

Erosion Control. Before implementing ground-disturbing activities, temporary control measures for sediment, stormwater, and pollutant runoff shall be installed to protect water quality and species habitat. Silt fencing or other appropriate sediment control device(s) shall be installed downslope of any activities that disturbs soils. Fiber rolls and seed mixtures used for erosion control shall be free of **any** viable ~~noxious~~ **nonnative** ~~weed~~ seed. Erosion controls installed ~~in or adjacent to known or potential habitat for western pond turtle and western spadefoot~~ must be of appropriate design and materials that shall not entrap the species (e.g., not contain mesh netting). Regular monitoring and maintenance of the project's erosion control measures shall be conducted until project completion to ensure effective operation of erosion control measures.

Revegetation. Cut-and-fill slopes shall be revegetated with **locally** native ~~or existing noninvasive, non-native~~ plants ~~(e.g., non-native grasses)~~ suitable for the altered soil conditions. **Any seed or transplants should be sourced from seed collected on or adjacent to the project site, or from seed that has been bulked from material collected on or adjacent to the project site.** Non-native plants identified as a State listed noxious weed or as a California Department of Food and Agriculture rated A through C invasive plant are prohibited.

A species-specific impact analysis and identification of required mitigation are provided in the following sections.

SPECIAL-STATUS PLANT SPECIES (page 6-52)

However, four rare plants were observed during project surveys in 2023 and 2024 within and near the solar development area that could be affected by project activities: spiked western rosinweed (Calycadenia spicata) (within and adjacent to the solar development area), and Ahart's dwarf rush and pincushion navarretia (adjacent to the solar development area), as further described next.

MITIGATION MEASURES BR-1b: Avoid, Minimize, and Mitigate for Impacts on Special-Status Plants.

Conduct pre-construction surveys following the 2021 update to the 2018 CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities at the appropriate times of year to identify target species within 1 year prior to ground disturbance.

For special-status plant occurrences identified during project surveys**, pre-construction surveys, or during project activities** to be within 100 feet of the solar development area (i.e., **valley brodiaea,** spiked western rosinweed, Ahart's dwarf rush, ~~and~~ pincushion navarretia**, or other special status species**), install environmentally sensitive area (ESA) fencing to protect and avoid these occurrences from inadvertent encroachment from adjacent construction activities. ESA fencing and/or appropriate signage shall be installed at a minimum of 20 feet from the edge of special-status plant populations. The project shall avoid performing any construction-related activities within the ESA. For work that cannot be avoided in the ESA, a biological monitor shall be present when project construction-related activities occur.

For special-status plant occurrences **identified during project surveys, pre-construction surveys, or during project activities** within the solar development area (i.e., spiked western rosinweed), install ESA fencing to protect and avoid all (i.e., complete avoidance) ~~or portions of~~ known occurrences from direct disturbances during construction ~~(i.e., spatial avoidance) to the maximum extent feasible. ESA fencing shall be installed as described above~~. A biological monitor shall be present when project construction-related activities occur within **or adjacent to** the ESA. **Avoidance of special status species shall be prioritized over any form of disturbance.**

Where ~~spatial~~ avoidance **of all occurrences** during construction, as described above, ~~does not avoid effects~~ **is not feasible**, implement temporal avoidance by scheduling work activities (e.g., overland travel, grading, etc.) within known occurrences of spiked western rosinweed to occur after the majority of plants within the occurrence have set seed for the year (i.e., typically in late summer/early fall), as determined by a qualified botanist. If ground-disturbing activities must be conducted within known occurrences of this species, the following shall also be required in addition to temporal avoidance:

- salvage topsoil from occupied areas prior to ground-disturbances for reestablishment once construction is complete. **Salvaged topsoil shall be stored in an area where it will be kept free of any additional non native seed, and where it can be kept dry until it is reapplied to the disturbed areas, as exposure to moisture will cause seeds to germinate and render the topsoil useless for reestablishment. Prior to ground disturbance spiked western rosinweed seed should be collected, this seed should be bulked by a qualified California native seed producer for future reintroduction.**
- retain a qualified botanist to monitor during initial ground-disturbing activities within known occurrences of this species to ensure all required measures are being implemented, and
- retain a qualified botanist to conduct ~~periodic~~ surveys throughout the operational life of the project ~~(including the first year post-construction and approximately every five years on average thereafter, with the goal of targeting years with sufficient rainfall for successful germination of this species)~~. The intent of monitoring during operations is to confirm the re-establishment and continued occupancy of spiked western rosinweed within each recorded occurrence where temporal avoidance is implemented and to ensure no net loss of occurrences of this species. **The qualified botanist shall monitor populations of special status plant occurrences each year for the first five years post-construction to ensure no net loss of any special status plant occurrences. If monitoring shows a loss of occurrences or reduced population numbers at occurrences, active management to restore occurrences and/or increase population numbers shall be implemented. Seed should be collected from declining populations or from populations adjacent to extirpated occurrences, this seed will be bulked by a qualified native plant seed producer for reintroduction into the project site. Post reintroduction populations shall continue to be monitored annually for 5 years. If monitoring shows stable populations for 5 consecutive years post construction, or post reintroduction, monitoring shall occur every three years throughout the life of the project. If at any point monitoring shows a decline in population numbers or a loss of occurrences, seed collection, bulking, and reintroduction shall occur, followed by 5 years of annual monitoring, returning to monitoring every three years after monitoring shows stable populations for 5 consecutive years.**

- **offsite preservation of spiked western rosinweed at a 2:1 preservation to impact ratio of area of occupancy lost shall be implemented in addition to onsite restoration efforts**
- **financial assurances for the funding of mitigation efforts including associated seed collection, bulking, maintenance and monitoring.**

Incorporate specific grazing/mowing regimes and other relevant management measures consistent with the long-term preservation of ~~spiked western rosinweed~~ **special status plant** occurrences onsite **approved by a qualified botanist** into the Agricultural Management Plan (see Mitigation Measure AG-1 in Chapter 4, "Agricultural Resources"), such as mowing after seed set, incorporating compatible grazing prescriptions, and installing permanent ESA signage near spiked western rosinweed occurrences within/adjacent to the solar development area to alert Operations and Management staff of the ESA and any associated operational restrictions. **The qualified botanist conducting special status plant monitoring throughout the operational life of the project shall have the authority to implement adaptive management measures into the Agriculture Management Plan to insure the persistence and stability of special status plant occurrences on the project site.**

BR-2: Avoid, Minimize, and Mitigate for Impacts on Riparian Habitat and Other Sensitive Natural Communities. (page 6-88)

Implement Valley Needlegrass Grassland Protection Measures as follows:

A qualified biologist shall conduct a preconstruction survey in advance of ground disturbing activities and vegetation removal occurring in areas with potential for this sensitive community type, to map any occurrences of Valley needlegrass grassland within the solar development area. Surveys shall be conducted at an appropriate time of year for detection of purple needlegrass (Stipa [Nassella] pulchra) **following CDFW Protocols**.

If mapped occurrences of Valley Needlegrass Grassland are identified within the solar development area impact footprint and cannot be avoided, incorporate specific restoration and management prescriptions consistent with the long-term preservation of Valley Needlegrass Grassland occurrences on-site into the Agricultural Management Plan to be implemented as part of Mitigation Measure AG-1 (see Chapter 4, "Agricultural Resources"). This could include specific prescriptions such as plant or topsoil salvage for replacement after ground disturbing activities, incorporating **locally collected, or bulked from locally collected,** purple needlegrass (Stipa pulchra) and other associated species seed into the restoration seed mix in areas where Valley Needlegrass grassland have been impacted by the project, mowing after seed set of purple needlegrass, prohibiting ground-disturbing operational activities in these areas, restricting operational activities to "drive and crush." A monitoring and adaptive management approach shall also be identified for implementation throughout the operational life of the project (including **monitoring populations each year for the first five years post-construction to ensure no net loss of any Valley Needlegrass Grassland. If monitoring shows a loss of occurrences or reduced population numbers at occurrences, active management to restore occurrences and/or increase population numbers shall be implemented. Seed should be collected from declining populations or from populations adjacent to extirpated occurrences, this seed will be bulked by a qualified native plant seed producer for reintroduction into the project site. Post reintroduction populations shall continue to be monitored annually for 5 years. If monitoring shows stable populations for 5 consecutive years post construction, or post reintroduction,**

monitoring shall occur every three years throughout the life of the project. If at any point monitoring shows a decline in population numbers or a loss of occurrences, seed collection, bulking, and reintroduction shall occur, followed by 5 years of annual monitoring, returning to monitoring every three years after monitoring shows stable populations for 5 consecutive years. ~~the first year post-construction and every five years on average thereafter~~) to confirm re-establishment and continued occupancy of the solar development area by Valley Needlegrass Grassland throughout the operational li~~v~~**f**e of the project, at a performance standard of no net loss of mapped occurrences of this community type within the solar development area. **The project proponent shall provide financial assurances for the funding of mitigation efforts including associated seed collection, bulking, maintenance and monitoring.**

Implement Oak Woodland and Native Tree Mitigation, as follows: (page 6-89)

Implement Oak Woodland and Native Tree Mitigation, as follows: − The project applicant shall ~~mitigate for~~ **avoid all** impacts to oak woodlands (i.e., oak canopy loss), and for the loss of native oaks and other native trees species (i.e., native tree removal)~~ by implementing the following three mitigation components: 1) avoidance and minimization of native trees retained within and adjacent to the solar development area, 2) preservation of oak woodlands at a 1:1 preservation to impact ratio of native oak tree canopy area lost, and 3) in-kind establishment plantings of native trees at a 1:1 tree replacement ratio, as further detailed below, and as described in a Tree Resource Mitigation Plan developed by the project applicant and subject to approval by Sacramento County prior to issuance of a grading permit.~~

~~1) Avoidance and Minimization:~~

~~▪ Retain and protect native trees within the solar development area that would not conflict with construction or operational activities of the project, as determined by a qualified arborist upon review of final construction drawings in collaboration with the project applicant. Retained and protected trees could include those located within identified exclusion zones or in temporary work areas outside of the facility fenceline (e.g., along the gen-tie and within earthwork limits).~~

~~▪ Identify root protection zones (at a minimum inclusive of the tree dripline) for all native trees to be retained and protected within the solar development area. Root protection zones shall be clearly identified on final construction drawings. Temporary orange construction fencing or a similar protective barrier shall be installed one foot outside the root protection zones of retained native trees prior to initiating project construction. To the maximum extent feasible, soil disturbance (e.g., scraping, grading, trenching, excavation) is to be avoided within root protection zones. If work is necessary within identified root protection zones, a qualified arborist shall provide specifications for this work such as methods for root pruning, backfilling specifications, and irrigation management guidelines.~~

~~▪ For native trees identified to be retained and protected within the solar development area (see above), retain a qualified arborist who shall:~~

~~− Clearly designate an area within the solar development area that is outside the root protection zones of all trees where construction materials may be stored/stockpiled and where vehicle and equipment parking can take place. No materials storage/stockpiling or parking shall take place within the root protection zones of retained trees.~~

~~Establish specifications for care of the retained trees within the solar development area. Implement recommended tree care or oversee the implementation of tree care if conducted by a construction contractor, and develop and implement a tree inspection schedule to ensure tree health is being maintained throughout the construction period and for one year post construction. Tree care specifications may be adjusted by the qualified arborist as needed to~~

provide optimal tree health as a result of inspections. Potential tree care performance standards shall at minimum include:

• Prior to any grading or other work within 50 feet of any tree to be retained, a qualified arborist shall determine whether irrigation needs to be installed from April through September and/or placement of a 4- to 6-inch layer of chip mulch over the root protection zone of any trees is required to minimize potential for impact.

• All work to be performed inside the root protection zone shall have fencing (i.e., exclusion fencing) installed at the edge of construction in accordance with recommendations of a qualified arborist; the exclusion fencing shall be inspected by the qualified arborist prior to grading and/or grubbing to ensure it is functional; any fence deficiencies shall be corrected before associated work activities may begin.

• The qualified arborist shall supervise any recommended clearance pruning, irrigation, fertilization, and placement of mulch and/or chemical treatments. Chemical treatments shall not occur without authorization by the qualified arborist. • Trenching inside the root protection zone, if necessary, shall be by a hydraulic or air spade, placing pipes underneath the roots, or boring deeper trenches underneath the roots.

• Clearance pruning, if necessary, shall include removal of all the lower foliage that may interfere with equipment prior to having grading or other equipment on-site. A qualified arborist shall approve the extent of foliage removal in accordance with ANSI A300 standards and oversee the pruning to be performed by a contractor.

• Grading beneath trees to be retained shall be given special attention. A qualified arborist shall identify actions to avoid creating conditions adverse to any retained tree's health. The natural ground within the root protection zones of retained/protected trees shall remain undisturbed as determined by a qualified arborist to increase the likelihood of survival of the retained/protected trees. Grading within the root protection zones of native trees shall not be permitted unless specifically authorized by Sacramento County.

– No grade cuts greater than one foot shall occur within the root protection zones of native trees to be retained, and no grade cuts whatsoever shall occur within five feet of their trunks.

▪ Major roots two inches or greater in diameter encountered within any retained tree's root protection zone during excavation shall not be cut and shall be kept moist and covered with earth as soon as possible.

▪ Roots one inch to two inches in diameter encountered within any retained tree's root protection zone during excavation that are severed shall be trimmed and treated with pruning compound and covered with earth as soon as possible.

▪ Support roots encountered within any retained tree's root protection zone during excavation shall be protected. A qualified arborist shall be required to hand-dig in the vicinity of retained trees to prevent root cutting and mangling that may be caused by heavy equipment.

▪ All stumps within the root protection zone of trees to be retained shall be ground out using a stump router or left in place. No trunk within the root protection zone of retained trees shall be removed using a backhoe or other piece of grading equipment.

– No fill greater than one foot shall be placed within the root protection zones of native trees to be preserved and no fill whatsoever shall be placed within five feet of their trunks. Fill material shall not be placed in such a manner that encases the tree. Surface water drainage must be able to move away from the tree.

– No irrigation system shall be installed within the root protection zones of native tree(s) to be retained that may be detrimental to the preservation of the native tree(s) unless specifically authorized by Sacramento County.

2) Oak Preservation:

- Consistent with Sacramento County Policy CO-140, compensation for the unavoidable loss of native oak tree canopy area as a result of project construction shall be provided by the project applicant to achieve a performance standard of no net loss, defined as a minimum 1:1 preservation to impact ratio of native oak tree canopy area lost, through one or more of the following options. The removal of, and compensation for native oak tree canopy area shall be quantified in the Tree Resource Mitigation Plan, subject to Sacramento County review and approval:

  - On-site preservation of native oak tree canopy shall be considered as a first priority for fulfillment of this preservation mitigation requirement. For the purposes of this mitigation measure, "on-site" constitutes being within Adjacent Other Lands (Plate PD-2, Project Setting) of the project site, or immediately adjacent to the project site such that at least a portion of the boundary of the preservation area directly borders oak woodlands in the project site. On-site native oak tree canopy preservation shall preserve the main, central portions of consolidated and isolated groves constituting the existing canopy on-site, and provide an area on-site that compensates for canopy area lost. On-site preservation areas shall prioritize areas that provide connectivity between existing oak woodlands and forest and/or riparian habitat that may serve as potential wildlife movement corridors. The native oak canopy preservation area must be a single contiguous area on-site, adjacent to existing oak canopy to ensure opportunities for regeneration, and at least equal to the size of canopy area lost or else additional compensation as described below (i.e., off-site preservation, preservation bank credit purchase, or in-lieu fee to a tree preservation fund) shall be required to ensure no net loss.

  - If on-site mitigation does not achieve the no net loss performance standard, offsite preservation may be considered in entirety or in combination with on-site preservation. The off-site preservation area shall meet all the following criteria to preserve, enhance, and maintain a natural woodland habitat in perpetuity. Protected woodland habitat could be used as a suitable site for establishment tree plantings (see 3, Establishment, below), if appropriate and approved by Sacramento County.

    - Be equal or greater in area to the total area that is included within a radius of 30 feet of the root protection zone of all trees to be removed;
    - Be adjacent to a protected stream corridor or other preserved natural areas;
    - Support a significant number of native broadleaf trees;
    - Offer good potential for continued regeneration of an integrated woodland community • Be located within the boundaries of Sacramento County; and
    - Be within parcels immediately adjacent to and surrounding the project site parcels such that the boundary of the off-site preservation parcel(s) share a boundary, at least in part, with the project site parcel boundaries. If preservation of adjacent parcels is not feasible, then preservation shall be within mapped areas of Savannah and Blue Oak Woodland on the Habitat Component map of the Open Space Vision Diagram included in the Sacramento County General Plan.

  - A combination of on-site or off-site preservation, as described above.

  - Oak tree canopy area lost shall be calculated as the total collective area of contiguous canopy cover representing the downward projection of the crown or crowns of overlapping adjacent tree canopies (i.e., outer extent of leaves and small twigs) for all native oak trees to be removed according to the County-approved final project designs. Oak tree canopy area shall be calculated using a consistent method for determining canopy area impacts as for identifying a suitable mitigation area and may be calculated as described in the Arborist Report Coyote Creek Agrivoltaic Ranch Project, dated August 2023 (Dudek 2023). At the time of preparation of this environmental impact report, a total of 54.61 acres of native oak tree canopy area was estimated to be permanently lost and an equal amount would be required for preservation as described in this mitigation measure.

- If neither on-site nor off-site preservation is sufficient to achieve the no net loss performance standard, or if the full preservation mitigation requirement cannot be accomplished with on-site and off-site preservation alone, the project applicant shall fulfill any remaining preservation mitigation requirement through either:
  - a preservation bank credit purchase for an equivalent oak canopy area of blue oak woodland, or
  - a sum equivalent to the replacement cost for all unmitigated trees within the solar development area shall be paid by the project applicant as an "in-lieu fee" to the County's Tree Preservation Fund or another appropriate tree preservation fund (e.g., Sacramento Valley Conservancy). The total amount to be paid shall be based on the current cost per inch in DBH inch for all trees to be mitigated and shall be approved by Sacramento County.
- Any on- and/or off-site preservation lands used or acquired to fulfill this compensatory mitigation requirement shall include legal protections for protection into perpetuity (e.g., conservation easement, restrictive covenant, or other Sacramento County approved mechanism). In addition, the project applicant shall provide funding for (1) acquisition in fee title or any legal protections of the preservation lands, (2) initial habitat improvements (if needed), (3) long-term habitat maintenance and management of the preservation lands in perpetuity, and (4) preparation of a Preserve Management Plan that describes the preserved oak canopy resources on-site, responsible parties, management goals and objectives, management activities, and reporting requirements. The responsibilities for acquisition and management of the preservation lands may be delegated by written agreement to CDFW or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the County. Funding for on- and/or off-site preservation lands shall be estimated through preparation of a Property Analysis Record (PAR), or PAREquivalent Analysis, which is an itemized cost estimate of the initial and capital period costs and annual, ongoing costs of in-perpetuity land management.
- Preservation as described in this measure either through on-site or off-site means, a preservation bank credit purchase, in-lieu fee, or a combination thereof representing the full mitigation requirement as identified in this mitigation measure shall be completed within 24 months from the start of project-related tree removal activities; any extension must be approved by Sacramento County. If preservation is not completed prior to the start of tree removal activities, the project applicant shall provide financial assurances to guarantee that an adequate level of funding is available to implement the acquisition, initial improvements (if needed), and long-term maintenance and management of preservation lands and/or to cover any additional mitigation options (e.g., bank credit purchase, in-lieu fees). Financial assurance shall be provided to Sacramento County prior to the issuance of a grading permit and can be provided in the form of irrevocable letter of credit, bond, a pledged savings account, or another form of security as approved by the County. The total amount of financial assurances shall be determined by an updated appraisal and PAR or PAR-Equivalent Analysis as described above.

3) Additional Establishment and Enhancement:

- In addition to the first two steps of this three-part mitigation measure described above, the effects of the removal of oak trees shall be further mitigated and compensated for by the project applicant through establishment and enhancement of oak trees and native trees other than oaks.
- In consideration of the Sacramento County General Plan Policies CO-139 and CO140, compensation for the loss of native oak trees, and native trees other than oaks, that are greater than 6 inches DBH shall be provided by the project applicant through in-kind establishment plantings of native tree species with a minimum performance standard of

a 1:1 tree replacement ratio of surviving trees4 at 7 years after replacement (i.e., planting) to those removed/lost. The removal of, and compensation for native trees shall be quantified in the Tree Resource Mitigation Plan, subject to Sacramento County review and approval.

▪ The establishment planting area shall be described in the Tree Resource Mitigation Plan, including rationale demonstrating the value of the establishment planting area to oak woodlands conservation in Sacramento County and the region (e.g., wildlife movement corridor) and the characteristics that make the planting area well suited for successful establishment. The establishment planting area shall, at minimum, meet the following listed criteria:

– be suitable for tree planting – in particular for native tree and oak species targeted for mitigation (consistent with Sacramento General Plan Policy CO133),

– be large enough to accommodate the planned establishment plantings,

– be located within the boundaries of Sacramento County,

– be within parcels immediately adjacent to, and surrounding project site parcels such that the boundary of the off-site preservation parcel(s) share a boundary, at least in part, with the project site parcel boundaries. If preservation of adjacent parcels is not feasible, then preservation shall be within mapped areas of Savannah and Blue Oak Woodland on the Habitat Component map of the Open Space Vision Diagram included in the Sacramento County General Plan or in areas which support the appropriate soil characteristics to support oak woodland growth and regeneration, and

– Mitigation tree plantings within the establishment planting area shall not:

• conflict with current or planned land uses,

• require removal of existing natural habitats to accommodate establishment plantings (although removal of dead trees to facilitate plantings that serve to promote stand recruitment may occur),

• create unnatural canopy closure that would reduce wildlife value or contribute to increased fire hazard.

• Establishment plantings shall be accomplished by any of the following approaches, or a combination thereof, and to be detailed in a Sacramento County-approved Tree Resource Mitigation Plan.

– Stand infill plantings within on-site or off-site preservation areas serving as compensation for oak tree canopy area lost (see #1, Preservation, above). This could include actions such as replacing dead/dying trees or providing additional understory recruitment at natural densities in an otherwise healthy stand.

– Restoration focused plantings on new lands acquired in fee title or for which an easement is obtained that historically supported but current lack presence of trees/woodland habitat in all or some areas that would be targeted for large-scale establishment plantings.

– Funding one or more tree planting projects in partnership with a local conservancy or existing preserve that would at minimum meet the required establishment performance standard. An example includes providing mitigation funding for blue oak woodland regeneration projects in Deer Creek Hills Preserve as identified in the Deer Creek Hills Preserve Master Plan.

– Any combination of above.

• Establishment plantings shall be accomplished through one or more of the following methods, to be detailed in the Tree Resource Mitigation Plan:

1) for oak trees, acorn plantings, shall be completed by collecting acorns from on-site or nearby locations off-site (i.e., local sources) in accordance with published guidance specific to blue oak acorn regeneration (McCreary 2001),

2) for native trees, container tree plantings may be used for establishment plantings.

- This mitigation measure does not preclude over-planting such that the minimum performance standard (see above) shall be accomplished at the end of the 7-year maintenance and monitoring period.
- Establishment planting plans shall be developed by a qualified oak restoration specialist and detailed in the Tree Resource Mitigation Plan to be reviewed and approved by Sacramento County. Establishment planting plans shall address, at minimum, the following:
- project-related impact on native tree resources, including oak trees and riparian trees. - establishment planting goals and performance standards (i.e., success criteria), including interim performance targets for evaluating progress towards success criteria.
- suitability of the site for proposed tree plantings demonstrated with soil information, aerial photography, and/or other resources.
- for native oak tree plantings, provide information on acorn collection, storage, planting methods, and planting schedule; for native tree plantings, other than for oak trees, provide information on tree container sizes targeted for planting, planting methods, and planting schedule
- planting densities per species based on plant material type (e.g., acorn, size of tree container), accepted practice, current research, site-specific conditions, establishment goals, performance standards, and the recommendations of a qualified arborist.
- consistency with accepted native tree planting standards, including those for oak trees outlined in Regenerating Rangeland Oaks in California (McCreary 2009), How to Grow California Oaks (McCreary 1995), How to Collect, Store and Plant Acorns (McCreary undated), and other applicable publications and protocols that may be established by the University of California, Division of Agriculture and Natural Resources.
- maintenance (e.g., weed control/pest management, fertilization, tree/seedling protection, or other best management practices, etc.), monitoring, and reporting requirements and schedules to ensure performance targets are being met throughout the 7-year establishment period, calculated from the day of planting. At minimum, performance monitoring and reporting shall be required annually for 3 years postplanting and at the end of years 5 and 7.
- contingencies (i.e., adaptive management) if interim performance targets or success criteria at the end of the 7-year monitoring term are not met, such as additional or replacement plantings or payment of an "in lieu" fee similar to that described under 2-Preservation, above, based on the current cost per DBH inch5 set by the County that remains unmitigated by the end of the 7-year monitoring term.
- Any on- and/or off-site mitigation lands used or acquired to fulfill this establishment mitigation requirement shall include legal protections for protection in perpetuity, including restrictions on land use (if necessary) to ensure compatibility with long term goals for tree establishment (e.g., conservation easement, restrictive covenant, or other Sacramento County-approved mechanism). In addition, the project applicant shall provide funding for 1) acquisition in fee title or any legal protections of mitigation lands, 2) establishment plantings necessary to meet performance standards, 3) long-term habitat maintenance and management of mitigation lands in perpetuity, and 4) preparation of a Preserve Management Plan that describes the mitigated tree resources established on-site, responsible parties, management goals and objectives, management activities, and reporting requirements. The responsibilities for acquisition and management of the mitigation lands may be delegated by written agreement to CDFW or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the County. Funding for mitigation lands shall be estimated through preparation of a PAR, or PAR-Equivalent Analysis, which is an

~~itemized cost estimate of the initial and capital period costs and annual, ongoing costs of in-perpetuity land management.~~

~~• Establishment planting representing the full mitigation requirement as identified in this above mitigation measure shall be completed within 24 months from the start of projectrelated tree removal activities; any extension must be approved by Sacramento County. If establishment planting is not completed prior to the start of tree removal activities, the project applicant shall provide financial assurances to guarantee that an adequate level of funding is available to implement the acquisition, establishment plantings, and longterm maintenance and management of mitigation lands and/or to cover any additional mitigation options (e.g., contingency plantings, in lieu fees). Financial assurance shall be provided to Sacramento County prior to the start of tree removal activities and can be provided in the form of irrevocable letter of credit, bond, a pledged savings account, or another form of security as approved by the County. The total amount of financial assurances shall be determined by an updated appraisal and PAR or PAR-Equivalent Analysis as described above~~.

ATTACHMENT C.

Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report –

Luhdorff and Scalmanini Consulting Engineers, April 2025

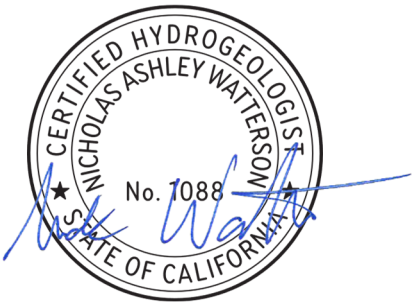
Luhdorff & Scalmanini
Consulting Engineers

TECHNICAL MEMORANDUM

DATE: April 25, 2025 Project No. 25-1-004

TO: Pamela Flick, California Program Director
Defenders of Wildlife

FROM: Nick Watterson, PG, CHG, Principal Hydrogeologist
Jessica Martinez Aguilar, Staff Hydrogeologist
Vicki Kretsinger Grabert, Senior Principal Hydrologist
Luhdorff and Scalmanini, Consulting Engineers



SUBJECT: Technical Review of Hydrology Considerations in the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report

EXECUTIVE SUMMARY

The Coyote Creek Agrivoltaic Ranch Project (Project) is a proposed photovoltaic solar energy producing facility to be located on a 2,704-acre site in an unincorporated area of Sacramento County. Luhdorff and Scalmanini, Consulting Engineers (LSCE) reviewed the assessment of hydrologic conditions and potential impacts presented in the Draft Environmental Impact Report (DEIR) for the Project in conjunction with additional publicly available information on water resources in the vicinity of the Project and prepared this summary technical memorandum.

Multiple natural surface watercourses and potential groundwater dependent ecosystems (GDEs) exist on or in the vicinity of the Project site and the site overlaps the South American Groundwater Subbasin (Subbasin), a high-priority subbasin regulated under the Sustainable Groundwater Management Act. Groundwater contamination plumes exist within and in the vicinity of the Project site. Several nearby wells monitored for the South American Subbasin Groundwater Sustainability Plan (GSP) exhibit declining groundwater levels and are below or only slightly above the minimum thresholds used to define sustainable conditions in the Subbasin. LSCE's review of the DEIR finds that it does not sufficiently evaluate or address a number of key potential impacts from the Project on water resources as described below.

- The DEIR does not sufficiently characterize groundwater quality conditions within the Project site and does not sufficiently evaluate the potential for groundwater pumping proposed for the Project to exacerbate or induce migration of groundwater contamination plumes within and in the vicinity of the Project site.

- The DEIR does not sufficiently characterize surface water quality conditions and does not sufficiently evaluate potential for the Project to impact surface water quality through on-site runoff of contaminants and altering of drainage and runoff processes.
- The DEIR does not sufficiently evaluate the potential for groundwater pumping proposed for the Project to impact groundwater levels in the Project vicinity in relation to the sustainability of groundwater in the Subbasin, as defined in the Subbasin GSP.
- The DEIR does not sufficiently characterize GDEs in the Project vicinity and does not sufficiently evaluate the potential for groundwater pumping proposed for the Project to impact GDEs in the Project vicinity.
- The DEIR does not sufficiently characterize interconnected surface water (ISW) conditions in the Project vicinity and does not sufficiently evaluate the potential for groundwater pumping proposed for the Project to impact ISW in the Project vicinity.
- The DEIR does not sufficiently evaluate potential impacts on groundwater conditions from land grading, blasting, and excavation activities associated with the Project.
- The DEIR does not sufficiently evaluate potential impacts of increased impermeable surfaces related to photovoltaic panel surfaces proposed as part of the Project on stormwater drainage and groundwater recharge processes.

INTRODUCTION

Luhdorff and Scalmanini Consulting Engineers (LSCE) has prepared this technical memorandum (TM) for the Defenders of Wildlife summarizing LSCE's technical review of hydrology considerations presented in the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Project) (County of Sacramento, 2025). The DEIR was released on March 5, 2025 and the public was provided an opportunity to review and provide comments on the DEIR by May 5, 2025. This technical review was conducted to assess information on water resource conditions in the vicinity of the Project, consider potential impacts from the proposed Project on water resources in the area, and review and comment on the adequacy of the DEIR in addressing hydrologic considerations. LSCE's technical review involved evaluation of existing hydrologic and geologic data presented in the DEIR in conjunction with review of supplemental data sources.

PROJECT DESCRIPTION & BACKGROUND

Sacramento Valley Energy Center, LLC proposes to construct, operate, and decommission the Coyote Creek Agrivoltaic Range Project (Project), a 200-megawatt (MW) photovoltaic solar energy generating facility on a 2,704-acre site. According to the DEIR and supporting documents, the Project also includes a 4-hour/100 MW battery energy storage system, an on-site substation, inverters, solar array, fencing, roads, supervisory control, data acquisition system, generation tie line, and switchyard.

The Project is located in unincorporated Sacramento County east of the City of Rancho Cordova and south of the City of Folsom, near the Prairie City State Vehicle Recreation Area (SVRA). As noted in the DEIR, the topography across most of the Project site is characterized as rolling hills. The Project site is largely

characterized by grazing land (USDA, 2025) with mostly grass and pasture and some areas of shrubland (DOC, 2025).

Key natural surface watercourses in the vicinity of the Project include Carson Creek, Coyote Creek, and Little Deer Creek, all of which eventually flow into Deer Creek. The Project is partly within the South American Groundwater Subbasin, which is designated as a high priority basin by the Department of Water Resources (DWR) and has an approved Groundwater Sustainability Plan (GSP) in accordance with requirements of the Sustainable Groundwater Management Act (SGMA). Groundwater at the site occurs within the South American Subbasin, which is delineated by the extent of relatively younger Cenozoic-aged geologic units present in the western and northern portions of the Project, and also outside the Subbasin in older Mesozoic bedrock. The geologic units within the South American Subbasin tend to yield groundwater more readily than the bedrock geologic units outside of the Subbasin, where groundwater occurrence and movement are more limited because of the generally lower conductivity of these more consolidated materials.

As stated in the DEIR, the Project site is in the vicinity of widespread known groundwater contamination plumes associated with operations related to Aerojet Rocketdyne Holdings Inc. (Aerojet), Mather Air Force Base, and McDonnell Douglas. Aerojet and its associated facilities were added to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) list of remediation sites in 1982 as a result of discharge, leakage, and spillage of contaminants into the soil and groundwater. The Aerojet Superfund site encompasses 5,900 acres of land, although the area of contaminated groundwater associated with the site includes at least 27 square miles, more than 17,000 acres (USEPA, 2025). Groundwater contaminants associated with these plumes include trichloroethene (TCE), tetrachloroethene (PCE), freon, chloroform, ammonium perchlorate, hydrazine and kerosene. The many groundwater contamination plumes and source areas in the Project vicinity are in various stages of remediation with numerous monitoring and extraction wells associated with the monitoring and remediation efforts related to the groundwater contamination plumes. The Project site overlaps the mapped extent of groundwater contamination plumes in the area.

WATER RESOURCES IN THE PROJECT VICINITY

LSCE's technical review included compiling and reviewing available hydraulic information for the Project vicinity to support evaluation of the completeness and accuracy of information and analyses presented in the DEIR. Data collected and evaluated for this review include but are not limited to data and information from the South American Subbasin Groundwater Sustainability Plan (GSP) and South American Subbasin GSP annual reports, DWR SGMA Data Viewer, State Water Resources Control Board (SWRCB) Groundwater Ambient Monitoring and Assessment Program (GAMA) Groundwater Information System, SWRCB GeoTracker, and DWR Water Data Library (WDL).

Groundwater Levels

Groundwater Level Trends

Review of publicly available groundwater level data suggest that long-term trends of declining groundwater levels exist in the area. The Project site straddles the boundary of the South American

Subbasin with approximately half of the site within the Subbasin and the other half outside of the Subbasin to the east and outside of any DWR-designated groundwater basin. The extent of the South American Subbasin is defined by DWR based on surficial mapping of the presence of unconsolidated geologic materials with higher water storing and yielding characteristics; more consolidated geologic units with lower water storing and yielding characteristics occur outside of the Subbasin on the eastern side.

The Groundwater Sustainability Agencies (GSAs) in the South American Subbasin developed a GSP in 2022 to guide sustainable groundwater management in the Subbasin. The Sustainability Goal for the Subbasin as stated in the GSP is "to protect and ensure the long-term viability of groundwater resources for domestic, urban, agricultural, and environmental beneficial users of groundwater." The GSP estimates a Sustainable Yield for the Subbasin or an estimate of the amount of groundwater that can be extracted annually on average without causing significant and unreasonable impacts to beneficial users of groundwater, also referred to as Undesirable Results. The South American Subbasin includes an area of about 250,000 acres with varying hydrogeologic, water source, and land use conditions. Although the GSP includes an estimate of Sustainable Yield for the entire Subbasin, the measure of sustainability of the Subbasin is ultimately based on avoiding Undesirable Results defined in the GSP. Because of the inherent variability of characteristics across the Subbasin, the amount of groundwater that can be extracted without causing Undesirable Results is likely to vary by location within the Subbasin.

Groundwater levels are one of the Sustainability Indicators in the GSP. The South American Subbasin GSP defines a network of Representative Monitoring Sites (RMS) for the purpose of defining sustainable groundwater management in the Subbasin. Each RMS has associated Minimum Thresholds (MTs) defined in the GSP; these MTs correspond with groundwater levels that should be maintained to avoid Undesirable Results and maintain groundwater sustainability. RMS also have Measurable Objectives (MOs) that represent the long-term target level for groundwater management. Data for the two RMS wells in the vicinity of the Project with long data records suggest long-term declines in groundwater levels have been occurring in this part of the Subbasin. **Figure 1** illustrates groundwater level trends since 1960 at two South American Subbasin RMS wells: 09N07E36F001M (RMP_41; 385923N1211621W001), located within the northwestern part of the Project site, and 08N07E02N001M (RMP_36; 385707N1211868W001), located a short distance west of the Project site.

Well 09N07E36F001M located within the Project site is reported to be 285 feet deep and exhibits a substantial decline in groundwater levels since 1980. Since 1980 the groundwater levels in the well have declined by approximately 68 feet with a decline of about 44 feet since 2000. On average the rates of groundwater level decline in the well have been about 1.5 feet per year since 1980 and about 1.8 feet per year since 2000. Recent data indicate water levels are about 10 feet above the MT defined for the well, although these levels are still more than 20 feet below the target MO.

Well 08N07E02N001M located west of the Project site is somewhat deeper with a total well depth of 675 feet, although the well screens extend from 180 feet to 675 feet below ground surface (bgs). Groundwater level data for this well go back to 1960 and indicate a decline of about 60 feet in groundwater levels since 1960 at the site; since 2000 groundwater levels have declined approximately 34 feet. These total declines correspond with rates of groundwater level declines at the site of about 0.9 feet per year since 1960 and 1.4 feet per year since 2000. Recent water levels at the site are less than a foot (~0.25 ft) above the MT and about 7 feet below the MO.

Another RMS well (RMP_39; 385889N1212051W001) located a little farther west with a shorter period of record, indicates groundwater levels have been below the MT since 2022 when the monitoring of the well started. Recent water levels measured in the well are about 9 feet below the MO. This RMS well is somewhat shallower (screened 79-102 feet bgs) than the two RMS wells located closer to the Project site.

No public data are readily available relating to long-term groundwater level trends in wells located outside the South American Subbasin in the vicinity of the Project.

Groundwater Depth

Review of groundwater level data for South American Subbasin GSP RMS wells and other wells in the vicinity of the Project site, in addition to groundwater level data presented in the DEIR, suggest substantial differences in groundwater levels exist at different depths in the vicinity of the Project. The two RMS wells (with well depths of 285 and 675 feet) reflect recent groundwater depths of around 200 feet bgs. Data presented in the DEIR for much shallower wells and boreholes within and around the Project site suggest groundwater depths of less than 40 feet, with depths to groundwater of less than 15 feet in a number of these wells and boreholes on and around the Project site. Furthermore, a spring was noted on the Project site in the DEIR suggesting the presence of very shallow groundwater conditions. **Figure 2** shows depth to groundwater information compiled for the two RMS wells in the vicinity of the Project and for various wells and other boreholes on or around the Project site as presented in the DEIR. The location of the spring on the Project site is also presented in **Figure 2**.

Groundwater Dependent Ecosystems

Groundwater Dependent Ecosystems (GDEs) are a beneficial user of groundwater and commonly exist in areas where groundwater is relatively shallow and less than the rooting depth of plant communities. Because of the shallow depth to groundwater noted in a variety of wells on and around the Project site, there is potential for GDEs to exist in the vicinity of the Project. As part of the development of the South American Subbasin GSP, an effort was made to map potential and likely GDEs across the entire Subbasin by evaluating the depth to groundwater in mapped areas of different ecosystem communities. In that GDE assessment it was assumed that GDEs do not exist in areas where depth to groundwater is in excess of 30 feet because this exceeds the maximum rooting depth of plant communities in the area. The GSP did not identify any potential or likely GDEs in the vicinity of the Project; however, it is likely that the groundwater level data used to evaluate the potential occurrence of GDEs in the GSP did not include information from the boreholes and variety of other shallow wells on the Project site which suggest depths to groundwater of less than 30 feet.

Figures 3 and 4 present maps of potential GDEs in the vicinity of the Project site based on data published by The Nature Conservancy (TNC). **Figure 3** shows the locations of potential GDEs from the Natural Communities Commonly Associated with Groundwater dataset (NCCAG) (TNC, 2025a) developed by TNC with the intent to be used as a starting point for the evaluation of potential GDEs in areas across the State of California. **Figure 4** presents data from the Global Groundwater Dependent Ecosystems Map developed by TNC and the Desert Research Institute (DRI)(TNC and DRI, 2024) and the results from a machine learning approach to evaluate potential GDEs based on consideration of satellite data on a variety of characteristics relevant to identification of GDEs including vegetation and water indices, temperature, climate, and topography. The machine learning approach used in developing the Global GDE Map

incorporates analysis of indicators of vegetation health and stress over time to help evaluate potential access to groundwater during dry periods. Although the results from the regional analysis of GDEs conducted for the GSP did not identify potential GDEs in the vicinity of the Project, the combination of data presented in **Figures 3 and 4**, especially when considered in combination with the shallow groundwater data noted above, suggest the potential for GDEs to exist in the vicinity of the Project.

Interconnected Surface Water

Interconnected surface water (ISW) is surface water that is directly hydraulicly connected to groundwater. Interconnected surface water conditions can occur where groundwater is shallow and in direct hydraulic communication with a surface water body. Depletion of interconnected surface water by groundwater pumping is a key Sustainability Indicator included in the South American Subbasin GSP. Depletion of interconnected surface water by groundwater pumping can occur when the lowering of groundwater levels from pumping causes a reduction in surface water flow, either by causing increased surface water seepage into the ground or by causing decreased groundwater discharge to surface water. Although the GSP did not identify interconnected surface water in the vicinity of the Project site, as noted in the sections above on depth to water and GDE conditions, the analysis of interconnected surface water in the GSP was likely limited by the lack of publicly available data on groundwater level conditions in this part of the Subbasin. The presence of several surface watercourses near and within the Project site in conjunction with the shallow groundwater conditions noted in some wells and boreholes at and around the Project site suggest some potential for the occurrence of interconnected surface water in the vicinity.

Groundwater Quality

Extensive groundwater contamination is known to exist in the vicinity of the Project site, including widespread known groundwater contamination plumes associated with operations related to Aerojet, Mather Air Force Base, and McDonnell Douglas. The extent of groundwater contamination related to the Aerojet Superfund site includes at least 27 square miles, more than 17,000 acres (USEPA, 2025) and historical monitoring of this contamination has shown it to extend within areas of the Project site. Many groundwater contaminants are associated with these plumes, including trichloroethene (TCE), tetrachloroethene (PCE), freon, chloroform, ammonium perchlorate, hydrazine and kerosene. The many groundwater contamination plumes and source areas in the Project vicinity are in various stages of remediation with numerous monitoring and extraction wells associated with the monitoring and remediation efforts related to the groundwater contamination plumes. Groundwater contamination monitoring wells and remediation extraction wells exist on and near the Project site and one spring on the Project site has reportedly been equipped to treat groundwater as part of the ongoing groundwater contamination remediation efforts.

Figure 5 presents the mapped extent of various groundwater contamination plumes in the vicinity of the Project based on publicly available data related to the ongoing contamination monitoring and remediation efforts. No additional water quality sampling data for wells on the Project site were included in the DEIR; however, the numerous wells and boreholes (and one spring) on and around the Project site are in close proximity to the mapped extent of groundwater contamination. Recent and historical information on groundwater quality observed in these additional wells and boreholes on the Project site would be helpful in confirming that the full extent of groundwater contamination (including at various depths) is captured

in the publicly available mapping data. Although the prevailing direction of groundwater flow in the general area appears to be from northeast to southwest, which would likely mean the primary direction of movement of contaminated groundwater would not be towards the main area of the Project site, groundwater flow gradients can vary at different depths and can also be influenced by local and regional groundwater pumping activities. As a result, there is potential for further migration of groundwater contamination plumes onto or towards the Project site and this potential would be increased by any groundwater pumping activities occurring on the Project site or in other locations that would induce migration of groundwater contamination towards or onto the Project site.

REVIEW OF HYDROLOGIC ASPECTS OF THE DEIR

Based on LSCE's review of the hydrologic aspects of the DEIR and considering available data on water resources in the vicinity of the Project site and hydrologic analyses presented in the DEIR, LSCE notes deficiencies in the DEIR described below.

Chapter 9: Hazards and Hazardous Materials

Impact HAZ-2: Hazards from Development on a Site Listed in California Government Code Section 65962.5 (Cortese List)

Comment:

- Potentially significant impacts relating to groundwater pumping impacts on groundwater contamination plumes within and near the Project site are acknowledged in the DEIR; however, the likely effectiveness of Mitigation Measure HAZ-2a to mitigate exacerbating or inducing migration of contamination plumes is not evaluated. No supplemental groundwater quality monitoring or plan for monitoring of groundwater quality in wells, boreholes, or springs on the Project site is included to evaluate groundwater quality conditions across the site and to ensure the effectiveness of Mitigation Measure HAZ-2a in avoiding alteration or exacerbation of migration of contamination plumes. No analysis is presented in the DEIR evaluating the potential for groundwater extraction proposed for the Project to alter or exacerbate the extent or rate of migration of groundwater contamination plumes in the vicinity of the Project site.

Discussion:

The Water Supply Assessment completed for the Project notes the presence of groundwater contamination plumes under parts of the Project area and the potential for groundwater pumping in areas to impact the migration of these plumes: "Raw water pumped from this location is likely to require expensive treatment and could result in migration of pre-existing contaminant plumes, and thus is not considered as a source of groundwater…" (Appendix HY-1; Dudek, 2024a, Page 18). The DEIR includes Mitigation Measure HAZ-2a involving limiting Project groundwater pumping to locations greater than 2,000 feet from the known extents of contamination plumes. Site-specific consideration of the sufficiency of a setback of 2,000 feet from the known extents of contamination plumes (based only on required Consultation Zone for well permitting as defined in County Code Section 6.28 G) is not sufficiently

evaluated. The DEIR presents rationale for why the existing contamination plumes are unlikely to impact the quality of groundwater produced by the Project, but the DEIR does not provide supporting rationale related to how or if groundwater pumping for the Project might impact the rate and direction of migration of contamination plumes. No information on recent results from groundwater quality analysis of existing wells or boreholes on the property was presented to ensure the boundaries of the groundwater contamination plumes defined by others is accurate (see **Figure 5**).

Chapter 10: Hydrology and Water Quality

Impact HYD-1: Violate Water Quality Standards or Substantially Degrade Surface Water or Groundwater Quality

Comment:

- The DEIR does not include sufficient characterization and analysis of groundwater quality on the Project site and evaluation of potential impacts of groundwater extractions for long-term Project operation on groundwater contamination plumes existing beneath and adjacent to the Project site. This comment also relates to Impact HAZ-2 discussed above.
- The DEIR does not include sufficient characterization of surface water quality and potential for contaminants to discharge to on-site watercourses. The DEIR claims site design as a mitigation measure, as well as a Level 4 Drainage Study to be prepared, but the DEIR fails to provide metrics for assessing the adequacy of this study and site design. No expected timing for completion of this study, nor the process for ensuring the adequacy of the study and any associated modifications to the Project design to sufficiently mitigate water quality impacts from the Project, are provided.

Discussion:

Site-specific consideration of appropriateness of 2,000 feet setback from known extents of contamination plumes (based only on required Consultation Zone for well permitting as defined in County Code Section 6.28 G) is not sufficiently analyzed and evaluated. No information on recent groundwater quality analysis of existing wells/boreholes on the property was presented to ensure the boundaries of the groundwater contamination plumes defined by others are accurate.

Impact HYD-2: Impede Sustainable Groundwater Management of the Basin by Substantially Decreasing Groundwater Supplies or Interfering with Groundwater Recharge

Comment:

- The DEIR references an inappropriate interpretation and application of the South American Subbasin-wide (regional) sustainable yield estimate as rationale for the volume of groundwater that can be extracted locally without causing impacts. Minimal analysis of potential local impacts from groundwater extraction for the Project is provided. No analysis is provided on

potential long-term impacts from groundwater extraction for the Project, including how potential impacts relate to the Sustainable Management Criteria defined in the South American Subbasin GSP.

- The DEIR does not sufficiently characterize Groundwater Dependent Ecosystems (GDEs) in the Project area, including thorough documentation of the limitations of analyses used to identify potential GDEs in the South American Subbasin GSP, which is the only referenced source of GDE information used in the DEIR; data reviewed by LSCE suggest GDEs may exist in the area that were not acknowledged in the DEIR. Analysis of GDEs for the GSP were conducted at a regional scale with more limited groundwater level data and likely do not accurately reflect site-specific conditions at or near the Project.
- The DEIR notes the potential for significant impacts from extraction of groundwater for the Project and notes that a groundwater study should be performed to further evaluate impacts; however, the study is described as only meant to address potential impacts to nearby wells and only if groundwater is planned to be used for meeting water demands during construction and decommissioning. No robust evaluation of potential impacts related to groundwater extraction needed to meet the ongoing Project operations was included in the DEIR. Further, the analysis of potential impacts from groundwater use for the Project (for construction, decommissioning, and ongoing operation) must evaluate potential impacts on GDEs, nearby contamination plumes, and groundwater sustainability. The metrics that will be used to evaluate the results from the groundwater study are not described.
- The potential for land grading and excavation activities to affect shallow groundwater or springs at the Project site are not discussed or evaluated in the DEIR. Information presented in the DEIR indicate the presence of at least one spring and very shallow groundwater conditions (<15 feet below ground surface) in parts of the Project site. The DEIR does not discuss whether land grading, blasting, and excavation activities have the potential to intersect shallow groundwater and cause the discharge of groundwater at the land surface, an occurrence that could have potential impacts on springs, groundwater levels, and/or depletion of groundwater resources. Potential impacts from the Project on groundwater recharge are not sufficiently characterized or evaluated in the DEIR. This includes assessment and quantification of anticipated cumulative impacts (including for typical storms and wet seasons) on groundwater recharge from the Project resulting from alterations to stormwater runoff processes. Although the Project may include more limited construction of impermeable surfaces on the ground, these impermeable surfaces in conjunction with the construction of solar panels over the ground and land surface grading are likely to concentrate precipitation at panel driplines and otherwise result in increased stormwater runoff or erosion, thereby reducing water infiltration and groundwater recharge occurring on the site, impacts that should be sufficiently mitigated. The Level 3 Drainage Study completed for the Project estimates anticipated increases in stormwater runoff of 1 to 4 cubic feet per second for different subareas of the Project site during a 100-year storm event.

- Insufficient evaluation or discussion of potential effects from land grading on the flow regime in Carson Creek is provided in the DEIR. Minimal discussion of potential adverse impacts on streamflows in Carson Creek or other nearby watercourses (or potential mitigation measures) resulting from land grading (blasting and excavations) is presented in the DEIR, especially cutting to depths that intersect the groundwater table resulting in groundwater discharge at the surface and potential depletion of streamflow.
- The locations and potential impacts of proposed blasting operations in relation to existing nearby wells are not well described in the DEIR. Blasting in close proximity to existing wells could affect well integrity and function and appropriate mitigation measures should be included (if necessary) to ensure existing off-site production wells and on- and off-site extraction and monitoring wells being used to mitigate and monitor groundwater contamination at and near the Project site are not adversely impacted by blasting operations.

Discussion:

The DEIR references the sustainable yield of the South American Subbasin and an equal apportioning of the sustainable yield estimated in the Groundwater Sustainability Plan (GSP) for the Subbasin across the entire Subbasin (approximately 250,000 acres) as indicating the amount of planned groundwater pumping for the Project is sustainable. Sustainable yield estimates in the GSP are only for the entire Subbasin and should not be interpreted as representing local conditions at all areas across the Subbasin. Existing Representative Monitoring Sites (RMS) for the South American Subbasin GSP indicate chronically declining groundwater levels in the general vicinity of the Project over the period of data record, with greater rates of decline over the last 20 years (see **Figure 1**), suggesting that current groundwater extraction volumes occurring in the vicinity of the Project are already greater than what is being replenished. Furthermore, groundwater levels in three nearby RMS are very near to or below the Minimum Threshold used to define sustainability in the South American Subbasin GSP. The Project site is at the edge of the Subbasin where productive aquifer materials are very limited in lateral and vertical extent. The Water Supply Assessment completed for the Project acknowledges insufficient data to evaluate groundwater availability on the Project site: "There is insufficient data and information with which to evaluate the feasibility of obtaining all project water from on site or near-site groundwater sources. Additional testing and evaluation would be necessary to determine the feasibility of obtaining all water from on-site groundwater resources." (Appendix HY-1; Dudek, 2024a, Page 17).

Information presented in the Groundwater Resources Impact Analysis presented in the DEIR (Appendix HY-1, Dudek, 2024b) describes the presence of a spring on the Project site and groundwater level data from a variety of wells and boreholes indicating the presence of very shallow groundwater levels (<15 feet below ground surface) in areas within and around the Project site (see **Figure 2**), which may support GDEs. Other data sources reviewed by LSCE suggest the potential presence of GDEs at or near to the Project site (see **Figures 3 and 4**). The potential presence of GDEs in the vicinity of the Project site were not sufficiently evaluated or acknowledged in the DEIR, nor were potential for impacts to GDEs from groundwater extraction evaluated in the DEIR.

Although the current Project description suggests Project water demands during construction and decommissioning are currently planned to be met by off-site water sources, short-term impacts of higher

rates of pumping that would need to occur if those demands were to be met by on-site groundwater could substantially lower groundwater levels during the construction and decommissioning phases of the Project and have significant and longer-lasting impacts (e.g., mortality) on GDEs.

Water level data in a variety of wells/boreholes on the Project site in addition to one known spring indicate the presence of shallow groundwater conditions in areas of the Project site (see **Figure 2**). The depths to groundwater across many other parts of the site are not well characterized. The depth of excavations in relation to the depth to groundwater and the locations of any springs should be considered. If excavations were to intersect the shallow groundwater table, this could result in groundwater discharging to the land surface in these cut areas and depletion of the groundwater system. A Level 3 Drainage Study was conducted for the Project (but is currently not available for review with the DEIR) and notes some predicted increases in stormwater runoff (1 to 4 cubic feet per second [cfs] per subarea modeled for a 100-year storm). The cumulative impact (combined for all subareas of the Project site and total storm event or wet season period - details are not provided in DEIR) on stormwater runoff from the Project is not described or presented. It is notable that 1 to 4 cfs is equal to 2 to 8 acre-feet per day so cumulative increased volume of runoff could be substantial. If this additional stormwater runoff would have infiltrated and recharged groundwater under existing conditions, the Project could substantially reduce the volume of groundwater recharge occurring at the site.

The Water Supply Assessment (Dudek, 2024) completed for the Project states that Carson Creek is a seasonal creek that is confined to steep hills and some exposed bedrock and can have water year-round. Evaluation and discussion of potential effects from land grading on the flow regime in Carson Creek is not provided in the DEIR. No discussion of potential adverse impacts on flows in Carson Creek or other nearby watercourses (or potential mitigation measures) resulting from land grading (excavations), especially cutting to depths that intersect the groundwater table and may cause groundwater discharge at the surface, is presented in the DEIR.

While it may be unlikely that any blasting for the Project would result in any substantial changes to groundwater conditions or flow in the vicinity of the Project, blasting in close proximity to existing groundwater wells could cause damage to well structures or result in some changes in the productivity of wells. The locations of any blasting in relation to nearby wells, especially existing monitoring or extraction wells related to the monitoring and mitigation of the groundwater contamination plumes on and adjacent to the Project site, should be considered. The DEIR notes that steps would be taken to coordinate with Aerojet to ensure wells used for the monitoring and mitigation of existing Aerojet contamination plumes are not damaged, however, specifics of how this would occur and any Project design modifications that may be made to ensure this are not described.

Impact HYD-3: Substantially Alter Drainage Patterns or Add Impervious Surfaces That Would Result in Increased Erosion, Exceed Storm Drainage Systems, Substantially Degrade Water Quality, Result in Increased Flooding, or Impede or Redirect Flood Flows

Comment:

- As noted in the comments on Impact HYD-2, the DEIR does not sufficiently evaluate potential impacts related to stormwater runoff, including cumulative increases to stormwater runoff and associated effects on groundwater recharge. Mitigation measures, including but not limited to the Level 4 Drainage Study, must address and include specific site design measures to mitigate cumulative effects on stormwater runoff resulting from the Project and associated effects on groundwater recharge.
- The DEIR does not sufficiently evaluate how increased runoff resulting from the Project could lead to channel degradation (e.g., bank erosion, incision) in nearby watercourses, including impacts to sediment transport and channel erosional processes and related effects on GDEs. Protective measures for GDEs are of special concern and should be described, including explicit measures that would occur to control disturbed sediment and otherwise mitigate potential effects on GDEs such as those located in or along Carson Creek and other watercourses within and near the Project site.

Discussion:

The DEIR notes that the results of a Level 3 Drainage Study suggest that stormwater runoff conditions would increase by as much as 1 to 4 cubic feet per second during a 100-year storm for some areas of the Project site. The Level 3 Drainage Study did not include assessment of the impacts from the switchyard, which includes 8.25 acres of additional impermeable surface. Furthermore, the Level 3 Drainage Study was not included with the DEIR and the potential cumulative increase in stormwater runoff resulting from the Project is not described. The DEIR acknowledges the limitations of the Level 3 Drainage Study completed for the DEIR: “As discussed in impact HYD-3, a project-specific Level 3 Drainage Study was performed, but did not include the switchyard. Construction impacts to the alteration of drainage patterns or the addition of impervious surfaces that would result in increased erosion, exceed storm drainage systems, substantially degrade water quality, result in increased flooding, or impede or redirect flood flows for all project components would need to be included in a Level 4 Drainage Study. The study would be required to incorporate all project components, including the switchyard. Therefore, this impact would be potentially significant. Implementation of Mitigation Measure HYD-3 (Prepare a Project-specific Level 4 Drainage Study) would ensure the Level 4 study be prepared and approved prior to obtaining a construction permit. With this, the impact would be reduced to less than significant. " (DEIR, page 17). The Level 4 Drainage Study should be provided for public review prior to issuance of the construction permit and must address and include site design mitigation measures to mitigate cumulative impacts on stormwater runoff and associated potential impacts on groundwater recharge as also noted for Impact HYD-2.

The Water Supply Assessment (Dudek, 2024) completed for the Project notes evidence of channel degradation (downcutting and bank erosion) in the Coyote Creek watershed. The potential effects of increased stormwater runoff resulting from the Project to exacerbate channel degradation in nearby watercourses are not evaluated and discussed in the DEIR.

Impact HYD-4: Conflict with a Water Quality Control Plan or Sustainable Groundwater Management Plan

Comment:

- As noted in the comments on Impacts HYD-2 and HYD-3, the DEIR does not sufficiently evaluate potential impacts related to stormwater runoff, including cumulative increases to stormwater runoff and potential associated effects on reducing groundwater recharge which could impact the sustainability of the South American Subbasin as described in the GSP.
- As noted in comments on Impact HAZ-2, the DEIR does not include sufficient characterization and analysis of groundwater quality on the Project site and evaluation of potential impacts of groundwater extractions for long-term Project operation on groundwater contamination plumes existing beneath and adjacent to the Project site. Potential impacts on the extents and locations of groundwater contamination plumes could affect implementation of the South American Subbasin GSP.
- As noted in comments on HYD-2, the DEIR does not sufficiently characterize groundwater level conditions and GDEs at or near the Project site and also does not evaluate potential for groundwater extraction for the Project to impact GDEs or springs in the Project vicinity. Impacts on GDEs are an important consideration in determining sustainable groundwater levels in the South American Subbasin GSP and more robust consideration of the presence of GDEs and potential impacts on GDEs resulting from the Project should be conducted through site-specific investigation and analysis.
- The DEIR does not sufficiently characterize ISW resources in the vicinity of the Project nor does it evaluate potential for groundwater extraction associated with the Project to deplete surface water resources in the vicinity of the Project. Depletion of ISW is an important consideration in the South American Subbasin GSP and no discussion of ISW is included in the DEIR. Further depletion of surface water flows is an important public trust consideration.

Discussion:

Concerns related to the adequacy of the DEIR in evaluating potential impacts from the Project on stormwater runoff and groundwater recharge under Impacts HYD-2 and HYD-3, groundwater quality under Impact HAZ-2, and groundwater levels and GDEs under Impact HYD-2, are discussed above; however, these concerns also relate to Impact HYD-4 and potential conflicts with the GSP. Groundwater level data presented in the DEIR (see **Figure 2**) also indicate the presence of shallow groundwater conditions in the vicinity of the Project site and therefore potential for interconnectivity between groundwater and surface water resources that exist on or near the Project site. The DEIR should

incorporate and consider local groundwater level conditions (including shallow groundwater level data presented in the DEIR) in conducting a robust assessment of potential ISW resources in the vicinity of the Project and potential for the depletion of any surface water resources by groundwater pumping proposed for the Project. The DEIR indicates that boreholes proposed to be potentially used to supply groundwater for the Project have shallow groundwater levels and are in close proximity to Carson Creek (see **Figure 5**). Although the South American Subbasin GSP did not identify any likely ISWs near the Project site, the analysis of ISWs for the GSP was conducted at a regional scale with more limited groundwater level data and likely do not accurately reflect site-specific conditions at or near the Project.

CITED REFERENCES

County of Sacramento, 2025. Draft Environmental Impact Report, Coyote Creek Agrivoltaic Ranch Project, February 2025.

California Department of Conservation (DOC), 2025. Farmland Mapping and Monitoring Program Sacramento County Important Farmland 2020, https://maps.conservation.ca.gov/dlrp/ciftimeseries/.

Dudek, 2024a. Water Supply Assessment, Coyote Creek Agrivoltaic Ranch Environmentally Preferred Project Design, Sacramento, California. July 2024, Revised November 2024.

Dudek, 2024b. Groundwater Resource Impacts Analysis, Coyote Creek Agrivoltaic Ranch Environmentally Preferred Project Design, Sacramento, California. July 2024, Revised November 2024.

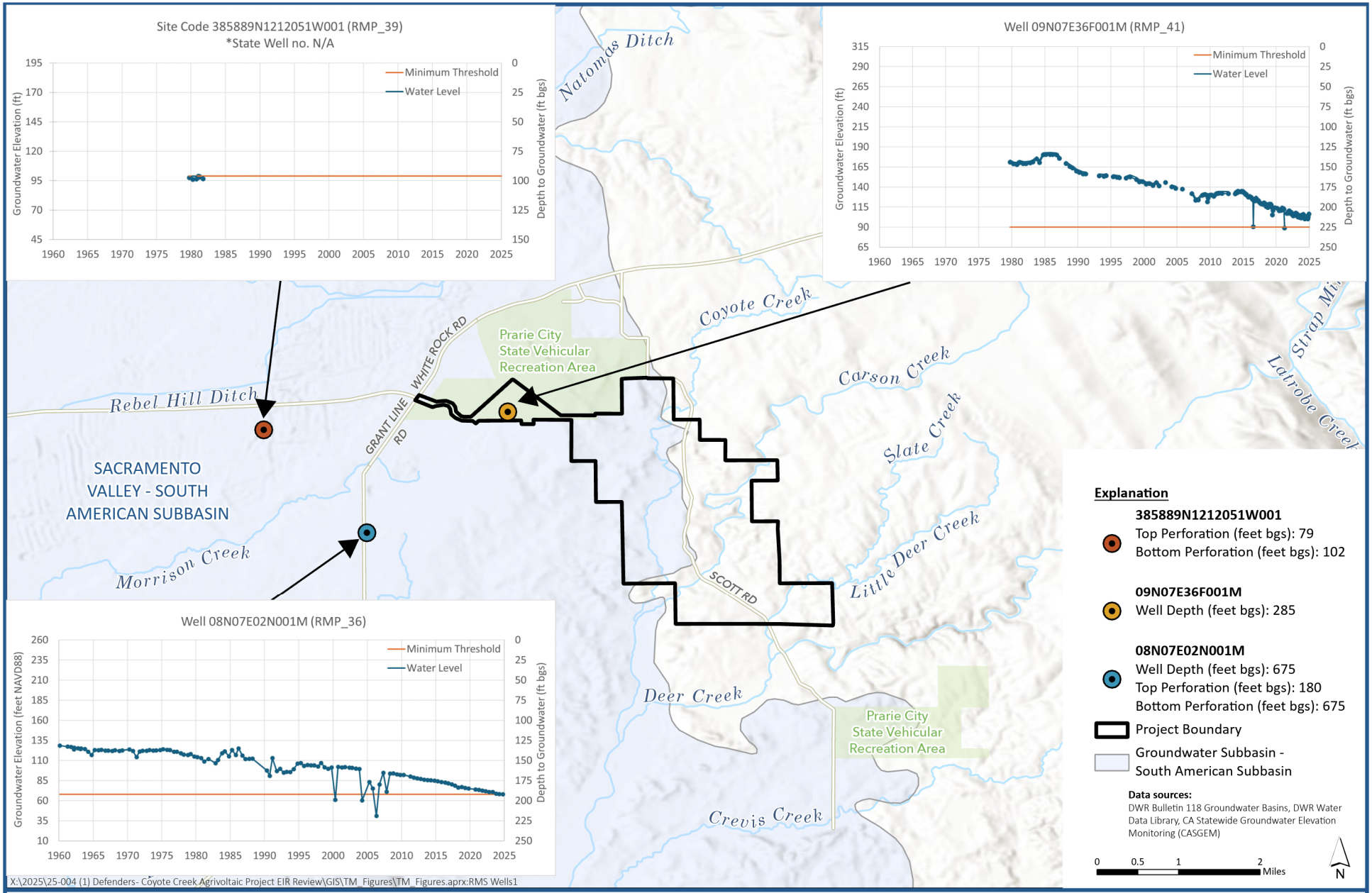
The Nature Conservancy (TNC), 2025. Natural Communities Commonly Associated with Groundwater Version 2.0. https://tnc.maps.arcgis.com/apps/webappviewer/index.html?id=9b4770ae49c54585bf3d18d45e7d97b5.

The Nature Conservancy (TNC) and the Desert Research Institute (DRI), 2024. Global Groundwater Dependent Ecosystem Map, Version 1.2.0. https://codefornature.projects.earthengine.app/view/global-gde.

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Unites States Environmental Protection Agency (USEPA), 2025. https://www.epa.gov/enforcement/case-summary-epa-issues-order-aerojet-general-corporation-superfund-site.

FIGURES

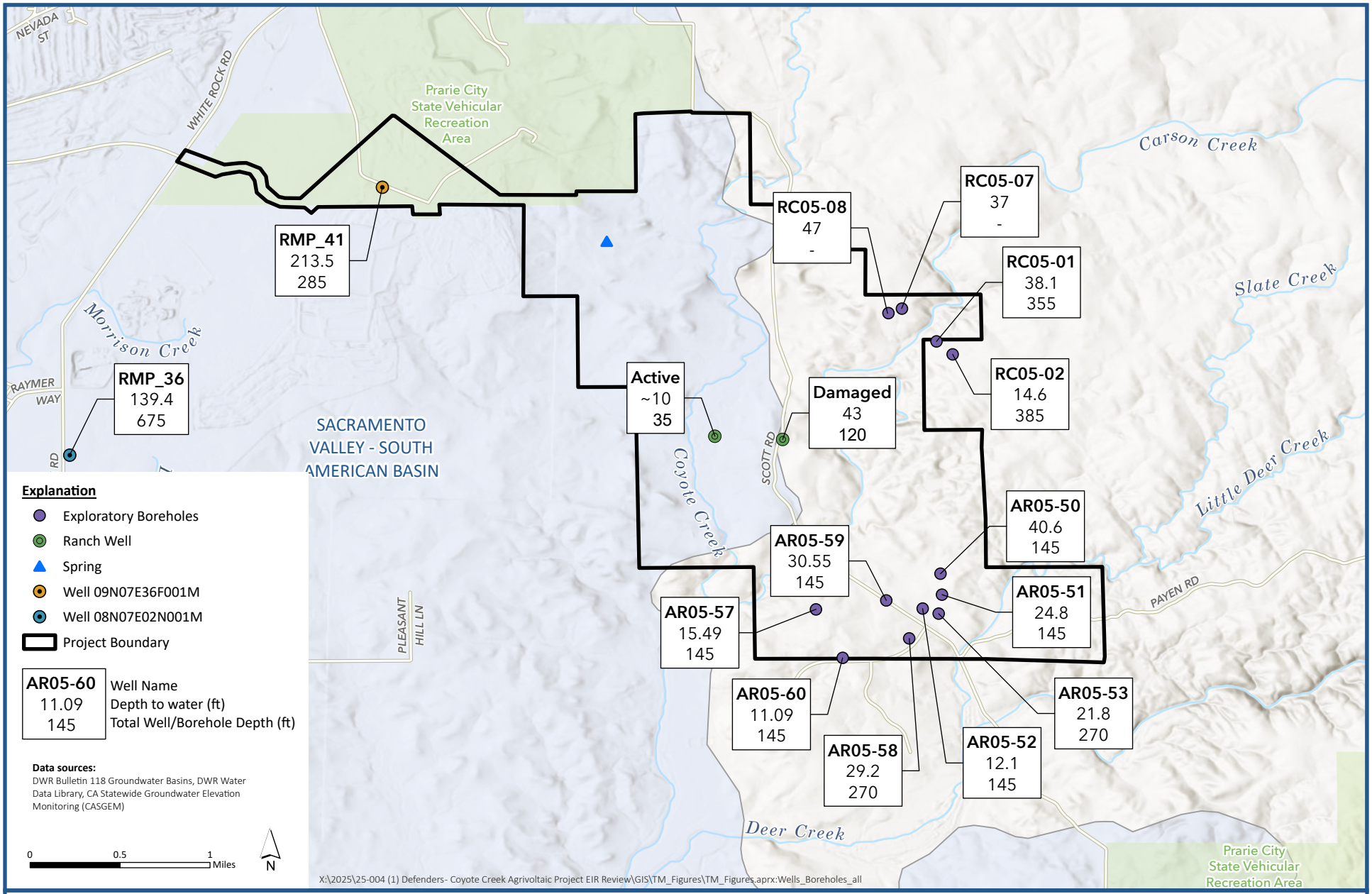


Luhdorff & Scalmanini
Consulting Engineers

Groundwater Levels in South American Subbasin Representative Monitoring Site Wells Near the Project

Figure 1

Coyote Creek Argivoltaic Ranch Project
Technical DEIR Review

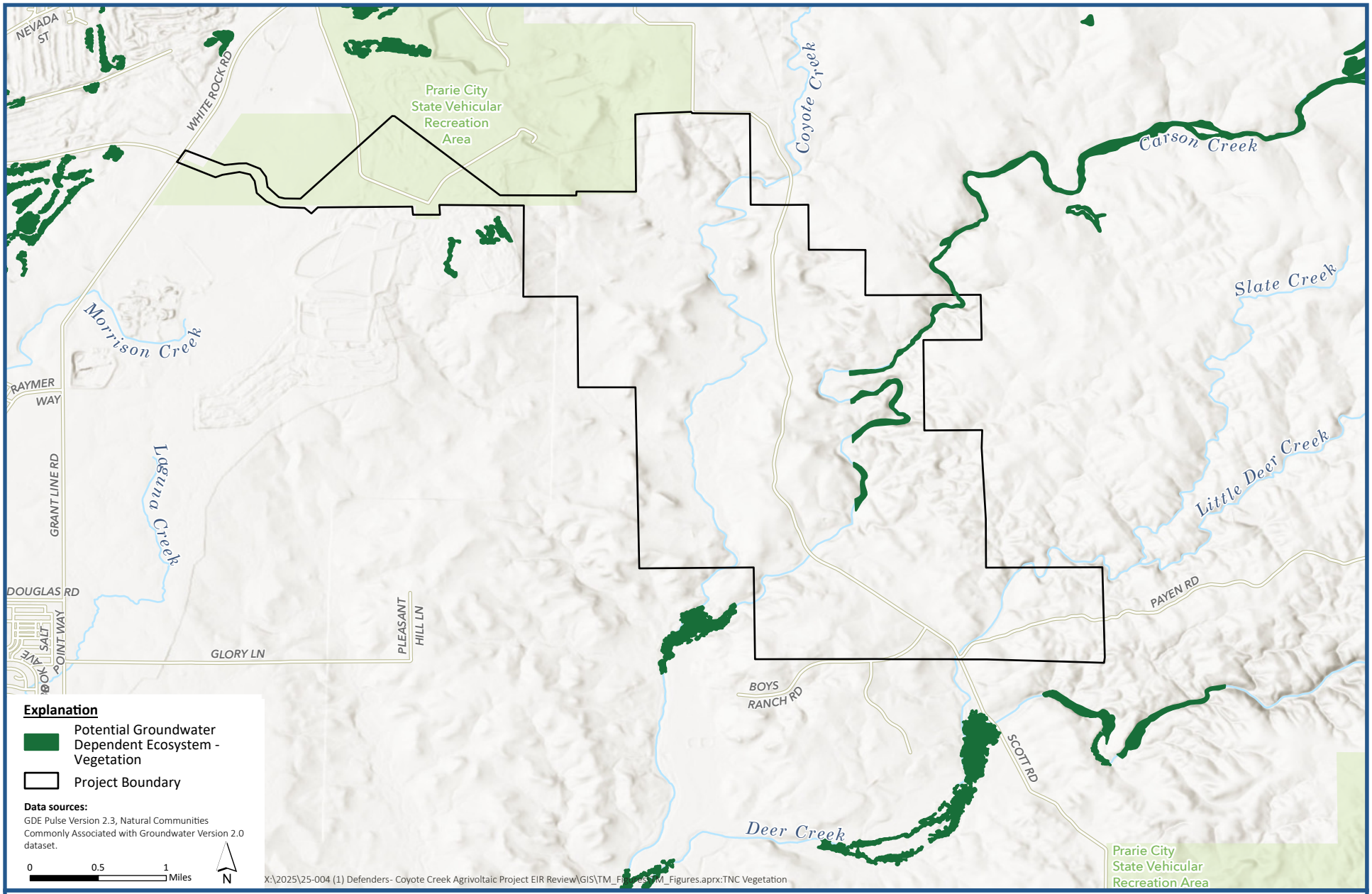


Luhdorff & Scalmanini Consulting Engineers

Key Wells, Boreholes, and Springs in the Project Vicinity

Figure 2

Coyote Creek Argivoltaic Ranch Project
Technical DEIR Review

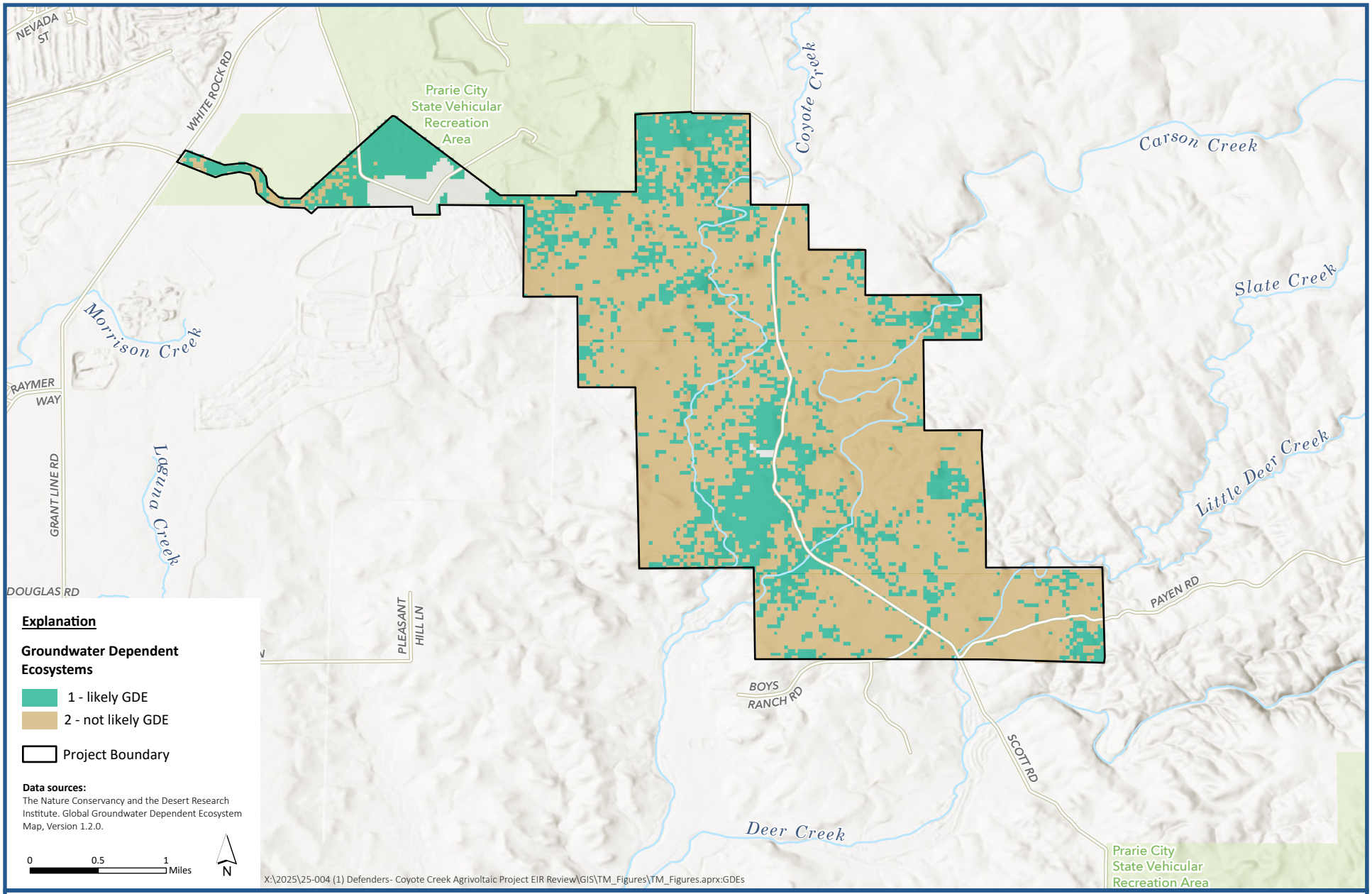


Luhdorff & Scalmanini
Consulting Engineers

Potential GDEs in the Project Vicinity (from NCCAG)

Figure 3

Coyote Creek Argivoltaic Ranch Project
Technical DEIR Review

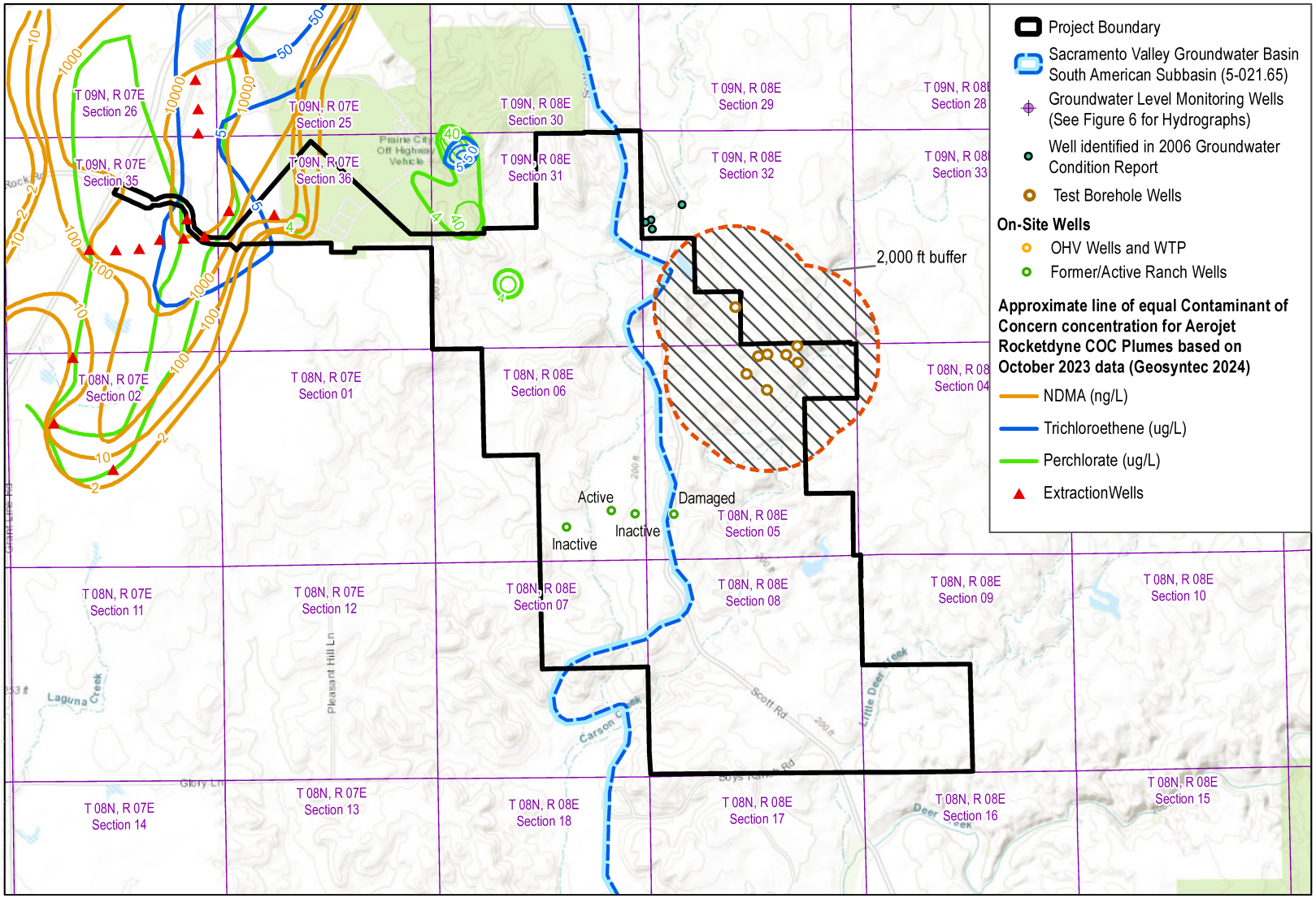


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Potential GDEs in the Project Vicinity (from Global GDE Map data)

Figure 4

Coyote Creek Argivoltaic Ranch Project
Technical DEIR Review



SOURCE: ESRI, DWR, USGS, Geosyntec 2024(Isoconcentration Contour Maps)

DUDEK

0 0.5 1 Miles

Source: Coyote Creek Agrivoltaic Ranch Project, Draft Environmental Impact Report, Appendix HYD-1

FIGURE 5

Wells Map

Coyote Creek Agrivoltaic Ranch Environmentally Preferred Project Design Water Supply Assessment

Luhdorff & Scalmanini Consulting Engineers

Groundwater Contamination in the Project Vicinity (from DEIR)

Figure 5

Coyote Creek Argivoltaic Ranch Project
Technical DEIR Review

Little. Alison

From: PER-CEQA
Sent: Thursday, April 24, 2025 2:45 PM
To: Messerschmitt. Kevin; Newton. Julie; Nagao. Michelle; Shippey. Anastasia; Little. Alison
Subject: FW: DEIR - Coyote Creek

Follow Up Flag: Follow up
Flag Status: Completed

Andrea Guerra, Senior Office Assistant
Planning and Environmental Review
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-2862 (direct)
www.planning.saccounty.gov
SACRAMENTO COUNTY

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

From: Ana Mazzon <themazzons@yahoo.com>
Sent: Thursday, April 24, 2025 11:57 AM
To: PER-CEQA <CEQA@saccounty.gov>
Subject: DEIR - Coyote Creek

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If you have concerns about this email, please report it via the Phish Alert button.

Let's keep California beautiful. I have been involved with the Sierra for almost 55 years. Open space is valuable and should not be used by a solar farm, that destroys local habitats. Prairie City is unique and should not be changed as the local community uses it and have been driven up there many times from Marin County.

Sincerely,

Justin

Little. Alison

From: PER-CEQA
Sent: Tuesday, April 15, 2025 11:55 AM
To: Newton. Julie; Nagao. Michelle; Messerschmitt. Kevin; Little. Alison; Shippey. Anastasia
Subject: FW: Please Reject proposed Coyote Creek solar farm

Andrea Guerra, Senior Office Assistant
Planning and Environmental Review
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-2862 (direct)
www.planning.saccounty.gov
SACRAMENTO COUNTY

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

From: Benson, Karen D <bensonkd@csus.edu>
Sent: Tuesday, April 15, 2025 11:17 AM
To: PER-CEQA <CEQA@saccounty.gov>; Clerk of the Board Public Email <BoardClerk@saccounty.gov>
Subject: Please Reject proposed Coyote Creek solar farm

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TO: The Sacramento Planning Commission

When I heard and read about the Sacramento Planning Commission meeting to vote on the draft plan for the Coyote Creek project, I was stunned!! This is an unconscionable plan!

Demolishing 4500+ ancient Blue Oak trees and hundreds of acres of habitat of numerous, valuable species for a solar farm is an outrageous thought as well as a disgraceful and abhorrent project.

An essential corridor containing homes of countless living plants, animals, and priceless Blue Oaks, plus vibrant, natural beauty will become a devastated, ugly War Zone.

Please reject this painful, destructive action and allow nature and essential living beings to continue to thrive in their natural habitat.

Sincerely,

Karen D, Benson

bensonkd@csus.edu
1816 Devonshire Rd.
Sacramento, CA. 95864

Little. Alison

From: Jandksuty@comcast.net
Sent: Saturday, May 3, 2025 8:17 AM
To: PER-CEQA
Cc: rwinn@cal4nrc.com
Subject: Prairie City SVRA

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May 3, 2025

County of Sacramento
Attn: Community Development Department, Planning & Environmental Review Division
827 7th Street, Room 225
Sacramento, CA 95814

RE: Draft Environmental Impact Report, Coyote Creek Agrivoltaic Ranch Project

Dear Project Planning Team,

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating

in PCSVRA on a regular, recurring basis in the future.

As an OHV family, recreating with our children has allowed us to stay connected as a family in the day and age of “screen time”. Being able to spend time outdoors in an activity driven by our love for exploration means the world to our family. SVRA’s were built to keep riders off the streets creating a safe legal place to ride. I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project.

I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

• Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
• Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA

• Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
• State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity.
• Guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity.

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for

construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

Thank you for reviewing my concerns and recommendations.

Karen Suty

Sent from my iPad

Little. Alison

From: LARRY HENLE <jthenle1@comcast.net>
Sent: Thursday, April 24, 2025 8:12 AM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest

opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely, Larry Henle

Little. Alison

From: anev942@aol.com
Sent: Thursday, April 24, 2025 6:06 AM
To: PER-CEQA
Subject: RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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Sacramento County,
Department of Community Development, Planning and Environmental Review Division
Attention: Environmental Coordinator
827 7th Street, Room 225
Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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The DEIR supports my concerns when it states on pages 3-47… “Because there are no feasible mitigation measures available to reduce the project’s significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable.”

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate “dust” has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to “Be fully informed regarding all governmental activities affecting the program.” I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,
Mark Booker
anev942@aol.com

8059951464

April 30, 2025

Sacramento County
Department of Community Development, Planning and Environmental Review Division
827 7th Street, Room 225
Sacramento, CA 95814
Attention: Environmental Coordinator

RE: Coyote Creek Agrivoltaic Ranch Project DEIR – Control #: PLNP2021-00191

Dear Environmental Coordinator,

On behalf of the Motorcycle Industry Council[1] (MIC), Specialty Vehicle Institute of America[2] (SVIA), and Recreational Off-Highway Vehicle Association[3] (ROHVA) – together referenced as the Associations, thank you for the opportunity to provide comments on the Coyote Creek Agrivoltaic Ranch Project Draft Environmental Impact Report (DEIR).

The Associations have a long-standing interest in the protection of the values and natural resources found on lands within the planning area and regularly work with land managers to provide recreation opportunities, preserve resources, and promote cooperation among public land visitors. The Associations also prioritize educating its members and the public about responsible off-highway vehicle (OHV) recreation.

The popularity and value of recreation at Prairie City State Vehicular Recreation Area (SVRA) cannot be denied. Fresno State University's recently published economic study - https://ohv.parks.ca.gov/?page_id=26656 - showed recreational users in Prairie City SVRA: Generated more than $59 million in economic output in the state, supported 385 jobs, and generated over $9 million in tax revenues, including nearly $4.9 million in state and county tax revenue.

[1] The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

[2] The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

[3] The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at https://rohva.org/ansi-standard/

The Associations are concerned there has been very little if any meaningful outreach to the Prairie City SVRA OHV racing and casual use communities about this proposal to site a large 2,704 acre 200-megawatt solar facility next to the SVRA.

The project's 230-kilovolt (kV) gen-tie line would be approximately 1.3 miles long and would parallel the boundary of the SVRA. The gen-tie line would connect with a new switchyard that would be constructed to interconnect into the Sacramento Municipal Utility District. Following the construction of the switchyard, SMUD would own and operate the switchyard facilities.

The Associations believe that while many Californians support sustainable solar projects, many further believe that impacts to existing open space recreation facilities should be minimized and the trail opportunities respected and protected from encroachment by industrial facilities.

In fact, the DEIR states on page 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable."*

This project, as currently presented, would directly interfere with SVRA Park Operations and seriously degrade the public's use and enjoyment of the facility and would be in conflict with Public Resources Code Section 5090.43 as cited below.

PRC § 5090.43 - (*a) State vehicular recreation areas consist of areas selected, developed, and operated to provide off-highway vehicle recreation opportunities. State vehicular recreation areas shall be selected for acquisition on lands where the need to establish areas to protect natural and cultural resources is minimized, the terrain is capable of withstanding motorized vehicle impacts, and where there are quality recreational opportunities for off-highway motor vehicles. Areas shall be developed, managed, and operated for the purpose of providing the fullest appropriate public use of the vehicular recreational opportunities present, in accordance with the requirements of this chapter, while providing for the conservation of cultural resources and the conservation and improvement of natural resource values over time.*

The Associations also believe the project proponents failed to meaningfully engage with the California State Park Off-Highway Motor Vehicle Recreation Commission to daylight the project's impact to the Park Program and public uses which is in conflict with Public Resources Code Section 5090.24 [that] (a) requires the OHMVR Commission to "*Be fully informed regarding all governmental activities affecting the program"*

The Associations believe the DEIR failed to address how siting a major industrial power facility adjacent to Prairie City SVRA could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events such as the Hangtown Motocross Classic or the UTV Ultra4 4900 Open Class Event.

The Associations believe the DEIR did not meaningfully analyze how the project would impact Park Operations that depend on access to adequate water supplies for casual use and competition events. The solar project offers no solution and would only compound the existing water shortage problems.

The Associations believe the DEIR did not meaningfully address what dust-related (generated by routine operations and public uses) solar project mitigation or maintenance requirements (i.e. washing solar panels) would be imposed onto the SVRA and what the associated costs or fiscal demands placed on the OHV Trust Fund would be.

RECOMMENDATION

The Associations believe this project needs to be fully vetted in an official public forum where the commission and OHV community can provide input and share their concerns about this highly controversial proposal that jeopardizes the long-term viability of OHV use at the SVRA.

The Associations request the county/project proponents ask Parks to place this project on the June11- 12, 2025 CA State Parks OHMVR Commission meeting.

Sincerely,

Don Amador

Don Amador
Western States Representative
MIC Government Relations Office
2 Jenner, Suite 150
Irvine, CA 92618
Email: damador@mic.org

cc: CA State Parks Off-Highway Motor Vehicle Recreation Commission
CA State Parks Off-Highway Motor Vehicle Recreation Division

DISTRICT 36 MOTORCYCLE SPORTS COMMITTEE, INC.

rights ✪ riding ✪ racing

AMA District 36 – Public Comment on the Coyote Creek Agrivoltaic Ranch Project
Submitted to: Sacramento County Department of Community Development
Email: ceqa@saccounty.gov
Date: [Insert Date Prior to May 5, 2025]
Subject: Public Comment on DEIR for Coyote Creek Agrivoltaic Ranch (Control Number: PLER2022-00042)

To Whom It May Concern:

On behalf of AMA District 36, a leading advocate for responsible off-highway vehicle (OHV) recreation in Northern California, we submit the following public comment regarding the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch project, located adjacent to the Prairie City State Vehicular Recreation Area (SVRA).

Visual and Recreational Impacts

The DEIR confirms that the proposed project will have a "significant and unavoidable" adverse visual impact on scenic vistas observed from Prairie City SVRA. As one of the most visited OHV recreation areas in California, Prairie City supports a broad community of recreational users and high-profile events such as the Hangtown Motocross Classic. Visual degradation caused by nearby industrial-scale solar infrastructure undermines the open space experience valued by riders and spectators alike and could have long-term consequences for visitor satisfaction and event viability.

Procedural Oversight: Lack of OHMVR Commission Review

Pursuant to California Public Resources Code Section 5090.24(a), actions that may affect the use and enjoyment of SVRAs must be reviewed by the California State Parks OHMVR Commission. The failure to present this project for Commission review represents a serious oversight and limits the opportunity for public engagement on a project that may materially alter a state-designated recreational resource.

Water Quality and Turbidity Impacts

The DEIR insufficiently addresses the water quality impacts associated with the removal of native vegetation across more than 2,700 acres of project site. The scale of land disturbance increases the potential for excessive stormwater runoff and erosion, especially during winter storm events. These processes are likely to generate high turbidity and sediment loading, which could threaten the Coyote Creek watershed, the Cosumnes River, and downstream water bodies within the California Delta.

Increased turbidity poses several concerns:

- Habitat degradation for aquatic and riparian species.
- Reduced water clarity and quality affecting regional surface water systems.
- Potential conflict with state water quality standards under the Clean Water Act.
- Cumulative impacts to sensitive ecosystems during peak storm cycles.

Given the scale of this project and the removal of vegetative cover, a full hydrological and sediment transport analysis should be required. Best Management Practices (BMPs) listed in the DEIR are vague and do not provide a detailed assurance of compliance or mitigation during high-volume runoff events.

Battery Storage Fire Risk and Toxic Contamination

The proposed 100 MW battery storage system poses a severe environmental and public safety risk, particularly in the event of a catastrophic fire. The Moss Landing Energy Storage Facility in Monterey County experienced two major incidents in 2022 and 2023 involving lithium-ion battery fires that resulted in:

- Emission of toxic gases and particulate matter into surrounding communities.
- Deposition of hazardous heavy metals (including nickel, cobalt, and manganese) into surrounding soils and waterways.
- Respiratory and health impacts for nearby residents.
- Emergency shutdowns and long-term environmental investigations.

Should a similar event occur at the Coyote Creek Agrivoltaic Ranch, runoff from contaminated fire suppression water could drain into the Coyote Creek watershed, which connects to the Cosumnes River and ultimately the California Delta—a critical component of the state's drinking water supply for millions of Californians. The release of toxic heavy metals and battery chemical residues into these waters poses an unacceptable public health risk and could result in long-term ecological damage to sensitive wetlands, agricultural water sources, and municipal treatment systems.

The DEIR fails to address the downstream contamination potential from such an incident, offering no adequate mitigation or containment strategies to prevent toxic materials from reaching waterways. Considering the Moss Landing case, the inclusion of large-scale battery storage so close to a major recreation area and water resource corridor demands significantly more analysis and safeguards.

Financial and Operational Concerns

There is concern that costs associated with dust control, fire response, or long-term landscape degradation could fall on the OHV Trust Fund, a public resource meant exclusively for maintaining and expanding OHV access. Furthermore, any easements or utility corridors crossing into Prairie City SVRA should be subject to full public disclosure and park-user review.

Request for Action

1. Delay certification of the DEIR until the project is formally presented to the California State Parks OHMVR Commission for review and comment.
2. Conduct a comprehensive hydrological study analyzing turbidity, sediment flow, and stormwater impacts on the Coyote Creek watershed, Cosumnes River, and California Delta.
3. Reassess the battery storage system component and require a full environmental risk analysis that includes downstream contamination scenarios based on the Moss Landing fires.
4. Explicitly prohibit any use of OHV Trust Funds or SVRA property for project-related mitigation, infrastructure, or emergency response.
5. Ensure robust environmental buffers and runoff controls to protect Prairie City SVRA and nearby sensitive ecosystems, including California's water infrastructure.

AMA District 36 supports the advancement of renewable energy, but it must not come at the cost of degrading public recreational lands, polluting critical water supplies, or undermining community and ecological safety.

Respectfully submitted,
Ted Cabral
Government Affairs Officer
AMA District 36
ted@orstrategies.net
707-246-8289

Little. Alison

From: Nicholas Mertes <nicktm1980@gmail.com>
Sent: Tuesday, April 22, 2025 4:44 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
If you have concerns about this email, please report it via the Phish Alert button.

Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Nicholas Mertes

520 Ralph Bettcher Dr
Hopland, CA 95449

Little. Alison

From: PER-CEQA
Sent: Thursday, April 17, 2025 6:30 AM
To: Messerschmitt. Kevin; Newton. Julie; Nagao. Michelle; Little. Alison; Shippey. Anastasia
Subject: FW: Better alternatives need to be considered

Barton Ranch/ Scott Rd comment letter

Andrea Guerra, Senior Office Assistant
Planning and Environmental Review
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-2862 (direct)
www.planning.saccounty.gov
SACRAMENTO COUNTY

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

From: Davis, Paul <Paul.Davis2@hologic.com>
Sent: Thursday, April 17, 2025 5:56 AM
To: PER-CEQA <ceqa@saccounty.gov>
Subject: Better alternatives need to be considered

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
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The Barton Ranch/Scott Rd area is one of the last truly rural areas in Sacramento County. It is filled with beautiful vistas, old growth oak forests, cattle grazing and the occasional farm. I do not believe that citizens have ANY idea of the scope and size of this project. This solar project will DESTROY this entire area. Why not build it down by Rancho Seco or South of Elk Grove where no one will see it? Or behind the landfill?

It's as if planners went looking for one of the last unspoiled areas in the county and said "Yep! This is where it should go." Widespread environmental destruction disguised as "green".

This project should immediately be put on hold and better locations selected.

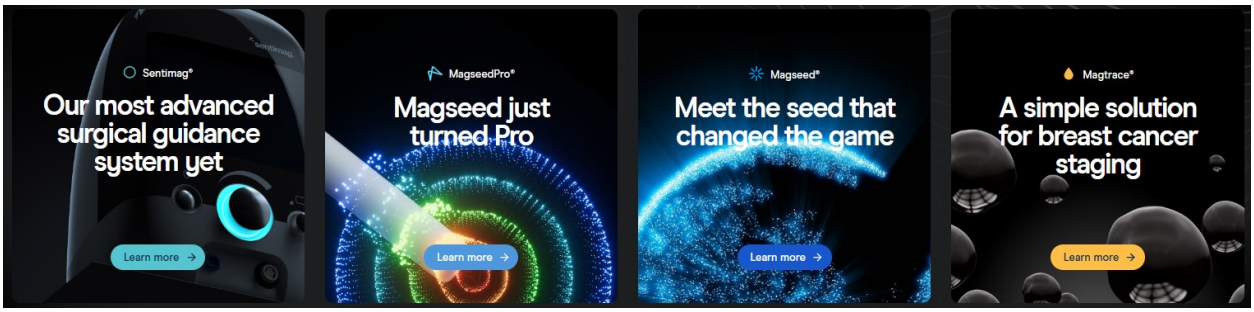
Sincerely,
Paul

Paul Davis
M: 916.545.4712 paul.davis2@hologic.com
250 Campus Dr, Marlborough, MA
01752 Breast Health Product
Support 877.371.4372

Hologic, Inc. Territory Manager Northern California Northern Nevada Breast Surgery

HOLOGIC | Breast Screening

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Support 877.371.4372
Service Requests: http://support.hologic.com
Disposable Product Feedback: www.hologic.com/product-feedback
Accredited Education & IFUs: www.hologiced.com

Little. Alison

From: Davis, Paul <Paul.Davis2@hologic.com>
Sent: Thursday, April 17, 2025 6:04 AM
To: Little. Alison
Subject: Coyote Creek Enviromental Disaster

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
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Dear Allison,

I see that you're the "Environmental Analyst" for the Coyote Creek Solar project. As a layperson, I do not see any way that this project can be described other than a TOTAL environmental disaster for the Barton Ranch/Scott Road area. As a person who travels Scott Rd. to my home in Rancho Murieta frequently, this area is one of the last truly unspoiled parts of the county. Surely, this solar "farm" could be put some else (out by the airport, south of Elk Grove) where no one has to look at it.

Where is the Sierra Club? Where is the Sacramento Wilderness Conservancy? This project needs to be stopped.

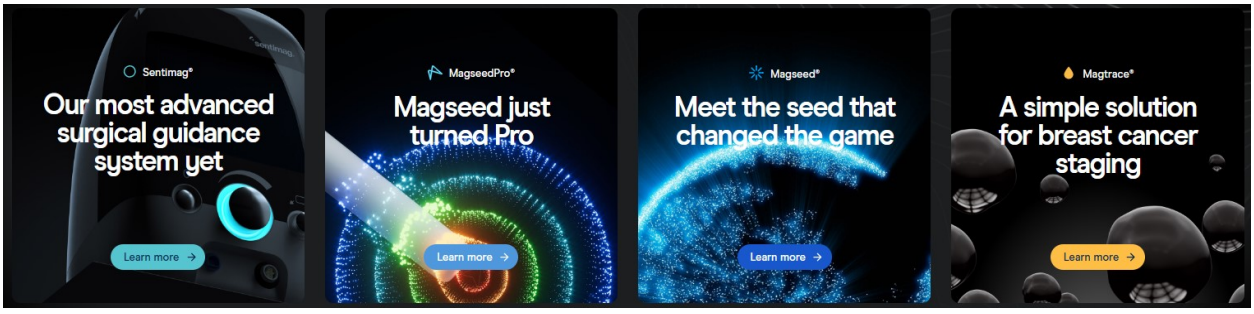
Sincerely,
Paul

Paul Davis **Hologic, Inc.** Territory Manager
Northern California Northern Nevada Breast Surgery

M: 916.545.4712 paul.davis2@hologic.com
250 Campus Dr, Marlborough, MA 01752 Breast Health Product Support 877.371.4372

HOLOGIC | Breast Screening

Breast Health | Hologic - Endomag - Redefining Breast Cancer Surgery



Support 877.371.4372
Service Requests: http://support.hologic.com
Disposable Product Feedback: www.hologic.com/product-feedback
Accredited Education & IFUs: www.hologiced.com

Little. Alison

From: Paul Paniagua <paul.paniagua59@gmail.com>
Sent: Wednesday, April 23, 2025 7:46 AM
To: PER-CEQA
Subject: COYOTE CREEK AGRIVOLTAIC RANCH – DEIR

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Paul Paniagua

Little. Alison

From: Peter Levinson <yzfr6@mac.com>
Sent: Tuesday, April 22, 2025 4:34 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Peter Levinson
(916) 690-7204

Little. Alison

From: Philip Schwab <philipalanschwab@gmail.com>
Sent: Thursday, May 1, 2025 7:52 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Philip Schwab

Little. Alison

From: ddprods@aol.com
Sent: Wednesday, April 23, 2025 3:57 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project PLNP2021-00191

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As family OHV recreationists, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Richard Capp and family

Date: May 3rd, 2025

County of Sacramento
Attn: Community Development Department, Planning & Environmental Review Division
827 7th Street, Room 225
Sacramento, CA 95814

RE: Draft Environmental Impact Report, Coyote Creek Agrivoltaic Ranch Project

Dear Project Planning Team,

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating in PCSVRA on a regular, recurring basis in the future.

Our family as well as our Four-Wheel Drive Club has been going to Prairie City SVRA for 20 years. It's been a huge part of our off-road experience. Doing instructing during our club's Safety Clinics or bringing my children as new drivers to learn off roading. What and how they learned at Prairie City was instrumental in how they drive still today. Enjoying all our camping trips a lot of which you would never see if it wasn't for Four-Wheeling. Thanks to Prairie City as a huge part of our lives for all these years, I can't express enough the importance of this place – AS IS!

I am concerned that plans for utility-scale solar energy development as described in the DEIR will negatively impact casual off-highway vehicle (OHV) recreation and organized competitive OHV events at Prairie City SVRA. This negative impact will directly affect me, my family, my community, and the communities and economies that are situated near the range of available land for this solar project.

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

- Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure
- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
- Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any

companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to inform Commissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

Thank you for reviewing my concerns and recommendations.

Sincerely,

Richard and Diane Hutchens
diskimolo@gmail.com

Little. Alison

From: Roni Gray <roniagray@gmail.com>
Sent: Tuesday, April 22, 2025 6:44 AM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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April 22, 2025

Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

My husband and I are members of the Diablo Four Wheel Jeep Club out of Concord, CA. We both love being outdoors and exploring in our Jeeps. As a club and individually we recreate at Prairie City SVRA several times a year, gathering with friends and family to practice our off-roading skills.

I am concerned that the DEIR has not addressed several issues including the long term impact of major industrial power facility adjacent to Prairie City might affect the long-term viability of PCSVRA staying open for casual OHV recreation and what might be imposed onto the SVRA including what costs would be shouldered by the OHV Trust Fund.

I respectfully ask that you pause this process until after it is officially presented at the June 11-12, 2025 CA OHMVR Commission meeting.

Sincerely,

Roni Gray

Little. Alison

From: PER-CEQA
Sent: Friday, April 11, 2025 4:32 PM
To: Little. Alison
Cc: Gutierrez. Kimber
Subject: FW: Coyote Creek DEIR comments
Attachments: PLNP2021-00191 Coyote Creek Solar - Pb Comment - Ltr for Trail- Bundle 1-7 [2023.06.30-07.24].pdf

---

From: Steve Schweigerdt <sschweigerdt@gmail.com>
Sent: Friday, April 11, 2025 10:51 AM
To: PER-CEQA <CEQA@saccounty.gov>
Subject: Coyote Creek DEIR comments

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
If you have concerns about this email, please report it via the Phish Alert button.

Dear Environmental Coordinator,

I am writing to express my concerns regarding the proposed Coyote Creek solar project. This ill conceived project occurs in once of the few scenic areas of the county with rolling hills covered in blue oak woodlands and wide open spaces near Deer Creek Hills. Blasting hillsides, removing oak forests with trees that are hundreds of years old, and covering the land with industrial solar production will mar the area far into the future. I concur with ECOS comments regarding impacts and loss of habitat, and want to emphasize the need to protect blue oak woodlands and the scenic corridor. A much smaller project footprint that utilizes flat and disturbed portions of the property would be an appropriate contribution to our solar needs.

Furthermore, myself and others had requested the inclusion of a "River to Hills" wildlife corridor and recreational access trail to connect the American River Parkway and Deer Creek Hills Preserve. This is missing from the DEIR and needs to be remedied. A trail corridor through the area is included in the SACOG Regional Trail Network and the County Bicycle Master Plan and should be a condition of any approval of a change of use for this property. Attached are comments from SABA, Friends of Folsom Parkways, Sacramento Running Association, and others that were compiled by Nate Doberneck and need to be included in the record.

Steve Schweigerdt
(916) 877-5288
sschweigerdt@gmail.com

SACRAMENTO COUNTY

Planning and Environmental Review

PLNP2021-00191

Coyote Creek Solar Facility

sub. #1

Attachment #1

Public Comments re:

"River to Hills" trail concept

Bundle-1 (2023.06.30 – 07.24)

June 30, 2023

Nate Doberneck, Lead Planner
Sacramento County Planning Department
Re: Coyote Creek Agrivoltaic Ranch, PLNP2021-00191

Dear Nate:

I am writing to ask for the inclusion of a permanent trail corridor through or around the Coyote Creek solar farm project. In studying the project, it appears groups of solar panels will be individually fenced around the property. The areas in between the fenced zones are appropriate for wildlife corridors and for a multi-use trail.

As you may be aware, a proposed trail through this area, called the Deer Creek Trail, is included in Sacramento County's 2011 Bicycle Master Plan. Without a trail easement on the solar farm property, this goal cannot be realized. There is simply no way to connect the American River Parkway to Deer Creek Hills without it. Potential south county trails such as Laguna Creek or Cosumnes River are similarly cut off from the Parkway without this trail corridor.

A paved bicycle trail along Alder Creek will allow cyclists to leave the American River Parkway on the south side of Lake Nimbus, near the Folsom Auto Mall, and pedal to the Prairie City Road/White rock corridor. The City of Folsom plans additional bicycle connections to Alder Creek from the northeast.

In its 2010 development approval, Teichert Aggregates agreed to provide a 150' wide trail easement through the quarry immediately north of the solar farm and southeast of Alder Creek. If Teichert can provide an easement while operating a quarry, the developers of the solar farm can do the same.

Even though the exact trail route through the solar farm property is currently unknown, there is time to negotiate a route which is acceptable to the property owners, the developers and the trails community. Looking at the maps, a likely route might cut through the north end of the project before skirting the project's east boundary, winding along the small hills and blue oaks before connecting to the north of the Deer Creek Hills preserve.

In addition, the El Dorado trail, which currently runs from the Sacramento County Line to the town of Camino, ends in the area. From there, it may one day be possible to ride into the Sierra and all the way to Lake Tahoe. Wouldn't that be grand?

I have no quarrel with the solar farm. We need locally produced renewable energy. However, regional trail connectivity is an important consideration for planning this site, and past efforts to build bike connections for the south/east county should not be abandoned.

Sincerely,

Bob Horowitz
1240 Dolores Way
Sacramento, CA 95816
sactobobhorowitz@gmail.com

Cc: County Supervisor Phil Serna

Doberneck. N.D

From: Chris Moffitt <c.moffitt@comcast.net>
Sent: Thursday, 6 July, 2023 01:18 PM
To: Doberneck. N.D
Subject: Solar Farm Trail Easment

You don't often get email from c.moffitt@comcast.net. Learn why this is important

EXTERNAL EMAIL: If unknown sender, do not click links/attachments.

Sacramento County Planning Department. doberneckn@saccounty.net.

Dear Mr. Doberneck,

The Coyote Creek Agrivoltaic Ranch development near Scott Road lies on land that is included in both Sacramento County's 2011 Bicycle Master Plan and in Sacramento Valley Conservancy's Master Plan for the Deer Creek Hills Preserve. Please preserve this future opportunity for interconnection between the American River bike trail and the Deer Cr. Hills trails.

I am a bicycle rider and docent at DCH. I frequently ride both sides of this potential interconnect and would support its preservation. Without a trail easement on the solar farm property, there is no way to connect these areas for cyclists. We're counting on you to identify the easement on project approval documents.

Citizen

Christopher Moffitt

8483 Friar Tuck Way

Fair Oaks, CA 95628

916 402-8185

SACRAMENTO AREA BICYCLE ADVOCATES

July 11, 2023

Nate Doberneck
Sacramento County Planning Department
827 7th Street
Sacramento, CA 95814

RE: Dedicated Bicycle Trail/Corridor- Coyote Creek Agrivoltaic Ranch

Dear Nate,

Sacramento Area Bicycle Advocates (SABA) urges Sacramento County to include a trail easement through the Coyote Creek Agrivoltaic Ranch to connect the future Deer Creek Trail to the American River Parkway via the Teichert Quarry (which has an easement) and the Alder Creek Parkway Trail. The Coyote Creek Agrivoltaic Ranch is a proposed solar farm covering 2,555 acres in eastern Sacramento County. Groups of solar panels will be individually fenced around the property, and areas in between the fenced zones are appropriate for wildlife corridors and a multi-use trail.

A proposed trail through this area, called the Deer Creek Trail, is included in both Sacramento County's 2011 Bicycle Master Plan and in Sacramento Valley Conservancy's Master Plan for the Deer Creek Hills Preserve. Without a trail easement on the solar farm property, there is no way to connect these areas for cyclists.

In its 2010 development approval, Teichert Aggregates agreed to provide a 150' wide trail easement through its 586-acre quarry immediately north of the solar farm and southeast of Alder Creek. If Teichert can provide an easement as a condition of approval, the developers of the solar farm should do the same.

If we are going to meet climate goals which include extending our trail system so that people can get to places for work, daily tasks or recreation, it is important that we are forward thinking about connections like this trail easement. We strongly urge you to include the trail easement through the Coyote Creek Agrivoltaic Ranch.

Respectfully,

Debra Banks, Ph.D.
Executive Director, SABA

4181 Power Inn Rd Ste A Sacramento, CA 95826
916-737-2627

July 10, 2023

Nate Doberneck
Sacramento County Planning Department

Subject: Support for Trail Corridor in Coyote Creek Solar Project

Dear Mr. Doberneck,

I hope this letter finds you in good health and high spirits. I am writing on behalf of the greater Sacramento running community, its numerous running clubs, and tens of thousands of active local runners to express our enthusiastic support for the inclusion of a trail corridor in the Coyote Creek solar project to enable trail connections from Folsom/Alder Creek trail networks and El Dorado Hills trail networks to Deer Creek trail networks in accordance with Sacramento County's 2011 Bicycle Master Plan and Sacramento Valley Conservancy's Master Plan. As an advocate for outdoor recreation and environmental conservation, I believe that the proposed trail corridor would bring numerous benefits to our community and the natural landscape of Sacramento County.

Trails serve as crucial connectors, fostering a sense of community and encouraging physical activity and well-being among residents. By creating a trail corridor within the Coyote Creek solar project, we would be providing an opportunity for people of all ages and abilities to access and enjoy the beauty of our region while promoting a healthier lifestyle. The presence of a designated trail would enhance our community's recreational options, offering a safe and inviting space for walking, jogging, cycling, and other outdoor activities.
Furthermore, the Coyote Creek solar project presents a unique opportunity to strike a balance between renewable energy generation and environmental preservation. By incorporating a trail corridor into the project design, we can showcase the commitment of Sacramento County to sustainable development and responsible land use. This synergy between clean energy and outdoor recreation will undoubtedly contribute to the overall well-being and quality of life for our residents.

Additionally, the trail corridor in the Coyote Creek solar project would promote environmental education and awareness. It would allow residents and visitors to witness the coexistence of renewable energy infrastructure and the natural ecosystem. This experiential learning opportunity has the potential to inspire future generations to take an active role in environmental stewardship and renewable energy initiatives.

I understand that any project must address concerns related to environmental impact, public safety, and aesthetic considerations. I trust that the planning department will take these factors into account during the evaluation and implementation of the trail corridor. With appropriate measures and collaboration, we can ensure that the proposed trail aligns with the project's objectives while minimizing any potential negative impacts.

In conclusion, I wholeheartedly endorse the inclusion of a trail corridor in the Coyote Creek solar project, ultimately facilitating important trail connections from The American River Parkway, California State Parks, Folsom parks, El Dorado Hills, Deer Creek, and Cosumnes River trails. This endeavor would not only enhance our community's recreational opportunities but also showcase Sacramento County's commitment to sustainable development. I urge the Sacramento County Planning Department to carefully consider and support this initiative, thereby contributing to a brighter and more resilient future for our region.

Thank you for your time and consideration. Please do not hesitate to contact me if you require any further information or if I can be of assistance in any way. I look forward to witnessing the positive impact that the Coyote Creek solar project and the trail corridor will have on our community.

Yours sincerely,



Scott Abbott
Executive Director
Sacramento Running Association
scott@runsra.org

Doberneck. N.D

From: Steve Schweigerdt <sschweigerdt@gmail.com>
Sent: Wednesday, 12 July, 2023 09:11 PM
To: Doberneck. N.D
Subject: East County Trail Corridor

You don't often get email from sschweigerdt@gmail.com. Learn why this is important

EXTERNAL EMAIL: If unknown sender, do not click links/attachments.

Hi Nate,
I want to comment on the Coyote Creek Solar Project. First it is an industrial use that is incompatible with the rural and agricultural values of the area along Scott Road. It's one of the few scenic remaining areas in Sacramento County and a solar farm ruins it. Blue Oaks take hundreds of years to grow into an intact woodland like Deer Creek Hills and we should not allow any be removed in that area.
If the County does approve a solar farm, please ensure that a wildlife and recreational trail corridor is provided through the property. It's important to connect mountain bike trails like the El Dorado and Deer Creek Hills together so that eventually we have a recreational area in our County. I was recently at the Mountain Bike Monday kickoff for Deer Creek Hills and we had 25 people come out to ride in the heat. There is huge demand for free multi use trails in the area and Sacramento County really lacks anyplace other than Deer Creek Hills for multiuse trails since they are banned in the Parkway. Runners and hikers would also be drawn to the area. Please add a trail and wildlife corridor of substantial width as a condition of approval.

Thanks and let me know if you have any questions!

Steve Schweigerdt
(916) 877-5288
sschweigerdt@gmail.com

See our project to make Sacramento into 

Doberneck. N.D

From: Don Rose <donofthedirt@yahoo.com>
Sent: Sunday, 23 July, 2023 10:31 PM
To: Doberneck. N.D
Subject: Fw: Folsom to Deer Creek Hills Trail

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Nate, the following should answer some of your questions concerning the rational for the trail alignment provided by SVC:

The trail alignment provided is conceptual and will need to be refined to address creek crossings, etc. A trail alignment close to the Scott Road corridor makes sense because it will be more shaded with denser woodlands, lower elevations, and more appealing topography as compared to farther east which is higher elevation, consisting of mostly grassland, less shade and no known future plans for public access or amenities. A more westerly trail alignment would better tie into the Deer Creek Hills master plan and proposed DCH amenities.

The Deer Creek Hills Masterplan calls for a connection through the Deer Creek Hills Northwest access area. DCH phase II calls for investigation of trail linkages between the DCH trail system and existing and proposed regional trail corridors. It also suggests adding service amenities for public access. The Northwest Area of DCH adjoins a portion of Scott Road on the west and Latrobe Road on the south. There are approximately 27,658 feet of trails in this nearly 1,050-acre portion of the Preserve. This section of the Preserve encompasses a broad diversity of topography and vegetation types creating a wide range of visitor experiences. This section of the property is relatively wooded in comparison to other sub-areas on site. This diversity contributes to the Northwest Area being the optimum choice for potential expansion of public uses.

Linking DCH to the Alder Creek project area at the western side of the Preserve makes the most sense. Also, the Long Term Management Plan and related conservation Easement for the White Rock Road Preserve has an allowance for a future trail connector through the preserve. The White Rock Road Preserve is bordered by White Rock Rd. on the north and Scott Rd. on the west, extending approximately 1.3 miles from White Rock Rd. south along the east side of Scott Rd.

Therefore, a trail alignment close to Scott Rd. will provide the best connection between the White Rock Rd. Preserve and Deer Creek Hills.

Don

FRIENDS OF FOLSOM PARKWAYS

July 21, 2023

Attention: Nate Doberneck, Sacramento County Planning Department

Re: Support for Trails and Right of Way for the Deer Creek Hills Trail – Coyote Creek Agrivoltaic Ranch Solar Project

Dear Mr. Doberneck,

The Friends of Folsom Parkways has a 30+ year history of trail and open space advocacy in the City of Folsom and surrounding areas. Our members are active trail users by bike and foot and have seen the very tangible benefits that trails and open space preservation have brought to the City of Folsom. We have seen great success in Folsom by advocating for preservation of rights of way for trails when development projects have come forward. Our trails already connect with both the American River Parkway and the El Dorado Trail, and will soon connect with the Alder Creek trail through the future Easton Development. Inter-connected communities are vital to a future of active transportation and fewer vehicle miles on our roads and highways.

The potential for a Deer Creek Trail from the Rancho Murrieta and Deer Creek area to the City of Folsom would be an absolutely incredible amenity for Sacramento County. Imagine the potential to ride this wonderful section of our county in a safe manner. The trail would be utilized by people from all over the region and certainly could be a major draw for people who already travel to this area to ride on the many trails in the region. Of course, this area of incredible woodlands is home to many wildlife species and wildlife corridors are essential to preserving the natural beauty of this area.

Now is certainly the time to assure the trail right of way exists and to condition the Coyote Creek Agrivoltaic Ranch solar project to 1) preserve the right of way for a trail through or adjacent to the solar project, and 2) condition the project to build a trail or access roads in the project that could be jointly utilized by trail users and the project. While the project puts in its roads to maintain the solar farm, it is a natural to also utilize those roads as part of the trail. Conditioning the project in this manner is a great benefit to the taxpayers and residents of the county and will help to further the economic benefits of this potential trail.

We urge the County to further the vision of the Sacramento County's 2011 Bicycle Master Plan and the Sacramento Valley Conservancy's Master Plan for the Deer Creek Hills Preserve by conditioning this project for trail right of way and to assure that the wildlife can safely navigate this area by assuring wildlife corridors exist. Thank you for your consideration. We would like to be kept abreast of further developments on this project by notifying me and the Friends at president@friendsoffolsomparkways.org.

Best regards,

Robert Goss
President Friends of Folsom Parkways

Cc: Supervisor Sue Frost, Sacramento County Board of Supervisors

Little. Alison

From: Scott G <sgray8888@gmail.com>
Sent: Thursday, April 24, 2025 9:24 AM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Follow Up Flag: Follow up
Flag Status: Completed

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April 24,2025

Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 20220102

Dear Environmental Coordinator,

I am a member of the Diablo Four Wheel Jeep Club out of Concord, CA. I love being outdoors and exploring in my Jeep with other members of the club. As a club and individually I recreate at Prairie City SVRA several times a year, gathering with friends and family to practice our off-roading skills.

I am concerned that the DEIR has not addressed several issues including the long term impact of major industrial power facility adjacent to Prairie City might affect the long-term viability of PCSVRA staying open for casual OHV recreation and what might be imposed onto the SVRA including what costs would be shouldered by the OHV Trust Fund.

I respectfully ask that you pause this process until after it is officially presented at the June 11-12, 2025 CA OHMVR Commission meeting.

Sincerely,

Scott Gray

Little. Alison

From: Sherry Stortroen <sherry.s@comcast.net>
Sent: Saturday, May 3, 2025 5:03 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project-Control #PLNP 2021-00191, State Clearing House #2022010271

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
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Attention: Environmental Coordinator:

I would like to request a pause on this process until sometime after plan is official and properly presented to the CA OHMVR Commission at the June meeting as required by CA PRC Section 5090.24 (a) requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program".

A hearing before the OHMVR Commission would better inform riders, competition organizations, and powersports businesses that would be directly affected by this proposal.

* DEIS did not meaningfully discuss how project would impact existing casual, and competition uses including access to adequate water supplies for managing OHV operations that is already an issue at the SVRA. The solar project offers no solution and would compound the water shortage and quality problems.

* DEIS does not meaningfully address what dust related (generated by routine operations) solar project mitigation or maintenance requirements (such as washing solar panels) would costs be imposed onto the SVRA and what associated costs shouldered by the OHV Trust Fund would be. There are also easement concerns for project facilities on SVRA property.

* DEIS does not address how sitting a major industrial power facility adjacent to Prairie City SVRA could impact the long-term viability of the SVRA staying open for casual OHV recreation and 2 or 4 wheel powersports events such as the Hangtown Motorcross Classic or the Nor Cal Rock Racing Ultra 4 Stampede.

* DEIS, page 3-47 "Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic views as viewed from Prairie City SVRA, this impact is significant and unavailable."
* While Californians support sustainable solar projects many also believe that this solar project will greatly impact open space and OHV recreation at Prairie City SVRA facilities should be minimized and trail opportunities respected and protected.

* This solar project must not be located on the boundary of the existing Prairie City SVRA; project must be relocated.

Thank you for the opportunity to voice by comments.

Sincerely,

Sherry Stortroen
Danville, California

SACRAMENTO METROPOLITAN

AIR QUALITY
MANAGEMENT DISTRICT

April 18, 2025

Sacramento County
Office of Planning and Environmental Review
Environmental Coordinator
827 7th Street, Room 225
Sacramento, CA 95814
CEQA@saccounty.gov

Subject: Comments on Draft Environmental Impact Report (DEIR) for Coyote Creek Agrivoltaic Ranch Project (SAC202102795) (PLNP2021-00191)

Dear Ms. Newton:

Thank you for routing the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project to the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) for review. The project consists of the construction, operation, and decommissioning of an approximately 200-megawatt (MW) alternating current (AC) photovoltaic solar energy generating facility and associated 4-hour/100 MW AC battery energy storage system on various parcels along Scott Road in the Consumnes Community of unincorporated Sacramento County. The electrical power provided by the project would be supplied to the Sacramento Municipal Utility District (SMUD) with the renewable energy generated by the project for use in the SMUD service area. The project would assist SMUD in achieving carbon reduction targets as detailed in SMUD's 2030 Zero Carbon Plan. Please accept the following comments which pertain to the Coyote Creek Agrivoltaic Ranch Project DEIR mitigation measures.

Mitigation Measure AQ-2A
Sac Metro Air District commends the inclusion of Mitigation Measure AQ-2A which contains the Basic Construction Emission Control Practices/Best Management Practices (BMPs) for fugitive dust control in addition to the Enhanced Fugitive Particulate Matter (PM) Dust Control Practices during the construction and decommissioning phase.

Mitigation Measure AQ-2B and 2C
Sac Metro Air District supports the inclusion of Mitigation Measure AQ-2B and 2C which requires that off-road diesel-powered equipment subject to CARB regulations meet or exceed Tier 4 Final off-road emission standards. The project also must be consistent with our Enhanced On-Site Exhaust Controls by submitting the emissions control plans as discussed in Mitigation Measure AQ-2C.

Mitigation Measure AQ-3
Since the project is located within an area with the potential for Naturally Occurring Asbestos (NOA) as identified by the California Geological Survey, the applicant must file either an Asbestos Dust Mitigation Plan or Geologic Evaluation with Sac Metro Air District prior to construction. The applicant may contact

Diego Jauregui at 916-825-6838 or visit https://www.airquality.org/businesses/asbestos/asbestos-in-soil for additional NOA information.

Mitigation Measure BR-2

Oak species are the dominant tree species present at the project site. Mitigation Measure BR-2 would mitigate for impacts to oak woodlands and for the loss of native oaks and other native tree species through avoidance, preservation, and in-kind establishment plantings of native trees. To implement Oak Woodland and native tree mitigation, the project would plant approximately 5,060 Interior Live Oak trees. However, Valley Oak and California Buckeye have a higher air quality rating according to the Sacramento Tree Foundation's Shady Eighty guide and are also native to the project site[1]. Furthermore, planting multiple tree species increases the diversity of the onsite plant population and improves resiliency against climate change[2].

Vegetation can absorb gaseous air pollution, and it is estimated that 26,949 metric tons (MT) of carbon dioxide equivalent (CO_2e) of carbon sequestration capacity would be lost by the removal of trees during project construction. Replacing the existing trees with new, higher carbon sequestering trees as part of the proposed landscape plan would increase the carbon sequestration potential of the project site.

Mitigation Measures GHG-1 through GHG-5

There appears to be inconsistency between the mitigation measures listed in Chapter 7 (and the Executive Summary) and Appendix AQ-1– Air Quality and Greenhouse Gas (GHG) Calculations Technical Memorandum. Appendix AQ-1 refers to Mitigation Measure GHG-1 through GHG-5 and Chapter 7 refers to Mitigation Measure CC-1. Please ensure that the mitigation measures are consistent as it appears that mitigation measure CC-1 is the same as GHG-1 through GHG-4, but that is not made clear. Also, Mitigation Measure GHG-5: Offset Construction Emissions is listed in Appendix AQ-1, but the measure is not listed in Chapter 5 or Chapter 7 of the DEIR nor in Table ES-1: Executive Summary of Impacts and Mitigation. The technical memorandum states that Mitigation Measures GHG-1 through GHG-5 would bring the GHG construction emissions to less-than-significant. These emission reductions must be quantified and disclosed in the EIR. Please include Mitigation Measure GHG-5 in the final EIR.

Additionally, the estimated annual construction and decommissioning GHG emissions for this project exceed Sac Metro Air District's 1,100 MT/year CO_2e threshold. The updated Air Quality and GHG Calculations Technical Memorandum states that Mitigation Measure GHG-5 would offset construction emissions with GHG emission reductions from solar energy generated through this project. The reductions associated with offsetting construction emissions must represent real, additional or surplus, quantifiable, enforceable, validated, and permanent reductions. The offsets for this project cannot be sold on the regulatory market or other GHG exchange and should not be double counted.

Sac Metro Air District looks forward to reviewing the final EIR for the Coyote Creek Agrivoltaic Ranch Project. We hope that these comments reinforce mitigation efforts and lead to deeper emission reductions while also supporting SMUD's 2030 Zero Carbon Plan.

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[1] Sacramento Tree Foundation, The Shady Eighty: Trees for a Cooler Sacramento Region, 2015, https://sactree.org/wp-content/uploads/2021/11/Shady-80-Trees-recommended-for-the-Sacramento-region.pdf

[2] Sac Metro Air District, Landscaping Guidance for Improving Air Quality Near Roadways, 2020, https://www.airquality.org/LandUseTransportation/Documents/LandscapingGuidanceforImprovingAirQualityNearRoadwaysMay2020V2.pdf

If you have questions regarding these comments, please contact Brianna Moland, Climate Coordinator, at bmoland@airquality.org or (916) 317-0821.

Sincerely,



Brianna Moland
Climate Coordinator, CEQA and Land Use Section
Sac Metro Air District

cc: Paul Philley, AICP, Program Manager
Rich Muzzy, Program Supervisor

SSCA South Sacramento Conservation Agency

Kim Hudson
Executive Director
hudsonk@saccounty.gov

May 21, 2025

Julie Newton, Environmental Coordinator
Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA 95814

Re: COMMENTS FOR COYOTE CREEK SOLAR PROJECT (PLNP2021-00191)

Dear Ms. Newton,

This letter is in response to the Notice of Availability for the Coyote Creek Agrivoltaic Ranch project Draft EIR. The project is located within the boundaries of the South Sacramento Habitat Conservation Plan (SSHCP) and appears to be mostly outside the Urban Development Area (UDA) and Planning Preserve Units; however, some portions are within the Urban Development Area within Planning Preserve Unit (PPU 1). Additionally, some areas are located within PPU 5 (outside the UDA).

The South Sacramento Conservation Agency (SSCA) understands that the comment period for the Draft EIR has now closed; these comments are submitted as part of the administrative record for consideration.

The SSCA submitted comments on the Notice of Preparation on February 9, 2022, that focused on information that should be included in the Draft Environmental Impact Report (DEIR). The comments below reflect the response to those previous comments as well as general comments related to the information presented in the DEIR as it relates to the successful implementation of the SSHCP. The portions of this project that are outside of the UDA are not covered activities under the SSHCP, although it is critical that all projects within the plan boundaries are consistent with the overall conservation strategy in the SSHCP.

1. The SSCA requested that an analysis of the conservation strategy contained in Appendix J, Voluntary Additional Conservation, of the SSHCP be included in the DEIR; however, the DEIR provided no analysis or any information regarding the voluntary conservation measures in Appendix J. This supplementary conservation has the potential to benefit SSHCP Covered Species, other native species in the Plan Area that are not Covered Species, and some key natural communities. These supplemental conservation actions complement and reinforce the SSHCP Conservation Strategy.

The majority of the project area is part of the voluntary conservation actions that are described in Appendix J. In the northeast sector of the plan area where this project is located, the voluntary conservation efforts call for the protection of 8,000 acres of the oak woodland, oak savanna, and grassland habitat. The conservation effort that is detailed in Appendix J is a critical component of the successful implementation of the SSHCP. The area is recognized as important habitat for many of the SSHCP covered species. Development outside the UDA was expected to consist of large lot rural and agricultural development. The development of a large scale solar voltaic project outside the UDA that would result in the permanent loss of oak woodland and other resources was not considered in the development of the plan. The SSHCP recognized the importance of this habitat and contained specific goals to implement voluntary conservation efforts in this specific area. This impact should have been analyzed in the DEIR as requested in response to the Notice of Preparation and needs to be considered during further review of the project.

2. The SSCA comments on the Notice of Preparation also requested that a mitigation strategy be considered for potential dedication of open space along with funding for long term management of the open space. The project area is 2,704 acres, with 1,412 acres to be permanently impacted by the construction and operation of the project. There does not appear to be any information regarding how the remaining acreage will be protected. This could be accomplished by a conservation easement or other mechanism.

3. It was unclear how the DEIR defined a temporary impact vs a permanent impact. Under the SSHCP, a temporary impact is defined as the impacted area being fully restored to its original condition within one year of disturbance. Impacted areas that are not restored within one year are permanent impacts. It is difficult to understand how only 345 acres of the 1,412 acres of the solar development area would be permanently impacted. Additionally, Table BR-9 (page 6-62) indicates that 1,064.03 acres of nesting and foraging habitat for the burrowing owl is permanently impacted, yet only 345.73 acres of vegetation and aquatic land cover types are shown as permanently impacted in Table BR-5. There is a similar issue with the description of permanent impacts to Swainson's hawk foraging and nesting impacts. The entire 1,412 acres of the solar development area should be considered permanently impacted in order to be considered consistent with the conservation strategy in the SSHCP.

4. Mitigation Measure BR-1e indicates that off-site compensatory mitigation, such as purchasing a conservation easement may be necessary for impacts to burrowing owls. It also states that this compensation should be implemented consistent with the SSHCP goals. There is no mention of potentially removing acreage from the SSHCP inventory to provide off-site mitigation for the project that would not be an SSHCP preserve and could impact the ability of the SSHCP to meet the conservation goals. Any preserves that are established by this project may reduce the limited inventory available for the SSHCP.

5. Some of the species accounts are confusing and inconsistent. For example, *Juncus leiospermus* var. *ahartii* (Ahart's dwarf rush) is shown on Table BR-3 as "Known to occur;" however, the text states the species has not been documented in the vicinity of the project site. The explanation of "know to occur" on page 6-17 is that the species has been documented on the project site. Many of the species on the site are covered species under the SSHCP and with the inconsistent information provided it is not possible to determine whether the species are present and what mitigation measures and/or avoidance and minimization measures need to be applied.

6. Mitigation Measure BR-3 states that one potential compensation option would include purchasing mitigation credits from an agency-approved wetlands mitigation bank (e.g., Clay Station, Bryte Ranch, Laguna Creek and Van Vleck Ranch). This is not feasible mitigation for protected wetlands since bank credits are extremely limited and may not actually exist. For example, Laguna Creek is sold out, Clay Station has very small amount, if any, credits available, and Van Vleck does not have any vernal pool credits.

The South Sacramento Conservation Agency appreciates the opportunity to comment on the Draft EIR and looks forward to working with the county on resolving these issues.

Sincerely,



Kim Hudson, Executive Director

May 5, 2025

Sacramento County Environmental Coordinator
Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, CA. 95814
CEQA@saccounty.gov

To Whom it May Concern,

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191).

This letter contains comments of the Gold Fields District of the California Department of Parks and Recreation (DPR) regarding the Coyote Creek Agrivoltaic Ranch Project (CCARP). The Gold Fields District manages Prairie City State Vehicular Recreation Area (PCSVRA) which is comprised of approximately 1,350 acres. Portions of the CCARP fall within land owned and managed by DPR and as such DPR is both a Trustee Agency and Responsible Agency under CEQA (CCR 15381 & 15386). The project will require real property rights from the State, which is a discretionary action requiring the approval of California State Parks.

The Department of Government Services (DGS) oversees and manages land acquisitions and easements for DPR among other State agencies. The Gold Fields District, DPR, and DGS are working with the project developer (DESRI), the Barton Ranch, and Sacramento Municipal Utility District (SMUD) on land use rights to be granted for the proposed project facilities within PCSVRA and other existing land use rights to be relinquished. DESRI has made commitments to improvements at the kart track and associated buildings, and we appreciate that these improvements were evaluated in the DEIR.

In March of 2022, you received a NOP comment letter from Gold Fields District where we addressed some of the land use issues including concerns over potential effects from the CCARP. That comment letter contains useful information which should also be referenced in the Final Environmental Impact Report (FEIR). This comment letter will focus in more detail on our comments as they relate to the DEIR. Additionally, we request that the DEIR reference and consider the PCSVRA General Plan (2016) and associated EIR and the recently completed Road and Trail Management Plan (RTMP), which are the governing land use planning documents for PCSVRA.

Based on our review of the DEIR, DPR recommends that the following be included in the FEIR document:

1) The DEIR should identify California State Parks as a Responsible and Trustee Agency under CEQA for this project.

2) The DEIR should consider the PCSVRA General Plan and RTMP and evaluate the Switchyard and Gen-tie line for consistency with those plans in the Land Use and other pertinent FEIR chapters. The RTMP was evaluated in an IS/ND CEQA document and included extensive public input. The RTMP will help to guide future projects within the park including opening the Ehnisz and Yost parcels to recreational use, which were purchased for public off-highway vehicle recreation but are not yet open to the public.

3) Correct the documentation stating that SMUD will own the land for the switchyard. While SMUD will own the infrastructure, an easement will be granted to the project proponents for the switchyard, the underlying land ownership will remain with DPR.

4) Include the current and correct PCSVRA boundary in maps and figures in the DEIR to clearly show the relationship of PCSVRA to the project, including the Ehnisz property, on which the switchyard will be located.

5) The switchyard will be sited in the corridor evaluated in the DEIR. However, depending on the final exact siting, the switchyard may conflict with facilities and plans identified in the PCSVRA RTMP. DPR is committed to working with DESRI, SMUD and their engineers to ensure the switchyard siting and access minimizes conflicts with park users.

6) Consider that there could be measures taken to at least partially mitigate or address the significant and unavoidable impacts to visual resources within PCSVRA, including a dedication by project proponents to develop additional recreation facilities in portions of the park unit where visual resources are less impacted. DPR is working with DESRI on such measures.

7) DPR has identified an existing and problematic location of a SMUD power pole at the corner of White Rock Road and the PCSVRA entrance road. This power pole makes it challenging for existing park users hauling trailers to make the turn into the park off eastbound White Rock Road. The tight turning radius may also create problems for large trucks and construction vehicles during the construction phase of the project. We recommend that relocation of this power pole be evaluated in the FEIR, and that DESRI work with SMUD to facilitate this move. DPR is working with SMUD and DESRI on this issue and can provide more information on the desired relocation of this power pole.

The sections below include specific DPR comments on the DEIR for each chapter:

Chapter 2 – Project Description

Proposed Project

Page 2-1
Generation Tie Line and SMUD Switchyard
The gen-tie line is located on the PCSVRA property and is not merely parallel to the property boundary. Both the gen-tie line and the switchyard would be located on State property within PCSVRA and will require land use rights to be granted by the State with the approval of CA State Parks.

> "The gen-tie line would use existing dirt and paved access roads where available, but improvements, such as widening or clearing existing dirt roads, and new road sections may be required for construction. These areas would be restored after construction is completed".

Restoration should include native plantings, restoration of pre-project grade, and soil stabilization to prevent erosion and wind driven soil loss. Prairie City SVRA staff would like to be included in restoration planning species selection and the methods utilized for this part of the project.

Page 2-3
Project site map should include PCSVRA boundary to clearly depict relationship of project facilities to PCSVRA.

Page 2-4
Portion of project, including gen-tie line and switchyard are located on PCSVRA property.

Environmental Setting

Page 2-8
Plate PD-4: Vegetation and Land Cover types within the Solar Development Area and Project site show Zone 1 Urban/Developed. This is a riding area within the park and is not developed beyond the park operational facilities. Please remove the triangle which includes Zone 1 Dispersed Riding and Park Operation facilities from this map and others as it is not part of the project. The existing easement section west of the switchyard should also be removed as it is not part of this project.

Page 2-19
The land on which the switchyard will be located will not be owned by SMUD. The State will grant an exclusive easement for the switchyard property, but DPR would remain the Fee Title Holder. Please correct.

Page 2-19

Prairie City State Vehicular Recreation Area
The Kart Track office/pro shop would not be relocated approximately 100 feet north. This building cannot be moved so a new 2,400 square foot split block constructed building will be built and the existing proshop will be demolished and removed.

> “Track improvements would be carried out at the discretion of state parks, and state parks would be responsible for any additional surveys, permits, or permissions associated with the improvements”.

This is incorrect. DESRI is responsible for this work with oversight and consultation from DPR.

Page 2-19
The correct name is Prairie City State Vehicular Recreation Area.

Not only has the applicant coordinated with PCSVRA, the project proponents need to obtain land use rights from the State for the project facilities within PCSVRA.

Chapter 3 – Aesthetics

California State Parks has been working with the project proponent on potential land use rights to accommodate portions of the project on PCSVRA lands since 2020. State Parks responded to the Notice of Preparation for the project with a letter to Sacramento County on March 15, 2022. In that letter State Parks specifically identified concerns about impacts to visual resources including glare, lighting and effects on existing recreational uses at PCSVRA. PCSVRA has granted access to the project proponents’ consultants for studies and surveys for the project and environmental review. Given all of the above, the Gold Fields District believes that **significant and unavoidable** impacts to visual resources in a unit of the CA State Park system can be partially mitigated via a dedication to specific aesthetic improvements to onsite resources at the park and/or a dedication to develop additional recreation opportunities in portions of the park where visual resources are not impacted.

Page 3-2
The DEIR states that:

> “The northern portion of the project site is adjacent to, and partially within, an easement over the southern end of the Prairie City State Vehicular Recreation Area (SVRA), which is owned and operated by California State Parks (State Parks) Off-Highway Motor Vehicle Division.”

Some of the proposed project facilities, specifically the gen-tie line, does fall within an existing easement area, however, the gen-tie line is not one of the rights granted for that existing easement area. The proposed switchyard would largely be located outside of any existing easement areas. Both the gen-tie line and the switchyard require new land use rights to be granted by the State of California.

Page 3-4
The boundary of PCSVRA is incorrect and does not include the Ehnisz Property where the switchyard is located. Looking at this map, readers would think that the switchyard is outside the park. Please correct the park boundaries here and elsewhere within the DEIR. Prairie City SVRA GIS staff are happy to provide you with an updated park boundary layer for these updates.

Page 3-15

The picture labeled KOP 9c refers to the former shooting range. This shooting range is still used regularly for DPR law enforcement staff and allied law enforcement agencies. Please correct this here and other location which reference the “former shooting range”.

Pages 3-42 to 3-47

Deer Creek Hills Preserve
It should be noted that DPR owns a 668-acre portion of Deer Creek Hills. This State-owned land within Deer Creek Hills is a subunit of Prairie City SVRA. This land is managed and operated by Sacramento County Regional Parks through an Operating Agreement. Sacramento County and Sacramento Valley Conservancy own in joint tenancy adjacent lands which comprise the larger Deer Creek Hills Preserve. The State-owned property lies closest to the CCARP in the northwest corner of the preserve and directly east/northeast of Scott Road. State Parks also owns a conservation easement on Barton Ranch to prevent and protect against housing development on the property. It is DPR’s understanding that the CCARP does not conflict with the conservation easement held by DPR on the Barton Ranch lands.

The DEIR documents **significant and unavoidable** impacts to scenic vistas within PCSVRA. The DEIR suggests that there are no feasible mitigation measures for these impacts. The Gold Fields District of CA State Parks suggests that mitigation measures could be developed that provide additional recreational opportunities in portions of the SVRA that would not be impacted by the project, as a means of mitigating the diminished experience in the areas of significant but unavoidable impacts. A mitigation dedication to the park could be utilized to develop and enhance other areas within the park that are not affected by the diminished aesthetic impacts to the park.

Pages 3-59 – 3-64.
The DEIR also documents and identifies significant impacts that substantially degrade the existing visual character of portions of PCSVRA, including the viewshed from a number of PCSVRA trails. As discussed in the DEIR some viewsheds within PCSVRA including the popular “Overlook” group day use area will change from high to low quality in aesthetic appeal. The DEIR concludes that this impact is **Significant**. “No mitigation measures are available to reduce this impact creating a **Significant and Unavoidable** impact to viewsheds within the SVRA”.

Again, the DEIR concludes that these impacts are **significant and unavoidable** and cannot be mitigated. State Parks recommends that the County and project developer consider working with State Parks on a dedication to develop and construct new trails and other recreation opportunities within PCSVRA in portions of the park unit that will be less affected by the visual impacts of the project as a means to mitigate the impacts to trails and recreation opportunities where impacts to the viewshed are **significant and unavoidable**.

Grant Line Road/White Rock Road
The DEIR states:

> “There would be no change to foreground or middle ground views other than the new 20-foot-wide private gravel roadway, and the existing panoramic views of the Sierra Nevada foothills would be unchanged”.

There are no plans for a private road. Please correct. Access will be provided through easements granted and will not be “Private”.

Prairie City SVRA Access Road

The projects aesthetics while looking west toward the switchyard from the access road do not consider the view of Mt. Diablo which will be affected by the switchyard’s placement and infrastructure. This impact should be analyzed.

Pages 3-64 – 3-68
The DEIR identifies significant impacts to PCSVRA due to new sources of light including nighttime lighting. The DEIR identifies that there are some nighttime activities at PCSVRA including events at the different tracks. PCSVRA also offers nighttime interpretive programs and events including star gazing which would be impacted by the new nighttime sources of light resulting from the project.

Chapter 9 – Hazards and Hazardous Materials

Impact HAZ-4: Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan

Pages 9-33
The DEIR states:

> “Emergency access during project construction and operation would be provided from the new access road west of the proposed switchyard, and then along a portion of the existing Prairie City SVRA access road along the southern end of the SVRA, and from there into the project site. Emergency access would also be available from several new project access roads that would extend onto the site east and west from Scott Road”.
>
> “In the immediate project vicinity, any employees who may be present on the project site could use either the Prairie City SVRA access road, which connects with White Rock Road for east-west movement, or the project’s western access road which connects with Grant Line Road (north-south) and White Rock Road”.

There is not a new access road west of the switchyard as part of this plan. Additionally, there is not an existing road which connects to Grant Line Road from within the park. Please correct.

Chapter 11 – Land Use and Planning

Page 11-1
The DEIR fails to disclose that existing uses of portions of the project area include PCSVRA and the off-road recreation use that occurs within PCSVRA, a park unit of the California State Park System.

PCSVRA is not just a surrounding land use, portions of the project would be located on PCSVRA lands.

Page 11-2
Under Regulatory Setting/State, the DEIR fails to disclose that the portions of the project that fall within PCSVRA are governed by existing land use management plans, specifically the Prairie City SVRA General Plan (2016) and the Parairie City SVRA Road and Trail Management Plan (2024).

These plans have their own land use designations and policies that govern PCSVRA. PCSVRA is not subject to County regulations. The failure to identify these plans in the DEIR is a significant omission.

The mission of California State Parks is:

> “The mission of California State Parks is to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.”

The management of State Vehicular Recreation Areas is governed by the California Public Resources Code 5090, which includes the following:

> "Areas shall be developed, managed, and operated for the purpose of providing the fullest appropriate public use of the vehicular recreational opportunities present, in accordance with the requirements of this chapter, while providing for the conservation of cultural resources and the conservation and improvement of natural resource values over time." (from PRC 5090.43)”

The purpose of PCSVRA is:

> “The purpose of Prairie City State Vehicular Recreation Area is to offer high-quality off highway vehicle (OHV) and other recreational opportunities, and to provide OHV and special event venues, while protecting and interpreting on-site natural resources.”

Page 11-8 & 9 – Impact and Analysis

Consistency with Plans, Policies and Regulations

The CCARP switchyard would be located in a portion of Zone 6 (aka the Ehnisz property), which is designated for both off-highway vehicle use in the RTMP, including motorcycles, ATVs and ROVs and for non-motorized trail use for mountain bikes around the perimeter of the zone.

The Ehnisz property was purchased in order to provide additional off-highway vehicle recreation opportunities at PCSVRA.

In early consultation with the CCAR developer, State Parks was provided with a footprint for a proposed switchyard which paralleled the south boundary of the SVRA.

State Parks utilized that proposed footprint in developing the Road and Trail Management Plan for the park unit. This siting has been revised and DPR and the applicant are currently working together to minimize the impact of the switchyard footprint and access to the switchyard on future park uses and facilities. Specifically, the proposed switchyard should be evaluated for consistency and any conflicts with the planning recommendations below from the PCSVRA RTMP:

> **Z6-3** - Construct and maintain a new staging area and new motorcycle, trials motorcycle, and ATV trails around the outer perimeter of the ROV trails…
>
> **Z6-5** - If there is demand for camping, allow for construction of a small campground (up to 15 campsites) at, or near, the future staging area and include shade ramadas and picnic tables. Provide restroom and shower facility for campers…

To mitigate this impact, State Parks recommends the County and project proponent work with State Parks to create a dedication to plan, develop and construct a staging/parking area, switchyard access route and other associated facilities, including restroom and shade ramadas, designed and located so the switchyard does not conflict with these recreation facilities and these recreation uses can be accommodated in this area as identified in the RTMP.

Chapter 10 - Hydrology and Water Quality

Page 10-24

Groundwater Drawdown in Nearby Wells
The DEIR states:

> "The Prairie City SVRA groundwater supply well and various Aerojet groundwater extraction and treatment wells and groundwater monitoring wells are local to the project site and therefore could be affected. The potential well interference effect would need to be evaluated in the future based on well locations, aquifer properties, and proposed pumping rates"

The sole water source for Prairie City SVRA is a well located near the parks water treatment plant and adjacent to the maintenance yard. This well is a vital and key part of the park's operation and if there are measurable reductions to water quantity and quality due to new wells in the aquifer, the impact could be significant on the park's ability to meet water demands. The impact to the Prairie City SVRA well production should be carefully analyzed when considering location(s) of any newly developed wells to support CCARP.

Existing Conditions

Page 12-10
Plate NOI-2: Noise Monitoring Locations and Sensitive Receptors.
The map shows one sensitive receptor as an office which is actually the scoring

tower at the Pro-AM MX Track. There are closer sensitive receptors which should be analyzed including but not limited to State housing, the Northern Communication Center, PCSVRA Sector Office, Resources Office, Maintenance Office, kart track, Environmental Training Center, and American Quarter Midget Track.

If you have any questions regarding this letter, please contact Peter Jones, Prairie City SVRA Sector Manager at (916)790-4546 or Jim Micheaels, Gold Fields District Senior Park and Recreations Specialist at (916) 439-8504. Thank you.

Sincerely,



Steve Hilton, Gold Fields District Superintendent

cc. Sarah Miggins, Deputy Director, Off-Highway Motor Vehicle Recreation Division
Kathryn Tobias, Attorney IV, California Department of Parks and Recreation
Michael Butler, Assistant Branch Chief, Real Estate Services Division, California Department of General Services

Little. Alison

From: Steve Behar <steve@cablelinkcom.com>
Sent: Tuesday, April 22, 2025 3:32 PM
To: PER-CEQA
Subject: Coyote Creek Agrivoltaic Ranch Project

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
If you have concerns about this email, please report it via the Phish Alert button.

Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest

opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Steve Behar

Little. Alison

From: sullivancomp@aol.com
Sent: Thursday, April 24, 2025 8:50 AM
To: PER-CEQA
Subject: SVRA

⚠ **EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments. ⚠
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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Steve Sullivan

Little. Alison

From: O STORTROEN <ole.s@comcast.net>
Sent: Tuesday, April 22, 2025 3:33 AM
To: PER-CEQA
Subject: Coyote Creek Photovoltaic Ranch Project

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April 22, 2025

Sacramento County

Department of community Develpment, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Photovoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number 2022010271

Dear Environmental Coordinator,

I feel that the DEIR for the Coyote Creek Photovoltaic Ranch Project has some serious faults in that the Prairie City SVRA was not adequately involved in the process. Were negative impacts from the SVRA addressed? Were potential negative impacts **to** the SVRA because of the Project addressed?

I recreate at this facility and enjoy many of the competition events that are held there.

One of my concerns is a possible reduction of areas that are used currently in the SVRA due to buffers adjacent to the Project. A large part of the SVRA was closed several years ago do to the "ferry shrimp" habitat. The SVRA needs all of the land that is available to it.

Another concern of mine is the potential of dust control. At competition events the tracks are constantly being watered, both for better competition and for dust. The DEIR does not address the potential of the impact of dust on the Project. Is there an adequate water supply to maintain the Project's needs? Who is going to be responsible for the cost of the Project's needs? With a large residential and commercial project going into development nearby, will there be enough water available?

This project needs to be paused until it can be thoroughly presented to the OHMVR Commission and get the Commission's input. This could be done at the next Commision meeting dated June 11 and 12, 2025.

Thank you for considering my concerns.

Ole Stortroen
154 Plaza Circle
Danville, CA 94526
ole.s@comcast.net

Little. Alison

From: Stuart Wik <brokelever@gmail.com>
Sent: Wednesday, April 23, 2025 6:39 AM
To: PER-CEQA
Subject: Prairie City OHV Solar Project

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely, Stuart Wik

California Program Office
P.O. Box 401, Folsom, California 95763
www.defenders.org

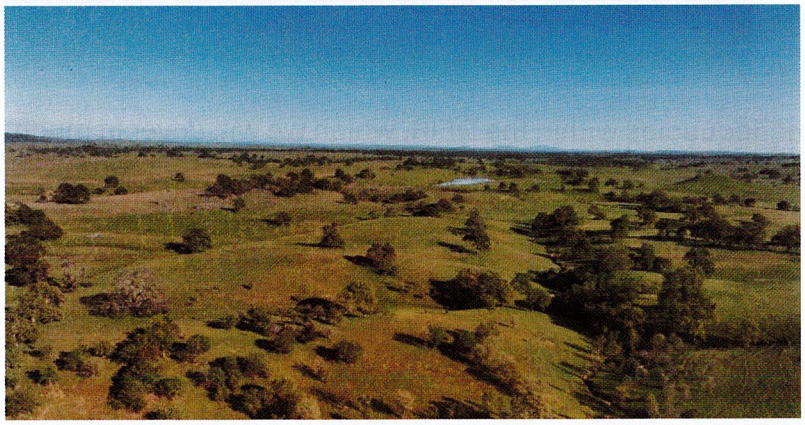
April 14, 2025

Sacramento County Planning Commission
700 H Street, Suite 1450,
Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191)

Good evening. I'm Pamela Flick, California Program Director with Defenders of Wildlife and a 28-year resident of Sacramento County.

To be clear: Defenders strongly supports renewable energy development, including SMUD's zero carbon emissions goal. However, we must balance the need for renewable energy with protecting sensitive species and habitats through smart planning and site selection for projects that avoid and minimize adverse impacts on known high-value resources. The Coyote Creek Solar Project completely misses the mark.



The proposed project will result in significant environmental impacts, including the destruction of intact blue oak woodlands, vernal pools and critically important regional habitat connectivity in a portion of our County that is seeing explosive growth with no end in sight.

This project location is inconsistent with the County's own siting guidelines. Unlike the Sloughhouse Solar project, which we supported and which was largely devoid of significant topography or vegetation to be cleared, the Coyote Creek project will require the use of 8 tons of explosives per day for over a month, 1.4 million cubic yards of excavation and nearly as much fill. This blasting, grading and filling will flatten this increasingly rare oak woodland landscape – removing more than four thousand oak trees, making lasting and irreversible changes to the physical environment, entirely shifting the rural character of this scenic corridor into an industrial solar complex. How the DEIR can claim that "no irreversible change to land use would result" from such a massive amount of earth moving is beyond logic.

Not only is this location completely inappropriate for the proposed development, but the DEIR itself is deeply flawed, does not rise to the level of adequacy on a number of levels, and lacks sufficient information to enable informed decision-making by the County.

The Project objective is overly narrow and prevents identifying and considering reasonable alternatives to avoid or minimize adverse impacts.

The methodology for site selection was clearly designed to limit consideration of alternatives, being constrained by the extraordinarily limited gen-tie distance criteria of just 1,000 feet from a SMUD transmission line, while industry norms can range from 10 to 30 miles. In fact, the project site would not have even qualified since the proposed gen-tie is 1.3 miles long.

Further, the DEIR's cumulative impacts analysis was arbitrarily limited to projects within a 5-mile radius of the proposed Project. However, the analysis failed to include projects located within El Dorado County, where at least three reasonably foreseeable projects are within 5 miles of the proposed Project site.



There are a variety of additional inadequacies within the DEIR, which we will cover in much more detail in our written comment letter.

The DEIR must be substantially revised and recirculated for agency and public review and comment.

I have also provided copies of comments from 100 local Defenders members and supporters who oppose the Coyote Creek Agrivoltaic Ranch Project.

Thank you for the opportunity to provide comments.

Pamela Flick

Pamela Flick
California Program Director
pflick@defenders.org

Sacramento County Environmental Coordinator
Office of Planning and Environmental Review
827 7th Street, Room 225
Sacramento, California 95814

Re: Coyote Creek Agrivoltaic Ranch Project Control Number: PLNP2021-00191;
State Clearinghouse Number: 2022010271

Dear Sir/Madam,

We are writing to urge you to reject the Coyote Creek Solar Project. This project would result in the construction of a massive industrial solar facility in a completely wrong location. While we support renewable energy, Sacramento County can and must do better. Sacramento has tens of thousands of acres that have already lost their habitat value and would provide excellent locations for utility-scale solar projects.

The Coyote Creek Solar Project would level more than 1,400 acres of rolling hills, streams, woodlands and more. This project would require the use of more than 8 tons of explosives a day for more than a month, flattening rolling rare blue and valley oak woodlands, and generating more than 1.4 million cubic yards of rock and dirt. These increasingly rare oak woodlands provide vital habitat to dozens of vulnerable species, including bald and golden eagles, burrowing owls, western pond turtles and many other amphibians, birds and unique aquatic animals.

This project has failed to adequately analyze impacts on groundwater and surface water, rare oak woodlands, cultural resources, wildlife and other resources. Further, this project has not demonstrated sufficient benefits to override the devastating impacts on the environment and cultural resources.

Sacramento County's open spaces are quickly disappearing in a rush of rapid, widespread development. The proposed site of the Coyote Creek Project is one of the last few remaining intact landscapes in Sacramento County, and this development would leave the area's wildlife with nowhere to go.

We urge the County to reject this project due to its serious and unmitigated impacts as well as its failure to comply with the requirements of the California Environmental Quality Act.

Thank you.

Signed,

Lori M. Conrad
Davis, CA 95618-1613

Lee Robinson
El Dorado Hills, CA 95762-9747

Cheryl Davis
Rio Linda, CA 95673-1803

John Fleming
Grass Valley, CA 95945-9723

Allen Bohnert
Davis, CA 95618-0509

Anne McBride
Auburn, CA 95602-9517

Mary Zamagni
Valley Springs, CA 95252-9232

Tami Trearse
Sacramento, CA 95820-3321

Julie Osborn
Folsom, CA 95630-2372

Kenneth Nahigian
Sacramento, CA 95827-3266

Jennifer Cox
Carmichael, CA 95608-3095

Barbara Frazer
Sacramento, CA 95816-3937

Elke Blair-Weeks
Roseville, CA 95661-5253

Brittany Honeyman
Sacramento, CA 95827-1032

Joseph Anthony Sebastian
Sacramento, CA 95821-2827

Martha Nungesser
Carmichael, CA 95608

Galen Hazelhofer
Sacramento, CA 95827-3753

George Burnash
Rncho Cordova, CA 95670-3637

Carolyn Rand
Roseville, CA 95678-1199

Dean Griswold
Fair Oaks, CA 95628-2929

Darlene Ross
Woodbridge, CA 95258-8900

Heidi Nurse
Gold River, CA 95670-7869

Cory Anttila
El Dorado Hills, CA 95762-4114

Donald Taylor
Fair Oaks, CA 95628-6411

April Gonzales
Penn Valley, CA 95946-9670

Christine Trout
Placerville, CA 95667-7883

Jana K. Perinchief
Sacramento, CA 95821-3402

JL Angell
Rescue, CA 95672-9411

Margaret Rivera
Fair Oaks, CA 956285918

Marie-Claire Starr
Grass Valley, CA 95949-9242

Marion Elkins
Vacaville, CA 95688

Sharon M. Marquez
Placerville, CA 95667-8737

Jana Boccalon
Fair Oaks, CA 95628-7527

Melvin Taylor
Sacramento, CA 95823-5780

James Post
El Dorado Hills, CA 95762-5282

Keith Neuner
Auburn, CA 95603-3531

Nora Salet
Vacaville, CA 95687-4145

Laura Riley
Citrus Heights, CA 95610-2514

Laurie K. Brown
Penn Valley, CA 95946-9414

John Everett
Grass Valley, CA 95945-4156

Linda Freeman
Yuba City, CA 95991-8866

Esther Mooncrest
Sacramento, CA 95817-2911

Elizabeth Eisenbeis
Lodi, CA 95242-3732

Marlene Anderson
Grass Valley, CA 95949-6728

Kristen Lowry
Vacaville, CA 95688-3853

Lisa Lynch
Elk Grove, CA 95757-6319

Loren Stanfield
Sacramento, CA 95822-0135

Sherry Macias
Lincoln, CA 95648-8739

Anne Spesick
Cool, CA 95614-2332

Signe Wetteland
West Sacramento, CA 95691-4611

Diana Stokes
Rocklin, CA 95677-2927

Marilyn Barthelow
Auburn, CA 95602-9314

Tina Arnold
Rio Vista, CA 94571-2124

Mari Dominguez
Lodi, CA 95240-9375

Nancy Hunter
Gold River, CA 95670-6214

Vicki Egscheider-Kissinger
Placerville, CA 95667-6048

Cherise Muñoz
Stockton, CA 95207-8811

Elizabeth D. Ramsey
Davis, CA 95616-3131

Lisa Jones
Elk Grove, CA 95624

Laura Redding
Wilseyville, CA 95257-0046

Emily Sanford
Sacramento, CA 95816-6649

LeeAnne Mila
Placerville, CA 94404

Katherine Leahy
Sutter Creek, CA 95685

Janice Wang
Sacramento, CA 95831-2917

Deborah Davis
Carmichael, CA 95608

Maria Cornelius
Sacramento, CA 95864

Jill Rae
Sacramento, CA 95819

Erh-Yen To
Sacramento, CA 95835-2497

Judy Amarena
Greenwood, CA 95635

Karen Jacques
Sacramento, CA 95811

Lisa Ellen Steele
Roseville, CA 95661-7321

Jasmine Hawthrone
Citrus Heights, CA 95621-6352

Paul M Deauville
Folsom, CA 95630-5339

Mary Vogt
Grass Valley, CA 959456332

Bonnie K. Dixon
Stockton, CA 95212-9327

Sara Townsend
Rio Linda, CA 95673-2440

Cathy Holden
Sacramento, CA 95864-2907

Callie Riley
Citrus Heights, CA 95610-2514

Susan Carlson
Davis, CA 95616-5621

Regina Brink
Sacramento, CA 95822

Lorraine Rucker
Sacramento, CA 95824

Marcia Sievers
Lincoln, CA 95648-7702

Athena Oden
North Highlands, CA 95660-5034

Robin Kristufek
Sacramento, CA 95819-2564

Lorraine Rucker
Sacramento, CA 95824

Becky Croll
Sacramento, CA 95817-2125

Audrey Uber
Sacramento, CA 95822

Jeanette Hawthrone
Citrus Heights, CA 95621

Mark Sawyer
Sacramento, CA 95811

Marji Miller
Sacramento, CA 95828-4017

Christian Margedant
Fair Oaks, CA 95628

Linda Wolfe
Fair Oaks, CA 95628-4528

David Sievers
Lincoln, CA 95648-7702

Debbie Bennett
Elk Grove, CA 95624

April Ford
Sacramento, CA 95820-4324

Lary Bucher
Sacramento, CA 95820-4324

Marcela Iglesias
Sacramento, CA 95825-4343

Chris Brown
Sacramento, CA, 95817

Maria Pinto
Sacramento, CA 95821

Chris Tan
Rancho Cordova, CA 95670

Comments to County Planning Commission on Coyote Creek Agrivoltaic

Thank you, Commissioners. My name is Rick Codina and I am with the SMUD Watch Team for 350 Sacramento. We are a local climate action group that supports SMUD's Zero Carbon Plan and the many renewable projects they have advanced (See Figure 1).

But unlike SMUD's local solar projects, Coyote Creek, as described in this draft EIR, will be exceptionally destructive. And we cannot support it. Nor do we believe it is at all necessary to meet SMUD's carbon goals.

To begin with, Coyote Creek is not a SMUD project. Nor did SMUD solicit this proposal when it agreed to purchase the project's future generation in 2022. Then, it approved this contract without a site review and, in fact, Coyote Creek most likely violates SMUD's environmental guidelines for developing its own solar projects.

The draft EIR asserts that the County lacks alternative sites of sufficient size, suitability, and close access to a SMUD interconnection. It may be true that the developer cannot access such alternative locations. But SMUD can.

In fact, SMUD maintains a list of generation projects requesting potential interconnection (see Figure 2) that includes eight active solar plus battery projects totaling more than 2,200 MW. Nearly all have completed the necessary studies and three are requesting SMUD connections at the same point of inter-tie as Coyote Creek. Some of these sites may also prove problematic, and some requests may be withdrawn later. But the point is that Coyote Creek is neither unique nor irreplaceable.

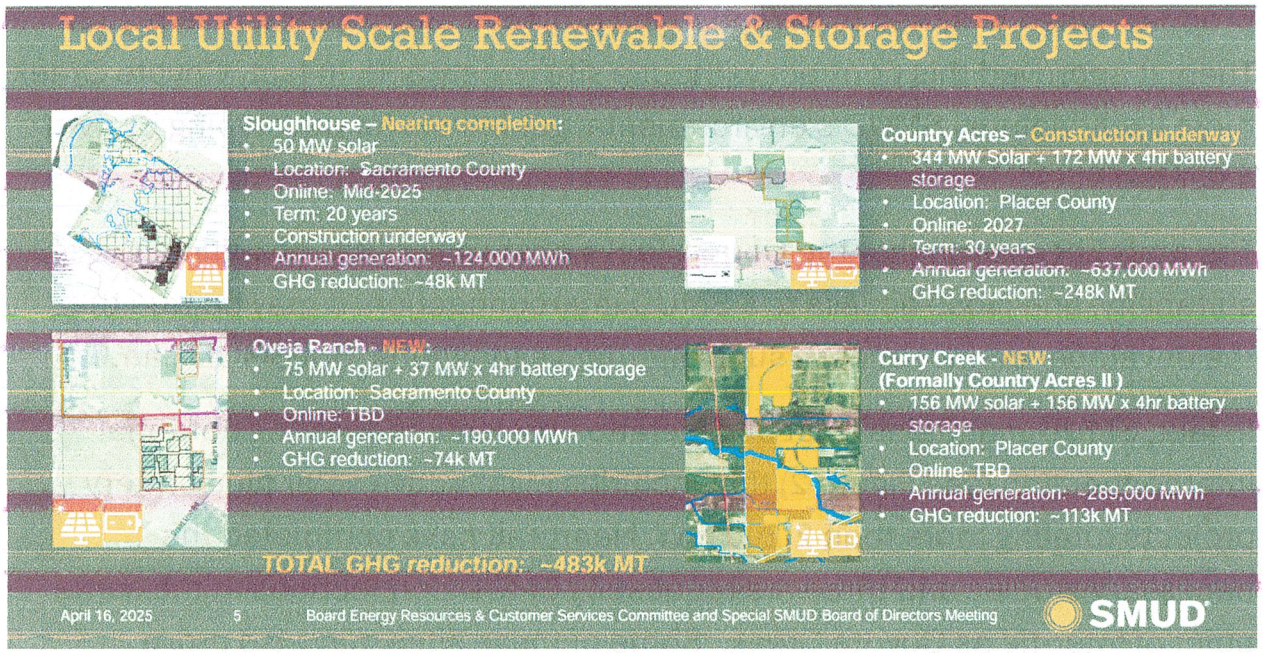
The draft EIR asserts that Coyote Creek's primary goal is to assist SMUD in meeting its carbon reduction goals. But the project is not at all necessary for the ultimate success of SMUD's Zero Carbon Plan.

True, SMUD staff had originally projected that Coyote Creek would be needed to shut down the first of SMUD's gas power plants at the former Campbell Soup facility. But the latest staff update, finds that the Country Acres' 344 MW

solar plant -- being built now -- will provide enough generation to the local grid to replace Campbell, without assistance from Coyote Creek[1].

In summary, our climate crisis is very real, and the prospect of local renewable energy generation is tantalizing. But this project, with its devastating habitat impacts, should not be part of the local solution.

Figure 1. SMUD-Developed Local Solar + Battery Projects Under Construction and Supported by 350 Sacramento[1].



[1] PowerPoint Presentation, SMUD Zero Carbon Update before the Boad Energy Resources and Customer Services Committee meeting, April 16, 2025, slide 10.

Figure 2.

Active Solar + Battery Interconnection Requests to SMUD

Website: 6201 HQ Letterhead

Queue Date	Status	Generation Type	MW	Point of Interconnection	Proposed In-Service Date	Feasibility Study	System Impact Study	Facilities Study
2/13/2020	Active	Photovoltaic & Battery Storage	250 S&W	New substation near Cordova 230kV Substation	4/1/2027	Completed	Completed	Completed
11/3/2020	Active	Photovoltaic & Battery Storage	250 S&W	New substation near Elverta 230kV Substation	1/4/2029	Completed	Completed	Completed
1/25/2021	Active	Photovoltaic & Battery Storage	344 S&W	New substation near Elverta 230kV Substation	12/15/2026	Completed	Completed	Completed
3/16/2021	Active	Photovoltaic & Battery Storage	170 S&W	Cordova 230kV Substation	1/4/2028	Completed	Completed	Completed
5/20/2021	Active	Photovoltaic & Battery Storage	250 S&W	Q3 new switching station near Cordova 230kV Substation	12/31/2028	Completed	Completed	Completed
7/7/2022	Active	Photovoltaic & Battery Storage	550 S&W	New switching station near Rancho Seco 230 kV Substation	12/31/2029	Completed	Completed	Completed
9/22/2022	Active	Photovoltaic & Battery Storage	275 S&W	Rancho Seco 230 kV Substation	8/31/2030	Completed	Completed	Completed
12/12/2022	Active	Photovoltaic & Battery Storage	156 MW	Proposed Country Acres 230 kV (Q8)	9/15/2029	Completed	Completed	In Progress
		Total	***2,245 MW***					

Blue shading indicates request at same interconnection point for Coyote Creek

Source: SMUD CAISO website, Interconnection Queue.

EARTH ADVOCACY

April 14, 2025

Sacramento County Planning Commission
700 H Street, Suite 1450,
Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191)

Good Evening. My name is Kim Delfino. I work as a consultant to Defenders of Wildlife and was their California Program Director for nearly 20 years. I am also a 25-year resident of Sacramento County.

During the last 15 years of my career, I have worked to change state, regional and local policy and practice to site and permit large scale solar projects faster and more efficiently. It always comes down to one key factor – did the project proponent pick a site that was smart from the start – or in other words, low impact.

Unfortunately, the Coyote Solar Project is the antithesis of a "smart from the start" project and we believe this project should be rejected.

The Coyote Solar Project will require blasting and then filling in more than thousand acres of rolling oak woodlands. To level this area, the project developer will use of 8 tons of explosives every day for over a month, generating more than 450 football stadiums of rock and dirt. This is a massive change in this landscape.

Others have spoken or will speak about the biological and cultural importance of this project site and the extensive and unmitigated impacts to those resources.

I want to focus on one critical issue: the impacts to water in this area. I will note that the environmental organization's written comments will include a technical report prepared by a professional hydrologist that provides much greater detail to the points I am raising today.

First, the Draft Environmental Impact Report (DEIR) fails to examine how the extensive blasting and excavations will impact the area's groundwater, particularly how groundwater and spring systems will be impacted and depleted.

Second, the DEIR failed to adequately analyze what the impacts of blasting will have on existing groundwater wells in terms of damage to the wells and impacts to productivity. These impacts should also be considered for any wells related to the monitoring and mitigation of the groundwater contaminant plumes on and adjacent to the Project site.

3053 Freeport Blvd. #160, Sacramento, CA 95818 (c) (916) 201-8277 (e) kdelfino@earth-advocacy.com

Third, the DEIR does not include sufficient analysis of groundwater quality or of potential impacts from long-term groundwater extractions on the groundwater contamination plumes existing beneath and adjacent to the Project site.

Finally, there is no analysis on potential long-term impacts from groundwater extraction for the Project. Groundwater Dependent Ecosystems in or near Deer Creek have not been evaluated.

In summary, the environmental evaluation and analysis for this project is sorely lacking. This DEIR must be revised to address the many deficiencies in this document and should be recirculated for review.

Thank you,

Kimberley Delfino
President, Earth Advocacy

3053 Freeport Blvd. #160, Sacramento, CA 95818 (c) (916) 201-8277 (e) kdelfino@earth-advocacy.com

California
Native Plant Society
2707 K Street, Suite 1, Sacramento, CA 95816-5130 (916) 447-2677 www.cnps.org

Protecting
California's native
flora since 1965

April 14, 2025

CNPS Testimony on Coyote Creek Solar

Good Afternoon/Evening,

My name is Nick Jensen and I am the Conservation Program Director for the California Native Plant Society. CNPS is a statewide non-profit with more than 13k members dedicated to the conservation and appreciation of our state's globally significant plant diversity. I am also a resident of Hollywood Park, in District 2. Thank you very much for the opportunity to comment on the Coyote Creek Solar Project.

To start with, based on our analysis, the DEIR is insufficient and does not accurately quantify the botanical and habitat impacts of this project. Given the significance of these impacts, we strongly encourage the preparation of a revised or supplemental DEIR that addresses the omissions in the current draft.

With regard to habitat, the project proposes to remove 4,787 trees, 4,699 of which are oaks. This totals 287 acres of oak woodland and constitutes over 54 continuous acres of canopy cover. The vast majority (more than 4500) of these oaks are blue oaks, which are one of the slowest growing oak species. Blue oaks begin to reach maturity at approximately 90 years of age, and at that point they are just beginning to produce acorns, downed wood, and hollows that are needed to support the many of the wildlife species that call these woodlands home. It would take centuries to recreate the habitat values that currently exist on the project site and would be eliminated.

From the perspective of climate change, the removal of these same trees would reduce the carbon capturing capacity of Sacramento County by up to 117 tons of GHGs annually.

Zooming down into nerdy botanist territory, the project would directly impact occurrences of spiked western rosin weed (*Calycadenia spicata*). This species is endemic to California and is rare across its entire range. The DEIR inaccurately represents observations of the species as individual occurrences, greatly exaggerating the number of populations of this species across California. This obfuscates the public's ability to understand the project's actual impacts. Furthermore, the mitigation for this species proposes to salvage topsoil containing seeds and return it to the project site post construction. The potential success of this mitigation measure is untested, and while there is language to require monitoring of post construction, there is no language to require that this rare species survive on the site,

in perpetuity. Essentially, the DEIR offers no assurance that there would be no net loss of this species.

The examples of the impacts to oak woodland and spiked western rosin weed highlight the large effect that this project will have, the inadequacy of the analysis provided in the DEIR, and the untested/insufficient nature of the proposed mitigation.

These items lead us to conclude that the projects DEIR is insufficient and needs revision. Consequently, we recommend that the planning commission not approve this project.

Thank you for your time.

Nick Jensen, PhD
Conservation Program Director
California Native Plant Society
njensen@cnps.org

Daniel Airola - Comments on the Coyote Creek Photovoltaic Project on behalf of Sacramento Audubon Society and Central Valley Bird Club

Presented to Sacramento County Planning Commission

Good afternoon, I am Daniel Airola, a certified Wildlife Biologist.

I have worked in Sacramento County since 1985 addressing permitting and environmental compliance for biological resources. I currently conduct scientific research on several species affected by this project.

Tonight, I represent Sacramento Audubon Society and Central Valley Bird Club, both of which have over 600 members.

I prepared 12 pages of comments, just on the DEIR's inadequacies in addressing impacts to certain wildlife. I only have time to highlight a few key issues here.

The project would remove nearly 4,800 oak trees. This loss represents 30% of the remaining oak woodland in Sacramento County, which was not acknowledged in the DEIR.

This woodland loss will significantly affect nesting raptors, including the state-threatened Swainson's Hawk and fully protected White-tailed kite. But many other oak woodland species will suffer major population declines,

The mitigation proposed for eliminating 100-year-old oak woodlands is inadequate.

New planted mitigation woodlands will not replace the ecological functions of the existing woodlands for many decades. Instead, the impacts should be avoided.

The state-threatened and colonial-nesting Tricolored Blackbird has nested within the project area within the last decade, which was not acknowledged in the DEIR.

Also, a very large nesting colony, near the State OHV area, uses the project site for food to feed their young.

The project will eliminate this grassland foraging habitat onsite and degrade nesting habitat.

My studies show that large areas of grasslands are required to support colonies, which explains why six colonies have disappeared as a result of development adjacent to the project site in South Folsom and in El Dorado Hills.

The DEIR should have evaluated whether the loss of nesting and foraging habitat would affect the onsite and adjacent colonies, but did not do so.

Finally, the DEIR ignored any evaluation of the Loggerhead Shrike, a state Species of Special Concern that nests immediately adjacent to the project site. The project is likely to affect this rapidly declining species.

In sum, we should not destroy high value wildlife habitat in order to reduce carbon emissions.

This is just a bad site for solar development. We recommend that the county deny the project or at minimum recirculate a revised DEIR to allow meaningful public comment.

Even better, work with the landowner and non-profits to develop a conservation easement to protect this valuable habitat and ranching use of the property for the long-term.

My name is Sean Wirth, and I am the Conservation chair for the Mother Lode Chapter of the Sierra Club.

A review of the draft EIR for this huge solar voltaic project on the richly biodiverse and rare blue oak woodlands and savannah and associated grasslands of eastern Sacramento County is liable to make you conclude that there is little to no effect on the South Sacramento Habitat Conservation Plan's ability to successfully achieve the goals of its Conservation Strategy.

The DEIR makes this claim for two main reasons: 1.) only a small portion of the project is in a designated Preserve Planning Unit and so, since the bulk of the proposed project would be constructed outside of these PPUs, that means that it will have no significant impact on the SSHCP; and 2.) a very small proportion of the habitat types (land covers in the parlance of the SSHCP) would be impacted both within the context of the Plan as well as within 5 miles of the project – basically claiming that there is a bunch of this habitat around and this proposed project will impact only a small amount of that habitat.

To understand how incorrect this representation of the impact on the SSHCP is, one needs to understand how the Plan is structured. The Plan covers development activities south of highway 50 down to the Urban Development Area. The idea underlying the Plan, and the big environmental compromise, was that the biological resources inside the UDA, with some specific and clearly identified exceptions, would be sacrificed, but that the fees generated from that sacrifice would be used to create a preserve system outside the UDA in a far less constrained landscape allowing for a large and interconnected preserve system. The area outside of the UDA where the preserve would be built was divided into Preserve Planning Units, with each unit containing habitats and ecosystems that benefit the species that the Plan was designed to protect and each PPU has specific conservation goals that must be met. This approach led to the SSHCP being described as a Natural Communities Conservation Plan – like effort, an effort intending to protect ecosystems while protecting species.

And now for a fact that was completely left out of the DEIR: there was no "take" of blue oak woodlands or blue oak savannah in the SSHCP, and therefore there would be no fees coming into the Plan to preserve this habitat, even though it provides, along with its associated grasslands, a home to a majority of the species covered in the Plan. So, there is no PPU containing this valuable ecosystem because there was no money to do any conservation. This is why there is a zone in the inventory area of the SSHCP that has no PPU and no conservation targets called out. BUT, that does not mean that this area is not an important part of the success of the Conservation Strategy of the Plan, a Plan that is supposed to provide for the long term viability of the covered species included in it. No mention was made of Appendix J in the SSHCP which calls for the preservation of 8,000 acres in this very area where the proposed project is sited. This goal was precipitated by both the importance of this ecosystem and an acknowledgement of its importance to so many covered species. No discussion was included in this DEIR about the impact of this project on the goals in Appendix J. No mention of how this proposed project could drive up the cost of the conservation in the area. No mention that the project is so large that it constitutes 4.5% of the total land to be developed inside the UDA covered by the SSHCP.

And addressing the second reason, the fact that the land covers to be impacted by the proposed project are presented as a small fraction of the equivalent land covers in the SSHCP, as well as within in 5 miles, is dramatically skewed because it only considers the two overlapped PPUs and not the whole proposed project area. It also completely ignores the fact that the remaining land covers are a vestige of their original extent, and so the "abundance" of these important land covers in this area are, in actuality, a sign of the significance of this area for conservation as opposed to a greenlight for development. These and many other arguments will be addressed in the comment letters that the county will be receiving on this project and would encourage you to read those letters carefully.

WHITE ROCK ROAD PROPERTIES, LLC
P.O. Box 13308
Sacramento, CA 95813

April 9, 2025

Ms. Julie Newton, Environmental Coordinator
Sacramento County Planning and Environmental Review
827 7th Street, Room 225
Sacramento, California 95814

Re: Draft Environmental Impact Report for Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191/SCH No. 2022010271)

Dear Ms. Newton:

White Rock Road Properties, LLC ("WRRP"), a subsidiary of Teichert, Inc., owns a 100-foot-wide exclusive easement across portions of the 2,555-acre Barton Ranch property, which is the project site for the proposed Coyote Creek Agrivoltaic Ranch Project ("Project"). The purpose of WRRP's easement is to allow for the construction of a conveyor belt system, access road, and associated utilities (e.g., water, electricity) needed to convey aggregate from Teichert's approved Teichert Quarry mining site to its existing Grant Line processing facility.

On February 16, 2022, WRRP submitted the attached comment letter on the Notice of Preparation (NOP) for the Project, requesting that the EIR address the Project's compatibility with our easement. However, our comment letter was not included among the NOP comments compiled in Appendix PD-2 of the EIR, nor did we see the WRRP easement mentioned in the EIR. We are resubmitting our attached NOP comment letter to ensure that the Final EIR acknowledge and address our easement to the extent necessary.

Also, we have contacted the project applicant with respect to our easement. They have informed us that they are aware of our easement and assured us that the Project will not conflict with our easement and the proposed uses within that easement.

Thank you for the opportunity to comment on the Draft EIR for the Project. We look forward to working with the project proponents regarding the Project and WRRP's proposed easement uses.

Sincerely,



Nick Cronenwett
Project Manager

Enclosure

cc: William Risse, DESRI
Forest Halford, Barton Ranch, LLC
Herb Garms, Barton-Mosher Sacramento Ranches, LP

WHITE ROCK ROAD PROPERTIES, LLC
P.O. Box 13308
Sacramento, CA 95813

February 16, 2022

Ms. Joelle Inman, Environmental Coordinator
County of Sacramento, Planning and Environmental Review
827 7th Street, Room 225
Sacramento, California 95814

Re: Notice of Preparation of a Draft Environmental Impact Report and Scoping Meetings for Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191)

Dear Ms. Inman:

White Rock Road Properties, LLC ("WRRP"), a subsidiary of Teichert, Inc., owns a 100-foot-wide exclusive easement ("Easement") across portions of the 2,555-acre Barton Ranch property. We have reviewed the Notice of Preparation ("NOP") for the Coyote Creek Agrivoltaic Ranch Project ("Project"). The Project involves the construction and operation of a solar energy facility on the Barton Ranch property. The project proponents are listed in the NOP as the owner Barton Ranch, LLC ("Owner") and applicant Sacramento Valley Energy Center, LLC ("Applicant"). Based on our review of the NOP, we offer the following comments.

Approved Teichert Quarry Project and Conveyor Easement. The purpose of WRRP's exclusive Easement is to allow for the construction and operation of a conveyor belt system, access road, and associated utilities (e.g., water, electricity) needed to convey aggregate from Teichert's approved Teichert Quarry mining site to its existing Grant Line processing facility. The construction and installation of the proposed easement will involve a substantial amount of grading, including cuts and fills. The environmental effects associated with the construction, installation, and operation of the proposed conveyor, access road, and associated utilities were analyzed as part of the Teichert Quarry project in the Final Environmental Impact Report (State Clearinghouse Number 20030702087) that was prepared and certified by the County of Sacramento when it approved that project in November 2010.

Barton Ranch Easement Obligations. The County and the project proponents should be aware of the obligations under the Easement and are subject to the covenants and conditions contained in the Easement. A copy of the Easement is attached for your reference. Specific provisions of the Easement are discussed in further detail below.

Specific Covenants and Conditions. The County and the project proponents should be aware of the following requirements in the Easement relating to non-interference with the use of the Easement and approval rights of WRRP concerning crossings and other facilities that might impact the Easement:

- **Construction.** Construction of the conveyor system, access road, and associated utilities will require entry beyond the boundaries of the Easement for grading and other construction-related activities. Under Section 4.A. of the Easement, WRRP is allowed to enter the Barton Ranch property as reasonably necessary for such construction. The project proponents should be aware that cut and fill excavation will be required at various places in the Easement and that some fill material may be deposited outside the boundaries of the Easement.

- **Permits.** Under Section 5 of the Easement, the Owner/Applicant must cooperate with WRRP in connection with obtaining the necessary entitlements to construct and operate WRRP's proposed conveyor system, access road, and associated utilities, and WRRP's entitlements take precedence over other uses of the property, including the Project.

- **Approval Right.** Under Section 7.C.(2) of the Easement, the Project's plans and specifications will be subject to review and approval by WRRP to the extent that the Project could affect or use the Easement.

- **Crossings.** Under Section 6 of the Easement, any proposed crossings over or under the Easement will be subject to WRRP's approval.

- **Warranty**. The warranty obligations of the Easement, as found in Section 7.C.(1), prohibit the Project from causing water to back up onto the Easement.

- **Owner/Applicant Access.** Section 7.C.(3) of the Easement requires advanced notice for access onto the Easement and imposes an indemnity obligation arising from any such access.

- **Modifications.** If the Project causes adverse effects to the Easement, the Owner/Applicant will be obligated to remedy the conditions as required by the Easement, Section 7.C.(4).

- **Non-Interference Covenant.** Section 13 of the Easement requires that the Owner/Applicant's use of the property not unreasonably interfere with the Easement.

Project Compatibility with Easement Uses. The EIR should address the Project's compatibility with the adjacent Easement and associated uses (e.g., conveyor, access road, utilities, etc.). Moreover, the Easement could affect the location of the Project's proposed facilities, which also needs to be considered in the EIR.

Thank you for the opportunity to comment on the NOP for the Project. We look forward to reviewing the EIR for the Project. We also look forward to working with the project proponents regarding the Project and WRRP's proposed Easement uses. We are currently in the process of finalizing our construction plans for our proposed aggregate conveyor, access road, and associated utilities. During this process, we would be happy to meet with the project proponents to allow them to review our plans and to discuss issues associated with the interface between the Project and WRRP's proposed uses.

Sincerely,

Troy A. Reimche
Director of Properties

Enclosure

cc: Forest Halford, Barton Ranch, LLC
Herb Garms, Barton-Mosher Sacramento Ranches, LP

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

White Rock Road Properties, LLC
P.O. Box 15002
Sacramento, CA 95851

Sacramento County Recording
Mark Norris, Clerk/Recorder
BOOK 20031016 PAGE 2239
Thursday, OCT 16, 2003 3:13:40 PM
Ttl Pd $66.00 Nbr-0002365294
KPM/36/1-20

Space Above Line For Recorder's Use

GRANT OF PERMANENT EXCLUSIVE EASEMENT

This Grant of Permanent Exclusive Easement (this "**Grant**") is executed this 16th day of October, 2003 by and between BARTON-MOSHER SACRAMENTO RANCHES, LP, a California corporation ("**Grantor**") and WHITE ROCK ROAD PROPERTIES, LLC, a Delaware limited liability company ("**Grantee**"), who agree as follows:

BACKGROUND

A. Grantor owns real property situated in Sacramento County, State of California, as more particularly described in attached **Exhibit A**, and also depicted graphically in attached **Exhibit C** ("**Grantor's Property**").

B. Grantee intends to construct and operate a sand and gravel plant and quarry on property north and east of Grantor's Property, as depicted in **Exhibit C** attached hereto and incorporated herein ("**Grantee's Mine Property**"). Grantee's Mine Property is more particularly described in **Exhibit B** attached hereto. Grantee's affiliate, Grant Line Road Properties, LLC ("**GLP**") owns real property situated adjacent to and to the west of Grantor's Property, as more particularly described in attached **Exhibit B-1**, and also depicted graphically in attached **Exhibit C** ("**GLP's Property**").

C. Grantee desires to acquire a permanent exclusive easement ("**Easement**") over Grantor's Property for the construction and operating of one conveyor system for the transport of rock, sand and gravel in connection with its mining operation (the "**Conveyor System**").

AGREEMENT

1. Grant of Permanent Exclusive Easement. For good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants to Grantee, the Easement as hereinafter described.

2. Location of Easement. The Easement granted herein is one hundred (100) feet in width running approximately 7,850 feet, as more particularly described in **Exhibit D** and graphically depicted in **Exhibit C** attached hereto.

3. Description of Permanent Exclusive Easement. The Easement shall be permanent and exclusive, and shall commence upon the execution of this Grant. The Easement may be used by Grantee and its employees, agents, representatives, invitees, guests, affiliates and contractors for the following purposes: (i) the installation of the Conveyor System for the conveyance of rock and raw materials mined or processed at Grantee's Mine Property (as Grantee's mine and processing facilities are finally configured, expanded and relocated on Grantee's Mine Property from time to time) to the mining and processing facilities located on GLP's Property as such facilities may be relocated, expanded and modified on GLP's Property from time to time, collectively referred to herein as "Grantee's Adjacent Properties"; (ii) the installation of roads (including, at Grantee's option, all-weather asphalt-surface roads) to service and maintain the Conveyor System and to provide access to and from Grantee's Adjacent Properties in support of aggregate mining and processing and work related to the reclamation of Grantee's Adjacent Properties; (iii) the installation of above-ground or below-ground water, electrical lines and other utilities reasonably necessary and convenient for the operation of the Conveyor System, the mine and processing facilities on Grantee's Adjacent Properties, reclamation of Grantee's Adjacent Properties and other uses of the Easement contemplated in this Section 3, provided however, that utility lines shall not exceed the height of the Conveyor System; and (iv) the use of the roads for the transport of equipment, water trucks, maintenance vehicles and other vehicles to and from Grantee's Adjacent Properties in support of aggregate mining and processing and work related to the reclamation of Grantee's Adjacent Properties, provided there is no regular transportation of any rock or processed rock materials over the Easement except by the Conveyor System, except during interruption caused by Grantor's relocation of the Easement or Grantor's conduct which interferes with the operation of the Conveyor System.

4. Construction of Conveyor System; Maintenance.

A. Construction of Conveyor System. Grantee shall construct the Conveyor System, roads, utilities and the associated appurtenances (collectively, the "**Improvements**"), at Grantee's sole cost and expense. Grantee is hereby granted the right to enter Grantor's Property beyond the boundaries of the Easement as reasonably necessary to construct the Improvements, provided Grantee restores Grantor's Property to its pre-Improvement work condition. Grantor acknowledges and agrees that the construction of the Improvements will involve "cut and fill" excavation at various places in the Easement to enable the installation of the Conveyor System and that some fill material may be deposited outside the Easement. Grantee agrees to comply with all requirements of applicable permitting and oversight governmental agencies with respect to its cut and fill excavations. Grantee's right to enter Grantor's Property outside the boundaries of the Easement shall end when the Conveyor System is fully operational, except such entry as is reasonably necessary to repair, replace and maintain fences. The construction of Improvements shall be performed by contractors duly licensed by the State of California. The Improvements shall be constructed in a good and workmanlike manner in compliance with applicable laws, rules, ordinances and regulations. Grantor agrees to cooperate in obtaining the permits and approvals for the Improvements, provided such cooperation is at no cost to Grantor.

B. Maintenance. Grantee shall maintain and repair, at Grantee's sole cost, all Improvements constructed by Grantee in the Easement.

C. Permits. Before the commencement of any work on the Improvements, Grantee shall, at its sole cost and expense, obtain any and all necessary approvals and permits from applicable governmental agencies and authorities and promptly provide copies of such permits and approvals to Grantor.

D. Liens. Grantee shall pay or cause to be paid all costs and charges for construction of Improvements and maintenance and repairs thereof, and for all materials furnished for or in connection with construction of the Improvements. If any lien is filed against Grantor's Property due to the construction of the Improvements, Grantee will cause the lien to be discharged of record within 10 days after it is filed.

E. Fencing. Grantee shall install, at its sole cost, as part of the Improvements, a six-foot high fence around all sides of the Easement, with such gates as Grantee deems reasonably necessary and convenient. Grantee may install the fence at any time after the Grant is recorded before construction commences on the Easement. The final design of the fence shall be subject to approval of applicable regulatory authorities.

5. Grantee's Entitlements. Grantor, at no cost to Grantor, agrees to fully cooperate with Grantee in connection with Grantee's pursuit of any and all necessary or convenient land use entitlements and/or permits for the use of the Easement, as determined by Grantee, at Grantee's reasonable discretion (the "**Grantee's Entitlements**"). Grantee covenants that it will act reasonably to obtain Grantee's Entitlements in a manner that avoids restrictions on Grantor's use of or entitlement to Grantor's Property; provided that, Grantee's Entitlements will allow Grantee to fully utilize the Easement for all of Grantee's intended uses. Grantor's cooperation shall include, without limitation, the execution of any and all documents that are reasonably necessary or convenient, for Grantee to obtain Grantee's Entitlements and/or the grant to utility providers and other governmental agencies of easement or access rights to and in the Easement for activities concerning and utilities servicing the Conveyor System only, if such easement or access rights are imposed as conditions to Grantee's Entitlements, as long as Grantee pays all costs in connection therewith and as long as Grantor is not required to agree to land use restrictions causing material adverse use restrictions on any part of Grantor's Property, except that part on which the Easement is located.

6. Grantor's Rights.

A. Relocation. Grantor shall have the right to move the location of the Easement, Conveyor System and all the appurtenances, roads and associated equipment and utilities, at Grantor's sole cost and expense, and at no cost or expense to Grantee, not more often than once every ten (10) years, subject to Grantee's approval, not to be unreasonably withheld; provided that the relocation does not adversely impact Grantee's use of the Easement, operationally or economically, or cause Grantee to incur capital improvement costs. If Grantor elects to cause relocation, Grantor agrees to pay Grantee promptly upon presentation of an invoice therefor, in addition to the costs of relocation, any such increase in Grantee's operational, permitting, Entitlements, economic or capital costs or expenses.

B. Crossing. Grantor may elect to construct and maintain roads or other access or crossings of any nature for any other purpose under or over the

Easement and the Conveyor System (each a "**Crossing**") at Grantor's sole cost and expense to allow access and transportation of resources, materials, animals and any other items between the Grantor's Property and other property adjacent to the Grantor's Property or for the purpose of conducting environmental mitigation or remediation, or for any other purpose, subject to Grantee's approval, not to be unreasonable withheld or delayed; provided that the Crossing does not adversely impact Grantee's use of the Easement, operationally or economically (except non-material adverse impacts). If the Crossing causes adverse economic consequences to the use of the Easement or operation of the Conveyor System, Grantor agrees to pay Grantee all costs and losses arising therefrom, but if the Crossing causes the Easement or Conveyor System to be unusable, in whole or in part, for any use set forth in Section 3, Grantee may elect to disapprove Grantor's proposed Crossing.

7. Indemnity.

A. Grantee's Indemnity. Grantee agrees to indemnify, defend and hold harmless Grantor and Grantor's employees, agents, directors, officers, partners, shareholders and members of and from all claims, causes of actions, damages, costs (including the cost of investigators, consultants and attorneys selected by Grantor) arising from or related to either (i) personal injury or property damage arising from Grantee's use of the Easement or entry onto Grantor's Property or (ii) the existence of Hazardous Materials released by Grantee or Grantee's employees, agents, or contractors. The term "**Hazardous Materials**" means any substance, waste, matter or material which (i) has been or is at any time determined by any state or federal court in a reported decision to be a waste, pollutant, contaminant, hazardous waste, hazardous material, or hazardous substance (or similar designation), (ii) has been or is determined by any Governmental Authority to be a waste, pollutant, contaminant, hazardous waste, hazardous substance or hazardous material (or similar designation), (iii) is described as, or has been or is determined to be a waste, pollutant, contaminant, hazardous waste, hazardous substance, or hazardous material (or similar designation) under any Hazardous Waste Law, or (iv) is regulated under any Hazardous Waste Law. For purposes of this Agreement, "**Hazardous Waste Law**" means any law, statute, ordinance, code, rule, regulation, decree, resolution or requirement promulgated by any Governmental Authority with respect to Hazardous Materials, including, without limitation, the following: (A) the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. Section 6901 et seq.; (B) the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. Section 9601 et seq.; (C) the Clean Water Act, 33 U.S.C. Section 1251 et seq.; (D) the Safe Drinking Water Act, 42 U.S.C. Section 300f et seq.; (E) the Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq.; (F) the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et seq.; (G) the Clean Air Act, 42 U.S.C. Section 7401 et seq.; (H) the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Section 136 et seq.; (I) the Occupational Safety and Health Act of 1970, 29 U.S.C. Section 651 et seq.; (J) the California Hazardous Waste Control Law, California Health and Safety Code Section 25100 et seq.; (K) the Hazardous Substance Account Act, California Health & Safety Code Section 25300 et seq.; (L) the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code Section 25249.5 et seq.; (M) the Porter-Cologne Water Quality Control Act, California Water Code Section

13000 et seq.; and (N) the California Air Resources Law, California Health and Safety Code Section 39000 et seq. For purposes of this Agreement, "**Governmental Authority**" shall mean any local, regional, state or federal governmental entity, agency, court, judicial or quasi-judicial body, or legislative or quasi-legislative body. Grantee's obligation to indemnify, defend and hold harmless Grantor under this Section 7 shall not extend to any such claims or damages caused by Grantor's or Grantor's employees, agents or contractors negligence or wrongful intentional acts.

B. Grantor's Indemnity. Grantor agrees to indemnify, defend and hold harmless Grantee and Grantee's employees, agents, directors, officers, shareholders and affiliated entities of and from all claims, causes of action, damages, costs (including the costs of investigators, consultants and attorneys selected by Grantee) arising from or related to either (i) the use by Grantor and Grantor's tenants, invitees, guests, employees, agents and contractors of Grantor's Property or Crossings installed over or under the Easement for personal injury and property damage or (ii) any orders, remediation, clean-up, investigation and damages related to the existence of Hazardous Materials which existed on the Grantor's Property at the time of the commencement of the Easement or which are released by Grantor. Grantor's obligation to indemnify, defend and hold harmless Grantee under this Section 7 shall not extend to any such claims or damages caused by Grantee's or Grantee's employees, agents or contractors negligence or wrongful intentional acts.

C. California Department of Parks and Recreation. Notwithstanding anything to the contrary stated in this Grant, or in Section 7 A or 7 B, Grantor and Grantee shall not be obligated to indemnify one another for any claims, causes of action or damages arising from or related to releases of runoff containing soils, silts and other potential Hazardous Materials from the California Department of Parks and Recreation's ("**DPR**") off-road park facility located adjacent to the Grantor's Property, as depicted on **Exhibit C** (the "**DPR Environmental Conditions**"). Grantor's and Grantee's waiver of indemnity claims against one another arising from or related to DPR Environmental Conditions shall not extend to their respective successors or assigns but shall extend to their respective officers, directors, employees, partners, shareholders, members and affiliates, and with respect to Grantor, to inter-family transfers between the families and family members of the partners of Grantor, for estate planning purposes. The term "affiliate" means entities which are controlled by or which control Grantor and Grantee. To facilitate the mitigation and remediation of DPR Environmental Conditions and to avoid interference with Grantee's use of the Easement, the parties agree to the following additional covenants:

(1) Grantor's Warranty. Grantor warrants and agrees that any mitigation or remediation of DPR Environmental Conditions pursuant to a Proposed DPR Agreement (as defined below) or any other agreement shall not cause the back up of water into the Easement.

(2) Grantee's Approval. If DPR and Grantor propose to enter into an agreement (the "**Proposed DPR Agreement**") providing for the mitigation or remediation of DPR Environmental Conditions, which will effect the Easement or involve the use of the Easement, Grantor agrees that the Proposed DPR Agreement shall be subject to the prior written approval of Grantee, in Grantee's sole and absolute discretion. Grantee may disapprove the Proposed DPR Agreement for, among other

things, if Grantee determines that the implementation of the Proposed DPR Agreement will cause adverse economic or operational effects on Grantee's use of the Easement, cause water drainage from or across the DPR Property to back up into any part of the Easement, or otherwise cause adverse effects on Grantee's use of the Easement.

(3) DPR's Access. If the DPR seeks access to the Easement to remove silt, debris or other material in natural drainages in the Easement pursuant to its mitigation program, Grantor shall include in the Proposed DRP Agreement and any other agreement with DPR the requirement that DPR shall, each time it desires to enter the Easement, to (i) first provide Grantee two-weeks prior notice of such entry and comply with Grantee's reasonable determination of the time of DPR's entry on the Easement and with Grantee's safety and operational requirements; and (ii) indemnify, defend and hold harmless Grantee of and from any and all property damage and personal injury claims related to or arising from DPR's entry into the Easement and work performed therein.

(4) Adverse Consequences. If the mitigation or remediation of DPR Environmental Conditions contemplated pursuant to the Proposed DPR Agreement (whether or not approved by Grantee) or otherwise implemented on Grantor's Property actually results in adverse effects on Grantee's use of the Easement, including without limitation, the back up of water into the Easement, DPR and/or Grantor shall promptly modify the mitigation or remediation program, and/or facilities constructed pursuant to such program, to eliminate such adverse effect on Grantee's use of the Easement.

(5) Third Party Beneficiary. If the Proposed DPR Agreement is approved by Grantor pursuant to Subsection (2), above, such Proposed DPR Agreement shall either include Grantee as a party to the Proposed DPR Agreement or include provisions making Grantee an express third party beneficiary thereof such that Grantee shall have the right to directly enforce all obligations of DPR (or other DPR-aligned parties) pursuant to such Proposed DPR Agreement.

(6) Reciprocal Covenants. If Grantor proposes to enter into an agreement with DPR granting to DPR a "buffer zone" or operational easement whereby DPR is granted the right to transmit noise, dust, runoff or other operational consequences arising from the operation of its adjacent property over or through Grantor's Property (the "**Buffer Agreement**"), Grantor agrees to make its best efforts to require DPR, as part of the Buffer Agreement, to consent to Grantee's operations providing in substance that Grantee's use of the Easement shall not constitute a nuisance or trespass or otherwise be actionable by DPR.

(7) No Monetary Participation. Grantee shall receive no fee or profit or compensation for the Proposed DPR Agreement or its implementation. Grantor has informed Grantee that Grantor intends to enter into the Proposed DPR Agreement in consideration for DPR's payments to Grantor for Grantor allowing DPR to mitigate or remediate for the sediment runoff from DPR's adjacent property. Grantor may be unable to negotiate the Proposed DPR Agreement with DPR if Grantee can in any way require DPR to mitigate or remediate for the sediment runoff prior to the sediment running onto the Easement. Therefore, Grantee will allow the sediment from DPR's property to run off over the Easement through natural drainages, provided that

Grantee is provided the right to have DPR remove the sediment from the Easement pursuant to Section 7C(3) on Grantee's request to DPR.

8. Insurance. Grantee and Grantor shall each maintain at all times during the existence of the Easement, commercial general liability insurance written on an "occurrence" policy form, covering bodily injury, property damage and personal injury arising out of or relating to Grantee's use of the Easement and Grantor's use of Grantor's Property. Such liability coverage shall include all coverages typically covered by the broad form comprehensive general liability endorsement, including broad form property damage coverage, owner's and contractor's protective coverage, and the broadest available form of contractual liability coverage. Grantee's insurance shall be endorsed to add Grantor as an additional insured. Each insurance policy shall contain a per occurrence liability limit of at least $3 million in a combined liability limit of not less than $3 million. The insurance required under this Section 8 shall be provided by an insurance company qualified to do business in the State of California. The policy shall provide that it may not be cancelled, nonrenewed or subject of material change in coverage or available limits of coverage, except on 30 day's prior written notice. Grantee and Grantor shall promptly deliver to each other a copy of the policy or certificate of insurance which complies with this Section 8.

9. Real Property Taxes and Assessments.

A. Grantee's Responsibility. Grantee agrees to use its best efforts to assure that neither the Easement nor any use of the Easement or any other action of Grantee will adversely impact Grantor's benefits of the Williamson Act covering the Grantor's Property and an adjacent parcel (APN# 072-0110-035) included under California Land Conservation Contract # 70-AP-044 in Sacramento County (the "**Williamson Act Property**"). Grantee agrees to pay any and all property tax increases with respect to the Easement or on all or any part of the Williamson Act Property resulting from the creation of the Easement or Grantee's use of the Easement, including but not limited to any property tax increases arising out of a resulting termination or cancellation, in whole or part, of California Land Conservation Contract # 70-AP-044, subject to Grantee's rights set forth below in this Section 9. If Grantee's use of the Easement results in a proposed increase of property taxes on all or part of the Williamson Act Property or Easement, Grantee may elect to do any one of the following: (i) pay the increased taxes in so far as the taxes apply to the Easement or all or part of the Williamson Act Property; (ii) contest the proposed increase at Grantee's sole cost, in which case Grantor agrees to fully cooperate with Grantee in contesting such proposed property tax increase, provided that Grantee will pay any and all property tax increase as determined in a final judgement in such contest; or (iii) proceed at Grantee's sole cost, to subdivide Grantor's Property in such a manner as to minimize the proposed tax increase on the Williamson Act Property and Easement, which may include, without limitation, the creation of a new legal parcel consisting of the Easement, either by subdivision or a lot line adjustment and/or the termination or division of the Williamson Act contract with respect to the Williamson Act Property, Grantor's Property or the subdivided property created pursuant to the subdivision, all subject to Grantor's consent, not to be unreasonably withheld or delayed.

B. Grantor's Responsibility. If Grantor's use or subdivision of the Grantor's Property causes a Proposition 13 reassessment or termination or modification

of California Land Conservation Contract# 70-AP-044 or any other Williamson Act Contract, or otherwise results in the increase in the real property taxes, Grantor shall be solely responsible to pay all such increases of real property taxes caused by Grantor, including any property tax increase on the Easement caused by Grantor, and shall take such steps as are necessary, at Grantor's sole cost, to avoid any changes to Grantee's use of the Easement.

10. Termination of Easement. Grantee may elect to terminate and abandon the Easement by duly executing, acknowledging and delivering to Grantor a Quitclaim Deed which will be promptly recorded in the Official Records of Sacramento County. Before terminating the Easement, Grantee agrees to remove the Conveyor System and all aboveground appurtenances and other equipment and fences, but under-ground utilities and the road will remain in place, at Grantee's option. Notwithstanding the foregoing, if Grantee constructs asphalt-surfaced roads, Grantee shall remove the asphalt surface upon termination at Grantor's request. The Easement will automatically terminate if and when all of the following occur: (i) Grantee permanently ceases the mining and processing activities on Grantee's Mine Property and GLP's Property; and (ii) reclamation is fully completed on Grantee's Adjacent Properties; and (iii) all reclamation bonds or other undertakings encumbering the Easement and posted by Grantee and GLP in connection with their mining, processing and reclamation activities have been fully and unconditionally released.

11. Nature of Easement. This Grant creates a permanent exclusive easement in gross. However, when Grantee acquires title to all or part of Grantee's Mine Property, this Easement shall be deemed to be appurtenant thereto. Grantor and Grantee shall, upon acquisition by Grantee of all or part of Grantee's Mine Property, promptly execute and acknowledge an amendment to this Grant stating that the Easement is appurtenant to the Grantee's Mine Property and such amendment shall be immediately recorded in the Official Records of Sacramento County.

12. Additional Payments. To defray Grantor's anticipated out-of-pocket costs associated with the Easement, Grantee agrees to make 10 annual payments of $4,000 each to Grantor beginning on the commencement date of the Easement. If the construction of the Conveyor System has not commenced as of the tenth anniversary date of the commencement of the Easement, Grantee shall continue to make the $4,000 annual payments to Grantor until such year as construction on the Conveyor System commences.

13. Grantor's Covenant. Grantor hereby covenants and agrees that Grantor's use of Grantor's Property shall not unreasonably interfere with Grantee's use of the Easement.

14. Interpretation. The provisions of this Grant shall be construed as a whole and according to its fair meaning and not for nor against either Grantor or Grantee because that party prepared the provision in question.

15. Attorneys' Fees. In any action between Grantor and Grantee involving this Grant or arising from or related to the use, repair, maintenance or construction of the Easement, or use by Grantor of Grantor's Property, the prevailing party shall recover from the other party, in addition to any damages, injunctive or other relief, all costs and expenses (whether or not allowable as "cost" items by law) reasonably

incurred at, before and after trial or on appeal, or in any bankruptcy proceedings, including without limitation reasonable attorneys and witness (expert and otherwise) fees, deposition costs, copying charges and other reasonable expenses.

16. Notices. All notices, requests, demands or other documents are not effective unless they are: (a) personally delivered with executed receipt; (b) mailed, certified mail, return receipt requested; or (c) delivered by recognized overnight delivery service to all of the following addresses:

If to Grantor: BARTON-MOSHER SACRAMENTO RANCHES, LP
Melba Mosher and Alva Barton
10161 Grant Line Road
Elk Grove, CA 95624

If to Grantee: WHITE ROCK ROAD PROPERTIES, LLC
Attn: President
P.O. Box 15002
Sacramento, CA 95851

A personally delivered notice or one sent by recognized overnight courier is effective on delivery. A mailed notice, when notices to all parties have been deposited in United States mailboxes, postage paid, and addressed as indicated above, is effective in two days. The addresses in this Article may be changed only by written notice given by such party in the manner provided above.

17. Assignment. While this Easement remains an easement in gross, the Easement may be assigned by Grantee without the consent of Grantor to a corporation, partnership or limited liability company which controls, is controlled by, or is under the common control with Grantee. Any assignment to a person or entity other than such an affiliated entity shall require the prior written approval of Grantor, not to be unreasonably withheld or delayed.

18. Waiver. No waiver of any default of breach or any term, covenant or condition by either party hereunder shall be implied from any omission by either party to take action on account of such default. No express waiver shall effect any default other than the default specified in the waiver, and then said waiver shall be operative only for the time and to the extent therein stated. Waiver of any term, covenant or condition contained herein by either party to be effective shall be in writing and shall not be construed as a waiver of any subsequent breach of the same term, covenant or condition. The consent or approval by either party to or of any act by either party requiring further consent or approval shall not be deemed to waive or render unnecessary their consent or approval to or of any subsequent similar acts.

19. No. Partnership. This Grant shall not be construed as creating a partnership or joint venture between Grantor and Grantee or between either of them and any third party or cause either of them to be responsible in any manner for the other's or any third parties' debts or obligations.

20. Counterparts. The parties may execute this Grant of Permanent Exclusive Easement in two or more counterparts, which shall in the aggregate, be signed by all the parties, which when taken together will form one instrument.

21. Recording. This Grant shall be recorded in the Official Records of Sacramento County.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Grant of Limited Nonexclusive Easement on the date first above written.

GRANTOR:

BARTON-MOSHER SACRAMENTO RANCHES, LP, a California corporation

By: William Mosher Sr. and Melba Mosher 1994 Revocable Trust dated July 27, 1994

Title: General Partner

By: William Mosher

By: Melba O. Mosher, Trustee
William Mosher Sr. and Melba O. Mosher
Title: Trustees

By: Alva Barton 1983 Revocable Trust dated March 23, 1983

Title: General Partner

By: Alva Barton
Alva Barton
Title: Trustee

GRANTEE:

WHITE ROCK ROAD PROPERTIES, LLC, a Delaware limited liability company

By: _____
Norman E. Eilert
Its: President

By: _____
Robert H. Hamel
Its: Vice President

STATE OF CALIFORNIA)
)
COUNTY OF Sacramento)

On 10-16-03, before me, the undersigned notary public, personally appeared William Mosher, Sr.,

[ ] personally known to me
[✓] proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

M. A. BLACK
Comm. # 1353431
NOTARY PUBLIC - CALIFORNIA
Sacramento County
My Comm. Expires May 22, 2006

STATE OF CALIFORNIA)
)
COUNTY OF Sacramento)

On 10-16-03, before me, the undersigned notary public, personally appeared Melba O. Mosher,

[ ] personally known to me
[X] proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

M. A. BLACK
Comm. # 1353431
NOTARY PUBLIC - CALIFORNIA
Sacramento County
My Comm. Expires May 22, 2006

STATE OF CALIFORNIA)
)
COUNTY OF Sacramento)

On 10.16.03, before me, the undersigned notary public, personally appeared Alva Barton,

[ ] personally known to me
[X] proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

M. A. BLACK
Comm. # 1353431
NOTARY PUBLIC - CALIFORNIA
Sacramento County
My Comm. Expires May 22, 2006

STATE OF CALIFORNIA)
)
COUNTY OF Sacramento)

On 10-15-03, before me, the undersigned notary public, personally appeared Norman E. Eilert,

[X] personally known to me
[ ] proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Virginia M. Halstenrud

VIRGINIA M. HALSTENRUD
Commission # 1382377
Notary Public - California
Sacramento County
My Comm. Expires Oct 29, 2006

STATE OF CALIFORNIA)
)
COUNTY OF Sacramento)

On 10-15-03, before me, the undersigned notary public, personally appeared Robert H. Hamel,

[X] personally known to me
[ ] proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Virginia M. Halstenrud

VIRGINIA M. HALSTENRUD
Commission # 1382377
Notary Public - California
Sacramento County
My Comm. Expires Oct 29, 2006

EXHIBIT A

LEGAL DESCRIPTION OF GRANTOR'S PROPERTY

THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 31, THE SOUTHWEST ONE-QUARTER OF SECTION 31, THE NORTHEAST ONE-QUARTER OF SECTION 31, AND THE SOUTHEAST ONE-QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN PARCEL "B", AS SHOWN ON THE PARCEL MAP ENTITLED "PARCEL MAP OF PORTIONS OF SECTIONS 25, 26, 35 & 36, T. 9 N., R. 7 E., & SECTION 31, T. 9 N., R. 8 E., M.D.B.& M.", FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON APRIL 22, 1975 IN BOOK 22 OF PARCEL MAPS, AT PAGE 2.

ASSESSOR'S PARCEL NUMBER: 072-0110-036 (PORTION)

EXHIBIT B

LEGAL DESCRIPTION OF GRANTEE'S MINE PROPERTY

ALL THAT CERTAIN REAL PROPERTY LOCATED IN AND BEING A PORTION OF SECTIONS 29, 30 AND 32, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, ALSO BEING A PORTION OF THE LANDS OF MANGINI AS DESCRIBED IN BOOK 83-01-06, AT PAGE 1146, OFFICIAL RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:
THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN.

PARCEL B:
THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN.

ASSESSOR'S PARCEL NUMBERS: 072-0110-053 AND 072-0110-060

PARCEL C:
THE NORTH 1377.00 FEET OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN, MEASURED PERPENDICULAR TO THE NORTH LINE THEREOF.

EXCEPTING THEREFROM THE EAST 110.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN, AS CONVEYED TO THE COUNTY OF SACRAMENTO BY GRANT DEED RECORDED IN BOOK 5043, AT PAGE 187, OFFICIAL RECORDS OF SAID COUNTY.

ASSESSOR'S PARCEL NUMBERS: 072-0110-063

PARCEL D:
THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN.

EXCEPTING THEREFROM THE NORTH 1377.00 FEET OF SAID SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN, MEASURED PERPENDICULAR TO THE NORTH LINE THEREOF.

FURTHER EXCEPTING THEREFROM THE EAST 110.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN, AS CONVEYED TO THE COUNTY OF SACRAMENTO BY GRANT DEED RECORDED IN BOOK 5043, AT PAGE 187, OFFICIAL RECORDS OF SAID COUNTY.

ASSESSOR'S PARCEL NUMBERS: 072-0110-051 AND 072-0110-062

PARCEL E:

THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN.

EXCEPTING THEREFROM THE EAST 110.00 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN, AS CONVEYED TO THE COUNTY OF SACRAMENTO BY GRANT DEED RECORDED IN BOOK 5043, AT PAGE 187, OFFICIAL RECORDS OF SAID COUNTY.

ASSESSOR'S PARCEL NUMBER: 072-0110-022 AND 072-0110-061

EXHIBIT B-1

LEGAL DESCRIPTION OF GLP'S PROPERTY

A PORTION OF SECTIONS 35 AND 36, TOWNSHIP 9 NORTH, RANGE 7 EAST, M.D.B. & M., AND A PORTION OF SECTIONS 1 AND 2, TOWNSHIP 8 NORTH, RANGE 7 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY BOUNDARY OF THE RANCHOS RIO DE LOS AMERICANOS WHICH IS THE POINT OF INTERSECTION BETWEEN A LINE DRAWN WESTERLY FROM THE CENTER OF SAID SECTION 35 AND THE SOUTHEASTERLY BOUNDARY OF SAID RANCHO; THENCE FROM SAID POINT OF BEGINNING IN THE SOUTHWESTERLY DIRECTION ALONG THE SOUTHEASTERLY BOUNDARY OF THE SAID RANCHO TO ITS INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 2; THENCE SOUTH ALONG SAID WESTERLY BOUNDARY TO THE ONE-QUARTER CORNER COMMON TO SECTIONS 2 AND 3 , TOWNSHIP 8 NORTH, RANGE 7 EAST, M.D.B. & M.; THENCE EASTERLY ALONG THE EAST AND WEST QUARTER LINE THROUGH THE CENTER OF SAID SECTION 2 TO A POINT 2343 FEET WESTERLY ALONG SAID QUARTER LINE FROM THE EASTERLY BOUNDARY OF SAID SECTION 2; THENCE NORTHERLY PARALLEL TO THE EASTERLY BOUNDARY 2643 FEET; THENCE EASTERLY AND PARALLEL TO THE NORTHERLY BOUNDARY OF SAID SECTION 2, AND ALONG THE NORTH LINE OF THE PROPERTY CONVEYED BY JOHN B. HAASE, ET AL, TO KATE G. SWEET, 2343 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID SECTION 2, AND BEING THE NORTHEAST CORNER OF SAID SWEET LAND, AND BEING THE NORTHWEST CORNER OF SAID SECTION 1, MARKED WITH A TWO-INCH PIPE DRIVEN FLUSH WITH THE GROUND; THENCE SOUTH 0 DEGREES 17' WEST 2640 FEET ALONG THE WEST LINE OF SECTION 1; THENCE SOUTH 89 DEGREES 00' EAST 2760 FEET TO A 1 1/4 INCH IRON PIPE; THENCE NORTH 0 DEGREES 17' EAST 1320 FEET TO A 1 1/4 INCH IRON PIPE DRIVEN IN THE GROUND, THENCE NORTH 89 DEGREES 00' WEST 780 FEET; THENCE NORTH 0 DEGREES 17' EAST 1320 FEET; THENCE SOUTH 89 DEGREES 00' EAST ALONG THE NORTH SECTION LINE OF SECTION 1 TO THE SECTION CORNER COMMON TO SECTION 36; TOWNSHIP 9 NORTH, RANGE 7 EAST, SECTION 31, TOWNSHIP 9 NORTH, RANGE 8 EAST, SECTION 1, TOWNSHIP 8 NORTH, RANGE 7 EAST, AND SECTION 6, TOWNSHIP 8 NORTH, RANGE 8 EAST, M.D.B. & M.; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SECTION 36 TO THE ONE-QUARTER CORNER COMMON TO SAID SECTION 36 AND 31; THENCE WESTERLY THROUGH THE CENTER OF SECTION 36 AND 35 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE COUNTY ROAD KNOWN AS GRANT LINE ROAD LYING SOUTHEASTERLY OF THE SOUTHEASTERLY BOUNDARY OF THE RANCHO RIO DE LOS AMERICANOS, A DISTANCE MEASURED AT RIGHT ANGLES TO SAID BOUNDARY LINE; AND ALL THAT PORTION LYING EAST OF, AND PARALLEL TO THE WEST BOUNDARY OF SAID SECTION 2, A DISTANCE MEASURED AT RIGHT ANGLES AT THE WEST BOUNDARY OF SAID SECTION OF 40 FEET.

ALSO EXCEPTING THEREFROM BEGINNING AT 1 1/4' IRON PIPE MONUMENT TAGGED "L.S. 3185", FROM WHICH A 1 1/4" IRON PIPE MONUMENT TAGGED "L.S. 3185", MARKING THE EAST ONE-QUARTER CORNER OF SAID SECTION 36 BEARS NORTH 89 DEGREES 32' 24" EAST 1925.74 FEET; THENCE FROM SAID POINT OF BEGINNING, SOUTH 89 DEGREES 32' 24" WEST 544.50 FEET TO A 1 1/4" IRON PIPE MONUMENT TAGGED "L.S. 3185"; THENCE SOUTH 00 DEGREES 27' 36" EAST 400.00 FEET TO A 1 1/4 IRON PIPE MONUMENT TAGGED "L.S. 3185", THENCE NORTH 00 DEGREES 27' 36" WEST 400 FEET TO THE POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, NOW OR AT ANY TIME HEREAFTER SITUATE THEREIN AND THEREUNDER AS RESERVED IN DEED DATED DECEMBER 16, 1953 RECORDED FEBRUARY 8, 1954 IN BOOK 2551, PAGE 220, OFFICIAL RECORDS, EXECUTED BY YUBA CONSOLIDATED GOLD FIELDS, A MAINE CORPORATION TO ALLAN T. OLSON AND ALLAN F. OLSON.

ASSESSOR'S PARCEL NUMBERS: 072-0100-016, 072-0100-017 073-0010-001, 073-010-022 AND 073-0010-023

EXHIBIT C

PLAT SHOWING GRANTOR'S PROPERTY, GRANTEE'S MINE PROPERTY AND GLP'S PROPERTY

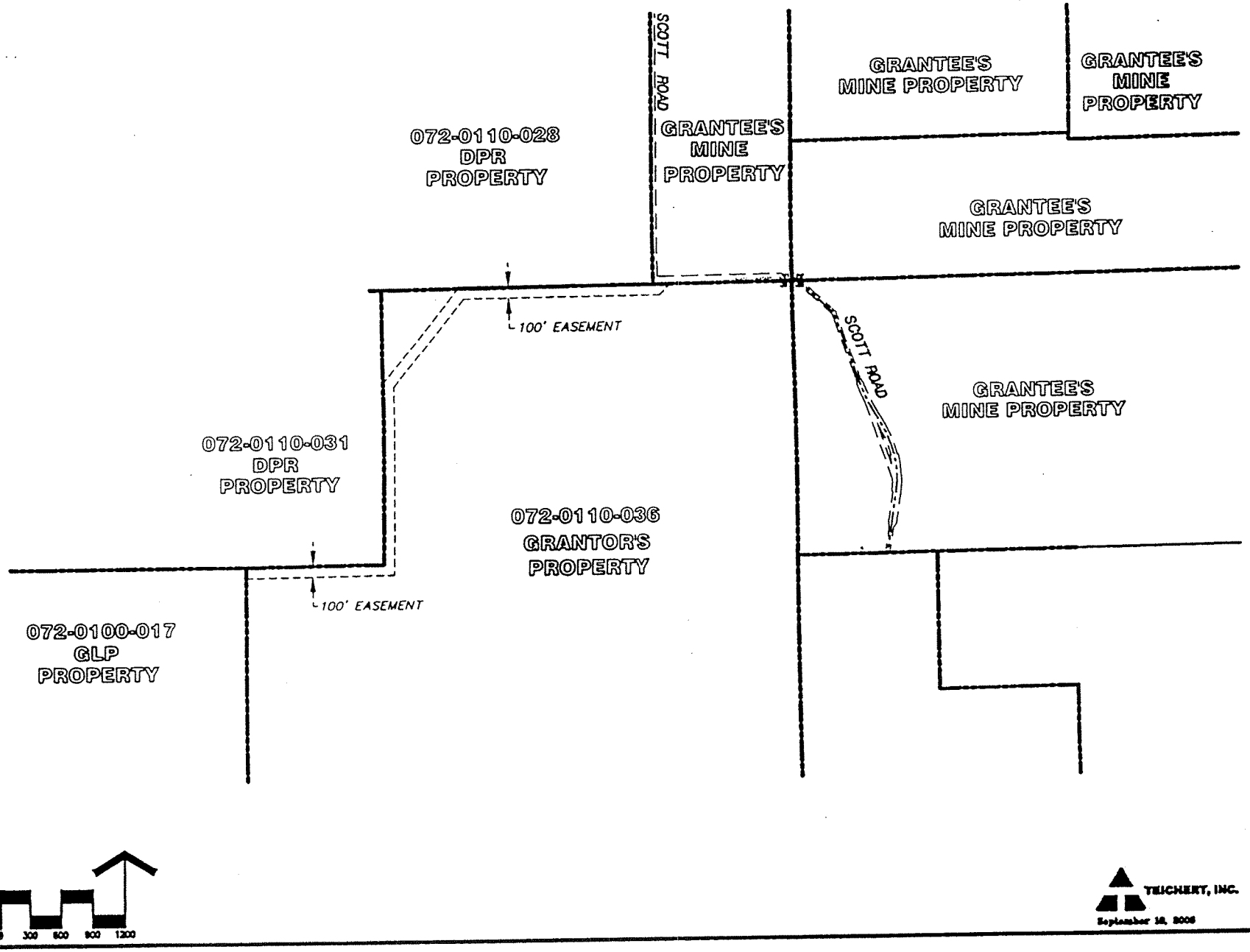


EXHIBIT D

LEGAL DESCRIPTION OF EXCLUSIVE EASEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATE IN SECTION 31, TOWNSHIP 9 NORTH, RANGE 8 EAST, MOUNT DIABLO MERIDIAN, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING A PORTION OF THE LANDS OF "BARTON-MOSHER SACRAMENTO RANCHES, L.P." AS CONVEYED BY GRANT DEED, RECORDED ON JANUARY 28, 2002 IN BOOK 20020128, PAGE 1082, OFFICIAL RECORDS OF SACRAMENTO COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND WITH A UNIFORM WIDTH OF 100.00 FEET, MEASURED AT RIGHT ANGLES, THE NORTHERLY, WESTERLY AND NORTHWESTERLY BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 31, SAID POINT BEING LOCATED ON THE SOUTHERLY BOUNDARY OF PARCEL "B", AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON APRIL 22, 1975 IN BOOK 22 OF PARCEL MAPS, AT PAGE 2; THENCE FROM SAID POINT OF BEGINNING, ALONG THE BOUNDARY OF SAID PARCEL "B" THE FOLLOWING TWO COURSES: (1) EASTERLY, 1,312 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID PARCEL "B"; AND (2) NORTHERLY, 1,797 FEET, MORE OR LESS, TO A POINT WHICH BEARS SOUTHERLY 848 FEET FROM THE NORTHEAST CORNER OF SAID PARCEL "B"; THENCE NORTHEASTERLY 1,093 FEET TO A POINT LOCATED ON THE NORTH LINE OF SECTION 31 WHICH BEARS EASTERLY, 686 FEET FROM SAID NORTHEAST CORNER OF PARCEL "B"; THENCE ALONG SAID NORTH LINE OF SECTION 31 EASTERLY, 2,054 FEET TO THE END OF SAID STRIP.

THE SOUTHERLY BOUNDARY OF SAID STRIP SHALL BE SHORTENED OR LENGTHENED SO AS TO TERMINATE AT THE WEST LINE OF SAID SECTION 31.

Little. Alison

From: Thomas Addis <taddis@pgahq.com>
Sent: Sunday, May 4, 2025 10:57 AM
To: PER-CEQA
Cc: Rose Winn; Josh Epstein
Subject: Coyote Creek Agrivoltaic Project

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If you have concerns about this email, please report it via the Phish Alert button.

Date: May 4, 2025

County of Sacramento
Attn: Community Development Department, Planning & Environmental Review Division
827 7 th Street, Room 225
Sacramento, CA 95814

RE: Draft Environmental Impact Report, Coyote Creek Agrivoltaic Ranch Project

Dear Project Planning Team,

I am writing to provide public comment on the Draft Environmental Impact Report (DEIR) for the Coyote Creek Agrivoltaic Ranch Project (Control Number: PLNP2021-00191, State Clearinghouse Number: 2022010271). I
recreate at Prairie City State Vehicular Recreation Area (PCSVRA), which is immediately adjacent to the property where this utility-scale solar facility development has been proposed. I have definite plans to continue recreating
in PCSVRA on a regular, recurring basis in the future.

I have been involved in outdoor recreation for nearly 70 years having been in the golf business during that time and now off-roading as a primary outdoor and family activity for the past five years alone.

Outdoor activities importantly came to benefit everyone as a safe and healthy activity during the recent Pandemic. It was easy and proper to maintain the necessary safe distance from each other as well as enjoy the healthy outdoor fresh air and allow, especially, families to feel safe and enjoy each other during such trying times. We should not do, or allow, anything to restrict our opportunity to enjoy the outdoors in any form i.e. golf, off-roading or any other enjoyable and safe and healthy pastime with our families as well as friends.

In closing, I urge the County of Sacramento to incorporate the following as clearly defined requirements within the Final Environmental Impact Report, as well as all Draft Solar PEIS:

• Exclude all lands within the boundary of Prairie City SVRA from the footprint of available land for construction of solar equipment, transmission lines, solar facility access routes, and all other solar development related infrastructure

- Revise or omit any proposed solar project construction, operation, or maintenance activity that would disturb or disrupt daily operations and rider access to all land and facilities contained within the border of Prairie City SVRA
- Conduct a study of prevailing winds in comparison to proposed solar panel locations to determine whether issues may arise in the dispersion of dust from motorized recreational activities within Prairie City SVRA, and subsequent potential accumulation of dust on solar panels located within Coyote Creek Agrivoltaic Ranch
- State explicitly that Prairie City SVRA, California State Parks, and the OHV Trust Fund are not financially, legally, or materially liable for any dust mitigation that may be needed to maintain solar energy generation and transmission operations for perpetuity
- Cite guarantee from the County of Sacramento that regardless of any future real or perceived conflict of operations or interest between the solar facility and Prairie City SVRA, the SVRA is protected from all risk of restrictions, reductions, limitations, and closure of operations for perpetuity

Finally, the County of Sacramento has not fulfilled their legal obligation to involve the Off-Highway Motorized Vehicle Recreation (OHMVR) Commission about this project. Solar project proponents have not presented this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." As a member of the public that will be directly impacted by the construction and operation of this solar facility, I request that the County of Sacramento, along with any companies or entities who will be involved as Contractors for construction and operation of the solar facility, schedule a hearing before the Commission to informCommissioners, SVRA recreationists, competition organizations, powersports businesses, and the general public of the range of potential impacts to the SVRA.

Thank you for reviewing our concerns and recommendations.

Sincerely,

Thomas Addis III
taddis@pgahq.com

Tom Addis III, PGA

Past President, PGA of America

Mobile: 858.775.7421

Little. Alison

From: Trevor Sawyer <tsawyer605@gmail.com>
Sent: Wednesday, April 23, 2025 12:37 PM
To: PER-CEQA
Subject: RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

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Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The Draft Environmental Impact Report (DEIR) supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

Trevor Sawyer

Mobile: 408.763.6235

Email: tsawyer605@gmail.com

Little. Alison

From: Little. Alison
Sent: Thursday, March 13, 2025 8:08 AM
To: 'Lisa Westwood'
Subject: RE: Coyote Creek EIR

Lisa,

Thank you for those comments. We will correct in the Final.

Alison Little, Senior Planner
Planning and Environmental Review
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-8620
www.planning.saccounty.gov

From: Lisa Westwood <Lwestwood@ecorpconsulting.com>
Sent: Thursday, March 13, 2025 8:05 AM
To: Little. Alison <littlea@saccounty.gov>
Subject: Coyote Creek EIR

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Hi Allison,
I noticed a couple of errors in the TCR section of the CCAR EIR that is currently circulating. Both are on page 14-28. The first error is that the text cites the Archaeological Resources Inventory Report as being prepared by ECORP in 2024. That is incorrect. ECORP did not do any archaeological work for the project; our role was limited to the built environment (buildings and structures). Dudek was the firm that completed the archaeological studies, so that intext reference will need to be changed.

Second, there is a reference to "AB 53 consulting tribes" - this should be AB 52.

Thank you!

Lisa Westwood

Vice President & Director of Cultural Resources

Orange County Operations Manager

Registered Professional Archaeologist 11692



California Small Business for Public Works (SB-PW)

111 Academy Way, Suite 210, Irvine, California 92617

Office: (714) 648-0630 ♦ Mobile: (916) 316-1456

lwestwood@ecorpconsulting.com ♦ www.ecorpconsulting.com

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MIWOK MAIDU United Auburn Indian Community of the Auburn Rancheria

John L. Williams, Chairman | Julie Starkey-Dean, Vice Chairperson | Leonard Osorio, Secretary | Jason Camp, Treasurer | Cheyenne Rey, Council Member

April 9, 2025

Sacramento County,
Department of Community Development, Planning and Environmental Review Division
827 7th Street, Room 225
Sacramento, CA 95814
Attention: Environmental Coordinator

Subject: United Auburn Indian Community of the Auburn Rancheria official public comments on the Draft EIR for the Coyote Creek Agrivoltaic Project.

Dear Environmental Coordinator,

The United Auburn Indian Community of the Auburn Rancheria (UAIC) is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose areas of interest based on past lifeways extend into Amador, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, and Yuba counties. The UAIC is concerned about development within its traditional territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of historic, ceremonial, or tribal significance. We appreciate the opportunity to comment on this project which is in UAIC's geographic area of cultural affiliation and are commenting publicly to request additional work to identify Tribal Cultural Resources because the work to date has not been adequate.

AB52 Tribal Consultation with UAIC and Sacramento County

UAIC requested to consult, pursuant to Assembly Bill 52 (AB52), with Sacramento County for this project in January 2022. For three years we consulted in good faith and the County agreed to several of our requests, such as having a paid tribal monitor present for the ground disturbing work.

On February 18, 2025, the UAIC submitted a letter to Sacramento County in response to the closure of AB 52 tribal consultation regarding the Coyote Creek Agrivoltaic Project. AB52 consultation was closed without reaching an agreement pursuant to PRC §21080.3.2(b)(2). In the letter, UAIC formally requested access to conduct a comprehensive Tribal survey to identify Tribal Cultural Resources (TCRs) within the

project area. UAIC is prepared to provide this service at no cost to the developer within three months of access being granted.

Failure to Completely Identify TCRs during AB 52 Consultation

The County has deemed previous TCR identification efforts—comprising an archaeological survey, drone LiDAR imagery review, a canine forensic survey at known cultural sites, and an ethnographic study—as adequate. However, none of these efforts included a pedestrian survey conducted by Tribal experts across the entire project area. Under California law (PRC §21080.3.1(a)), California Native American Tribes are recognized as the authoritative experts in identifying their own cultural resources. While archaeologists are trained in general survey methodologies, they may lack the specialized knowledge necessary to accurately identify sites and objects of cultural significance to Indigenous communities.

Indigenous Cultural Sites Potentially Recorded as Historic Resources

The archaeological survey identified 11 stacked rock walls and classified them as historic. However, some of these structures may in fact be Indigenous rabbit hunting fences—rare and culturally significant sites that are often misidentified as historic. A similar structure was recorded just north of the project area at the Prairie City State Vehicle Recreation Area and was determined eligible for the National Register of Historic Places. Ethnographic literature documents the existence of these rabbit fences specifically in this region, reinforcing the likelihood that similar structures exist within the project area. Without a Tribal survey, the true nature of these resources may remain unknown, potentially leading to the irreversible loss of Tribal history and heritage.

Identification and Protection of TCRs

To ensure the accurate identification, documentation, and preservation of TCRs, it is essential that Tribes be granted the opportunity to conduct surveys and apply their expertise. As part of its obligations under AB 52 consultation requirements, the County has a duty to ensure that TCRs are adequately identified and protected. Addressing this issue proactively is critical to preventing the inadvertent destruction of Tribal heritage. Preservation in place is the preferred treatment method, and if previously undocumented TCRs are identified, project modifications may not be necessary.

UAIC formally requests the following:

MIWOK MAIDU United Auburn Indian Community of the Auburn Rancheria

John L. Williams, Chairman
Julie Starkey-Dean, Vice Chairperson
Leonard Osorio, Secretary
Jason Camp, Treasurer
Cheyenne Rey, Council Member

- Permission for Tribal representatives to access the project area and conduct a systematic survey for TCR identification.
    - UAIC will conduct this survey at no cost to the developer.
- Reevaluation of the stacked rock walls classified as historic, as they may be Indigenous rabbit hunting fences—a rare and significant cultural resource documented in this region.
- Preservation in place of any newly identified TCRs, which may not require project redesign.
- Inclusion of the proper treatment and protection of all known and newly identified TCRs during operations of the project. The management of the open space may affect the TCRs.

UAIC strongly believes that without a Tribal-led survey, significant TCRs will remain at risk of misclassification and destruction. Early identification efforts will help avoid costly project delays while ensuring compliance with AB 52 requirements.

UAIC is committed to government-to-government consultation, in good faith we look forward to working with you to ensure that TCRs and cultural resources are protected.

Please contact UAIC's Tribal Historic Preservation Department or THPO Josef Fore at thpo@auburnrancheria.com for additional outreach.

Sincerely,

John L. Williams, Chairman

April 8, 2025

Sacramento County Planning Commission
700 N Street, Suite 2450
Sacramento, CA 95814

RE: SUPPORT SACRAMENTO VALLEY ENERGY CENTER LLC, SOLAR PROJECT-PLNP2021-00191

Dear Commissioners,

The Van Vleck Ranch is a proud, family-owned operation that has been ranching in this region since 1856. Our deep roots in California's history reflect a commitment to preserving working landscapes for future generations. For nearly a decade, we've leased the Barton Ranch from the Mosier family—the site of the proposed Coyote Creek Agrivoltaic Ranch Project.

While the project will reduce the acreage, we lease for cattle grazing at Barton Ranch, I write on behalf of the Van Vleck family in full support of the Coyote Creek Agrivoltaic Ranch Project.

We support this project because it provides a stable, sustainable income for the Mosier family, enabling them to continue ranching in Sacramento County. The innovative approach of combining solar energy generation with sheep grazing—while continuing cattle operations outside the solar footprint—allows the family to retain ownership of their land without being forced to sell it.

Without this project, the Barton Ranch would likely be sold and developed for urban uses. The land could command up to ten times the market rate of agricultural value if sold outright, and would almost certainly be converted to housing, commercial, or industrial uses—bringing far greater environmental impacts than solar operations.

Solar energy, in this case, is not a trade-off with agriculture—it is a partner. This project allows the Mosier family to sustain ranching not just during the life of the solar project, but for generations to come. It ensures this land—and other family-held ranches—remain in agriculture well into the future.

At Van Vleck Ranching, we understand this well. We've successfully used mitigation investments to support our operations. These investments help offset the economic volatility of agriculture while preserving the working lands and ecological benefits they provide. This same opportunity now exists for the Mosier family: to generate reliable income while protecting the land and continuing their legacy of ranching.

7879 Van Vleck Road • Rancho Murieta • California • 95683 • 916.743.3826 • stan@stanvanvleck.com • vv-ranch.com

In fact, Van Vleck Ranching is contributing 480 acres of endangered species mitigation for this very project. This parcel, located directly southwest of the solar site, will be permanently protected for agricultural use and environmental stewardship. Together with on-site mitigation, this land will form a connected corridor that supports both grazing and habitat preservation for the long term.

In closing, the Coyote Creek Agrivoltaic Ranch Project delivers far more than renewable energy. It protects our agricultural heritage, supports rural families, restores critical habitats, and advances climate-smart land management—all while continuing to feed our communities.

On behalf of our ranching family, I respectfully urge you to support this project when it comes before you later this year. Thank you for your time and consideration.

Sincerely,



Stan Van Vleck

7879 Van Vleck Road • Rancho Murieta • California • 95683 • 916.743.3826 • stan@stanvanvleck.com • vv-ranch.com

Little. Alison

From: Smith. Todd
Sent: Monday, April 14, 2025 12:47 PM
To: Gutierrez. Kimber; Little. Alison; Newton. Julie
Subject: FW: Support for the Coyote Creek Agrivoltaic Ranch Project
Attachments: VVR Support LTR Coyote Crk 4-8-2025 final.pdf

Importance: High

Todd Smith, Planning Director
Planning and Environmental Review
827 7th Street, Room 225, Sacramento, CA 95814 | (916) 874-6918 (direct)
https://planning.saccounty.gov

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

From: Michelle Smira <michelle@mmsstrategies.com>
Sent: Monday, April 14, 2025 11:07 AM
To: Damon Conklin <damonrconklin@gmail.com>; Joe Devlin <devlin.jm@gmail.com>; CPAC-Forwarder-jofil.borja <jofil.borja@gmail.com>; CPAC-Forwarder-mcoronams <mcoronams@gmail.com>; CPAC-Forwarder-Virga. Tim <t.virga@comcast.net>
Cc: Smith. Todd <smithtodd@saccounty.net>; Stan Van Vleck <stan@stanvanvleck.com>
Subject: Support for the Coyote Creek Agrivoltaic Ranch Project
Importance: High

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Dear Commissioners,

On behalf of Stan Van Vleck, I am reaching out to share his strong support for the Coyote Creek Agrivoltaic Ranch Project. As a respected rancher and long-time steward of the land in Sacramento County, Stan values both the preservation of working landscapes and the thoughtful integration of renewable energy solutions that support the region's agricultural future.

The Van Vleck family has leased the Barton Ranch from the Mosier family for nearly a decade. While the project will modestly reduce their leased acreage, Stan believes it represents a balanced and forward-thinking approach—one that allows the Mosier family to retain ownership of their land, continue ranching, and avoid more intensive development pressures.

Attached is a letter from Stan providing additional detail on why this project aligns with the values and future of Sacramento County agriculture.

Thank you for your time and consideration.
Michelle

Michelle Smira
Founder + CEO| MMS Strategies, LLC
520 Capitol Mall | Suite 280
Sacramento | CA 95814
916.479.3687 c
MMSstrategies.com

Little. Alison

From: bjwillis@sbcglobal.net
Sent: Friday, April 25, 2025 4:17 PM
To: PER-CEQA

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From: William Willis
Sent: Friday 04/25/2025
To: ceqa Environmental Coordinator
Subject: Coyote Creek Agrovoltaic Ranch- DEIR CN:PLNP 2021-00191 State clearing house #2022010271

Significant Impacts to Prairie City SVRA from Solar Project

EMAILTO: CEQA@saccounty.gov

Sacramento County,

Department of Community Development, Planning and Environmental Review Division

Attention: Environmental Coordinator

827 7th Street, Room 225

Sacramento, CA 95814

RE: Coyote Creek Agrivoltaic Ranch Project - Control Number: PLNP2021-00191 - State Clearinghouse Number: 2022010271

Dear Environmental Coordinator,

As an OHV recreationist, I am very concerned about a proposal to site a 2,704-acre, 200-megawatt solar facility next to the California State Parks Prairie City State Vehicular Recreation Area (SVRA) located near Sacramento, CA. Building large electrical structures in close proximity to OHV trails and next to race tracks used for amateur and professional competition events, such as the Hangtown Motocross Classic or the NorCal Rock Racing Ultra4, would negatively impact public use and enjoyment at the park.

The DEIR supports my concerns when it states on pages 3-47… "*Because there are no feasible mitigation measures available to reduce the project's significant impact from substantial adverse effects on scenic vistas as viewed from the Prairie City SVRA, this impact is significant and unavoidable*."

I also have strong concerns about how the project could impact the long-term viability of the unit staying open for casual OHV recreation and powersports events by increasing use of OHV Trust Fund monies to mitigate "dust" has implications to solar panels or forcing the SVRA to drill wells or truck in water to compete for already scarce water sources needed for Park Operations.

It appears the project proponents did not engage in meaningful outreach to OHV stakeholders during the planning process nor did they present this issue before the CA State Parks OHMVR Commission as required by CA PRC Section 5090.24 (a) that requires the OHMVR Commission to "Be fully informed regarding all governmental activities affecting the program." I believe the planning process should be paused until after the proponents present the plan before the commission at the earliest opportunity. This would better inform the riders, competition organizations, and powersports businesses.

While many OHV recreation enthusiasts support sustainable solar projects, they also believe that impacts to existing open space recreation facilities should be minimized and high-quality trail opportunities respected and protected.

Sincerely,

William L. Willis

25076 China Hollow Road

Auburn, CA

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Wilton Rancheria

9728 Kent Street, Elk Grove, CA 95624

Sacramento County Planning Commission Public Meeting – Wilton Rancheria
Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191)
April 14, 2025

Good evening. My name is Michelle C. St. Clair, and I am speaking today on behalf of Wilton Rancheria, in my capacity as the Tribe's Executive Director of Cultural Preservation.

Wilton Rancheria is a federally recognized Tribe with significant ancestral, cultural, and spiritual ties to the land affected by the proposed Coyote Creek Agrivoltaic Ranch Project. We offer this testimony to preserve the Tribe's objections under the California Environmental Quality Act (CEQA), Section 106 of the National Historic Preservation Act, and applicable provisions of the California Administrative Procedure Act.

We are deeply concerned that the project, as currently proposed, will result in significant and unavoidable impacts to Tribal Cultural Resources—resources that are unique, sacred, and irreplaceable to Wilton Rancheria. These include—among other resources—burial sites, ancestral village areas, trails, ceremonial locations, and traditional use areas that are central to the Tribe's identity, religious practices, history, and ongoing cultural and governance responsibilities.

The project site lies within a historically and spiritually significant cultural landscape, which includes Traditional Cultural Properties of longstanding religious and cultural significance. The project's footprint threatens to cut into that landscape, resulting in irreparable harm. Once destroyed, these cultural resources—our connections to ancestors, ceremony, and place—cannot be reconstructed, relocated, or replaced.

In addition, we must formally state for the record that CEQA's Tribal consultation requirements under AB 52 were not met. The County unilaterally closed consultation while the Tribe had clearly indicated in writing that consultation was not complete. This action violated CEQA's requirement to conduct good faith, government-to-government consultation with Tribal governments.

It also disregards the spirit and intent of AB 52, which reinforces California's policy of respectful engagement with Tribal governments on land use decisions that may affect Tribal Cultural Resources of significance to the Tribe.

This failure deprived the Tribe of its rights under CEQA and related consultation requirements, including the opportunity to meaningfully engage in the identification of feasible project alternatives, propose avoidance strategies, and develop appropriate mitigation measures to resolve adverse effects on Traditional Cultural resources and Properties of religious and cultural significance to the Tribe.

Although the Draft Environmental Impact Report acknowledges potentially significant impacts to Tribal Cultural Resources, it fails to identify feasible alternatives, avoidance measures, or culturally appropriate

mitigation. CEQA requires a thorough and meaningful consideration of project redesign and avoidance of high-sensitivity areas. That did not occur here.

Let us be clear: Tribal Cultural Resources are not relics of the past—they are living elements of the Tribe, its peoples, their history, identity, and spiritual obligations. Our responsibilities to our ancestors and sacred places are ongoing and cannot be fulfilled if those places are desecrated or destroyed. This project proposes permanent development in a landscape where traditional use, ceremony, and cultural connection persist to this day.

Therefore, we strongly urge the County to take at least these three steps:

Reinstate and continue AB 52 consultation in good faith, in accordance with CEQA requirements;

Identify and evaluate a culturally viable alternative with reduced ground disturbance and avoidance of known high-sensitivity areas;

Adopt enforceable, long-term protections for Tribal Cultural Resources, including conservation easements, recorded avoidance zones, and binding mitigation measures developed in coordination with Wilton Rancheria.

Wilton Rancheria remains committed to government-to-government consultation and respectful engagement. However, we cannot support the project as proposed and will take all necessary steps to protect the Tribe's cultural heritage, sovereign rights, and the obligations we hold to our ancestors and future generations.

Thank you.

www.swainsonshawk.org

May 5, 2025
Delivered May 5, 2025 via email

Send all notices & correspondence to:
Friends of the Swainson's Hawk
8867 Bluff Lane
Fair Oaks, CA 95628
916-769-2857
friendsoftheswainsonshawk@gmail.com

Sacramento County Environmental Coordinator
CEQA@saccounty.gov

Re: Coyote Creek Agrivoltaic Ranch Project (PLNP2021-00191) DEIR

Dear Environmental Coordinator:

Friends of the Swainson's Hawk is a citizen advocate group for protection of the Swainson's Hawk in California. We have reviewed and commented on projects to develop farmland, and remove habitat supporting the Swainson's Hawk population, for over 30 years. Below are our comments on the environmental review of the Coyote Creek project.

We also endorse the comments submitted by Sierra Club, ECOS, Habitat 2020, Audubon Society of Sacramento, California Native Plant Society, California Oak Foundation, the Wilton Rancheria, and other environmental protection advocates who are addressing the many negative impacts of this project on the environment. The project should be located to a site or sites within the Urban Services Boundary to reduce its impacts to less than significant.

A. Impacts on Swainson's Hawks Not Fully Mitigated; Feasible Mitigation Measures Not Included; Not Compliant with County Regulation

The EIR notes that "Development of the project would result in permanent and temporary impacts to potential nesting habitat, and potentially to nesting Swainson's hawks. . . ." (p. 6-65) and assesses impacts at 1,200 acres of habitat.

1. The EIR fails to include a mitigation measure to require the project to obtain a 2081 incidental take permit from the California Department of Fish and Wildlife

prior to initiation of ground disturbance. Therefore the EIR cannot claim that all impacts on Swainson's Hawks have been mitigated to less than significant. The application and approval of the 2081 permit application is a feasible measure that ensures that the trustee agency has the opportunity to work directly with the project applicant to assess and determine appropriate mitigation for all impacts on all the species and to assure that take is avoided to the maximum extent possible.

California Code, Fish and Game Code § 2081 states in part that:

> "(b) The department may authorize, by permit, the take of endangered species, threatened species, and candidate species if all of the following conditions are met:
>
> (1) The take is incidental to an otherwise lawful activity.
>
> (2) The impacts of the authorized take shall be minimized and fully mitigated. The measures required to meet this obligation shall be roughly proportional in extent to the impact of the authorized taking on the species. Where various measures are available to meet this obligation, the measures required shall maintain the applicant's objectives to the greatest extent possible. All required measures shall be capable of successful implementation. For purposes of this section only, impacts of taking include all impacts on the species that result from any act that would cause the proposed taking.
>
> (3) The applicant shall ensure adequate funding to implement the measures required by paragraph (2), and for monitoring compliance with, and effectiveness of, those measures."

2. The EIR fails to dedicate the non-project related land in the project area to permanent conservation. This is a feasible mitigation measure for permanent loss of foraging and nesting habitat. It also ensures that the success of the project does not result in the proposed expansion to the undeveloped part of the site, and further removal of nesting and foraging habitat, a cumulatively considerable impact.

3. The mitigation measure for loss of Swainson's Hawk foraging habitat is deferred, a violation of CEQA. The EIR fails to commit to the requirements of both CEQA and the County of Sacramento Swainson's Hawk Mitigation Ordinance.

> On p. 6-68, the EIR states:
> Being located on property with the AG-80 zoning designation, the project would likely be required by Sacramento County to mitigate foraging habitat losses to attain a value of 100 percent of the existing foraging habitat area, or the equivalent of 911.10 acres – the final determination would be based on final approved construction design plans.

Not only is the applicant required to commit to the permanent protection of foraging habitat at a 1:1 ratio by County ordinance, but the EIR mitigation measure must include all the necessary and sufficient conditions to ensure the permanent protection of the habitat and to qualify it as an enforceable commitment. This EIR fails to do so.

> On p. 6-69, the EIR states:
> "The project may achieve the performance standard through the County of Sacramento Swainson's Hawk Mitigation Program or other compensatory programs (e.g., mitigation banks; conservation easements) that provide permanent protection of mitigation lands. . . . If compensation for foraging habitat is achieved outside the Swainson's Hawk Mitigation Program, it shall at minimum meet the mitigation requirement of the Program."

The mitigation measure fails to establish enforceable criteria for mitigation land that ensures the measure mitigates impacts to less than significant. There is no requirement that the mitigation land be located within 5 miles of the project site, or even in Sacramento County, that it be composed of contiguous parcels to avoid edge effects, that it be managed by a third party conservation manager for foraging productivity, and that there be a permanent endowment to finance the management and enforcement of the easement. The location of the easement to be used, if outside the County program, is not disclosed. Nor does the EIR acknowledge that the project impact on foraging habitat cannot be mitigated through payment of fees. It must be met through the permanent dedication of suitable land. It is well accepted that fees are not mitigation.

Attached is a copy of the County of Sacramento Swainson's Hawk Ordinance, which does not include the options for mitigation identified in this EIR. It also requires the mitigation land to be in Sacramento County in known foraging habitat as verified by the County and the Department of Fish and Wildlife. The Ordinance also requires the applicant to pay to the County a mitigation operations and maintenance fee to cover the costs of administering, monitoring and enforcing the document or managing the property in fee title in an amount determined by the receiving entity, not to exceed three thousand five hundred dollars ($3,500.00) per acre. The EIR omits this requirement.

The EIR is in error in not complying fully with the County of Sacramento Swainson's Hawk Ordinance in determining mitigation for loss of Swainson's Hawk foraging habitat.

B. Cumulative Impact South Sacramento County Swainson's Hawk Population Not Fully Disclosed Nor Fully Mitigated.

> "The proposed project would result in approximately 911 acres of permanent loss of foraging habitat for Swainson's hawk (Table BR-10), representing 2 percent of 57,088 acres of foraging habitat potentially available to this species in the regional project analysis area. Compliance with the Sacramento County Swainson's Hawk Ordinance would require the project to mitigate for this permanent loss of foraging habitat at no net loss of the existing foraging habitat value and Mitigation Measure BR-1f (Avoid, Minimize, and Mitigate for Impacts on Swainson's Hawk and Their Nesting and Foraging Habitat) would further avoid impacts to individuals, ensuring that the proposed project would have a less-than-cumulatively considerable contribution to the cumulative impact of past, present, and future development." (EIR, P. 17-45)

This finding is in error. Without a 2081 permit requirement, the EIR cannot assure that impacts to individuals would be fully mitigated. The cumulative impact of the project on the Swainson's Hawk population in Sacramento likely will be significant. Attached is a 2010 map prepared for the South Sacramento Habitat Conservation Plan with land cover types and known Swainson's Hawk nesting sites. The map includes the following note:

> "*Note: Land Cover Types shown represent suitable habitat for Swainson's Hawk based on the Species – Habitat Use Matrix. "Consolidated Occurrence Data" includes data from numerous sources including data from studies conducted specifically for the SSHCP, project-level studies, professional expertise, and unconfirmed sightings. This species may occur throughout the Plan Area where suitable habitat is present."

The map shows many nesting sites <u>inside the UDA</u> where nesting activity is being pushed out by urban development. The County General plan recognizes the need to maintain threatened

populations through the Urban Services Boundary and the agricultural zoning in the project area. The Swainson's Hawk population must move east to the grasslands and oak forest because development has been approved inside the USB.

In addition, City of Elk Grove has indicated its intent to expand the City to the South, a very rich area for Swainson's Hawks. Elk Grove has assumed nesting will relocate to the east. It has approved mitigation land for impacts of development inside the City limit to be located 16 miles to the northeast of the impact site, using a professional opinion that the population will be relocating to the eastern grasslands. The attached map shows the undeveloped area outside the USB, the only available territory for these hawks to relocate their nesting habitat. Any change in the availability of nesting and foraging habitat in this area which includes the Coyote Creek Agrivoltaic Ranch Project, will likely constrain potential nesting activity in the area and cumulatively lead to population decline.

The City of Elk Grove adopted RESOLUTION NO. 2018-141 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING AN ADDENDUM TO THE SOUTHEAST POLICY AREA STRATEGIC PLAN CERTIFIED ENVIRONMENTAL IMPACT REPORT AND PREVIOUSLY ADOPTED MITIGATION MONITORING AND REPORTING PROGRAM (PROJECT EG18-017)), to establish the suitability of locating Swainson's Hawk mitigation properties at the Van Vleck Ranch, located in eastern Sacramento County just south of the project area. (See Table 5, Land Cover Within the Van Vleck Ranch Mitigation Area, "Swainson's Hawk Mitigation Proposal for Kamilos Southeast Policy Area Project", an attachment to the above referenced resolution.)

City of Elk Grove stated that mitigation for Swainson's Hawk foraging should be located at the Van Vleck Ranch because of these factors:

> "The Mitigation Proposal and Addendum provide an opportunity to boost Swainson's hawk conservation significantly in Sacramento County ("County") while preserving broader ecosystem functions and values. The City supports the Mitigation Proposal and Addendum based on the following attributes:
>
> **Regional perspective:** The 895-acre proposed preserve, which is adjacent to the 775-acre Westervelt Mitigation Bank, will result in the preservation of an intact 1,670-acre block of diverse habitats including grassland, vernal pools, creeks, oak woodland, and oak savanna with a cropland component. This large, contiguous preserve cannot be achieved elsewhere within the range of the Swainson's hawk population in the County and would have a higher ecological value than the preservation of a number of smaller, discontinuous parcels. This preserve site is utilized by a wide range of species and can provide a regional movement corridor as it is proximate to portions of the 50,000-acre Cosumnes River Preserve and the 4,000-acre Deer Creek Hills Preserve
> **Sustainability:** Although CDFW cites that Swainson's hawk forage more often in mixed agricultural lands, the Habitat Suitability Assessment identifies a sustaining (and possibly increasing) population on the east side of the County. As climate change exposes our region to extreme droughts and unreliable water supply, it is likely that farmland

> practices will be altered over the next few decades in ways that may impact the Swainson's hawk. Research suggests that annual grasslands' plants species composition and relative abundance may also shift over time, but this land cover is not dependent on secondary water supply and cultivation. It follows then, that the grasslands of the proposed preserve would not be as vulnerable to climate change as Swainson's hawk agricultural preserves that are established elsewhere in the County."

Thus, the project has the potential to interfere with the maintenance of the South County population of Swainson's Hawks through (1) fragmentation of an otherwise large landscape that supports wildlife and specifically hawk reproduction; and (2) loss of foraging lands that are climate resilient during coming decades. The large landscape is required because the density of prey is far lower in unirrigated grasslands than in irrigated pasture and farmlands. The poorer quality of the foraging habitat means that much more quantity is needed to provision nesting activity. In recognition of this, Elk Grove also required habitat enhancement on Van Vleck Ranch to increase forage productivity.

C. The County General Plan is Internally Inconsistent in Allowing a Use Permit for Industrial Solar Installation Outside of USB to Serve Urban Uses Inside the USB

The County General Plan of 1993 established an Urban Services Boundary and Urban Policy Area to manage growth, preserve agriculture and open space, and protect natural resources. It is inconsistent with the General Plan policies to issue a use permit for an electrical supply facility to serve the urban population inside the Urban Services Boundary in the area outside that boundary that is intended for conservation of agriculture and natural resources. The EIR does not address this conflict. How does the County justify this contradiction?

D. Significant Irreversible Changes to the Physical Environment Not Disclosed

> "Development of the proposed project site would alter the existing land use from agricultural use only to renewable energy production co-located with agricultural use (grazing). The proposed project has an anticipated operational period of 35 years, after which a decommissioning plan would be implemented. As a result, **the project site would be restored to conditions that would be substantially similar to the existing baseline agricultural conditions.** Therefore, no irreversible change to land use would result. . . ." (P. 17-67). (emphasis added)

This finding pointedly ignores the permanent impact on a native oak forest. Perhaps the EIR relies upon the assumption that a native oak forest exceeding 4,600 individuals can be recreated, but it does not make this assertion. It provides no substantial evidence that the oak forest can be restored. To the contrary, regeneration of the species on site has proved to be

nearly impossible. Given climate change and the limited ability of humans to create the conditions under which the forest has emerged, it is unlikely that the project site can be restored to conditions similar to the vegetative cover to be destroyed.

The EIR has provided no timeline for the restoration to be complete and lacks documentation that it can be completed.

The site restoration described on page 2-28-29 does not include any description of the reforestation of the property with oaks. It is apparent that the project is not intended to restore the removal of the oak forest on site. Thus there is a permanent and irreversible change to the physical environment.

Moreover, the likelihood that a huge industrial energy facility would be removed from the landscape after 35 years is basically nil. It will be extended for further use or a similar use will be installed on the same footprint. Yet the DEIR is representing that the vast majority of the impacts will be temporary and so it is not planning on doing much compensatory mitigation for impact to species. Typically temporary impacts are less than a year in duration.

Instead the impact must be assumed to be permanent. The project should be denied or fully mitigated.

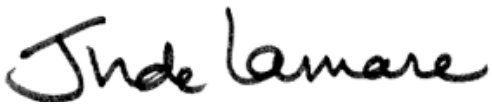
Additional Questions:

1. Please disclose any existing conservation easements within the project footprint and explain the project impacts on any existing conservation easement(s).

2. Does this project meet the County's guidelines for siting solar facilities? Please explain how the project meets and does not meet the guidelines.

Please keep us informed about any further public review, including all public hearings.





James P. Pachl Judith L. Lamare

C: Habitat 2020

Attachments: County of Sacramento Swainson's Hawk Ordinance
Figure SWHA-1 (SSCHCP)
City of Elk Grove Resolution 2018-141

The Swainson's Hawk ordinance can also be viewed online at:
http://qcode.us/codes/sacramentocounty/ Once at the website, click on "Title 16 BUILDINGS AND CONSTRUCTION", then "Chapter 16.130 SWAINSON'S HAWK IMPACT MITIGATION FEES". Click "Show All" to view complete document.

Chapter 16.130 SWAINSON'S HAWK IMPACT MITIGATION FEES

Note

* Prior ordinance history: Ords. 1093, 1107, 1234 and 1249.

16.130.010 Purpose and Intent.

The Board of Supervisors finds that the continued expansion of urban and agricultural-residential uses into the agriculturally zoned lands of Sacramento County ("County") that are identified through the California Environmental Quality Act ("CEQA") process or by appropriate regulatory agencies to provide suitable foraging habitat for the Swainson's Hawk, a listed threatened species under the California Endangered Species Act, will, absent mitigation, result in a significant reduction of such foraging habitat. The reduction in foraging habitat value can occur gradually or immediately through requests for zoning changes of agriculturally designated lands to agricultural zones that allow for smaller parcel size or through changes to agriculturally designated lands to an urban land use designation or through requests for land use entitlements for non-agricultural uses that are incompatible with the maintenance of Swainson's Hawk foraging habitat. Reduction in foraging habitat can also occur as the result of public projects or as the result of development on large undeveloped commercial and industrial lands. For any such projects on parcels which are within ten (10) miles of a Swainson's Hawk nest the Board of Supervisors desires to establish an additional means of mitigating for loss of Swainson's Hawk foraging habitat.

The Board of Supervisors has determined, in consultation with DFG, that suitable foraging habitat for the Swainson's Hawk exists in both established land conservation programs in Sacramento County which includes existing and potential foraging habitat for the Swainson's Hawk, and in agricultural and open lands currently not part of a conservation program. The Board of Supervisors finds that the most effective means of mitigation for the loss of suitable Swainson's Hawk foraging habitat is the direct preservation, in perpetuity, of equally suitable foraging habitat on an acre-per-acre basis based on the project's determined acreage impact. Such preservation should occur, pursuant to this chapter, prior to onset of development activities that cause the impact (i.e., land clearing and site grading) or the recordation of a final map, whichever occurs first, or the final adoption of a zoning ordinance if only a rezone was approved.

Development project proponents should be responsible for locating and acquiring the appropriate land/or legal instruments (such as conservation easements) that will ensure the preservation of Swainson's Hawk foraging habitat in perpetuity. The Board of Supervisors also finds that it may be infeasible to mitigate for impacts to Swainson's Hawk foraging habitat by acquiring easements for less than forty (40) acres and proponents of projects determined to impact less than forty (40) acres should have the option to mitigate adverse impacts to Swainson's Hawk foraging habitat through the payment of an impact mitigation fee. An impact mitigation fee, as established pursuant to this chapter, will provide funds to acquire available land with suitable Swainson's Hawk foraging habitat values.

The Board of Supervisors recognizes that mitigation for foraging habitat for the Swainson's Hawk is only feasible when replacement habitat is provided within the known foraging area for the hawk. In order to provide adequate mitigation for the loss of Swainson's Hawk foraging habitat pursuant to CEQA, the acquisition of mitigation habitat either by procurement of a conservation easement or by fee title is necessary. Further, the Board of Supervisors deems it necessary to restrict the scope of possible mitigation sites to parcels that are located within the geographical foraging area of the Swainson's Hawk in the unincorporated County outside the Urban Services Boundary, and that are owned and/or managed by a conservation organization at locations that are acceptable to DFG. The Board of Supervisors also finds that due to limited opportunities for acquisition of mitigation lands in northern Sacramento County, that for those projects which are north of the American River only, there shall be added to the scope of possible mitigation sites, those properties in Sutter and Placer Counties which lie in the area defined by the Sacramento County Line to the south and Riego/Baseline Road to the north, bounded by the Sacramento River and Watt Avenue to the west and east respectively.

The Board further finds that the direct preservation of suitable Swainson's Hawk foraging habitat or the payment of an impact mitigation fee for the actual acquisition of such habitat, will meet the requirements of mitigation under CEQA by reducing the level of impact to Swainson's Hawk foraging habitat to a less than significant level for those parcels falling within the scope of this chapter as set forth herein. The Board of Supervisors intends that the requirement of direct preservation of suitable Swainson's Hawk foraging habitat for projects determined to impact forty (40) acres or more and the option of an impact mitigation fee for projects determined to impact less than forty (40) acres, in the amount set forth in this chapter, shall be included as one of the mitigation options. Said mitigation shall arise when the environmental review process for a request falling within the scope of this chapter concludes there would be a significant impact or a significant cumulative impact on the Swainson's Hawk foraging habitat for which mitigation, pursuant to all applicable provisions of the Public Resources Code section 21000 et seq. and the California Code of Regulations, Title 24, section 15000 et seq., is required. The Board also recognizes its continued authority to determine, based on specific economic, social, legal, technical or other considerations, that mitigation for Swainson's Hawk foraging habitat is infeasible or that evidence has been presented to the Board which the Board determines eliminates the need for such mitigation. (SCC 1328 § 1, 2006: SCC 1299 § 1 (part), 2005.)

16.130.020 Definitions.

"Agricultural Designation" means land which is zoned any of the following zoning designations or combinations thereof: AG-160, AG-80, AG-40, AG-20, UR, IR, AR-10, A-80, A-20, A-10.

"CEQA" means the California Environmental Quality Act.

"DFG" means the California Department of Fish and Game.

"Habitat Conservation Plan (HCP)" means any plan, approved by the United States Fish and Wildlife Service (USFWS) designed to protect one or more species in exchange for a take permit issued by the (USFWS) for certain species.

"Habitat Conservation Plan (HCP) area" means the area identified within an individual HCP including both the areas covered for take as well as for reserves for that particular HCP.

"Project" shall mean the total combined gross acreage of a parcel or parcels included in a development proposal subject to CEQA review.

"Urban Services Boundary" means that boundary identified in the Land Use Element of the 1993 General Plan as the ultimate boundary of the urban area in the unincorporated County for purposes of the 1993 General Plan policies and goal.

"Urban Designation" means land which is zoned any of the following zoning designations or combinations thereof: a residential land use zone as set forth in Sacramento County Zoning Code Section 201-01, a "commercial land use zone" as set forth in Sacramento County Zoning Code Section 225-10 or an "industrial land use zone" as set forth in Sacramento County Zoning Code Section 230-10; a specific plan designation or a special planning area designation encompassing any of the aforementioned zoning designations or combinations thereof. (SCC 1328 § 2, 2006: SCC 1299 § 1 (part), 2005.)

16.130.030 Applicability.

A. This Chapter shall apply to any of the following requests for which all of the criteria set forth in subsection B of this section have been satisfied:

1. To any request for a change in land use designation from an Agricultural Designation to AR-1, AR-2, or AR-5 zoning or an Urban Designation; or

2. To any request to rezone agriculturally designated lands to an agricultural designation which permits smaller minimum parcel sizes; or

3. To any request for a land use entitlement for a non-agricultural use of land zoned with an Agricultural Designation; or

4. To any request for a land use entitlement for a non-agricultural use of land/or public project located within the boundaries of the Elverta Specific Plan or Rancho Murieta's Urban Services Boundary; or

5. To any public improvement project proposed by any department or agency of Sacramento County on land with an Agricultural Designation; or

6. To any request to subdivide five acres or more of contiguous land zoned as an Urban Designation to less than five acres.

B. This Chapter shall apply to any request falling within subsection A of this section for which all of the following criteria have been satisfied:

1. The entire underlying parcel(s) for the request are located within the defined scope of this chapter as set forth in subsection C of this section;

2. The underlying parcel(s) for the request are identified through the CEQA process, based on the DFG staff report regarding mitigation for impacts to Swainson's Hawks in the Central Valley of California, to provide suitable Swainson's Hawk foraging habitat; and

3. Following consultation with DFG, it has been determined through the CEQA process that the request will result in a significant impact or significant cumulative impact on Swainson's Hawk foraging habitat for which mitigation measures have been identified as necessary to reduce that impact to a less than significant level.

C. The scope of this chapter encompasses any project located entirely within that portion of the unincorporated area of Sacramento County, not in an approved Habitat Conservation Plan area that addresses Swainson's Hawk. (SCC 1328 § 3, 2006: SCC 1299 § 1 (part), 2005.)

16.130.040 Conditions.

A. On and after the effective date of this chapter, for any request falling within the provisions of Section 16.130.030 of this chapter, one of the following two mitigation measures shall be included within the mitigation measure options identified to reduce the impact to Swainson's Hawk foraging habitat of that particular request to a less than significant level:

1. For projects determined to impact forty (40) acres of habitat or more:

a. Prior to any site disturbance, such as clearing or grubbing, the issuance of any permits for grading, building, or other site improvements, or recordation of a final map,

whichever occurs first, or the final adoption of a zoning ordinance if only a rezone was approved, the project applicant shall acquire suitable Swainson's Hawk foraging habitat, as determined by DFG and approved by the County.

i. The project applicant shall preserve through conservation easement(s) or fee title one acre of similar habitat for each acre impacted.

ii. The land to be preserved shall be deemed suitable Swainson's Hawk foraging habitat by DFG and the County, which shall make all reasonable efforts to either accept or reject the proposed land as suitable within fifteen (15) business days. However, failure to act within such time shall not be deemed as acceptance or rejection of the proposed land. For each request for approval by the County and DFG, there must be an approved rezone or development project and corresponding MMRP identified for which the proposed mitigation site is to be used.

iii. The project applicant shall transfer said easement(s) or title to the County, DFG and a third party conservation organization as acceptable to the County and DFG. The County may, at its discretion, waive the requirement for a third party conservation organization to be party to the easement or fee title. Such third party conservation organizations shall be characterized by non-profit 501(c)(3) status with the Internal Revenue Service and be acceptable to both the County and DFG.

iv. All owners of the mitigation land shall execute the document encumbering the land, including lien holders with right of foreclosure senior to the conservation easement.

v. The document shall be recordable and contain an accurate legal description of the mitigation land.

vi. The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's Hawk foraging habitat and the content and form of the document must be acceptable to the County and DFG.

vii. If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.

viii. The applicant shall pay to the County a mitigation operations and maintenance fee to cover the costs of administering, monitoring and enforcing the document or managing the property in fee title in an amount determined by the receiving entity, not to exceed three thousand five hundred dollars ($3,500.00) per acre. The actual amount will be calculated by the receiving entity by the use of the Property Analysis Record (PAR) software program or other generally accepted, attribute based, site specific method for calculating in perpetuity endowments for preserves.

ix. The entity shall not sell, lease, or convey any interest in mitigation land which it acquires without the prior written approval of the County and DFG and the County shall be

named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the County.

x. If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the County or transferred to the County itself.

xi. Before committing to the preservation of any particular land pursuant to this measure, the project proponent shall obtain the County's and DFG's approval of the land proposed for preservation. This mitigation option may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by DFG to be suitable Swainson's Hawk habitat.

2. For projects determined to impact less than forty (40) acres:

a. Prior to any site disturbance, such as clearing or grubbing, the issuance of any permits for grading, building, or other site improvements, or the recordation of a final map, whichever occurs first, or the final adoption of a zoning ordinance if only a rezone was approved, the project applicant shall acquire suitable Swainson's Hawk foraging habitat, as determined by DFG and approved by the County.

i. The project applicant shall preserve through conservation easement(s) or fee title one acre of similar habitat for each acre impacted.

ii. The land to be preserved shall be deemed suitable Swainson's Hawk foraging habitat by DFG and the County, which shall make all reasonable efforts to either accept or reject the proposed land as suitable within fifteen (15) business days. However, failure to act within such time shall not be deemed as acceptance or rejection of the proposed land. For each request for approval by the County and DFG, there must be an approved rezone or development project and corresponding MMRP identified for which the proposed mitigation site is to be used.

iii. The project applicant shall transfer said easement(s) or title to the County, DFG and a third party conservation organization as acceptable to the County and DFG. The County may, at its discretion, waive the requirement for a third party conservation organization to be party to the easement or fee title. Such third party conservation organizations shall be characterized by non-profit 501(c)(3) status with the Internal Revenue Service and be acceptable to both the County and DFG.

iv. All owners of the mitigation land shall execute the document encumbering the land.

v. The document shall be recordable and contain an accurate legal description of the mitigation land.

vi. The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's Hawk foraging habitat.

vii. If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.

viii. The applicant shall pay to the County a mitigation operations and management fee to cover the costs of administering, monitoring and enforcing the document or managing the property in fee title in an amount determined by the receiving entity, not to exceed three thousand five hundred dollars ($3,500.00) per acre. The actual amount will be calculated by the receiving entity by the use of the Property Analysis Record (PAR) software program or other generally accepted, attribute based, site specific method for calculating in perpetuity endowments for preserves.

ix. The entity shall not sell, lease, or convey any interest in mitigation land which it acquires without the prior written approval of the County and DFG and the County shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the County.

x. If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall be transferred to another entity acceptable to the County or to the County.

xi. Before committing to the preservation of any particular land pursuant to this measure, the project proponent shall obtain the County's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by DFG to be suitable Swainson's hawk habitat.

b. Or, as an alternative, for projects determined to impact less than forty (40) acres, prior to any site disturbance, such as clearing or grubbing, the issuance of any permits for grading, building, or other site improvements, or recordation of a final map, whichever occurs first, or the final adoption of a zoning ordinance if only a rezone was approved, the project applicant shall submit payment of a Swainson's Hawk impact mitigation fee per acre of calculated habitat impact habitat to the County in the amount set forth in Section 16.130.050 of this chapter as such may be amended from time to time and to the extent that said chapter remains in effect.

B. The requirement for direct land preservation or payment of an impact mitigation fee established pursuant to this chapter is also applicable to those requests for a change in land use designation or grants of land use entitlements that were granted prior to the effective date of this chapter and which are conditioned to require mitigation for impacts to Swainson's Hawk foraging habitat to include the option to participate in a future Swainson's Hawk mitigation policy/program adopted by the Board of Supervisors, provided the property owner/developer of any such project has not yet completed an alternative mitigation measure for impacts to Swainson's Hawk foraging habitat and provided that the parcel(s) included in such a previously

granted request fall within the scope of this chapter as set forth in Section 16.130.030. (SCC 1328 § 4, 2006: SCC 1299 § 1 (part), 2005.)

16.130.050 Impact Mitigation Fee.

The impact mitigation fee will be established by resolution of the Board of Supervisors. This fee may from time to time be amended by resolution of the Board of Supervisors. (SCC 1299 § 1 (part), 2005.)

16.130.060 Time of Payment.

Payment in full of the impact mitigation fee established pursuant to this chapter shall be required prior to any site disturbance, such as clearing or grubbing, the issuance of any permits for grading, building, or other site improvements, or the recordation of a final map, whichever occurs first, or the final adoption of a zoning ordinance if only a rezone was approved. For projects falling under Section 16.130.040(B), payment in full of the impact mitigation fee established pursuant to this chapter shall be required prior to approval of site improvement plans unless such site improvements plans have already received final approval prior to the effective date of this chapter, in which case payment in full shall be required prior to issuance of any building permits. Election to mitigate impacts through payment of the impact mitigation fee must occur prior to the initiation of alternative mitigation measures. (SCC 1328 § 5, 2006: SCC 1299 § 1 (part), 2005.)

16.130.070 Impact Mitigation Credit.

Mitigation credit may be given for vernal pool or other preserves which contain suitable Swainson's Hawk foraging habitat, including preserves established pursuant to a previously approved mitigation monitoring and reporting program for the subject parcel(s). Prior determination by DFG of the viability of the preserve for Swainson's Hawk foraging habitat is required and preserves deemed viable by DFG shall receive credit on a 1:1 ratio. In the event that the credit received does not satisfy the acreage required for the mitigation obligation, additional mitigation shall be required through any of the other mitigation measure options identified in the applicable environmental report to the extent necessary to reduce impacts on Swainson's Hawk foraging habitat to a less than significant level. (SCC 1299 § 1 (part), 2005.)

16.130.080 Use of Impact Mitigation Fee Funds.

A. The County shall establish a separate interest-bearing fund within the County Treasury, in which monies collected pursuant to this chapter shall be deposited.

B. Monies from said fund shall be transferred pursuant to the terms and conditions of the agreement entitled "Agreement for the Funding and Acquisition of Swainson's Hawk Foraging Habitat." Monies from said fund shall be used for the specific acquisition of lands, in fee simple or through a conservation easement which is located in the unincorporated County, outside the Urban Services Boundary.

C. Pursuant to the terms and conditions of said Agreement, said lands shall be held in perpetuity for Swainson's Hawk foraging habitat. (SCC 1299 § 1 (part), 2005.)

16.130.090 Exemption.

Parcels included within the boundaries of an established habitat conservation plan area which provides for mitigation for Swainson's Hawk foraging habitat shall be subject to the mitigation provisions and requirements of that plan and shall not be subject to the provisions of this chapter. (SCC 1299 § 1 (part), 2005.)

16.130.100 Administrative Fee.

An administrative fee charged per impact mitigation fee, easement or fee title submitted to the County will be established by resolution of the Board of Supervisors for the purpose of funding the costs of administering the Swainson's Hawk impact mitigation program established pursuant to this chapter. Payment of this fee is in addition to fee obligations established pursuant to Sections 16.130.050 and 16.130.130 and shall be due and payable prior to any site disturbance, such as clearing or grubbing, the issuance of any permits for grading, building, or other site improvements, or recordation of a final map, whichever occurs first, or the final adoption of a zoning ordinance if only a rezone was approved. For projects falling under Section 16.130.040(B), payment of this fee is in addition to the fee obligations established pursuant to Section 16.130.050 and shall be due and payable at the time of approval of site improvement plans unless such site improvements plans have already received final approval prior to the effective date of this chapter, in which case payment of this fee in addition to the fee obligations established pursuant to Section 16.130.050 shall be required prior to issuance of any building permits. This fee may from time to time be amended by resolution of the Board of Supervisors. (SCC 1328 § 6, 2006: SCC 1299 § 1 (part), 2005.)

16.130.110 Authority of Board to Override Mitigation Measures.

Nothing herein shall be construed to preclude the Board of Supervisors' consideration or approval of other means of mitigating significant impact or significant cumulative impact on Swainson's Hawk foraging habitat or to limit the Board's authority to override mitigation measures for reasons permitted by CEQA. (SCC 1299 § 1 (part), 2005.)

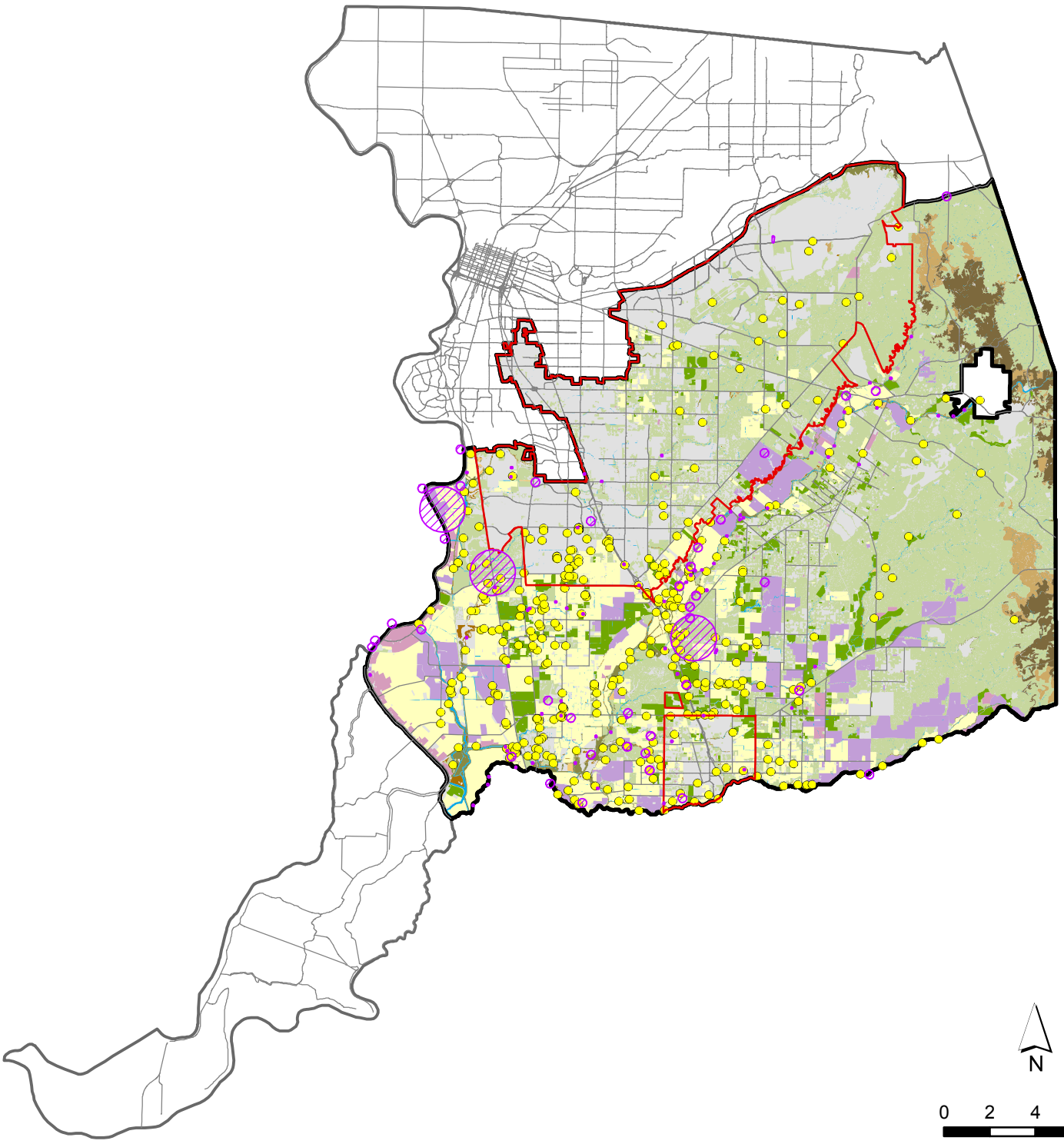
16.130.120 Authority of Director of Planning and Community Development Department to Accept Easements.

Authority on behalf of the County to accept easements or fee title granted pursuant to the terms and conditions of the agreement entitled "Agreement For The Funding And Acquisition Of Swainson's Hawk Foraging Habitat" is hereby delegated to the Director of the Planning and Community Development Department, subject to approval of County Counsel as to form. (SCC 1299 § 1 (part), 2005.)

16.130.130 Operations and Management Fee.

For projects utilizing the fee option of Section 16.130.050 an operations and management fee will be established by resolution of the Board of Supervisors for the purpose of reimbursing conservancies for their administrative costs incurred in acquiring and monitoring easements or managing properties in fee title. Payment of the fee is in addition to the fee obligations established pursuant to Sections 16.130.050 and 16.130.100 and shall be due and payable prior to any site disturbance, such as clearing or grubbing, the issuance of any permits for grading, building, or other site improvements, or recordation of a final map, whichever occurs first, or the final adoption of a zoning ordinance if only a rezone is approved. For projects falling under Section 16.130.040(B), payment of this fee is in addition to the fee obligations established pursuant to Section 16.130.050 and shall be due and payable at the time of approval of site improvement plans unless such site improvement plans have already received final approval prior to the effective date of this chapter, in which case payment of this fee in addition to the fee obligations established pursuant to Section 16.130.050 shall be required prior to issuance of any building permits. This fee may from time to time be amended by resolution of the Board of Supervisors. (SCC 1328 § 7, 2006: SCC 1299 § 1 (part), 2005.)

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Miles

Range of Swainson's Hawk in the SSHCP Plan Area

- Consolidated Species Occurrences*
- Swainson's Hawk (CNDDB)
- Urban Development Area
- Plan Area
- Cropland
- Irrigated Pasture-Grassland
- Orchards
- Streams/Creeks
- Valley Grassland
- Vineyards
- Blue Oak Savanna
- Blue Oak Woodland
- Mixed Riparian Scrub
- Mixed Riparian Woodland
- Valley Oak Riparian Woodland
- Woodland Restoration

*Note: Land Cover Types shown represent suitable habitat for Swainson's Hawk based on the Species – Habitat Use Matrix. "Consolidated Occurrence Data" includes data from numerous sources including data from studies conducted specifically for the SSHCP, project-level studies, professional expertise, and unconfirmed sightings. This species may occur throughout the Plan Area where suitable habitat is present

Sources:
California Department of Fish and Game California Natural Diversity Database March, 2010
ESTEP Environmental Consulting 2006 Rancho Cordova Survey; ESTEP Environmental Consulting 2007 Elk Grove Survey; 2003-135 Gill Ranch Survey; Ebird.org 2006-2009 (various sightings)

SOUTH SACRAMENTO HABITAT CONSERVATION PLAN

Figure SWHA-1

RESOLUTION NO. 2018-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING AN ADDENDUM TO THE SOUTHEAST POLICY AREA STRATEGIC PLAN CERTIFIED ENVIRONMENTAL IMPACT REPORT AND PREVIOUSLY ADOPTED MITIGATION MONITORING AND REPORTING PROGRAM (PROJECT EG18-017)

WHEREAS, the Development Services Department of the City of Elk Grove received an application on or about March 5, 2018, from Souza Elk Grove, LLC to revise the Environmental Impact Report (EIR) for the Southeast Policy Area Special Planning Area (SEPA); and

WHEREAS, the proposed Project described in Exhibit A is located on real property located within the incorporated portions of the City of Elk Grove and within SEPA; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code Section 21000 et seq.; and

WHEREAS, Section 15164 (Addendum to an Environmental Impact Report (EIR) or Negative Declaration) of Title 14 of the California Code of Regulations (State CEQA Guidelines) provides that a lead agency may prepare an Addendum to a previously-certified EIR; and

WHEREAS, an EIR was certified by the City Council as part of the adoption of the SEPA Specific Plan Area (State Clearinghouse No. 2013042054); and

WHEREAS, the EIR analyzed the overall development of the SEPA area and adopted mitigation measures including, but not limited to, potential project impacts related to traffic, air quality, and biological resources; and

WHEREAS, the Project proposes text changes to the Swainson's hawk foraging habitat mitigation measures of the Certified SEPA EIR with no changes to the adopted SEPA land use plan; and

WHEREAS, the Addendum found that the text amendments to the EIR would not generate any new environmental impacts, and that the mitigation proposal found in Appendix A to the Addendum complies with Elk Grove Municipal Code Chapter 16.130 related to mitigation for the loss of Swainson's hawk foraging habitat; and

WHEREAS, the Development Services Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Municipal Code (EGMC) Title 23 (Zoning), the SEPA Special Planning Area, and all other applicable State and local regulations; and

WHEREAS, on June 27, 2018, the City Council held a noticed public hearing to receive and consider all of the information presented by staff, the Applicant, the public, and other interested persons.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds the Addendum prepared for the SEPA EIR to be the appropriate environmental review pursuant to section 15164 of the State CEQA Guidelines and adopts the Addendum based upon the following findings:

Finding: The proposed Project will not have a significant adverse impact on the environment and all potentially significant effects have been adequately analyzed in the SEPA EIR. The EIR adequately addresses all environmental issues related to the development of the subject property, and there are no new subsequent significant environmental impacts as a result of this Project. None of the conditions calling for the preparation of a subsequent EIR are present.

Evidence: The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Project is a project under CEQA.

The SEPA Special Plan Area was approved and an EIR certified by the City Council on July 9, 2014 (State Clearinghouse No. 2013042054). In conjunction with the certification of the EIR a Mitigation Monitoring and Reporting Program (MMRP) was adopted for the Specific Plan.

Section 15164 of the State CEQA Guidelines describes the conditions under which an Addendum to a previously certified EIR is appropriate. These conditions are as follows:

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR.

(d) The decision making body shall consider the addendum with the final EIR prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Pursuant to section 15164(a) above, the Addendum was reviewed against CEQA Section 15162 which describes the situations when a Subsequent EIR (SEIR) should be prepared. These conditions include:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

  (a) The project will have one or more significant effects not discussed in the previous EIR;
  (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
  (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the aforementioned conditions calling for the preparation of an SEIR are met

The Addendum to the SEPA EIR evaluates text changes to the EIR and its Mitigation Monitoring and Reporting Program. These text changes provide an additional option to mitigate for the loss of Swainson's hawk foraging habitat at the Van Vleck Ranch pursuant to EGMC Section 16.130.110 which reserves for the City Council the ability to consider and approve means of mitigating significant impacts on Swainson's hawk foraging habitat other than those prescribed mitigation standards contained in EGMC Section 16.130.040. Staff finds that the conditions A though E of State CEQA Guidelines section 15164 are met, therefore the Addendum prepared to the SEPA EIR is the appropriate environmental review document.

The Mitigation Proposal and Addendum provide an opportunity to boost Swainson's hawk conservation significantly in Sacramento County ("County") while preserving broader ecosystem functions and values. The City supports the Mitigation Proposal and Addendum based on the following attributes:

Regional perspective: The 895-acre proposed preserve, which is adjacent to the 775-acre Westervelt Mitigation Bank, will result in the preservation of an intact 1,670-acre block of diverse habitats including grassland, vernal pools, creeks, oak woodland, and oak savanna with a cropland component. This large, contiguous preserve cannot be achieved elsewhere within the range of the Swainson's hawk population in the County and would have a higher ecological value than the preservation of a number of smaller, discontinuous parcels. This preserve site is utilized by a wide range of species and can provide a regional movement corridor as it is proximate to portions of the 50,000-acre Cosumnes River Preserve and the 4,000-acre Deer Creek Hills Preserve

Sustainability: Although CDFW cites that Swainson’s hawk forage more often in mixed agricultural lands, the Habitat Suitability Assessment identifies a sustaining (and possibly increasing) population on the east side of the County. As climate change exposes our region to extreme droughts and unreliable water supply, it is likely that farmland practices will be altered over the next few decades in ways that may impact the Swainson's hawk. Research suggests that annual grasslands' plants species composition and relative abundance may also shift over time, but this land cover is not dependent on secondary water supply and cultivation. It follows then, that the grasslands of the proposed preserve would not be as vulnerable to climate change as Swainson's hawk agricultural preserves that are established elsewhere in the County.

Improved population recruitment: To improve existing population recruitment in the preserve, several measures are proposed to increase the existing prey base and nesting opportunity. Improvement of prey base will be accomplished through the implementation of enhanced foraging habitat management practices including:

- The implementation of range management methods to promote prey visibility through managing vegetation height. This may include cross-fencing and other ranching techniques. These methods will be monitored and adaptively managed to optimize success.

- Conversion of approximately 50 acres of the existing irrigated lands to high-value habitat of alfalfa crops (four out of five years). The height of the alfalfa will be maintained at six to 12 inches to optimize Swainson's hawk foraging. This conversion not only creates additional prime Swainson's hawk habitat, but increases the total habitat conservation above the standard 1: 1 mitigation.

- Establishment of 20 additional cottonwood saplings at the preserve to supplement the existing cottonwood and oak trees to promote sustainability of active nest sites and the potential for creation of new nest sites, therefore increasing the overall species.

This opportunity to provide mitigation land at the Van Vleck Ranch does not change the effectiveness of the EIR's Mitigation Measures and provides other viable options for mitigating the loss of foraging habitat at a 1:1 ratio consistent with EGMC Chapter 16.130. There would not be an increase in severity of environmental impacts. Pursuant to CEQA Guidelines, Section 15164, the text amendments are consistent with the conditions under which an Addendum to the Certified EIR is appropriate, and the Addendum attached as Exhibit B is hereby adopted.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 27th day of June 2018.

STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit A
SEPA EIR Addendum (EG18-017)
Project Description

PROJECT DESCRIPTION

The Project consists of an Addendum to the certified Environmental Impact Report (EIR) for the Southeast Policy Area (SEPA) Strategic Plan involving text changes to the EIR and adopted Mitigation Monitoring and Reporting Program.

Addendum to the Southeast Policy Area Strategic Plan Environmental Impact Report

June 5, 2018

State Clearinghouse No. 2013042054

BACKGROUND AND ACTION TRIGGERING THE ADDENDUM

This document serves as an addendum to the certified Environmental Impact Report (EIR) for the Southeast Policy Area Strategic Plan. This addendum evaluates proposed text changes to the Southeast Policy Area Strategic Plan EIR related to Mitigation Measure 5.4.7d. The Souza Dairy Project is a subsequent development area under the Southeast Policy Area Strategic Plan and is proposing text edits to the EIR to clarify that Elk Grove Municipal Code (EGMC) Section 16.130.110, which allows the City of Elk Grove (City) to approve other means of mitigation for Swainson's hawk, is an available option to comply with Mitigation Measure 5.4.7d that is consistent with the intent and the foraging habitat mitigation ratio of 1:1 set forth in EGMC Chapter 16.130. These edits would apply to all subsequent projects in the Southeast Policy Area Strategic Plan. For further detail and analysis, see section below titled, "Evaluation of Amendments to the EIR."

CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES REGARDING AN ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT

Altered conditions, changes, or additions to the description of a project that occur after certification of an EIR may require additional analysis under CEQA. The legal principles that guide decisions regarding whether additional environmental documentation is required are provided in the State CEQA Guidelines, which establish three mechanisms to address these changes: a subsequent environmental impact report (SEIR) or negative declaration, a Supplement to an EIR, and an Addendum to an EIR.

Section 15162 of the State CEQA Guidelines describes the conditions under which a SEIR or negative declaration would be prepared. In summary, when an EIR has been certified for a project, no Subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

> (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;
>
> (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
>
> (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
>
> > (A) The project will have one or more significant effects not discussed in the previous EIR;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163(a) of the State CEQA Guidelines states that a lead agency may choose to prepare a supplement to an EIR rather than a Subsequent EIR if:

(1) any of the conditions described above for Section 15162 would require the preparation of a SEIR; and

(2) only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

An addendum is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts, consistent with CEQA Section 21166 and State CEQA Guidelines Sections 15162, 15163, 15164, and 15168.

This addendum is intended to evaluate and confirm CEQA compliance for the proposed text changes to the Southeast Policy Area Strategic Plan EIR.

PROPOSED TEXT CHANGES TO THE SOUTHEAST POLICY AREA STRATEGIC PLAN EIR

The *Swainson's Hawk Mitigation Proposal, Kamilos Southeast Policy Area Project* (Mitigation Proposal) (ECORP 2018) for the Souza Dairy Project identifies the Van Vleck Ranch as a qualifying Swainson's hawk habitat mitigation site to mitigate the Souza Dairy Project's 895 acres of Swainson's hawk foraging habitat loss that is a subsequent development of a portion of the Southeast Policy Area. The Van Vleck Ranch is located 18 miles northeast of the Southeast Policy Area. The City Council may require acquisition of conservation easements consistent with EGMC Section 16.130.040 (discussed below) acceptable to the California Department of Fish and Wildlife and the City. To approve the Mitigation Proposal, as alternative means of mitigating significant impacts within the City Council's authority pursuant to EGMC Section 16.130.110, the City Council must make findings that the proposed site is appropriate for use as mitigation consistent with the requirements under EGMC Section 16.130.110. Reference to, and reliance upon, EGMC Section 16.130.110 have been added to the EIR, as discussed below.

The following text changes shown in double underline are proposed in the Southeast Policy Area Strategic Plan Draft EIR on pages 5.4-53 through 5.4-56:

Impacts to Swainson's Hawk, White-Tailed Kite, and Other Raptors (Standard of Significance 1 and 7)

Impact 5.4.7 Implementation of Project-related activities could result in substantial adverse effects, either directly or through habitat modifications, to foraging and nesting Swainson's hawk, nesting white-tailed kites, and other protected raptor species. These effects would be considered a **potentially significant** impact.

Ten occurrences of Swainson's hawks have been reported within 1 mile of the Project area, and one occurrence of a white-tailed kite has been reported within 5 miles of the Project area. The 1,090

acres of irrigated row and field crops, irrigated hayfields, and annual grassland habitats provide suitable nesting and/or foraging habitat for Swainson's hawks, white-tailed kites, and other raptor species not identified in **Table 5.4-1**. As a result, vegetation clearing during the nesting season could result in direct impacts to nesting birds should they be present. Furthermore, noise and other human activity may result in nest abandonment if nesting birds are present within 500 feet of a work site. Due to the presence of suitable habitat for these species, implementation of Project-related activities may result in adverse impacts should they be present in areas proposed for disturbance. This impact would be considered **potentially significant**.

Mitigation Measures

MM 5.4.7a If clearing and/or construction activities would occur during the raptor nesting season (January 15–August 15), preconstruction surveys to identify active raptor nests shall be conducted by a qualified biologist within 14 days of construction initiation in specific project sites. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 1,000-foot buffer. If no active nests are found, no further mitigation is required. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days.

Timing/Implementation: *Prior to approval of final maps. Minimization measures shall occur throughout construction*

Enforcement/Monitoring: *City of Elk Grove Planning Department*

MM 5.4.7b If active white-tailed kite or other raptor (excluding Swainson's hawk) nest sites are identified within 1,000 feet of Project activities, the applicant shall impose an 500-foot setback of all active nest sites prior to commencement of any Project construction activities to avoid construction or access-related disturbances to nesting raptors. Project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur within the setback until the nest is deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the CDFW and/or the City.

If active Swainson's hawk nest sites are identified within 1,000 feet of project activities, the applicant shall impose a 1,000-foot setback of all active nest sites prior to commencement of any construction activities to avoid construction or access-related disturbances to nesting raptors. Project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur within the setback until the nest is deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the CDFW and/or the City.

Timing/Implementation: *Prior to approval of final maps. Minimization measures shall occur throughout construction*

Enforcement/Monitoring: *City of Elk Grove Planning Department*

MM 5.4.7c Trees containing white-tailed kite or other raptor (excluding Swainson's hawk) nests that must be removed as a result of Project implementation shall be removed during the non-breeding season (September 1–January 1). Swainson's hawks are State and federally listed as a threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from the USFWS and the CDFW prior to removal.

Timing/Implementation: *Prior to approval of final maps. Construction minimization measures shall occur throughout construction*

Enforcement/Monitoring: *City of Elk Grove Planning Department*

MM 5.4.7d Project applicants shall mitigate for the loss of Swainson's hawk foraging habitat at a 1:1 ratio by implementing either Option one or two listed below consistent with Elk Grove Municipal Code (EGMC) Chapter 16.130, *Swainson's hawk Impact Mitigation Fees*. Alternatively if the SSHCP is implemented, future projects may participate in the SSHCP in lieu of this mitigation measure if the SSHCP meets the standards set forth herein and ~~intent of the Code~~ Chapter 16.130.

Timing/Implementation: *Prior to approval of final maps*

Enforcement/Monitoring: *City of Elk Grove Planning Department*

Implementation of mitigation measures **MM 5.4.7a** through **5.4.7d** would reduce potential impacts to a **less than significant** level by ensuring that impacts to nesting Swainson's hawks, white-tailed kites, and other raptors are minimized. Consistent with EGMC Chapter 16.130, project applicants shall implement ~~requires implementation of the~~ one of the two following measures for any project forty (40) acres and greater:

> **Option one pursuant to 16.130.040:** "The project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for the Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a one-to-one (1:1) mitigation ratio for each acre developed at the project site. In deciding whether to approve the land proposed for preservation by the project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:
>
> 1) The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Game (sic).
>
> 2) All owners of the mitigation land shall execute the document encumbering the land.
>
> 3) The document shall be recordable and contain an accurate legal description of the mitigation land.
>
> 4) The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.
>
> 5) If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.
>
> 6) The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed ten (10%) percent of the easement price paid by the

applicant, or a different amount approved by the City Council, not to exceed fifteen (15%) percent of the easement price paid by the applicant.

7) Interests in mitigation land shall be held in trust by an entity acceptable to the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City.

8) The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City.

9) If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City."

Option two pursuant to EGMC Section 16.130.110. The cited code section reserves for the City Council the ability to consider or approve "other means" of mitigating a significant impact on Swainson's hawk foraging habitat or to override mitigation measures "for reasons permitted by CEQA." Subsequent development projects in the Southeast Policy Area may provide alternative forms of foraging habitat mitigation that meet the intent of mitigating foraging habitat impacts at a 1:1 ratio pursuant to EGMC Section 16.130.010.

Consistent with this option the *Swainson's Hawk Mitigation Proposal, Kamilos Southeast Policy Area Project* (Mitigation Proposal) (ECORP 2018) would establish a conservation easement on property that is found to be other means of mitigation satisfactory under EGMC Section 16.130.110 for the Souza Dairy Project and other subsequent projects within the Southeast Policy Area. The Mitigation Proposal indicates that the Souza Dairy Project contains approximately 985 acres of irrigated pastures, hayfields, irrigated cropland, and alfalfa that provides mostly moderate foraging habitat requiring mitigation. It proposes to preserve 895 acres within the 4,768-acre Van Vleck Ranch. The preservation of 895 acres at Van Vleck Ranch would meet the intent of EGMC Chapter 16.130 to mitigate loss of Swainson's hawk foraging habitat at a 1:1 ratio with suitable foraging habitat consisting of annual grassland that provides moderate foraging habitat value within the current geographic range of the species and enhancement of nesting and foraging habitat quality within the Van Vleck Ranch (see EGMC Section 16.130.010).

Other sites may also be considered by the City Council as mitigation under the EGMC for subsequent development outside of the Souza Dairy Project.

Compliance with Code Chapter 16.130 (by the procedure under Section 16.130.040 or other means where circumstances warrant pursuant to Section 16.130.110, as set forth above) will assure that the loss of Swainson's hawk foraging habitat is mitigated through preservation of foraging habitat in perpetuity (at 1:1 ratio). The Mitigation Proposal demonstrates that the foraging habitat lost from the development of the Souza Dairy Project within the Southeast Policy Area would be mitigated at a 1:1 ratio with foraging habitat at the Van Vleck Ranch. Specifically, the Mitigation Proposal identifies that 985 acres of the Souza Dairy Project consists of irrigated pastures, hayfields, irrigated cropland, and alfalfa. Of this 985 acres, approximately 71 percent (639 acres) consists of moderate value foraging habitat and 29 percent (256 acres) consists of high value foraging habitat. The proposed 895 acres of preservation area at Van Vleck Ranch consist of moderate foraging habitat. The Mitigation Proposal also identifies the following measures that include habitat enhancements at the Ranch:

- The Van Vleck Ranch preservation site would consist of 895 acres of contiguous area of natural habitat that has documented occurrences of Swainson's hawks at the Van Vleck Ranch. This site would also have habitat connection to approximately 3,000 acres of other preserved lands on the Van Vleck Ranch to the Cosumnes River corridor and Deer Creek Hills Preserve.

- The 895 acres would be managed to prey production and suitable prey visibility management of vegetation height and prohibition of rodenticide use.

- Planting of 20 cottonwood trees on the Van Vleck Ranch to enhance/create nesting habitat.

- The conversion of 50 acres of irrigated pasture under conservation easements within the Van Vleck Ranch to alfalfa for augmentation of Swainson's hawk foraging habitat.

The preservation of foraging habitat for habitat lost at a 1:1 ratio and proposed habitat enhancements would provide similar habitat conditions to those that would be lost at the Souza Dairy Project. There would also be improvements to Swainson's hawk foraging and nesting habitat opportunities because the 895 acres of preserved habitat would be connected to large preserved habitat areas (Cosumnes River corridor and Deer Creek Hills Preserve) that currently do not exist in the Southeast Policy Area. Thus, the Mitigation Proposal satisfies EGMC Chapter 16.130 to mitigate loss of Swainson's hawk foraging habitat consistent with Mitigation Measure MM 5.4-7d under option two.

~~In addition, water availability would be ensured to continue farming operations to support foraging habitat.~~ Finally, compliance with the Code would provide financial assurances to support monitoring and enforcement of easement conditions. Thus, the impact on Swainson's hawk foraging habitat is less than significant.

EVALUATION OF AMENDMENTS TO THE EIR

EGMC Section 16.130.110 specifically states:

> Nothing herein shall be construed to preclude the City Council's consideration or approval of other means of mitigating significant impact or significant cumulative impact on Swainson's hawk foraging habitat or to limit the City Council's authority to override mitigation measures for reasons permitted by CEQA.

Thus, Section 16.130.110 allows the City to consider other means of mitigation for Swainson's hawk habitat beyond the provisions of Sections 16.130.010 and 16.130.040.

The Mitigation Proposal provided in Appendix A provides an alternative habitat preservation option to mitigate the loss of Swainson's hawk habitat at a 1:1 ratio within the current geographic range of the species that meets the intent of EGMC Chapter 16.130 for the Souza Dairy Project within the Southeast Policy Area. Specifically, the Mitigation Proposal identifies an off-site mitigation preservation site at the 4,768-acre Van Vleck Ranch located 18 miles northeast of the Southeast Policy Area. The Van Vleck Ranch would provide adequate habitat conditions to address the loss of 895 acres of Swainson's hawk foraging habitat that would be lost from development of the Souza Dairy Project site. Specifically, the Mitigation Proposal identifies that 985 acres of the Souza Dairy Project consists of irrigated pastures, hayfields, irrigated cropland, and alfalfa. Of this 985 acres, approximately 71 percent (639 acres) consists of moderate value foraging habitat and 29 percent (256 acres) consists of high value foraging habitat. The proposed 895 acres of preservation area at Van Vleck Ranch consist of moderate foraging habitat that would be enhanced through measures identified below. The Mitigation Proposal provides a technical analysis that supports the adequacy of the Van Vleck Ranch site for Swainson's hawk habitat mitigation.

Specifically, the Mitigation Proposal (Appendix A, pages 9 through 13, based on technical analysis provided by Estep Environmental Consulting) identifies the following:

- Habitat Suitability: The Van Vleck Ranch site is within the eastern portion of the breeding range of Swainson's hawk, and there are documented nests within three miles of the site and one documented

nest on-site. The Van Vleck Ranch site is characterized by annual grassland (1,574 acres within the Ranch mitigation area), irrigated pasture (371 acres within the Ranch mitigation area), and oak woodland and cottonwood groves (536 acres within the Ranch mitigation area). The annual grassland habitat proposed for preservation within the Van Vleck Ranch boundaries provides moderate Swainson's hawk foraging habitat. This annual grassland at the Van Vleck Ranch supports Swainson's hawk base prey species including vole (*Microtus californicus*) and pocket gopher (*Thomomys bottae*) and that evidence of the presence of vole and pocket gopher was noted throughout the Van Vleck Ranch. In addition, the Van Vleck Ranch supports other small rodents, reptiles, and birds that are also Swainson's hawk prey.

The proposed mitigation areas at Van Vleck Ranch would also provide habitat and wildlife corridor connection to the Cosumnes River corridor and the Cosumnes River Preserve and the Deer Creek Hills Preserve which consists of approximately 4,000 acres, enhancing the habitat value of these preserves and corridors. The proximity of the potential mitigation area to existing conservation lands would satisfy a key criterion of EGMC Section 16.130.040 to prioritize preserving lands close to other protected lands.

- Habitat Enhancement Measures for Van Vleck Ranch: The Mitigation Proposal includes Swainson's hawk habitat enhancement measures. These include:
  - The 895 acres would be managed to prey production and suitable prey visibility management of vegetation height and prohibition of rodenticide use.
  - Planting of 20 cottonwood trees on the Van Vleck Ranch to enhance/create nesting habitat.
  - The conversion of 50 acres of irrigated pasture under conservation easements within the Van Vleck Ranch to alfalfa for augmentation of Swainson's hawk foraging habitat.

The proposed text amendment to the EIR (described above) would not change the impact conclusions of the EIR. As demonstrated above, the implementation of the Mitigation Proposal through compliance with Section 16.130.110 would meet the intent of EGMC Chapter 16.130 to mitigate loss of Swainson's hawk foraging habitat for the Souza Dairy Project or other subsequent development projects within the Southeast Policy Area. The Mitigation Proposal documents that the habitat lost from the development of the Souza Dairy Project would be mitigated at a 1:1 ratio with habitat of similar value at the Van Vleck Ranch along with Swainson's hawk habitat enhancements and being attached to a wildlife corridor to provide more access for the hawks. This addition does not change the effectiveness of Mitigation Measure 5.4.7d and provides other options for mitigating the loss of foraging habitat at a 1:1 ratio consistent with the intent of EGMC Chapter 16.130. There would not be an increase in severity of impact and no further analysis is required.

Appendix A

Swainson's Hawk Mitigation Proposal

Swainson's Hawk Mitigation Proposal

Kamilos Southeast Policy Area Project

City of Elk Grove, California

Prepared for:

The Van Vleck Ranch
Kamilos Companies

February 5, 2018

30 YEARS
ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

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ATTACHMENTS

Attachment A – Swainson's Hawk Habitat Suitability Assessment for the Project

Attachment B – Swainson's Hawk Habitat Suitability Assessment for Van Vleck Ranch

Attachment C – Letter Regarding SSHCP

Attachment D – Representative Photographs of Van Vleck Ranch

Attachment E – Cosumnes River Preserve Property Map

Attachment F – Existing and Planned SSHCP Preserves

1.0 INTRODUCTION

This Swainson's Hawk Mitigation Proposal (Mitigation Proposal) has been prepared for the Kamilos Southeast Policy Area Project (Project). The purpose of this Mitigation Proposal is to describe the methods by which Swainson's hawk mitigation will be accomplished for the Project consistent with California Department of Fish and Wildlife's (CDFW) *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFW 1994; 1994 Staff Report) and the City of Elk Grove Swainson's Hawk Program. Habitat Suitability Assessments have been conducted by Estep Environmental Consulting (Estep) for the Project (Estep 2017; Attachment A) and the proposed mitigation site (Van Vleck Ranch) (Estep 2016; Attachment B), and the results of the assessments are incorporated into this Mitigation Proposal.

2.0 PROJECT LOCATION

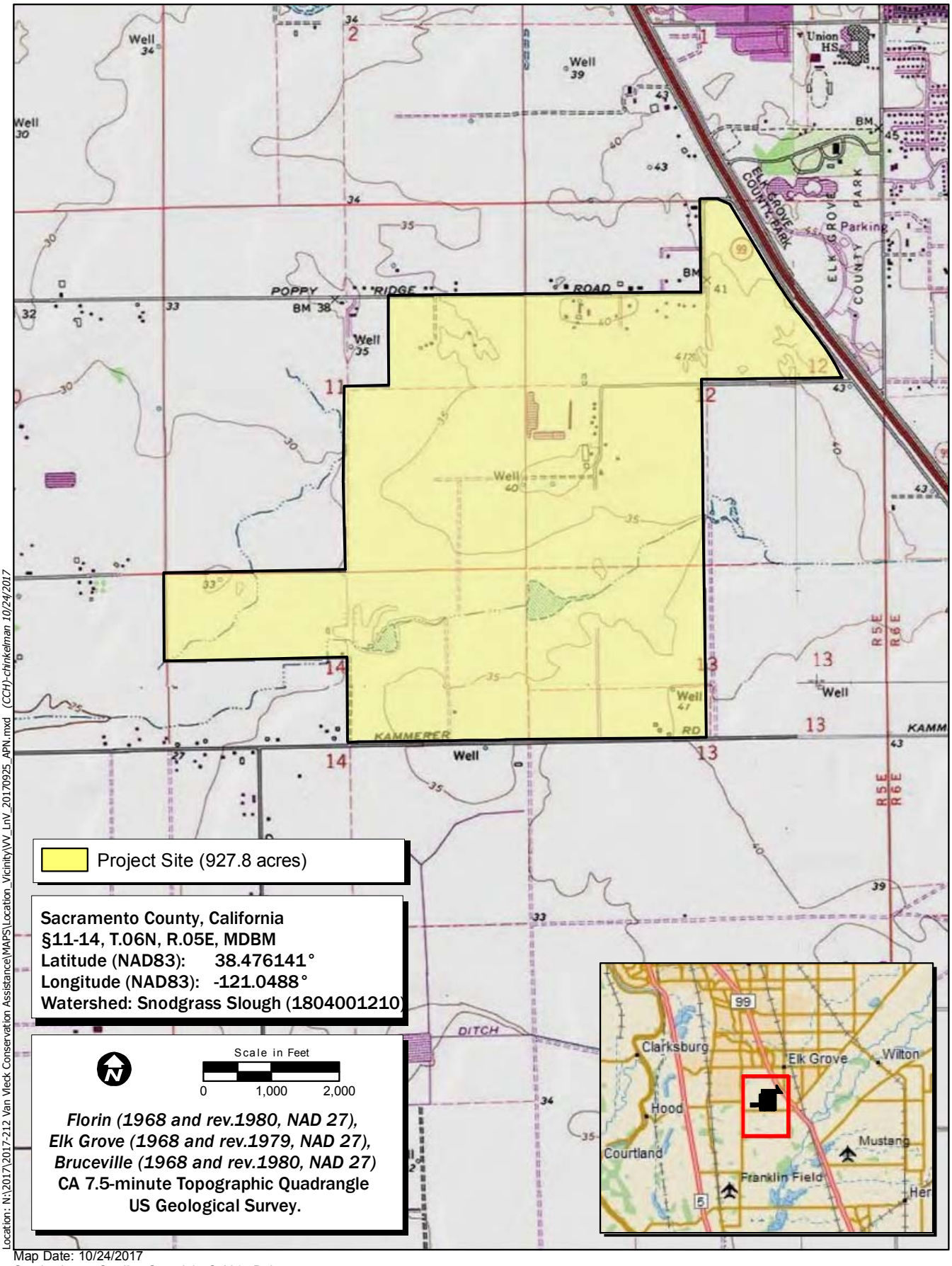
The Southeast Policy Area is located within the City of Elk Grove, Sacramento County, California. The Southeast Policy Area is an area defined by the City of Elk Grove as intended for urbanization and growth and is generally bound by State Route (SR) 99 on the east, Bruceville Road on the west, Kammerer Road on the south and Poppy Ridge Road on the north. The Project consists of ±927-acres within the Southeast Policy Area proposed for development by Kamilos Companies (Figure 1. *Location and Vicinity*). The Project site is located on portions of Sections 11, 12, 13, and 14, Township 6 North, Range 5 East (Mount Diablo Base Meridian) of the "Florin, California," "Elk Grove, California," and "Bruceville, California" 7.5-minute quadrangles (U.S. Geological Survey [USGS] 1968a, 1968b, and 1968c). The center of the Project site is approximately 38.476141˚ and -121.0488˚ within the Snodgrass Slough Watershed (Hydrologic Unit Code# 1804001210) (Natural Resources Conservation Service [NRCS], Environmental Protection Agency [EPA], and USGS 2016).

3.0 REGULATORY BACKGROUND

3.1 California Department of Fish and Wildlife 1994 Staff Report

The 1994 Staff Report outlines guidelines for mitigation of Swainson's hawk foraging habitat with "habitat management lands" based on the location of the project to active Swainson's hawk nests (California Department of Fish and Game [CDFG] 1994).

1. Projects within one mile of an active nest tree shall provide:
    - One acre of habitat management lands for each acre of development authorized (1:1 ratio); or
    - One-half (0.5) acre of habitat managed land under active management of the habitat for prey production for each acre of development authorized (0.5:1 ratio).
2. Projects within five miles of an active nest tree but greater than one mile from the nest tree shall provide 0.75 acres of habitat management land for each acre of urban development authorized (0.75:1 ratio).



Location: N:\2017\2017-212 Van Vleck Conservation Assistance\MAPS\Location_Vicinity\VV_LnV_20170925_APN.mxd (CCH)-chinkelman 10/24/2017

Map Date: 10/24/2017

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Figure 1. Location and Vicinity

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3. Projects within 10 miles of an active nest tree but greater than five miles form an active nest tree shall provide 0.5 acres of habitat management land for each acre of urban development authorized (0.5:1 ratio).

While not a component of the 1994 Staff Report, the CDFW typically prefers mitigation within 10 miles of the impacted site. However, mitigation is approved through evaluation of multiple factors on a case-by-case basis.

3.2 City of Elk Grove Swainson's Hawk Program

The City of Elk Grove (City) adopted Chapter 16.130 – *Swainson's Hawk Impact Mitigation Fees* of the Elk Grove Municipal Code in 2003. Chapter 16.130.110 (referred to as Swainson's Hawk Code) established mitigation policies for projects within the City that were determined to have potential significant impacts to Swainson's hawk foraging habitat during the California Environmental Quality Act (CEQA) Process. The Swainson's Hawk Code (City of Elk Grove 2017) allows project applicants to mitigate for loss of Swainson's hawk foraging habitat at a ratio of 1:1 (one acre to impact to one acre of mitigation) by one or a combination of the following options:

1. Direct land preservation to the City by fee title or conservation easement, including an endowment for annual monitoring. Land preservation should occur on a per-acre basis (one acre impact to one acre mitigation).

2. Payment of the Swainson's hawk impact mitigation fee on a per-acre basis. As of October 2017, the current fee is $11,452 per acre. The Swainson's Hawk Code restricts payment of the fee to projects less than 40 acres; however, this restriction has been temporarily lifted.

3. Purchase mitigation credits at an approved mitigation bank acceptable to the City and CDFW.

4. Purchase credits from a property owner with eligible credits for projects in the City and that is acceptable to the City and CDFW.

5. Provide other instruments to preserve suitable foraging habitat as determined by CDFW.

It is important to note that the Swainson's Hawk Code allows the Council to adopt mitigation measures that differ from the above specifications. The City may consider or approve other means of mitigating impacts to Swainson's hawk foraging habitat.

Other regional guidance includes the South Sacramento Habitat Conservation Plan (SSHCP). The SSHCP does not require mitigation to occur within a set distance, instead taking a landscape-scale approach to conservation in order to preserve larger conservation areas and reduce habitat fragmentation, as described in a letter from Bill Ziebron (County of Sacramento) to Stan Van Vleck (Attachment C). However, the City is not currently an SSHCP partner.

4.0 REGIONAL SWAINSON'S HAWK STATUS

Swainson's hawk is a migratory species that winters from Mexico south to Argentina in South America and spends the breeding season in agricultural and grassland plains in western North America. Individuals

have been seen wintering in the Central Valley and Sacramento-San Joaquin Delta. Currently, the range of Swainson's hawk in California includes the Central Valley, the high desert regions and valleys of northeastern California, and the east side of the Sierra Nevada from Owens Valley and extending southwestward into the western Mojave Desert in the vicinity of Antelope Valley (Estep 2017).

In the Central Valley of California, Swainson's hawk typically nests in mature trees within riparian corridors and in scattered trees adjacent to agricultural fields or pastures, which serve as the primary foraging areas (CDFG 1994). It has been documented that a variety of factors including crop types, agricultural practices, and harvesting regimes can have a significant effect on both the availability and abundance of prey items in these areas (CDFG 1994). The highest nesting densities of Swainson's hawk occur in Yolo, Sacramento, Solano, and San Joaquin counties and are almost entirely dependent on cultivated foraging habitats (Estep 2017). Uncultivated grassland communities along the perimeter of the Central Valley support lower densities of Swainson's hawk; however, these areas more closely resemble the historic native landscape and are critical to the overall foraging landscape for Swainson's hawk (Estep 2017).

5.0 DOCUMENTED SWAINSON'S HAWK NESTS WITHIN THE PROJECT

According to CDFW's California Natural Diversity Database (CNDDB), there are approximately 7 previously-documented Swainson's hawk nest locations within 1 mile of the Project; however, there have been no active nests documented within the Project (Figure 2. *California Natural Diversity Database Swainson's Hawk Occurrences*) (CDFW 2017, Estep 2017).

6.0 POTENTIAL FORAGING HABITAT WITHIN THE PROJECT

Estep evaluated the entire ±927-acre Project site for Swainson's hawk foraging suitability (Estep 2017). The entire Project site is considered suitable Swainson's hawk foraging habitat except for the existing rural development sites present within the site (Estep 2017). The entire site was classified into land cover types and the land cover types were given ranks (high, moderate, or low) based on the habitat value the land cover type provided (Figure 3. *Land Cover Types*). A summary of the Project site's land cover types and corresponding habitat value rankings is provided in Table 1, and a summary of the acres for each habitat value rank is provided in Table 2.

Table 1. Land Cover Types and Habitat Value within the Project

Land Cover Type	Habitat Value Rank (High, Moderate, Low)	Acres within Project
Alfalfa & other semi-perennial hays	High	256
Developed	Low	32
Hayfield	Moderate	464
Irrigated cropland	Moderate	112
Irrigated pasture	Moderate	63
	Total:	**927**

Source: Estep 2017; Attachment A

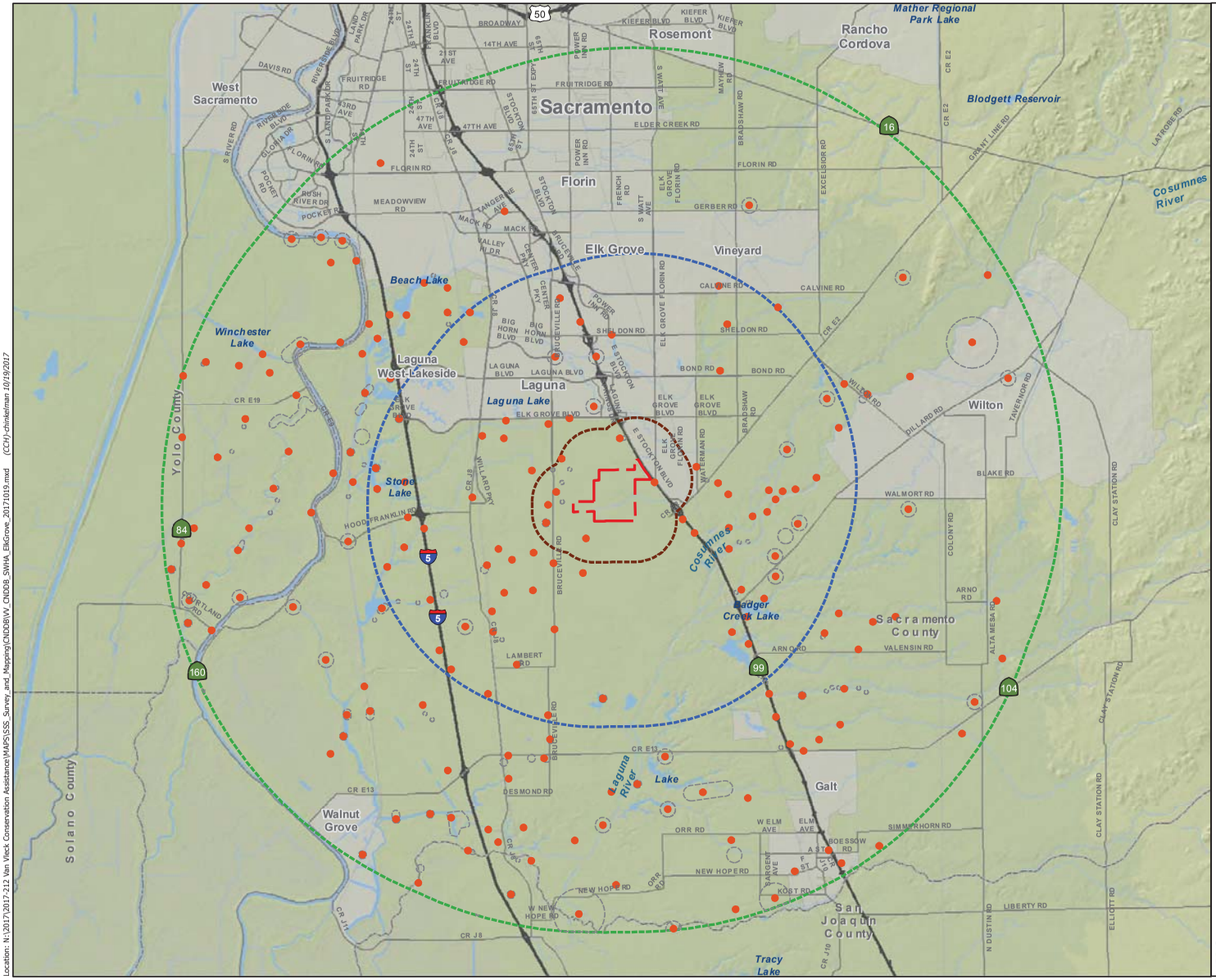


Figure 2. California Natural Diversity Database Occurrences of Swainson's Hawk

Map Features

- Elk Grove Project Site
- Occurrence Extents

Special-Status Species [1]

- Swainson's hawk *(Buteo swainsoni)*

Buffers

- 1 mile
- 5 mile
- 10 mile

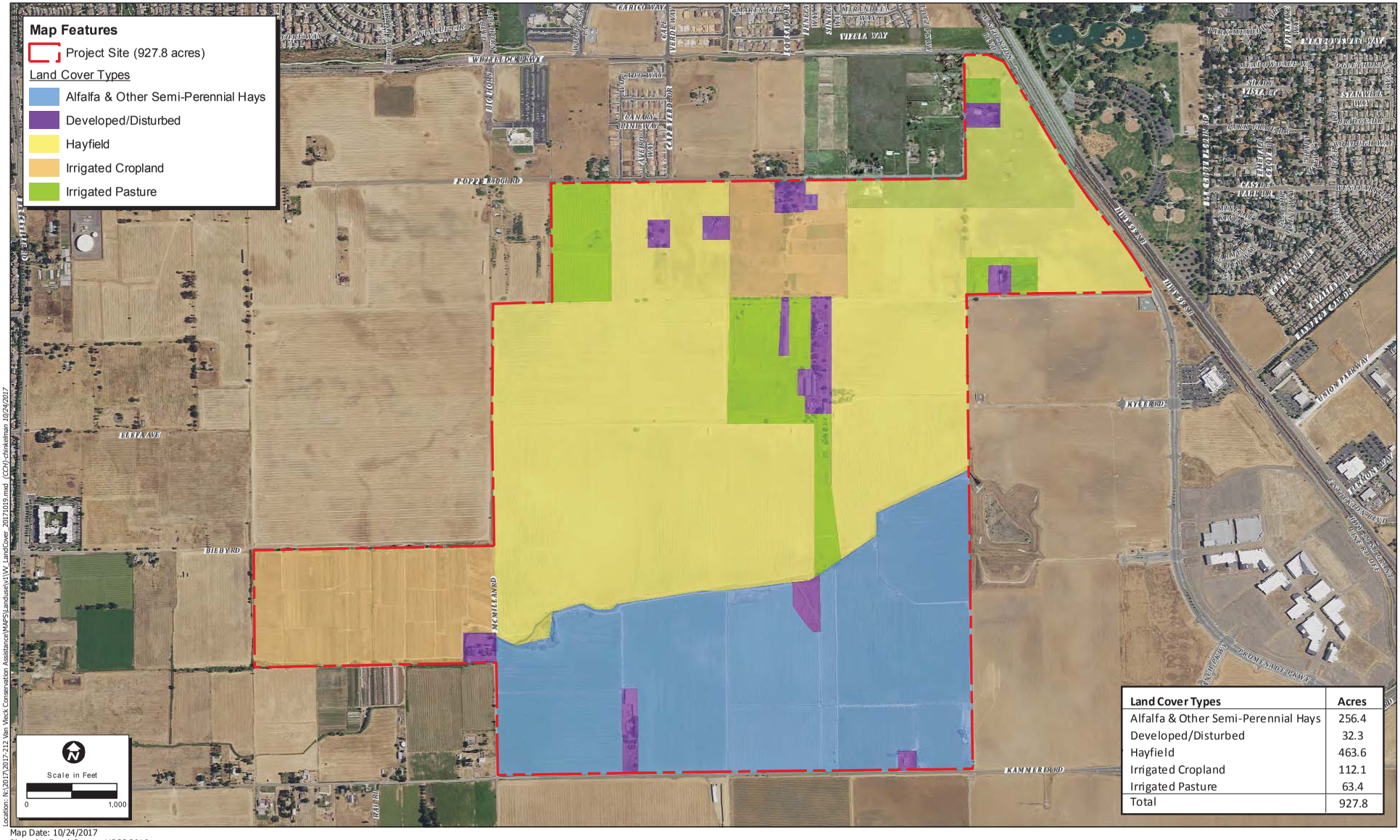
[1] CDFW California Natural Diversity Database (CNDDB), October 2017 (GIS Shapefile)

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Map Date: 10/19/2017

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Map Date: 10/24/2017
Photo (or Base) Source: USGS 2016

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Figure 3. Land Cover Types

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Table 2. Acres of Habitat Value Ranks within Project	
Habitat Value Rank	**Acres within Project**
Low	32
Moderate	639
High	256
Total:	**927**

7.0 FORAGING HABITAT IMPACTS

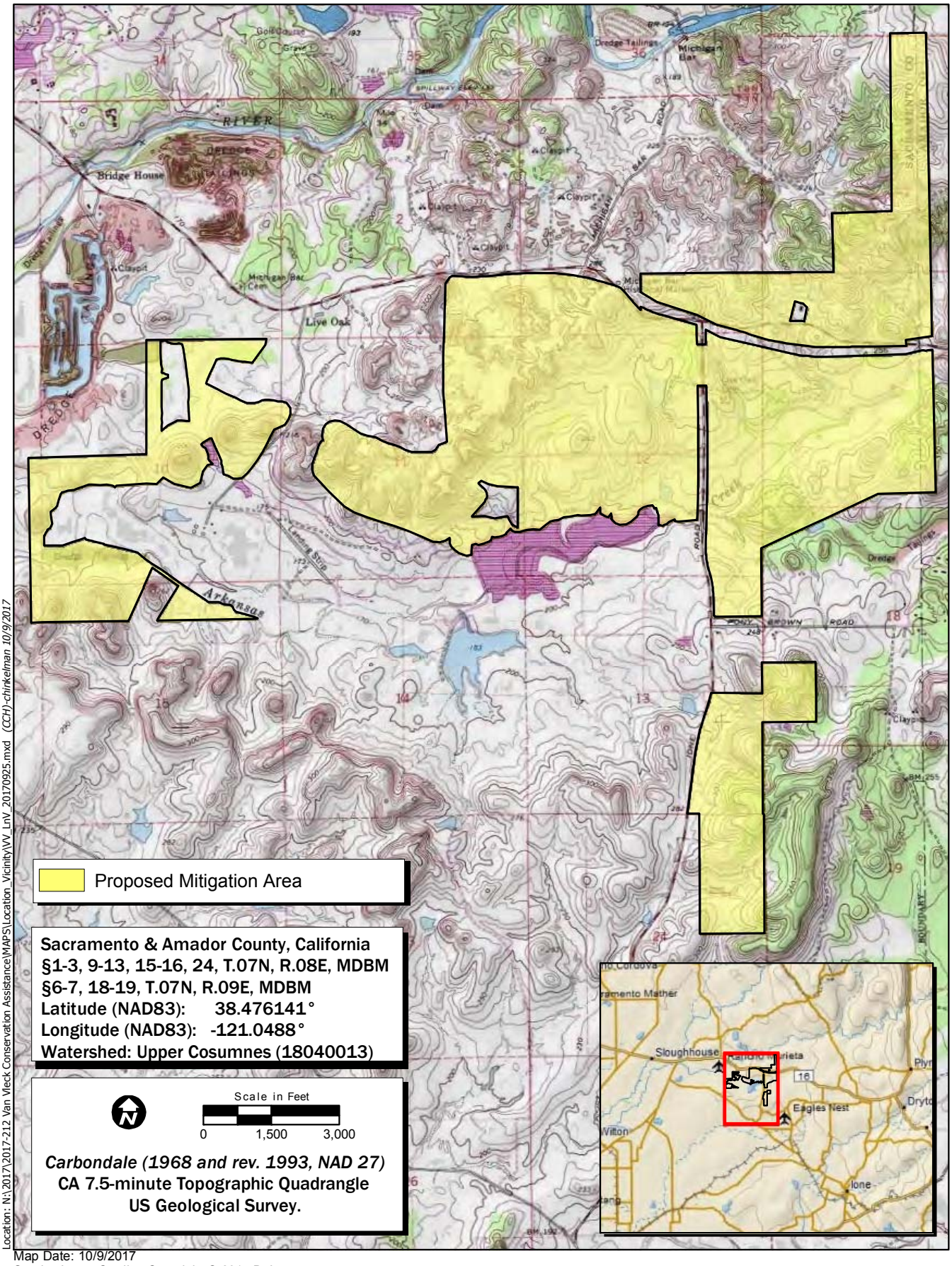
The entire ±927-acre site is proposed for development. The majority of the Project is ranked as moderate habitat value (639 acres), with 256 acres ranked as high habitat value and 32 acres ranked as low habitat value (i.e. developed lands). Both moderate and high habitat value classifications are considered suitable Swainson's hawk foraging habitat. Additionally, per the Southeast Policy Area Strategic Plan Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2013042054, City of Elk Grove 2014), irrigated row crops and field crops, irrigated hayfields, and annual grassland habitats within the Southeast Policy Area are considered suitable Swainson's hawk foraging habitat. Habitats considered Swainson's hawk foraging habitat by the Draft EIR are consistent with portions of the Project area ranked as moderate or high habitat value by Estep. Therefore, the Project will permanently impact approximately 895 acres of suitable Swainson's hawk foraging habitat.

8.0 PROPOSED MITIGATION SITE

Consistent with the CDFW 1994 Staff Report and the City of Elk Grove Swainson's Hawk Program, the Project proponent proposes to mitigate for permanent impacts to Swainson's hawk foraging habitat through preservation of offsite mitigation land. The Project has identified the Van Vleck Ranch, located 18 miles to the northeast in eastern Sacramento County, California, as a potential mitigation site. Van Vleck Ranch was determined to be the option with the greatest conservation value due to the large, contiguous nature of the site and the proposed habitat enhancement described below.

8.1 Mitigation Site Location, Landscape Context, and History

The Van Vleck Ranch is located on portions of Sections 1 – 3, 9 – 13, 15, 16, and 24, Township 7 North, Range 8 East (Mount Diablo Base Meridian [MDBM]) and portions of Sections 6, 7, 18, and 19, Township 7 north, Range 9 East (MDBM) of the "Carbondale, California" 7.5-minute quadrangle (USGS 1968) (Figure 4. *Van Vleck Ranch Location and Vicinity*). The approximate center of the site is 38.476141˚ and -121.0488˚ within the Upper Cosumnes Watershed (Hydrologic Unit Code# 18040013) (USGS 1978). Representative photographs of the site are provided in Attachment D. The Van Vleck Ranch is located in the transitional zone between flat, cultivated lands of the Central Valley and the low-elevation foothills of the western Sierra Nevada. Within the Van Vleck Ranch, there are several existing conservation easements established on ±300 acres of irrigated pastures for the preservation of Swainson's hawk foraging habitat.



Location: N:\2017\2017-212 Van Vleck Conservation Assistance\MAPS\Location_Vicinity\VV_LnV_20170925.mxd (CCH)-chinkelman 10/9/2017

Map Date: 10/9/2017

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Figure 4. Van Vleck Ranch Location and Vicinity

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Immediately to the south of the potential mitigation area within the Ranch lies the Van Vleck Mitigation Bank, a 775-acre mitigation bank authorized to sell vernal pool creation, vernal pool preservation, and Swainson's hawk foraging credits from the U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, U.S. Environmental Protection Agency, and CDFW. Other adjacent land uses include grassland, cultivated and woodland communities, as well as urbanization and development associated with the town of Rancho Murieta (Estep 2016).

The Van Vleck Ranch is ±2 miles south of Deer Creek Hills Preserve, which is managed by the Sacramento Valley Conservancy. Van Vleck Ranch lies ±1 mile north of Howard Ranch, which is a component of the Cosumnes River Preserve. The Cosumnes River Preserve consists of 50,000 acres of conservation lands along the Cosumnes River corridor from the headwaters of Laguna Creek South near the boundary between Sacramento and Amador Counties, to near the confluence of the Mokelumne River and the San Joaquin River. The Van Vleck Ranch serves as an important wildlife corridor connecting the Howard Ranch to the south with the Cosumnes River corridor and the Deer Creek Hills Preserve to the north, and would be a key component needed to create a contiguous preserve along the Cosumnes River and its tributaries. Attachments E and F shows regional preserves (associated with the Cosumnes River Preserve and identified in the SSHCP) in relation to Van Vleck Ranch.

The Van Vleck Ranch is currently an operational cattle ranch. The Van Vleck Ranch previously participated in the Williamson Act Program, agreeing to forego conversion of the ranch to urban development for a period of 10 years. However, approximately 10 years ago this agreement was not renewed, and thus will be expiring in January of 2018, enabling sale of the ranch for development. The Van Vleck family wishes to maintain the property as an operational ranch and conservation area by establishing conservation easements. However, if it is not possible to sell the majority of ranch lands for mitigation use, sale of the ranch for development purposes will be necessary.

8.2 Habitat Preservation within the Mitigation Site

Estep evaluated the Van Vleck Ranch for Swainson's hawk foraging habitat suitability (Estep 2016; Attachment C). The entire Van Vleck Ranch is within the eastern portion of the breeding range of Swainson's hawk, and there are documented nests within two to three miles of the site and one documented nest onsite (Estep 2016). The majority of the site is characterized by annual grassland with oak woodland and oak savannah also occurring throughout the site. The annual grassland habitat within the potential mitigation area provides moderate Swainson's hawk foraging habitat (Estep 2016). The annual grassland supports a prey base of vole (*Microtus californicus*) and pocket gopher (*Thomomys bottae*), the primary rodent prey species for Swainson's hawk. Evidence of vole and pocket gopher was noted throughout the Ranch. In addition, the Ranch supports other small rodents, reptiles, and birds that are used as prey by Swainson's hawk. Adjacent to the potential mitigation area, there are ±300 acres of irrigated pastures that are already (or are currently being) designated as Swainson's hawk habitat in perpetuity. The irrigated pastures are considered high value Swainson's hawk foraging habitat, and they help to sustain prey populations throughout the adjacent annual grassland. The proximity of the potential mitigation area to existing conservation lands, including the irrigated pastures and the Van Vleck

Mitigation Bank to the south, satisfies a key criterion of the Elk Grove Swainson's Hawk Ordinance to prioritize preserving lands in proximity to other protected lands.

Of the ±2,100 acres of potential mitigation area, there are ±1,574 acres of suitable Swainson's hawk foraging habitat. In addition, there are ±505 acres of oak woodland, and ±31 acres of cottonwood groves, totaling ±536 acres of suitable nesting habitat (Figure 5. *Land Cover within the Van Vleck Ranch Mitigation Area*).

8.2.1 Proposed Acreage of Habitat Preservation

Per the Draft EIR and the City of Elk Grove Swainson's Hawk Program, the Project is required to mitigate for impacts to Swainson's hawk foraging habitat at a 1:1 ratio (City of Elk Grove 2014 and 2017). Therefore, a 1:1 ratio is recommended for mitigating impacts to moderate and high value Swainson's hawk habitat identified at the Project site through the preservation of Swainson's hawk habitat at the Van Vleck Ranch site through the preservation of Swainson's hawk habitat at the Van Vleck Ranch. No mitigation is recommended for developed land (i.e., low habitat quality). A total of 895 acres of Swainson's hawk habitat is proposed to be preserved at the Van Vleck Ranch as mitigation for Project impacts.

Table 3. Proposed Swainson's Hawk Habitat Preservation at the Van Vleck Ranch

Impacted Acres	Mitigation Ratio	Required Mitigation Acreage
895 acres	1:1	895 acres

8.3 Proposed Habitat Enhancement within the Van Vleck Ranch

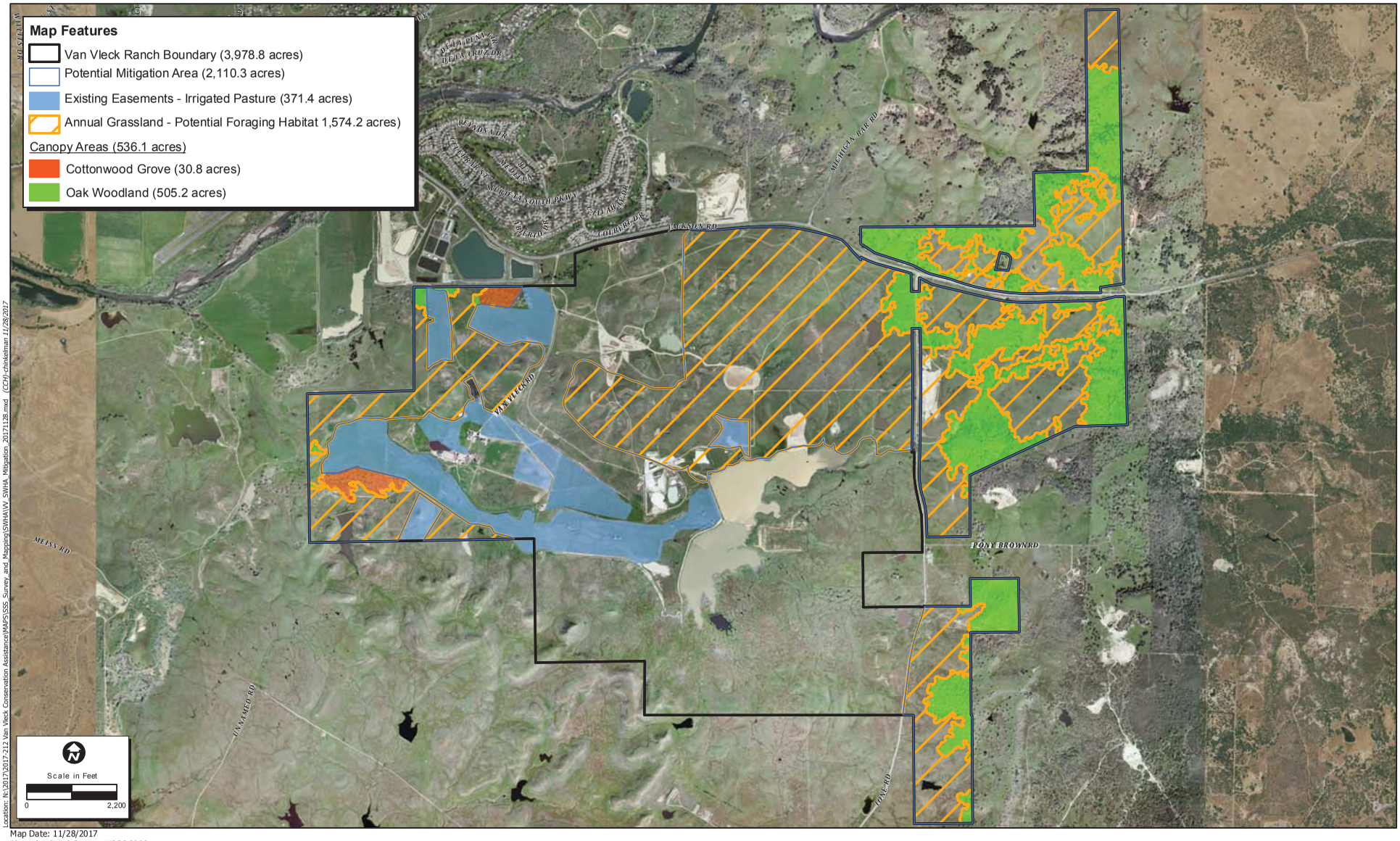
The Van Vleck Family proposes to implement habitat enhancement measures within the Ranch in addition to the preservation of 895 acres of existing habitat. These measures include enhancement of existing foraging habitat through grazing for the specific purpose of managing the prey base for Swainson's hawk, increasing nesting habitat through the planting of additional cottonwood (*Populus fremontii*) trees, and converting 50 acres of irrigated pasture within adjacent existing easements to alfalfa for the specific purpose of augmenting Swainson's hawk foraging habitat.

8.3.1 Enhanced Grassland Management for Prey

Currently, the Van Vleck Ranch is grazed by cattle for the purpose of beef production. In order to enhance Swainson's hawk foraging habitat, the annual grasslands will be actively managed for prey production and suitable prey visibility.

Management practices to be implemented will include:

- Adaptive management methods will be used to promote prey visibility through managing vegetation height.
- Annual monitoring of vegetation height will be implemented.
- Use of rodenticides will be prohibited.



Location: N:\2017\2017-212 Van Vleck Conservation Assistance\MAPS\SSS_Survey_and_Mapping\SWHA\VV_SWHA_Mitigation_20171128.mxd (CCH) chinkelman 11/28/2017

Map Date: 11/28/2017
Photo (or Base) Source: USGS 2009

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Figure 5. Land Cover within Van Vleck Ranch Mitigation Area

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8.3.2 Nesting Habitat Enhancement

In addition to existing oak and cottonwood trees representing suitable nesting habitat onsite, a minimum of 20 cottonwood saplings will be planted within the Ranch. Cottonwood saplings will be maintained or replaced as needed to meet a minimum of 20 established cottonwood trees after 3 years. Locations of cottonwood plantings are to be determined, and would be located within areas with sufficient water supply to support their growth (e.g. adjacent to irrigated pastures or open waters).

8.3.3 Foraging Habitat Quality Enhancement

Within the Van Vleck Ranch, there are several existing conservation easements established for the preservation of Swainson's hawk foraging habitat (Figure 5), which currently contain dry pasture and irrigated lands used for pasture, hay, oats, wheat and other suitable crops to support Swainson's hawk foraging. In order to enhance habitat value for Swainson's hawk, ±50 acres of the existing irrigated lands will be converted to alfalfa for the purpose of enhancing Swainson's hawk foraging value. The height of the alfalfa will be maintained at 6 to 12 inches to optimize Swainson's hawk foraging. The alfalfa will be cultivated using standard agricultural practices, which require rotation every 4 to 5 years during which the alfalfa is replaced with grain crops for a 1 to 2 year period. Alfalfa cultivation will continue as long as it is agronomically practicable to do so (e.g., sale of alfalfa production is feasible and sufficient water is available to cultivate alfalfa). A maximum of 50 acres is necessary in order to maintain sufficient remaining acreage of irrigated summer pasture for cattle.

Upon approval of this Mitigation Proposal, a document describing the requirement to establish and maintain a minimum of ±50 acres of alfalfa, managed for Swainson's hawk foraging use, will be prepared. This document will be appended to the Long Term Management Plan for the existing conservation easements (Madrone 2017) upon approval by the City of Elk Grove and the California Rangeland Trust (as holder of the existing easements).

8.4 Mitigation Site Suitability

As stated above, the Van Vleck Ranch supports suitable nesting and foraging habitat for Swainson's hawk. The mitigation site is located approximately 18 miles northeast from the Project; both areas are located within the Central Valley breeding range for Swainson's hawk (Estep 2016 and 2017). While the mitigation site is located out of the typical mitigation range of 10 miles from the Project site, the Van Vleck Ranch provides many ecological benefits identified as key to Swainson's hawk persistence in the 1994 CDFG Staff Report and the *5-Year Review: Swainson's Hawk (Buteo swainsoni)* prepared by CDFG (CDFG 1993; 5-Year Review).

In particular, the Van Vleck Ranch affords an opportunity to provide a large (895-acre), contiguous area of natural habitat for the entirety of the mitigation, which is not practicable within a 10-mile radius of the Project. There are currently no mitigation banks with service areas including the Project site that have sufficient SWHA mitigation credit availability to service the Project. For mitigation to occur within 10 miles of the Project, preservation of multiple smaller parcels would be required. These fragmented mitigation parcels would most likely be interspersed within an agricultural landscape with uncertain long-term

habitat value as a result of changing land use and farming practices. The lands surrounding them may be converted to development or non-compatible agricultural uses in the future. It is a tenet of conservation biology that the conservation of a single, large site has higher ecological value than the conservation of several smaller sites, due to the effects of habitat fragmentation and edge effects (e.g. Wilcox and Murphy 1985). Fragmentation of nesting and foraging habitats and loss of historic grassland foraging habitat was a key factor in the recommendation to retain a "Threatened" classification for Swainson's hawk within the 5-Year Review. Preservation of habitat at the Van Vleck Ranch would be in line with the conservation strategies identified by the 5-Year Review by preserving unfragmented historic grassland habitat to support long-term persistence of Swainson's hawk populations, and preventing the conversion of this habitat to urban development.

In addition, while Swainson's hawk mitigation typically focuses solely on conserving existing habitat, the Van Vleck Ranch would provide habitat enhancement activities as well. To enhance foraging habitat, ±50 acres of irrigated pasture under existing easements will be converted to alfalfa, considered to have high quality for Swainson's hawk foraging. To enhance/create Swainson's hawk nesting habitat, 20 additional cottonwood trees will be planted to increase nest tree availability.

Though land cover types differ between the Project site and the Van Vleck Ranch, the Ranch was determined to represent moderate foraging habitat value, similar to the majority of the Project site (Estep 2016 and 2017). The Van Vleck Ranch supports Valley grassland habitat that more closely resembles the historic pre-European settlement landscape used by Swainson's hawk, as well as irrigated pastures that are grazed and hayed periodically and provide high value foraging habitat. While the density of Swainson's hawk nests is lower in the grasslands of the eastern Central Valley, this area likely supports a breeding density more closely resembling the historic, pre-agricultural condition. Densities of nesting Swainson's hawks within some irrigated agricultural lands are considered to be anthropogenically elevated due to farming practices. In light of global climate change and the decline of water-intensive farming practices, including alfalfa production, preservation of the grasslands that have historically supported Swainson's hawk foraging have a vital role in providing stable nesting and foraging conditions that enable long-term resilience of the regional Swainson's hawk population.

Preserving these additional mitigation lands at Van Vleck Ranch helps to establish a corridor connection to the Cosumnes River Preserve. The proposed mitigation areas at Van Vleck Ranch would help connect a total of ±3,000 acres of preserve lands on the Ranch to the Cosumnes River corridor, in addition to ±4,000 acres at the Deer Creek Hills Preserve to the north of Rancho Murieta, enhancing the habitat value of the corridor. The Cosumnes River Preserve has a direct connection to the City of Elk Grove, and enhancing the Preserve is of benefit to the City of Elk Grove and the surrounding communities. Preservation along the Cosumnes River corridor will have benefits for multiple additional species, and will maintain the hydrology and water quality of the Arkansas Creek (tributary to the Cosumnes River).

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LIST OF ATTACHMENTS

Attachment A – Swainson's Hawk Habitat Suitability Assessment for the Project

Attachment B – Swainson's Hawk Habitat Suitability Assessment for Van Vleck Ranch

Attachment C – Letter Regarding SSHCP

Attachment D – Representative Photographs of Van Vleck Ranch

Attachment E – Cosumnes River Preserve Property Map

Attachment F – Existing and Planned SSHCP Preserves

ATTACHMENT A

Swainson's Hawk Habitat Suitability Assessment for the Project

Habitat Suitability Assessment for the State-listed Swainson's Hawk within the City of Elk Grove's Southeast Policy Area, Sacramento County

October 2017



Prepared for:

Van Vleck Family

and

Kamilos Companies

Prepared by:

Estep Environmental Consulting

Habitat Suitability Assessment for the State-listed Swainson's Hawk within the City of Elk Grove's Southeast Policy Area, Sacramento County

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October 30, 2017

Introduction

Background and Purpose

The City of Elk Grove intends to provide opportunities for urbanization of their Southeast Policy Area, generally located between State Route 99 and Bruceville Road, north of Kammerer Road and south of Poppy Ridge Road in the City of Elk Grove (Figure 1). Within this area, Kamilos Cos. are proposing residential and commercial uses on approximately 924 acres (Project). As a condition of approval, Kamilos Cos. are required to provide mitigation for the removal of Swainson's hawk (*Buteo swainsoni*) foraging habitat according to the provisions of the City of Elk Grove Swainson's Hawk Mitigation Program (Elk Grove Municipal Code, Chapter 16.130 [Swainson's Hawk Impact Mitigation Fees]). The mitigation program requires compensatory mitigation at a 1:1 ratio for all lands considered suitable Swainson's hawk foraging habitat.

Securing suitable replacement habitat in Sacramento County to comply with the required mitigation has proven to be challenging primarily due to the availability of suitable contiguous mitigation lands in Sacramento County, particularly at the scale of the Project. The Van Vleck Family, owners of the Van Vleck Ranch, located east of Elk Grove near the town of Rancho Murieta, has offered to establish conservation easements on portions of their 4,768-acre ranch that provide suitable Swainson's hawk foraging habitat as an opportunity to offset impacts occurring within the City of Elk Grove. Approval by the City of Elk Grove and consistency with the City's Swainson's Hawk Mitigation Program is required for all prospective mitigation properties. Provisions of the Mitigation Program relevant to this assessment include the following:

Section 16.130.040 Conditions, Part A

> *The project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for the Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a one-to-one (1:1) mitigation ratio for each acre developed at the project site. In deciding whether to approve the land proposed for preservation by the project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands.*

This provision indicates that conservation easements designed to preserve Swainson's hawk habitat are an appropriate mitigation instrument and that impacts must be mitigated at a 1:1 replacement ratio. This requires approximately 924 acres of suitable Swainson's hawk foraging habitat to fully address impacts of the Project. The Van Vleck Ranch satisfies this requirement.

Section 16.130.040 Conditions, Part A-1.

> *The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Game.*

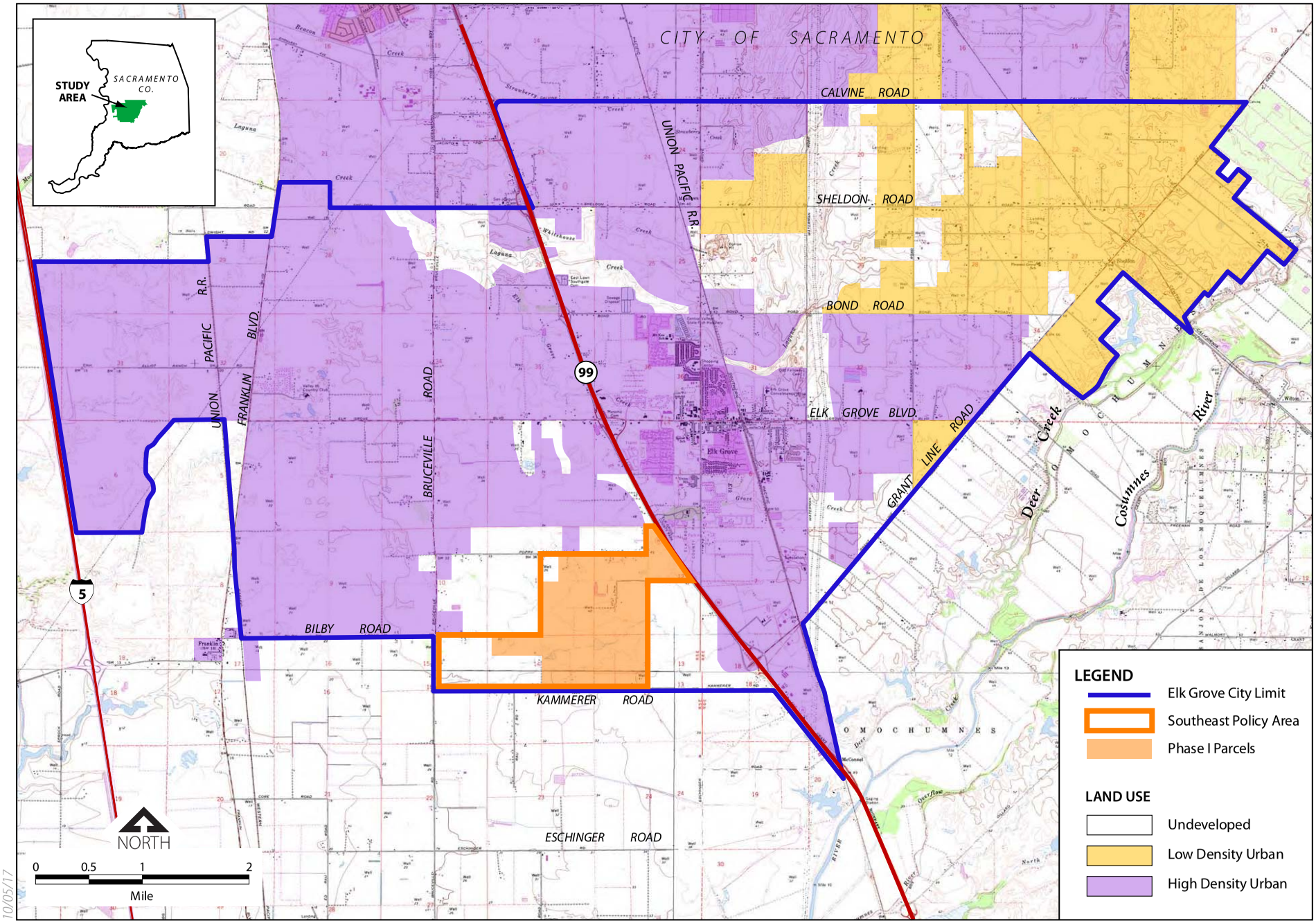


Figure 1
Location of the Southeast Policy Area and the Phase I Parcels within the City of Elk Grove

This provision indicates that the mitigation property must provide habitat suitable for Swainson's hawk foraging. Suitable Swainson's hawk foraging habitat includes annually rotated irrigated croplands, pasturelands, and grasslands. The Van Vleck Ranch supports over 4,000 acres of suitable cultivated and grassland foraging habitat, a portion of which is already under conservation easement as a Swainson's hawk mitigation bank approved by CDFW.

Section 16.130.110 Authority of City Council to override mitigation measures

> *Nothing herein shall be construed to preclude the City Council's consideration or approval of other means of mitigating significant impact or significant cumulative impact on Swainson's hawk foraging habitat or to limit the City Council's authority to override mitigation measures for reasons permitted by CEQA.*

This provision indicates that the City of Elk Grove has the flexibility to consider mitigation alternatives that may not fully meet other conditions in the Swainson's Hawk Mitigation Program. This is particularly relevant to provisions in the program that specify approval by CDFW regarding suitability and location of mitigation lands. It is generally preferable that mitigation occur as close as possible to the impact site. CDFW typically uses a maximum distance of 10 miles between the impact and mitigation site. However, if mitigation alternatives are not available within that distance or if they are considered less optimal from a conservation perspective (e.g., acquisition of numerous disconnected small parcels versus a single contiguous landscape), then the city can pursue alternative mitigation. Although the Van Vleck Ranch is approximately 18 miles from the Project area, it is within the same regional population of Swainson's hawks, supports a large, suitable, and contiguous foraging landscape, and its permanent protection would contribute to and facilitate opportunities for connectivity with other protected lands along the eastern edge of the valley and within the Cosumnes River watershed.

Anticipating the need for the city to explore alternative mitigation, Kamilos Cos. and the Van Vleck Family have undertaken further investigation to assess the habitat value of both properties and the nesting population that they support to determine whether the Van Vleck Ranch provides sufficient compensatory mitigation opportunities to reasonably offset impacts occurring from development of the Project.

The first step in this investigation is to conduct a habitat suitability assessment of both properties and evaluate how each is situated within the local and regional distribution of nesting Swainson's hawks. A habitat suitability assessment of the Van Vleck Ranch was conducted in 2016 (Estep 2016). This report was prepared to provide a similar habitat suitability assessment of the Project parcels. Information from both reports will then be incorporated into a comprehensive report that will address the extent to which the Van Vleck Ranch can provide suitable compensatory mitigation for the Project.

Location

The Project consists of 17 parcels totaling 924.63 acres within the Southeast Policy Area (Figure 2). The parcels are contiguous, extending from State Route 99 to 0.5 miles east of Bruceville Road and extending between Poppy Ridge Road on the north to Kammerer Road on the south. The area represents a substantial portion of the last remaining undeveloped land along the City's southern border, which is surrounded on the west, east, and north by existing urbanization. Open agricultural lands occur south of the Project area (Figures 1 and 2).

Species Background

Swainson's Hawk Natural History

Description

The Swainson's hawk is a medium-sized buteo most often characterized by its long, narrow, and tapered wings held in flight in a slight dihedral shape (Plate 1). The body size is somewhat smaller, thinner, and less robust than other buteos, although the wings are at least as long as other buteos. This body and wing shape allow for efficient soaring flight and aerial maneuverability, important for foraging, which Swainson's hawks do primarily from the wing, and during courtship and inter-specific territorial interactions.



Plate 1. Adult Swainson's hawk showing the long, tapered wings that allow for efficient soaring and flight maneuverability.

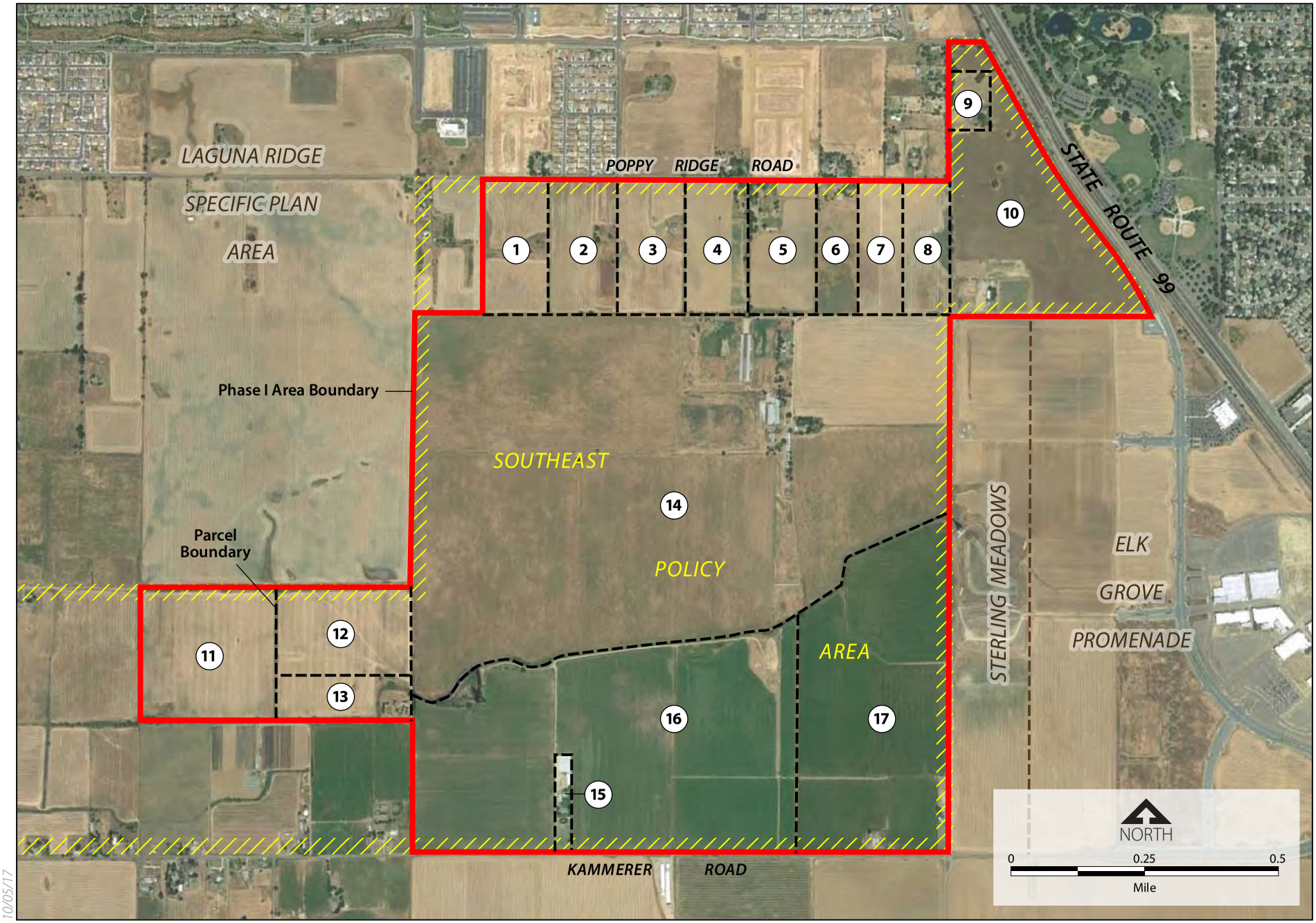


Figure 2
Parcel Locations within the Phase I Area

There are three definitive plumage morphs: light, rufous, and dark, with numerous intermediate variations between these plumage morphs. The two most distinguishing plumage characteristics are a dark breast band and the contrasting darker flight feathers and lighter wing linings on the underwings giving most individuals a distinctive bicolored underwing pattern (Plate 2). These characteristics are most pronounced in lighter morph birds and become less so as the plumage darkens, and can be indistinguishable in the definitive dark morph, which is completely melanistic. All three definitive plumage morphs are present in California, with a relatively large proportion of the population categorized as intermediate between the definitive morphs, with varying amounts of streaking or coloration in the belly and wing linings.



Plate 2. Light Morph Adult Swainson's Hawk

Breeding Range

Swainson's hawks inhabit grassland plains, shrublands, and agricultural regions of western North America during the breeding season and inhabit similar habitats from Central Mexico to southern South America during the migration and winter non-breeding seasons (England et al. 1997; Kochert et al. 2011, Airola et al. *in preparation*). Early accounts described Swainson's hawk as one of the most common raptors in the state, occurring throughout much of lowland California (Sharp 1902). Since the mid-1800s, the native habitats that supported the species have undergone a gradual conversion to agricultural uses, or as in the case of southern California coastal valleys, to urbanization. Today, with the exception of desert scrub communities in the high desert regions of the state and the grassland prairie and oak savannah communities around the perimeter of the Central Valley, native landscapes that supported nesting and foraging Swainson's hawks are virtually nonexistent. This habitat loss is thought to have caused a substantial reduction in the breeding range and in the size of the breeding population in California (Bloom 1980; England et al. 1997). The current range of the species in California

includes the Central Valley, the high desert regions and valleys of northeastern California, the east side of the Sierra Nevada from Owens Valley and extending southwestward into the western Mojave Desert in the vicinity of Antelope Valley (Figure 3).

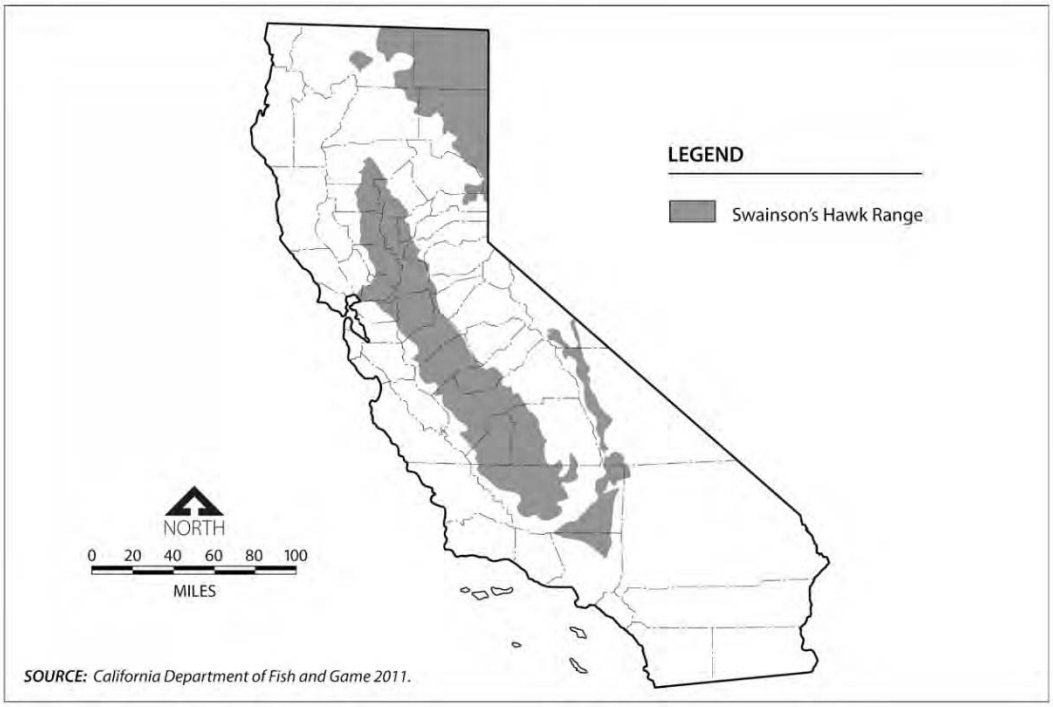


Figure 3. The breeding range of the Swainson's hawk in California.

Despite the loss of native habitats throughout the species' range in California, Swainson's hawks appear to have adapted relatively well to certain types of agricultural patterns in areas where suitable nesting habitat remains. Today, the species is most abundant in landscapes that are entirely under cultivation. The largest segment of the statewide population is in the Central Valley, with the highest nesting densities occurring in Yolo, Sacramento, Solano, and San Joaquin Counties (Bloom 1980, Estep 2007, 2008, Anderson et al 2007), and where the species is nearly entirely dependent on cultivated foraging habitats. The nesting distribution in the Central Valley largely follows the distribution of suitable hay, grain, and row crop agriculture compatible with the foraging requirements of the Swainson's hawk and where it occurs in association with suitable nesting habitat (Anderson et al. 2007, Estep and Dinsdale 2012). Uncultivated grassland communities, particularly around the perimeter of the Central Valley, support lower breeding density, but remain an essential component of the overall foraging landscape for Swainson's hawks by providing a stable natural community that more closely resembles the historic native landscape.

The dependency on cultivated habitats also has potential negative implications related to landscape-level management of the species. Cultivated landscapes are subject to agricultural economics and changes in crop patterns, which can affect the distribution and abundance of the regional nesting population. This further emphasizes the importance of protecting uncultivated natural communities, particularly grassland prairies, within the breeding range to ensure long-term persistence of the species.

Habitats and Habitat Use

Nesting

Nesting habitat is variable throughout the species range. In the Central Valley, Swainson's hawks nest in large native trees such as valley oak (*Quercus lobata*), cottonwood (*Populus fremontia*), walnut (*Juglans californica*), and willow (*Salix* spp.), and in nonnative trees, such as eucalyptus (*Eucalyptus* spp.) and ornamental pine trees. Prior to agricultural conversion, Central Valley populations nested primarily in riparian woodlands and on the edges of oak woodlands. Today, in addition to riparian and remnant oak woodlands, the species nests in roadside trees, trees along field borders, isolated trees, trees around farm houses and farmyards, and in urban areas that are adjacent to cultivated lands (England et al. 1995, Estep 2007, 2008) (Plate 3).

Nesting habitat within the low-elevation grassland prairies on the east side of the Central Valley includes riparian woodlands, isolated trees, cottonwood and willow trees associated with wetland habitats formed within historic mine tailings, and patches of oak woodland. Recently documented activity near Ione includes nests in blue oak (*Quercus douglasii*) and live oak (*Quercus wislizeni*) groves.

Nesting pairs are highly traditional in their use of nesting territories. Many monitored nesting territories in the state have been occupied annually since at least the early 1980s and banding studies conducted since 1986 confirm a high degree of territory and mate fidelity (Woodbridge 1991, Briggs 2007, Estep *in progress*).



Plate 3. Typical Swainson's hawk nest in a willow tree (center of photo). Nests are often inconspicuous and difficult to see. The white objects in the nest are downy nestlings.

Foraging

Swainson's hawks are plains or open-country hunters, requiring large open landscapes for foraging. Historically, the species hunted the grasslands of the Central Valley and coastal valleys and the open desert scrub and shrublands in high desert regions. With the cultivation of virtually all of the Central Valley, and a portion of the high desert region, Swainson's hawk foraging has largely shifted onto agricultural lands that provide a dynamic, regularly manipulated landscape that maximizes prey populations and accessibility of rodent prey (Estep 1989, Babcock 1995, Woodbridge 1991).

Foraging habitat use, particularly agricultural foraging habitat, is largely a function of two primary variables: abundance of prey and amount of vegetative cover that affects access to prey (Bechard 1982, Estep 1989, 2009). Suitability is in part a function of changing vegetation structure throughout the growing season, which influences prey accessibility. Agricultural cover types that provide suitable foraging habitat conditions include hay, grain and row crops, fallow fields, and irrigated and dryland pasture. The matrix of these cover types can create a dynamic foraging landscape as temporal changes in vegetation results in changing foraging patterns and foraging ranges (Estep 1989, Babcock 1995, Fleishman et al. 2016). Uncultivated habitats, such as grasslands, shrub-steppe communities in northeastern California, and desert scrub in the Mojave Desert provide more stable, consistent habitat value (Plate 4). However, although maintaining these remaining native landscapes within the range of the species is essential for long-term persistence, they probably do not provide the extent of available prey resources that would support the artificially-high breeding densities found in some cultivated habitats.



Plate 4. Grassland landscape on the Van Vleck Ranch. Grasslands provide consistent value and represent the native landscape condition necessary for long-term persistence of the species.

Methods

I conducted a field assessment of the Project parcels in the ;Southeast Policy Area on September 29, 2017. The assessment was conducted by visiting each of the 17 parcels to document and evaluate habitat suitability for nesting and foraging Swainson's hawks. Public and farm roads provided sufficient access to each parcel by vehicle. All lands were evaluated with regard to their potential use by nesting and foraging Swainson's hawks, including examination of vegetation type and structure, rodent prey availability and accessibility, and an evaluation of nesting habitat on and in the vicinity of the ranch. Land uses and habitats were mapped on USGS quadrangle field maps and aerial photos. Photographs were taken of representative locations and habitats

I also conducted a survey of nesting Swainson's hawk within and around the Southeast Policy Area for the City of Elk Grove in 2012 (Estep 2012). Data from the 2012 survey area are used in this report to represent the distribution of Swainson's hawk nests on and in the immediate vicinity of the Project area.

Nesting and foraging habitats for the Swainson's hawk were evaluated on the basis of distribution and abundance of suitable nest trees and reported nest sites, topography and other physical features, surrounding land uses, and the extent, type, vegetative composition and structure, and management of the land uses. Foraging habitats were evaluated using a simple high, moderate, and low-ranking system based on previous habitat use investigations (Estep 1989, 2009, Babcock 1995, Anderson et al. in preparation).

Results

General Description of the Project Area

All 17 parcels within the Project area are rural, agricultural parcels, many of which have been historically farmed in hay or other silage crops in support of local dairy operations, primarily the Souza Dairy Farm, which includes much of the land within the Project area. The majority of the agricultural land has historically been devoted to the cultivation of hays, such as oat hay and alfalfa, which are used as silage or livestock feed. Several smaller parcels are used for cultivation of vegetable crops or as irrigated pastures for livestock grazing. There are several rural farm residences and associated farming-related facilities within the Project area, the largest of which is the Souza Dairy Farm.

Lands adjacent to the Project area include remaining portions of the undeveloped Southeast Policy Area, primarily contiguous with the southwest border of the Project area west to Bruceville Road, remaining undeveloped parcels within the Laguna Ridge Specific Plan Area, contiguous with the northwestern border of the Project area, and undeveloped Sterling Meadows and Elk Grove Promenade properties, contiguous with the southeastern border of the Project area. Together, these areas represent the last remaining undeveloped lands along the City's southern border. This area is surrounded on the north, west, and east by existing urbanization, mostly moderate to high density residential and commercial development. Open, agricultural land occurs south of the Project area (Figures 1 and 2).

Swainson's Hawk Nesting and Foraging Habitat

Foraging Habitat

Figure 4 illustrates the distribution of nesting and foraging habitat within the Project area. With the exception of rural development sites, the entire 924-acre area is considered suitable Swainson's hawk foraging habitat. Most of the Project area was part of the Souza Dairy, a large historic dairy farm in Sacramento County. Land uses include those that support dairy operations, including hayfields used to produce livestock feed, irrigated pastures used for livestock grazing, and fields used to cultivate vegetable crops. Table 1 lists each of the 17 parcels along with their associated land cover type and habitat suitability ranking as Swainson's hawk foraging habitat. The following briefly describes each of the major land uses.

Table 1. Land cover and habitat value rankings of Project parcels.

Parcel	Acres	Land Cover Type	Habitat Value Rank (High, Moderate, Low)
1320290014 (1)	19.93	Irrigated Pasture	Moderate
1320290015 (2)	19.76	Hayfield	Moderate
1320290016 (3)	19.59	Hayfield	Moderate
1320290017 (4)	19.51	Irrigated Cropland	Moderate
1320290018 (5)	18.92	Irrigated Cropland	Moderate
1320290019 (6)	11.78	Hayfield	Moderate
1320290020 (7)	13.58	Hayfield	Moderate
1320290021 (8)	13.76	Hayfield	Moderate
1320290040 (9)	4.96	Developed	Low
1320290041 (10)	68.89	Hayfield	Moderate
1320300017 (11)	39.36	Irrigated Cropland	Moderate
1320300021 (12)	30.12	Irrigated Cropland	Moderate
1320300022 (13)	10.35	Irrigated Cropland	Moderate
1320320006 (14)	371.92	Hayfield/Irrigated Pasture	Moderate
1320320008 (15)	4.38	Developed	Low
1320320009 (16)	158.48	Alfalfa	High
1320320010 (17)	99.34	Alfalfa	High
Total Acres	924.63		

Hayfields

The majority of the Project area consists is of annually cultivated hayfields (Figure 4) (Plate 5). These fields (Parcels 2, 3, 6, 7, 8, 10, and 14) are cultivated and planted each year with a seasonal hay crop, such as oat hay, which is used as a silage or livestock feed. They typically require minimal to no irrigation depending on annual rainfall and receive a single cutting per season. Once cut, these fields are often left as stubble or disked in preparation for the next reseeding. These fields may also periodically be used for wheat, triticale, or other silage crops. Structurally, these fields resemble dry grasslands. They potentially support a variety of rodent

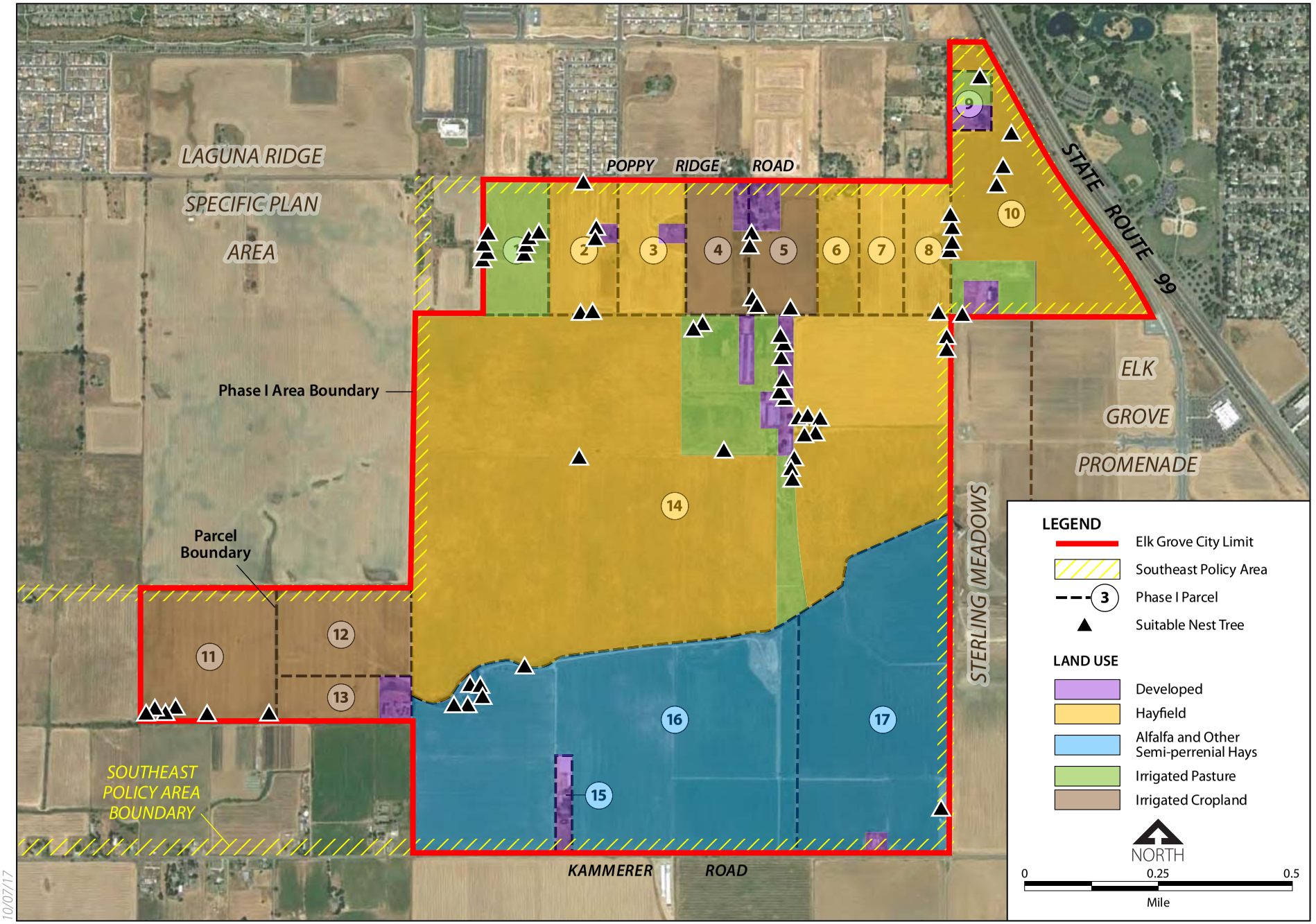


Figure 4
Land Use within the Phase I Area

species, including meadow voles (*Microtus californicus*); however, because they are disked and cultivated each year, rodent populations must re-inhabit fields following reseeding, similar to annually-rotated croplands. Like grassland habitats, these fields are typically accessible for foraging by Swainson's hawks most of the breeding season, with highest use during the harvesting of the hay crop. However, prey populations are likely unstable in these fields due to periodic disturbance from disking, cultivating, and harvesting operations. Overall, they are considered to have moderate foraging habitat value to Swainson's hawks.



Plate 5. Cut hayfield in Parcel 14.

Alfalfa and Other Semi-perennial Hays

Parcels 16 and 17 are used primarily for alfalfa and other semi-perennial hays, such as orchard grass, burseem, or other clovers (Figure 4) (Plate 6). These fields are more frequently irrigated than annual hay crops, receive several cuttings per season, and remain uncultivated for at least three years. Because they are not annually cultivated, rodent prey populations are more stable. Hunting Swainson's hawks also respond to flood irrigation and mowing practices, both of which expose prey and increase accessibility to foraging hawks. As a result, these fields represent high value foraging habitat for Swainson's hawks.



Plate 6. Recently mowed alfalfa field in Parcel 16.

Irrigated Pasture

Irrigated pastures are irrigated grasses that are grazed by livestock and may be periodically cut for hay. There are only four relatively small fields that appear to have been regularly managed as irrigated pastures in the Project area, including Parcel 1, small irrigated pastures adjacent to rural residences in Parcels 9 and 10, and adjacent to the dairy facility in Parcel 14 (Figure 4). These fields represent moderate value foraging habitat for Swainson's hawk.

Irrigated Cropland

Fields that are more regularly cultivated and planted with seasonal crops occur adjacent to the irrigated hayfields in parcels 2, 3 and 4 on the west side of the Project area and in Parcels 7 and 10, along the northern edge of the Project area (Figure 4). These fields were idle during the site visit. A review of historical aerial photos indicates that these fields were used mainly for truck farm vegetable crops. These seasonally or annually rotated croplands are considered moderate value foraging habitat for Swainson's hawk.

With the primary focus on hay production and livestock grazing, the majority of the Project area is available for foraging throughout the entire Swainson's hawk breeding season with approximately 71 percent of the area traditionally managed with moderate foraging value cover types and approximately 28 percent of the area traditionally farmed with high value cover types.

Nesting Habitat

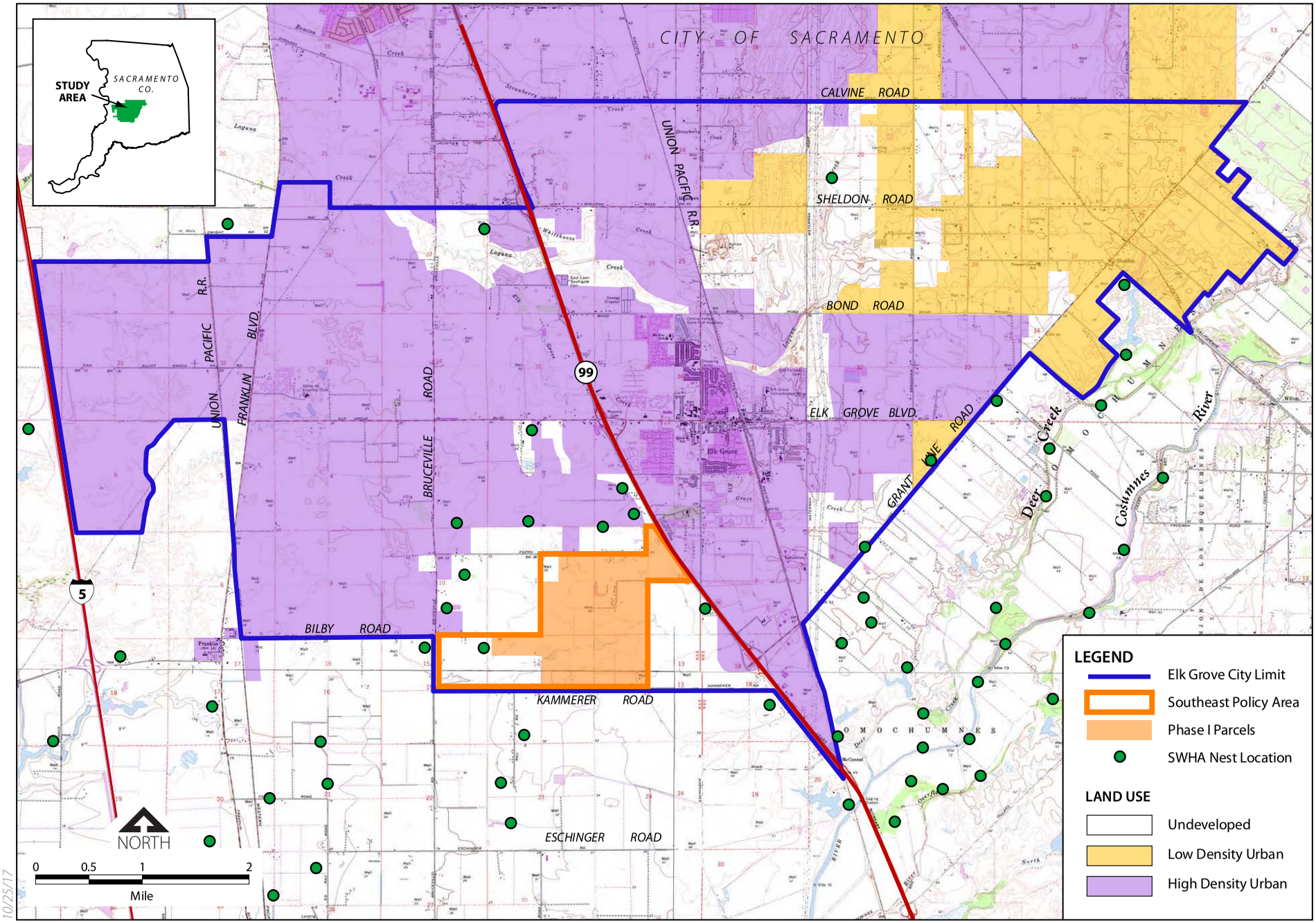
Nesting habitat is present, but unevenly distributed within the Project area (Figure 4). There are several mature valley oak trees in Parcel 10, in the northeast corner of the Project area; a row of mature valley oak trees along the border of Parcels 8 and 10 (Plate 8); valley oak, eucalyptus, and other ornamentals along Poppy Ridge Road, the northern boundary of the Project area; several isolated and small groups of valley oak trees in Parcels 1, 2, 4, 5 and 8; numerous suitable trees around the Souza Dairy Farm facility in Parcel 14; several trees along the southern border of Parcel 11; and several willow trees along the remnant stream channel separating Parcels 14 and 15. There are also suitable nest trees around most of the rural farmsteads.



Plate 8. Valley oak trees along the border of Parcels 8 and 10.

Local Swainson's Hawk Nesting Distribution

Located in the middle of the Sacramento Valley, the Southeast Policy Area is situated within the interior of a dense Swainson's hawk nesting population. The availability of suitable nesting habitat associated with an agricultural landscape that is highly compatible with Swainson's hawk foraging needs has created a robust nesting population that extends throughout the lowland agricultural areas of Sacramento, Yolo, Solano, and San Joaquin Counties (Jones & Stokes 1990, Estep 2007, 2008, Anderson et al, 2007). More locally, because of extensive urbanization to the north, east, and west, the nesting distribution is limited primarily to lands around the immediate perimeter and south of the Southeast Policy Area. Figure 5 illustrates the distribution of reported Swainson's hawk nests in the immediate and surrounding vicinity of the Southeast Policy Area.



10/25/17

Figure 5
Swainson's Hawk Nest Locations in the Vicinity of the Phase I Parcels

Although suitable nesting and foraging habitat is available, there are no reported nest sites from the Project area. However, there are several reported nest sites in the immediate vicinity to the north and west of the Project area and numerous nests south of the Elk Grove city limit, particularly along the Cosumnes River corridor. Several of the sites within the city limits, last reported in 2012 (Estep 2012), may have since abandoned due to ongoing urbanization of the remaining portions of the Laguna Ridge Specific Plan Area. It is expected that active nest sites within the remaining undeveloped areas will eventually abandon as urbanization replaces farmland within the city limits of Elk Grove.

Summary

With the exception of several small rural residential residences and associated farmyards, the entire Project area supports suitable foraging habitat for Swainson's hawks. The annually harvested hays, irrigated cropland, and irrigated pastures all support moderately suitable foraging habitat conditions, and the alfalfa and other semi-perennial hay fields support high value foraging habitat conditions. Suitable nesting habitat is also available within the Project area, most occurring as isolated valley oak trees or small tree rows, trees around rural residences, roadside trees, and small groups of trees.

The Project area includes approximately one-half of the remaining undeveloped land along the southern border of Elk Grove. Several Swainson's hawk nest sites have been reported from this area (Figure 5), some of which may still remain active. However, with continued urbanization of the remaining open lands along the southern border of Elk Grove, these nesting territories are expected to eventually abandon.

The Van Vleck Ranch as a Mitigation Opportunity

The extent to which the Van Vleck Ranch can provide sufficient mitigation value to offset impacts from the Project will be addressed in a more comprehensive report. The following provides a brief summary of the habitat suitability assessment for Van Vleck Ranch (Estep 2016), a discussion of the potential inconsistencies with the Elk Grove Swainson's Hawk Mitigation Program; and an overview of the regional Swainson's hawk distribution relative to the Project area and Van Vleck Ranch sites.

Summary of Van Vleck Ranch Habitat Suitability Assessment

The 4,768-acre Van Vleck Ranch is located in eastern Sacramento County just southeast of Rancho Murieta, approximately 18 miles east-northeast of the Project Area. Most of the ranch supports suitable nesting and foraging habitat for the Swainson's hawk. The grassland prairies and irrigated pastures provide suitable foraging conditions and the cottonwood and oak groves and isolated trees provide suitable nesting habitat. Use of the ranch by nesting and foraging Swainson's hawks has been documented and a portion of the ranch is an approved mitigation bank for which Swainson's hawk credits are available. There is one documented nest on the

ranch and potential for others. Several documented nesting pairs north and west of the ranch are within foraging distance of the ranch.

Regional Nesting Distribution

Figure 6 illustrates the regional distribution of nesting Swainson's hawks relative to the Project area and the Van Vleck Ranch. The Van Vleck Ranch is on the eastern edge of the breeding range and is more distant from the high breeding density in the vicinity of the Project area. However, the ranch does support nesting Swainson's hawks, is well within the range of numerous nesting territories, and as noted above, provides an important source of stable foraging habitat within a natural landscape not subject to changes in habitat condition or value.

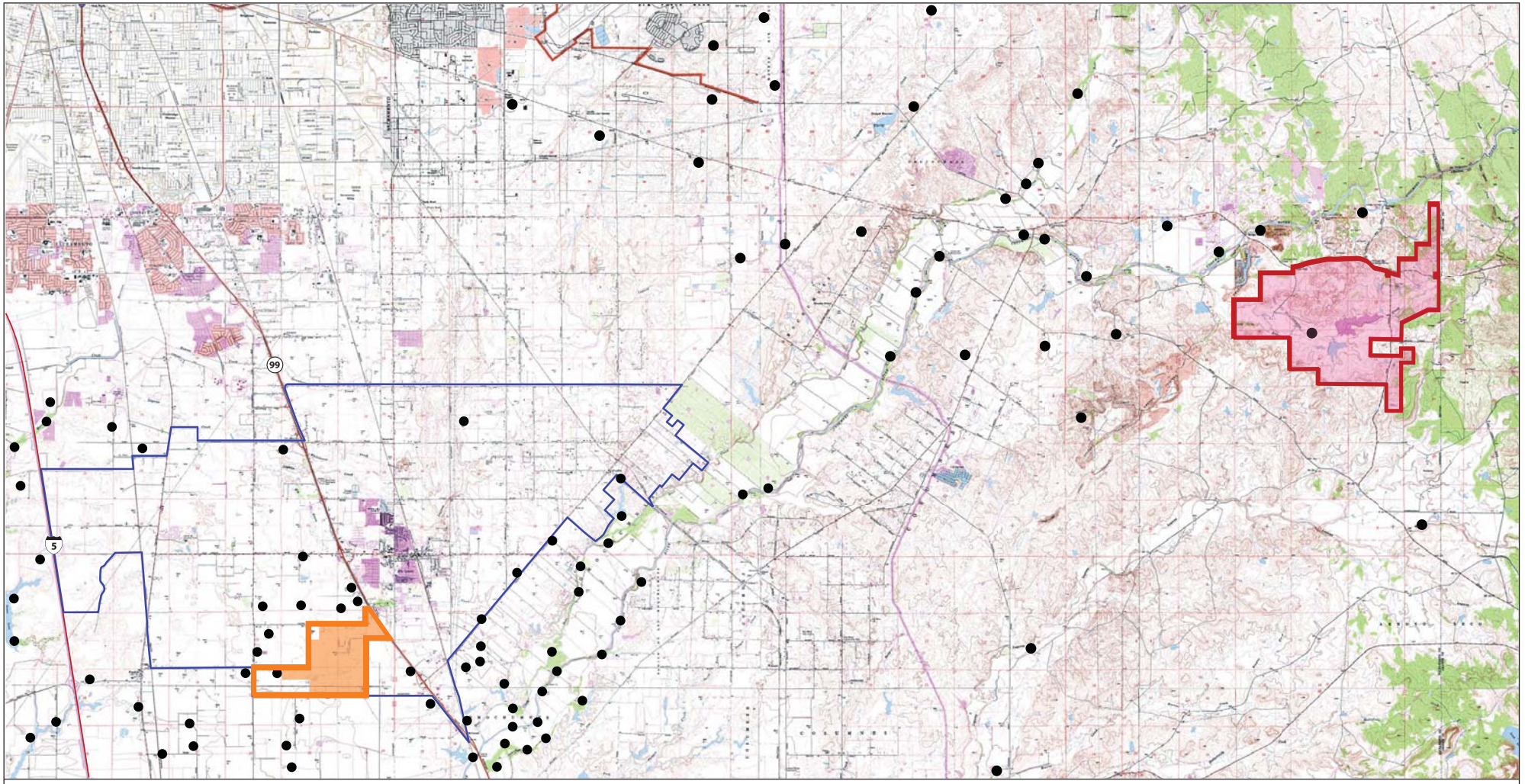
Elk Grove Swainson's Hawk Mitigation Program

The City of Elk Grove's Swainson's Hawk Mitigation Program (Elk Grove Municipal Code, Chapter 16.130 [Swainson's Hawk Impact Mitigation Fees]) provides a mechanism through which compensatory mitigation is used to offset land use impacts that remove suitable Swainson's hawk foraging habitat. Using guidance from the CDFW, the mitigation program establishes several key conditions related to securing appropriate replacement lands that meet the city's mitigation objective. Those that are relevant to this assessment and the potential for using the Van Vleck Ranch as a mitigation site include:

- Section 16.130.040 Conditions, Part A, which establishes a 1:1 mitigation ratio requirement, the use of conservation easements as an appropriate conservation instrument; and coordination with CDFW regarding the location of mitigation parcels.
- Section 16.130.040 Conditions, Part A-1, which states that mitigation parcels must be suitable Swainson's hawk foraging habitat, and
- Section 16.130.110 Authority of City Council to override mitigation measures, which allows the city flexibility to consider mitigation alternatives that do not fully meet the conditions in the Swainson's Hawk Mitigation Program in the event that other mitigation options are limited.

The Van Vleck Ranch supports suitable foraging habitat as evidenced by their existing Swainson's hawk mitigation bank permitted by CDFW and the habitat suitability assessment conducted in 2016 (Estep 2016). The ranch also has available acreage to accommodate the mitigation needs of the entire 924-acre Project. As a result, the Van Vleck Ranch meets the conditions related to habitat suitability and available acreage.

As indicated in the conditions noted above, the city would also typically coordinate with CDFW regarding the location of the mitigation lands. Although not specifically identified in the Swainson's Hawk Mitigation Program, CDFW has established internal guidance that addresses the location of the mitigation site and the proximity between the impact and mitigation sites. CDFW's preference is that mitigation be within 10 miles of the impact site and that the



10/30/2017

LEGEND

- Van Vleck Ranch Boundary
- Southeast Policy Area
- Phase I Parcels
- Swainson's Hawk Nest Site
- Elk Grove City Limits

NORTH

0 1 2 3 4 5

Miles

Base Map: Composite USGS 7.5'-series Quadrangles

Figure 6
Regional Distribution of Swainson's Hawk Nests in the Vicinity of the Southeast Policy Area and Van Vleck Ranch

mitigation site provides in-kind habitat replacement. The intent is to ensure a clear nexus between the impact and the mitigation.

Although coordination with and acceptance by CDFW is established in Section 16.130.040 Conditions, Parts A and A-1, the city retains the flexibility to pursue alternative mitigation scenarios as per Section 16.130.110 in the event mitigation options that meet CDFW guidance and that are economically and ecologically sound, are unavailable.

The Potential Mitigation Value of the Van Vleck Ranch

The Van Vleck Ranch supports a large contiguous block of suitable moderate- to high-value habitat for Swainson's hawks similar to the conditions in the Project area. Although, due to its location along the eastern edge of the Central Valley, the ranch does not support the nesting density found in the interior of the valley; it likely supports the breeding density that more closely resembles the historic pre-agricultural condition. The interior of the Central Valley is entirely under cultivation (or is urbanized) and while certain types of irrigated agriculture are beneficial and can increase local breeding density, these areas are also subject to agricultural economics and the potential for conversion to unsuitable agricultural uses. While currently supporting fewer nesting pairs, the largely uncultivated open grassland prairies around the perimeter of the valley have a vital role in the long-term sustainability of the Central Valley population by providing stable nesting and foraging conditions that more closely resemble the native pre-agricultural condition of the Central Valley. As a result, protection of these largely uncultivated landscapes is essential to provide secure habitat for the population.

In addition, the size and contiguity of the ranch lands provides a unique opportunity to secure protection for several thousand acres of grassland prairies, irrigated pastures, and oak woodlands within a natural setting that is not subject to habitat modification. Other large protected ranchlands are also in the vicinity of the Van Vleck Ranch, increasing the potential for protection of a large contiguous swath of natural lands across the region, and adding another important conservation property within the upper Cosumnes River watershed and facilitating future connectivity with the Cosumnes River Preserve.

The CDFW concern with regard to distance from impact is certainly valid and should continue to be a focus of the overall mitigation program for Elk Grove and other jurisdictions. However, there are circumstances that necessitate a more thorough analysis to ensure that important opportunities such as providing permanent protection for the Van Vleck Ranch are explored and considered in a more comprehensive approach to protecting and maintaining the regional Swainson's hawk breeding population.

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ATTACHMENT B

Swainson's Hawk Habitat Suitability Assessment for Van Vleck Ranch

Habitat Suitability Assessment for the State-listed Swainson's Hawk on the Van Vleck Ranch, Sacramento County

October 2016



Prepared for:

Downy Brand, LLP

Prepared by:

Estep Environmental Consulting

Habitat Suitability Assessment for the State-listed Swainson's Hawk on the Van Vleck Ranch, Sacramento County

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October 1, 2016

Introduction

Background and Purpose

The Van Vleck Ranch is a 4,768-acre working ranch located in eastern Sacramento County, just east of the community of Rancho Murieta (Figure 1). Located along the eastern edge of the Central Valley as it transitions into the Sierra Nevada foothills, the ranch is a large, undeveloped, and ecologically diverse landscape consisting primarily of low elevation grassland prairies and irrigated pasturelands and hayfields. Within this broad, open landscape, the ranch also supports vernal pools, ponds and associated wetland habitats, riparian woodlands, cottonwood groves, oak groves, a reservoir, and isolated oak and cottonwood trees.

The state-listed Swainson's hawk (*Buteo swainsoni*) occurs throughout much of the Central Valley and perimeter foothills in generally flat, open cultivated and grassland communities. Its breeding range extends into the low-elevation foothills of eastern Sacramento County including the entire Van Vleck Ranch. Unlike the interior of the Central Valley, which is entirely under intensive cultivation, the ranch supports habitat for the Swainson's hawk that more closely resembles its historic pre-agricultural range and a more ecologically diverse and stable environment that is less dependent on agricultural management practices to provide suitable habitat conditions.

The interest of the Van Vleck Ranch is to continue operating as a working cattle ranch with managed grazing throughout the prairie grasslands and production of feed crops in their cultivated fields. As a result, there may be opportunities for permanent conservation of the ranch through the establishment of perpetual easements that offset habitat impacts to the Swainson's hawk occurring elsewhere in the region. Westervelt Ecological Services currently operates a mitigation bank on 778 acres of the ranch, where mitigation credits are available to offset habitat impacts to Swainson's hawk and other special-status species. With the potential for additional mitigation opportunities at the ranch, particularly for Swainson's hawk habitat, the Van Vleck Ranch is interested in evaluating the extent to which remaining portions of the ranch are suitable for Swainson's hawk use and that may be appropriate for mitigation purposes. This assessment was conducted to determine the extent and quality of Swainson's hawk nesting and foraging habitat on the remaining 3,990 acres of the Van Vleck Ranch.

Location

The Van Vleck Ranch is located in eastern Sacramento County just southeast of Rancho Murieta. The property borders Jackson Highway (SR 16) on the north, and extends from 1 to 2.5 miles south of Jackson Highway, and from 0.25 to 1 mile east of Ione Road, which extends southward through the eastern portion of the ranch. There is also one parcel that extends north of Jackson Highway, east of Ione Road (Figure 2).

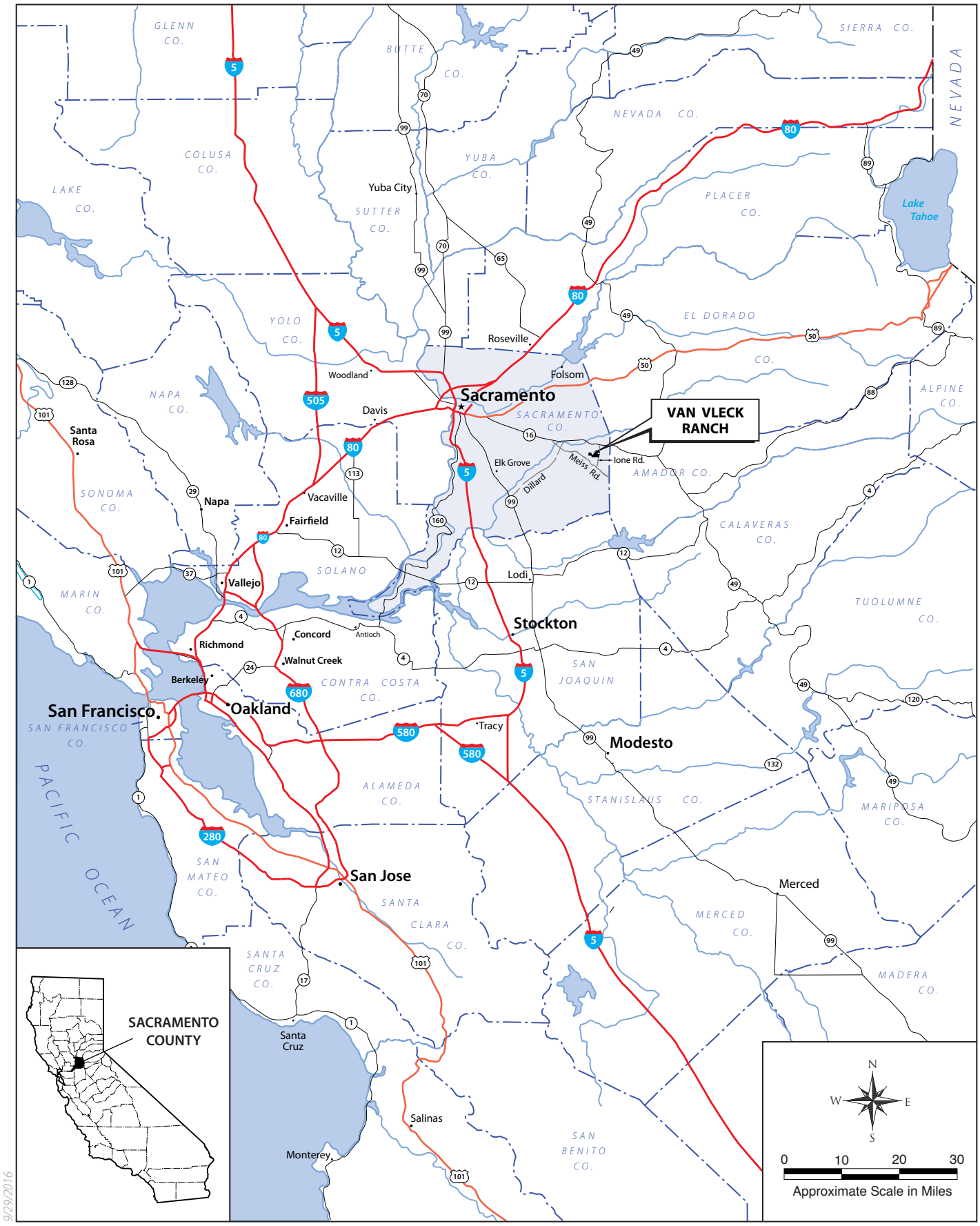


Figure 1
Regional Location of the Van Vleck Ranch

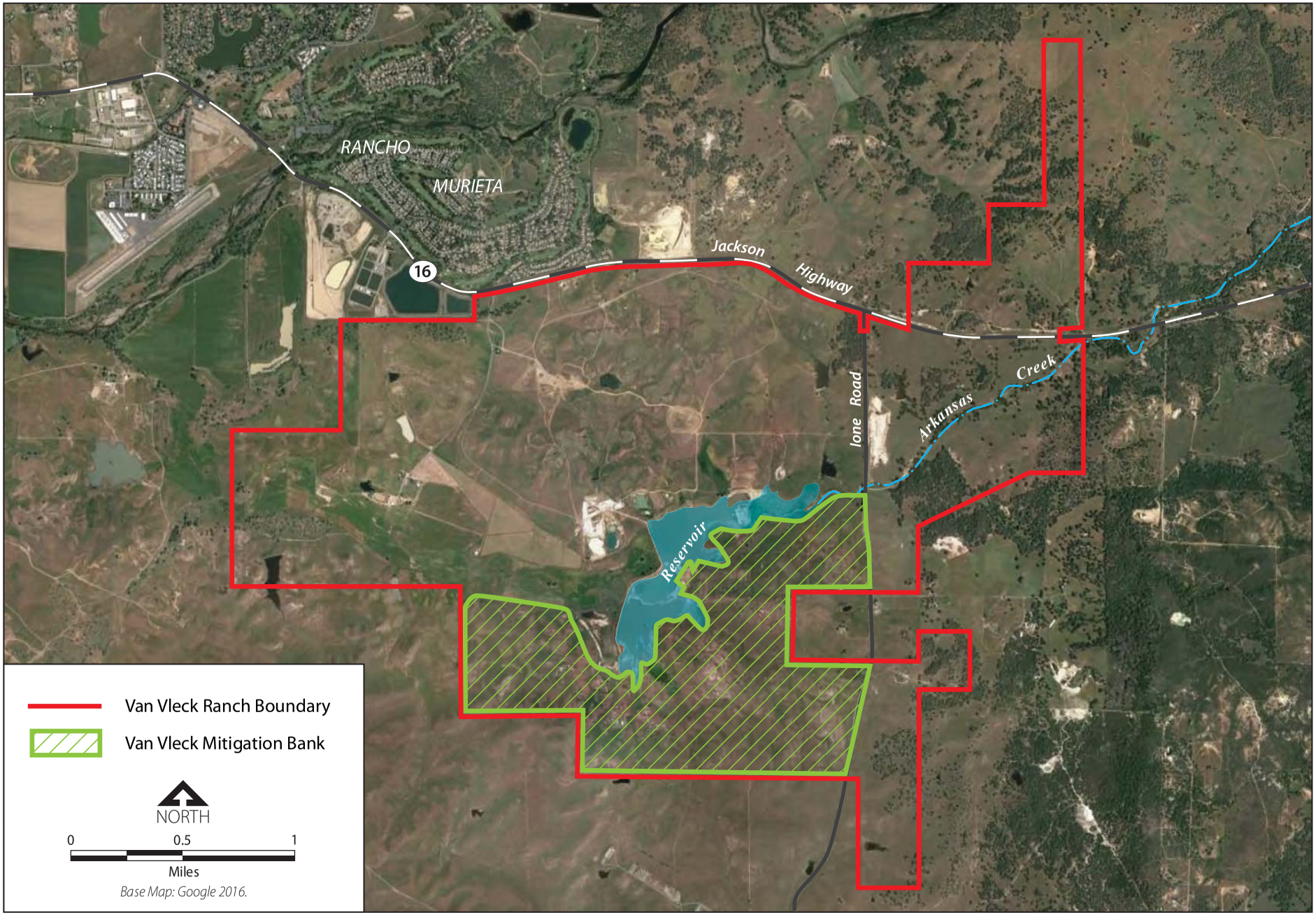


Figure 2
Van Vleck Ranch

Species Background

Swainson's Hawk Natural History

Description

The Swainson's hawk is a medium-sized buteo most often characterized by its long, narrow, and tapered wings held in flight in a slight dihedral shape (Plate 1). The body size is somewhat smaller, thinner, and less robust than other buteos, although the wings are at least as long as other buteos. This body and wing shape allow for efficient soaring flight and aerial maneuverability, important for foraging, which Swainson's hawks do primarily from the wing, and during courtship and inter-specific territorial interactions.



Plate 1. Adult Swainson's hawk showing the long, tapered wings that allow for efficient soaring and flight maneuverability. .

There are three definitive plumage morphs: light, rufous, and dark, with numerous intermediate variations between these plumage morphs. The two most distinguishing plumage characteristics are a dark breast band and the contrasting darker flight feathers and lighter wing linings on the underwings giving most individuals a distinctive bicolored underwing pattern (Plate 2). These characteristics are most pronounced in lighter morph birds and become less so as the plumage darkens, and can be indistinguishable in the definitive dark morph, which is completely melanistic. All three definitive plumage morphs are present in California, with a relatively large proportion of the population categorized as intermediate between the definitive morphs, with varying amounts of streaking or coloration in the belly and wing linings.



Plate 2. Light Morph Adult Swainson's Hawk

Breeding Range

Swainson's hawks inhabit grassland plains, shrublands, and agricultural regions of western North America during the breeding season and inhabit similar habitats from Central Mexico to southern South America during the migration and winter non-breeding seasons (England et al. 1997; Kochert et al. 2011, Bradbury et al. *in preparation*). Early accounts described Swainson's hawk as one of the most common raptors in the state, occurring throughout much of lowland California (Sharp 1902). Since the mid-1800s, the native habitats that supported the species have undergone a gradual conversion to agricultural uses, or as in the case of southern California coastal valleys, to urbanization. Today, with the exception of desert scrub communities in the high desert regions of the state and the grassland prairie and oak savannah communities around the perimeter of the Central Valley, native landscapes that supported nesting and foraging Swainson's hawks are virtually nonexistent. This habitat loss is thought to have caused a substantial reduction in the breeding range and in the size of the breeding population in California (Bloom 1980; England et al. 1997). The current range of the species in California includes the Central Valley, the high desert regions and valleys of northeastern California, the east side of the Sierra Nevada from Owens Valley and extending southwestward into the western Mojave Desert in the vicinity of Antelope Valley (Figure 3).

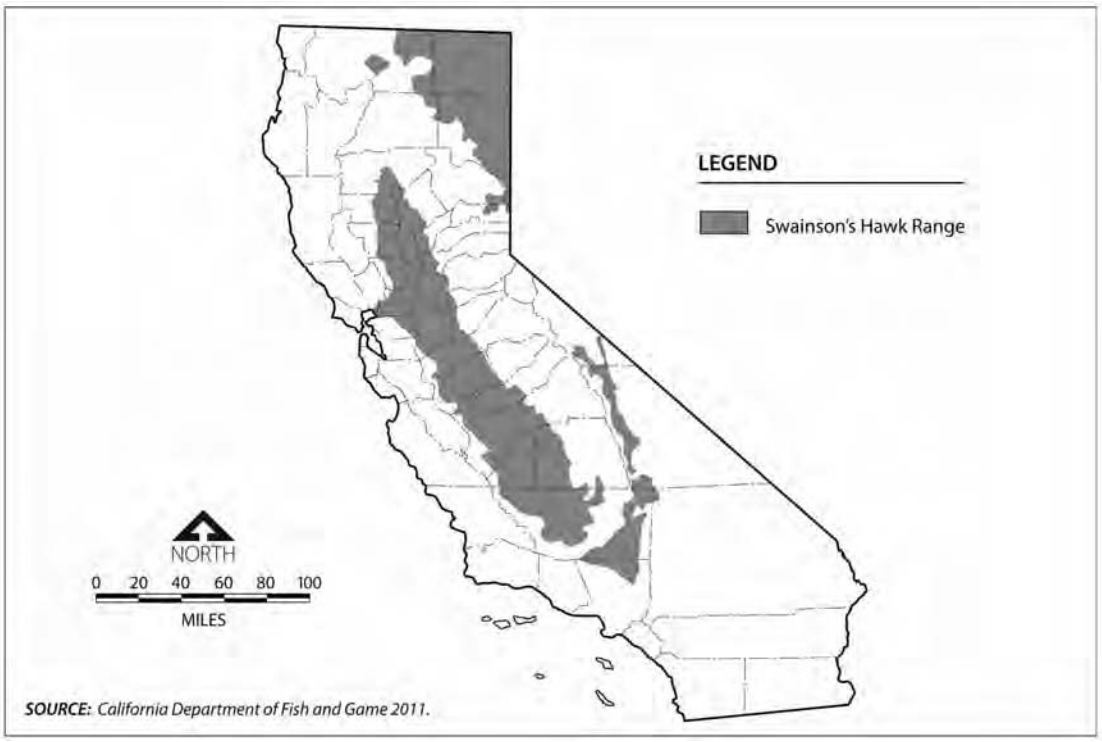


Figure 3. The breeding range of the Swainson's hawk in California.

Despite the loss of native habitats throughout the species' range in California, Swainson's hawks appear to have adapted relatively well to certain types of agricultural patterns in areas where suitable nesting habitat remains. Today, the species is most abundant in landscapes that are entirely under cultivation. The largest segment of the statewide population is in the Central Valley, with the highest nesting densities occurring in Yolo, Sacramento, Solano, and San Joaquin Counties (Bloom 1980, Estep 2007, 2008, Anderson et al 2007), and where the species is nearly entirely dependent on cultivated foraging habitats. The nesting distribution in the Central Valley largely follows the distribution of suitable hay, grain, and row crop agriculture compatible with the foraging requirements of the Swainson's hawk and where it occurs in association with suitable nesting habitat (Anderson et al. 2007, Estep and Dinsdale 2012). Uncultivated grassland communities, particularly around the perimeter of the Central Valley, support lower breeding density, but remain an essential component of the overall foraging landscape for Swainson's hawks by providing a stable natural community that more closely resembles the historic native landscape.

The dependency on cultivated habitats also has potential negative implications related to landscape-level management of the species. Cultivated landscapes are subject to agricultural economics and changes in crop patterns, which can affect the distribution and abundance of the regional nesting population. This further emphasizes the importance of protecting uncultivated natural communities, particularly grassland prairies, within the breeding range to ensure long-term persistence of the species.

Habitats and Habitat Use

Nesting

Nesting habitat is variable throughout the species range. In the Central Valley, Swainson's hawks nest in large native trees such as valley oak (*Quercus lobata*), cottonwood (*Populus fremontia*), walnut (*Juglans californica*), and willow (*Salix* spp.), and in nonnative trees, such as eucalyptus (*Eucalyptus* spp.) and ornamental pine trees. Prior to agricultural conversion, Central Valley populations nested primarily in riparian woodlands and on the edges of oak woodlands. Today, in addition to riparian and remnant oak woodlands, the species nests in roadside trees, trees along field borders, isolated trees, trees around farm houses and farmyards, and in urban areas that are adjacent to cultivated lands (England et al. 1995, Estep 2007, 2008) (Plate 3).

Nesting habitat within the low-elevation grassland prairies on the east side of the Central Valley includes riparian woodlands, isolated trees, cottonwood and willow trees associated with wetland habitats formed within historic mine tailings, and patches of oak woodland. Recently documented activity near Ione includes nests in blue oak (*Quercus douglasii*) and live oak (*Quercus wislizeni*) groves.

Nesting pairs are highly traditional in their use of nesting territories. Many monitored nesting territories in the state have been occupied annually since at least the early 1980s and banding studies conducted since 1986 confirm a high degree of territory and mate fidelity (Woodbridge 1991, Briggs 2007, Estep *in progress*).



Plate 3. Typical Swainson's hawk nest in a willow tree (center of photo). Nests are often inconspicuous and difficult to see. The white objects in the nest are downy nestlings.

Foraging

Swainson's hawks are plains or open-country hunters, requiring large open landscapes for foraging. Historically, the species hunted the grasslands of the Central Valley and coastal valleys and the open desert scrub and shrublands in high desert regions. With the cultivation of virtually all of the Central Valley, and a portion of the high desert region, Swainson's hawk foraging has largely shifted onto agricultural lands that provide a dynamic, regularly manipulated landscape that maximizes prey populations and accessibility of rodent prey (Estep 1989, Babcock 1995, Woodbridge 1991).

Foraging habitat use, particularly agricultural foraging habitat, is largely a function of two primary variables: abundance of prey and amount of vegetative cover that affects access to prey (Bechard 1982, Estep 1989, 2009). Suitability is in part a function of changing vegetation structure throughout the growing season, which influences prey accessibility. Agricultural cover types that provide suitable foraging habitat conditions include hay, grain and row crops, fallow fields, and irrigated and dryland pasture. Alfalfa fields provide the highest value due to vegetation structure and compatible farming practices (Plate 4). The matrix of these cover types can create a dynamic foraging landscape as temporal changes in vegetation results in changing foraging patterns and foraging ranges (Estep 1989, Babcock 1995). Uncultivated habitats, such as grasslands, shrub-steppe communities in northeastern California, and desert scrub in the Mojave Desert provide more stable, consistent habitat value (Plate 5). However, although maintaining these remaining native landscapes within the range of the species is essential for long-term persistence, they probably do not provide the extent of available prey resources that would support the artificially-high breeding densities found in some cultivated habitats.



Plate 4. Alfalfa fields have consistently low vegetation structure and can support abundant and highly accessible rodent prey.



Plate 5. Grasslands also provide consistent value and represent the native landscape . condition necessary for long-term persistence of the species.

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Methods

I conducted a field assessment of the Van Vleck Ranch September 7, 2016. The assessment was conducted by visiting all areas of the ranch to document and evaluate habitat suitability for nesting and foraging Swainson's hawks. Ranch roads provided excellent access to most areas of the ranch, and I was able to access the majority of the ranch by vehicle. I also walked to the relatively few inaccessible areas where ranch roads were not available. All lands were evaluated with regard to their potential use by nesting and foraging Swainson's hawks, including examination of vegetation type and structure, rodent prey availability and accessibility, and an evaluation of nesting habitat on and in the vicinity of the ranch. Land uses and habitats were mapped on USGS quadrangle field maps and aerial photos. Photographs were taken of representative locations and habitats. I also conducted an earlier assessment and Swainson's hawk survey of the mitigation bank area on May 12, 2016. During the May 12 survey, all trees on and surrounding the mitigation bank were also checked for the presence of active Swainson's Hawk and other raptor nests using binoculars and spotting scope.

Nesting and foraging habitats for the Swainson's hawk are evaluated on the basis of distribution and abundance of suitable nest trees, topography, the location of the ranch relative to the current breeding range of the species, and the extent, type, vegetative composition and structure, and management of the land uses.

Results

General Description of the Ranch

The Van Vleck Ranch occurs within the transition between the flat, cultivated lands of the Central Valley and the low-elevation foothills of the western Sierra Nevada. As a result, it includes conditions characteristic of and unique to the eastern edge of the Central Valley. In general, the topography ranges from flat to gently rolling hills, with elevations ranging from approximately 170 to 300 feet above mean sea level. The most significant natural feature on the ranch is Arkansas Creek, which extends east-west through the center of the ranch. The eastern portion of the creek remains as a stream/riparian corridor. Just west of Ione Road, the creek emptied into a shallow seasonal lake basin. A dam was constructed decades ago along the creek near the center of the ranch, which allowed for the formation of small reservoir (incorporating the seasonal lake), and allowed for water management of the downstream irrigated portion of the ranch. The reservoir and associated wetlands provide habitat for a variety of wildlife including wintering waterfowl, while the irrigated pasture along the lowland portion of the ranch below the dam is grazed and periodically mowed

The landscape surrounding Arkansas Creek and the reservoir is primarily open moderately-grazed grassland prairie. Much of this area is relatively flat or gently rolling low elevation foothills. Within this landscape are other unique communities, including

vernal pools and swales, ponds with emergent wetlands and cottonwood groves, live oak groves and savanna, and cottonwood groves associated with past mining activities. There are also rows of cottonwood trees along field borders, and scattered cottonwood, valley oak, and live oak trees.

While the majority of the ranch is open grassland prairie or irrigated pastureland, the extent of live oak woodland increases east of Ione Road. Still primarily open grassland, oak groves and oak savannah are more prevalent in this area, and continue to increase further eastward beyond the ranch boundary. With the exception of the main ranch headquarters near the west end of the ranch, which consists of a three residences, barns, shops, corrals, and other outbuildings, a single residence near the north ranch entrance, and two centrally-located hay barns, there are no structures anywhere on the entire 4,568-acre ranch (Plates 6 through 11).

The landscape surrounding the ranch includes similar grassland, cultivated, and woodland communities, but also increasing urbanization. The landscape north of Jackson Highway includes similar open grasslands and oak groves and an extensive riparian system along the east-west flowing Cosumnes River, just north of the ranch. Toward the south, rolling grassland hills give way to additional cultivated land east of Ione Road and further eastward toward the mid-elevation foothills. Toward the west, the landscape remains relatively flat as it extends toward the largely cultivated landscape of the Central Valley. The residential community of Rancho Murieta is located northwest of the ranch on the north side of Jackson Highway. The most recently developed area is immediately north of the ranch (Figure 2).

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Plate 6. Typical grassland prairie community on the Van Vleck Ranch.



Plate 7. Irrigated pasture/hayfields on the Van Vleck Ranch, with a large cottonwood grove in the background bordering the pasture. Looking south from near the west-central end of the ranch.



Plate 8. Looking southeast from the west end of the reservoir showing the open grassland prairie and scattered trees surrounding the reservoir.



Plate 9. Arkansas Creek at the east end of the reservoir supporting riparian and wetland communities. The surrounding landscape is primarily low elevation grassland prairie



Plate 10. Looking southeast from the interior of the ranch toward the irrigated pasture and grassland hills beyond. Note the mature valley oak and cottonwood trees along the edge of the pasture.



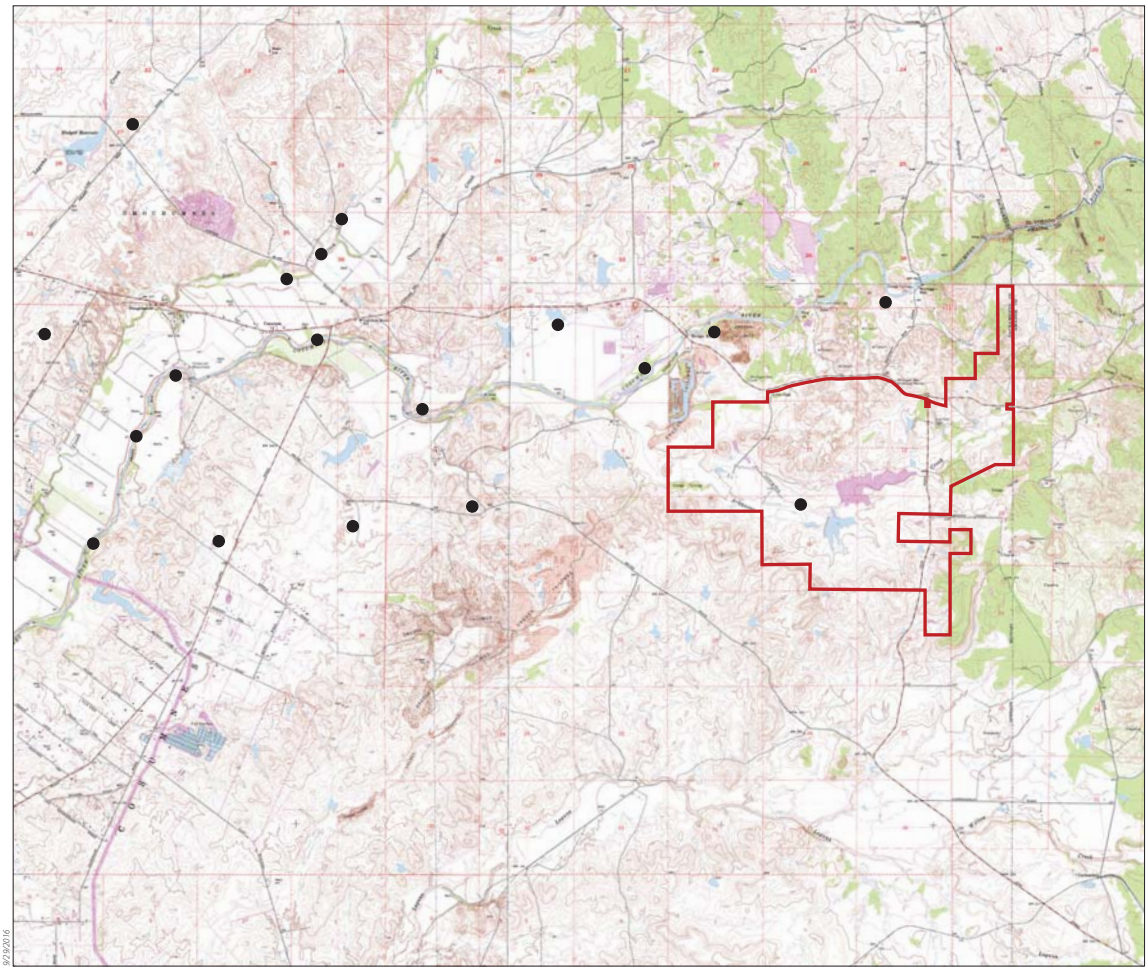
Plate 11. Open grassland prairie with scattered oak woodland communities east of Ione Road

Local and Regional Swainson's Hawk Nesting Distribution

The Van Vleck Ranch is on the eastern edge of the Swainson's hawk breeding range. This is an area that retains habitat conditions that most resemble historic nesting and foraging conditions. While much of the nesting population in the interior of the valley is associated with non-native nest trees and cultivated foraging habitats, nesting pairs in this area are more closely associated with native nesting trees and open grassland or pastureland communities and are less subject to changes in landscape conditions, such as urbanization and conversion to unsuitable crop patterns. Nest distribution also more likely resembles the historic distribution compared with the dense nesting distribution found in some cultivated landscapes in the interior of the valley.

Figure 4 illustrates the nesting distribution in the vicinity of the ranch. All are within foraging distance of the ranch. There are four documented sites within 2 to 3 miles of the ranch and one documented nest site on the ranch The nest is in one of two mature cottonwood trees located in the center of the ranch, west of the reservoir (Plate 12). Several other nest sites occur further westward. It is also likely that other unreported sites occur on and in the vicinity of the ranch. Note that only the area in the immediate vicinity of the mitigation bank area has been surveyed for nesting Swainson's hawks. It is very likely that other nesting pairs occur on and in the vicinity of the ranch.

During the May 12, 2016 field assessment, four adult Swainson's hawks were observed flying above the central and eastern portion of the ranch. One of these adults was the



9/29/2016

Figure 4
Swainson's Hawk Nest Sites in the Vicinity of the Van Vleck Ranch

LEGEND

- Van Vleck Ranch Boundary
- Swainson's Hawk Nest Site

NORTH

0 1 2 3 4 5

Miles

Base Map: USGS 7.5' series Buffalo Creek, Folsom SE, Sloughhouse, and Carbondale, California Quadrangles

male from the nest noted above. These birds were engaged in territorial behavior, indicating the possibility of at least one additional nesting pair in the immediate vicinity. Once the territorial behavior had terminated, these birds continued foraging in the grasslands north and south of the reservoir.

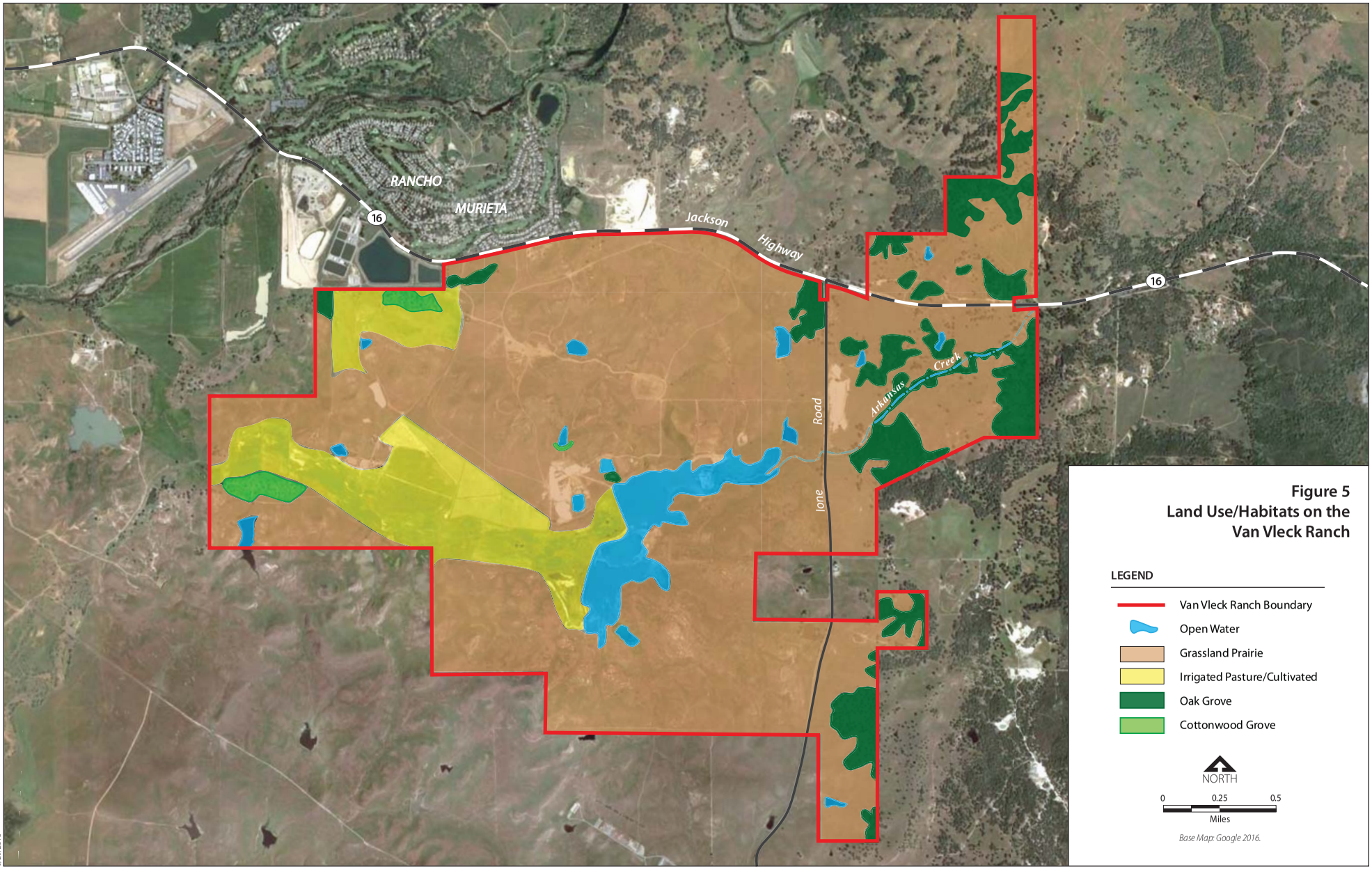


Plate 12. Swainson's hawk nest tree (on right) located just north of the mitigation bank on Van Vleck Ranch.

Swainson's Hawk Nesting and Foraging Habitat

Figure 5 illustrates the distribution of nesting and foraging habitat on the Van Vleck Ranch. Plates 13 through 26 show a variety of examples of nesting and foraging habitat conditions on the ranch. The entire ranch is within the breeding range of the Swainson's hawk and with the exception of open water habitats, the entire ranch is considered suitable nesting or foraging habitat.

There are two types of foraging habitat on the ranch, irrigated pasture and grassland prairie. Grassland prairie is the most common habitat type on the ranch, occupying most of the low, hilly terrain and interspersed with vernal pools and swales and stock ponds (Figure 5). These grasslands consist of dense to sparse cover of annual grasses that often grow with a variety of showy annual forbs (both native and non-native). Common plant species found in annual grasslands include wild oats (*Avena fatua*), bromes (*Bromes* spp), fescues (*Festuca* spp), barbed goatgrass (*Aegilops triuncialis*), Italian ryegrass (*Lolium multiflorum*), mustards (*Brassica* spp), filarees (*Erodium* spp), yellow star-thistle (*Centaurea solstitialis*), and other forbs.


RANCHO
MURIETA
16
Jackson
Highway
16
Arkansas
Creek
Ione
Road
Figure 5
Land Use/Habitats on the
Van Vleck Ranch
LEGEND
Van Vleck Ranch Boundary
Open Water
Grassland Prairie
Irrigated Pasture/Cultivated
Oak Grove
Cottonwood Grove
NORTH
0
0.25
0.5
Miles
Base Map: Google 2016.
9/29/2016

Annual grasslands provide variable suitability as Swainson's hawk foraging habitat depending on composition, management, and prey abundance, but are generally considered to have at least moderate value as foraging habitat (compared with some irrigated crops). The grasslands on the Van Vleck Ranch are moderately grazed and maintained in a condition that promotes good prey availability and accessibility for foraging Swainson's hawks. Evidence of vole (*Microtis californicus*) and pocket gopher (*Thomomys bottae*) activity, the primary rodent prey species for Swainson's hawk, was noted throughout the ranch.

Although supporting lower breeding densities of Swainson's hawks compared with irrigated cropland in the interior of the Central Valley, grasslands provide stable foraging conditions that are not subject to changing agricultural patterns and thus are essential to the long-term sustainability of Central Valley populations. Grassland habitats more closely resemble the historic pre-agricultural foraging landscape of Swainson's hawks and provide increasingly important habitat for the segment of the breeding population that nests along the eastern edge of the Central Valley.

Suitable nest trees occur throughout the ranch in association with the grassland prairie foraging habitat. These include oak groves, cottonwood trees around ponds, and scattered isolated trees (Figure 5).

In addition to the grassland prairies, irrigated pastures occur in the low-lying basin along Arkansas Creek extending from the reservoir to the western edge of the ranch. Other irrigated pastures occur in the northwest corner of the ranch (Figure 5). These areas are planted with a variety of pasture grasses and broadleaves, including ryegrass, orchard grass, and clovers. They are managed with flood irrigation, moderate grazing, and are periodically hayed for livestock feed. All of these activities attract and are beneficial to foraging Swainson's hawks. Irrigated pastures that are light- to moderately-grazed and periodically hayed are considered high value foraging habitat for Swainson's hawks due to abundant prey resources and low vegetative structure. Evidence of vole and pocket gopher activity was also noted throughout the irrigated pasture areas

Abundant nesting habitat also occurs in association with the irrigated pastures, including cottonwood groves, tree rows, and isolated cottonwood and oak trees.

Overall, the low elevation grassland prairies interspersed with the irrigated pastures, and in association with numerous potential nest trees, provides a highly suitable nesting and foraging landscape for the Swainson's hawk. On the easternmost areas of the ranch, east of Ione Road, live oak groves are a greater proportion of the landscape and are interspersed within the open grassland prairie community. Although this area is more densely wooded on the extreme eastern edge of the Central Valley breeding range, the oak groves provide suitable nesting trees and the open grasslands are suitable foraging habitat. Throughout the current range of the species, these types of habitats support lower breeding densities; however, in recent years, nesting pairs have been found in similar habitats including similar oak woodlands near Ione, southeast of the ranch.



Plate 13. Irrigated pasture and cottonwood grove in the southwestern corner of the ranch. This is considered high value nesting and foraging habitat for the Swainson's hawk. .



Plate 14. The west-central end of the ranch is characterized by flat, open grasslands with scattered trees. .



Plate 15. Cottonwood grove near the northwest corner of the ranch. This is high value nesting habitat entirely surrounding by grassland and irrigated pasture foraging habitat.



Plate 16. Open pastureland near the northwest corner of the ranch. The combination of suitable nesting and foraging habitats is ideal for Swainson's hawks and other raptors.



Plate 17. Grassland prairie on the north-central portion of the ranch. There are fewer trees in this immediate area, but many occur nearby.



Plate 18. Looking southeast toward the central ranch showing the transition between the irrigated pasture and the grassland habitats. Suitable nest trees are scattered throughout this area. .



Plate 19. Cottonwood trees around a stock pond in the north-central part of the ranch. This is another good nesting-foraging habitat association. .



Plate 20. Looking south across the irrigated pasture toward the grassland hills on the far south side of the ranch.



Plate 21. Looking west from the reservoir dam road toward the easternmost extent of the irrigated pasturelands.



Plate 22. Low elevation grasslands in the northeast corner of the ranch, west of Ione Road.



Plate 23. Looking southwest from near the intersection of Jackson Highway and Ione Road.



Plate 24. Open grassland prairie surrounded by oak woodland in the far eastern part of the ranch, east of Ione Road and south of Jackson Highway.



Plate 25. Open grasslands with adjacent oak grove in the far northeast corner of the ranch, north of Jackson Highway and east of Ione Road.



Plate 26. Open grassland prairie on the far southeastern corner of the ranch, east of Ione Road.

Summary

The entire Van Vleck Ranch supports suitable nesting and foraging habitat for the Swainson's hawk. The grassland prairies and irrigated pastures provide suitable foraging conditions and the cottonwood and oak groves and isolated trees provide suitable nesting habitat. Use of the ranch by nesting and foraging Swainson's hawks has been documented and a portion of the ranch is an approved mitigation bank for which Swainson's hawk credits are available. Remaining areas of the ranch provide at least similar habitat value. There is one documented nest on the ranch and potential for others. Several documented nesting pairs north and west of the ranch are within foraging distance of the ranch.

Due to its location along the eastern edge of the Central Valley range of the species, the ranch does not support the nesting density found in the interior of the valley; however, it likely supports the breeding density that more closely resembles the historic pre-agricultural condition. The interior of the Central Valley is entirely under cultivation (or is urbanized) and while certain types of irrigated agriculture are beneficial and can increase local breeding density, these areas are also subject to agricultural economics and the potential for conversion to unsuitable agricultural uses. While currently supporting fewer nesting pairs, the largely uncultivated open grassland prairies around the perimeter of the valley have a vital role in the long-term sustainability of the Central Valley population by providing stable nesting and foraging conditions that more closely resemble the native pre-agricultural condition of the Central Valley. As a result, protection of these largely uncultivated landscapes is essential to provide secure habitat for the population.

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ATTACHMENT C

Letter Regarding SSHCP

SSHCP South Sacramento Habitat Conservation Plan

October 3, 2017

Mr. Stan Van Vleck
President, Van Vleck Ranch
7879 Van Vleck road
Rancho Murieta, CA 95683

Subject: Questions Related to SSHCP

Dear Mr. Van Vleck,

Thank you for your letter of October 1, 2017 regarding terms of the proposed SSHCP relating to easements. In that letter you pose two questions. I have paraphrased the questions and provided responses to each below:

1. Does the SSHCP allow for mitigation easements to be placed on property that is farther than 10 miles from where impacts to Swainson's Hawk habitat occur? ANSWER: Yes, as long as the mitigation easement property is suitable habitat and located with the SSHCP Plan Area.

2. Your letter indicates that you are currently in discussions with a city that is interested in purchasing some or all of your 2,000 acres for their Swainson' hawk mitigation property. The city is in Sacramento County but is not one of the members of the SSHCP. If some or all of these acres were purchased by this city for mitigation purposes, would it "unbalance" the habitat needs or create a problem for the SSHCP. ANSWER: No. We do not feel that a mitigation purchase of property in this amount would unbalance the total inventory available for potential use as part of the overall SSHCP preserve system.

Thanks for your letter and ongoing interest in the SSHCP. If you have further questions please do not hesitate to contact us.

Sincerely,

William S. Ziebron
Consulting Program Manager
South Sacramento Habitat Conservation Plan

c. Richard Radmacher

ATTACHMENT D

Representative Photographs of Van Vleck Ranch



Photo 1: Dry land pasture and barn in southern portion of Van Vleck Ranch. View south. Photograph taken April 2017.



Photo 1: Dry land pasture and stock pond in central portion of Van Vleck Ranch. View west towards Ranch headquarters. Photograph taken April 2017.



Photo 1: Dry land pasture and oaks in northeastern portion of Van Vleck Ranch. View southwest. Photograph taken April 2017.

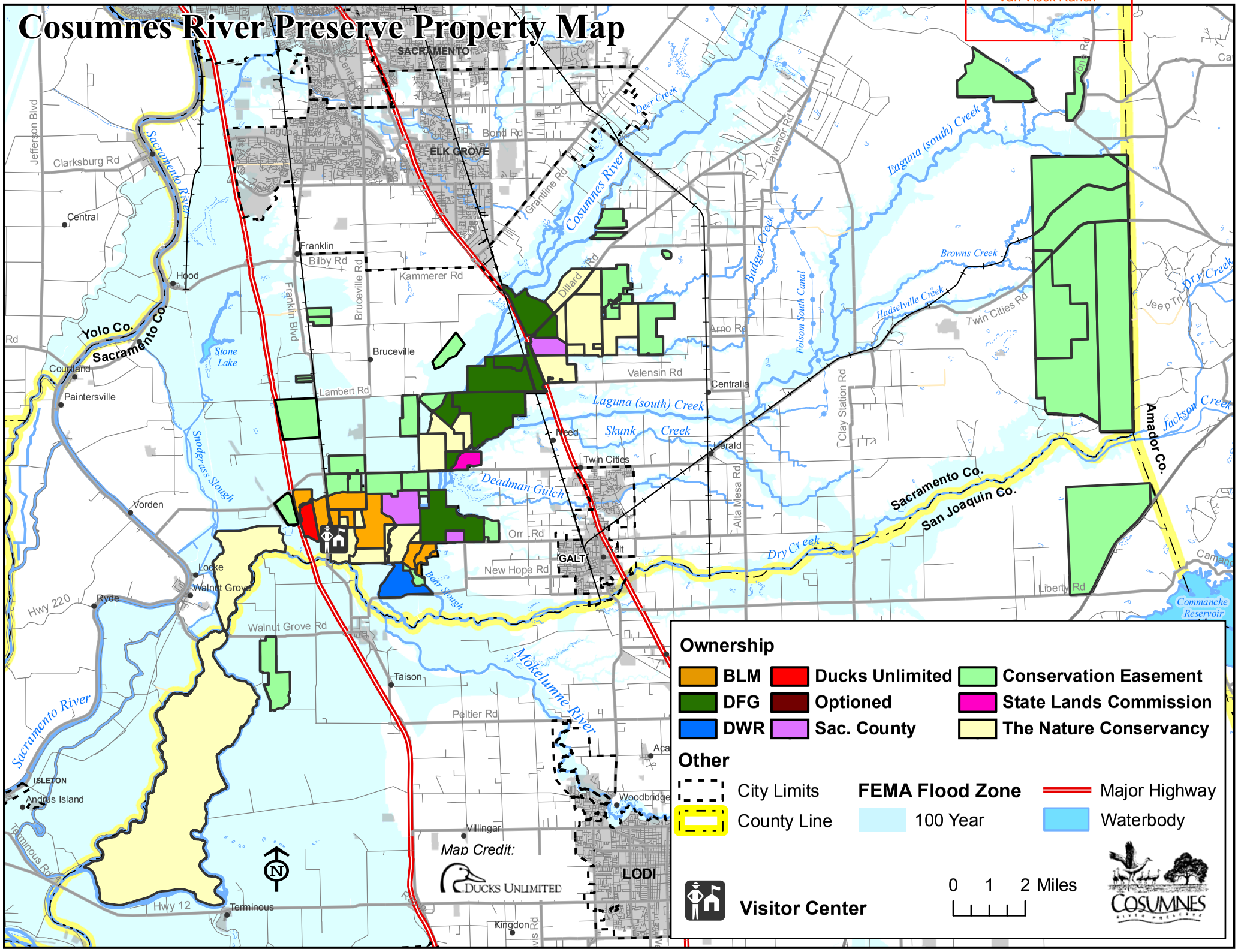


Photo 1: Van Vleck Reservoir in central portion of Van Vleck Ranch. View east. Photograph taken April 2017.

ATTACHMENT E

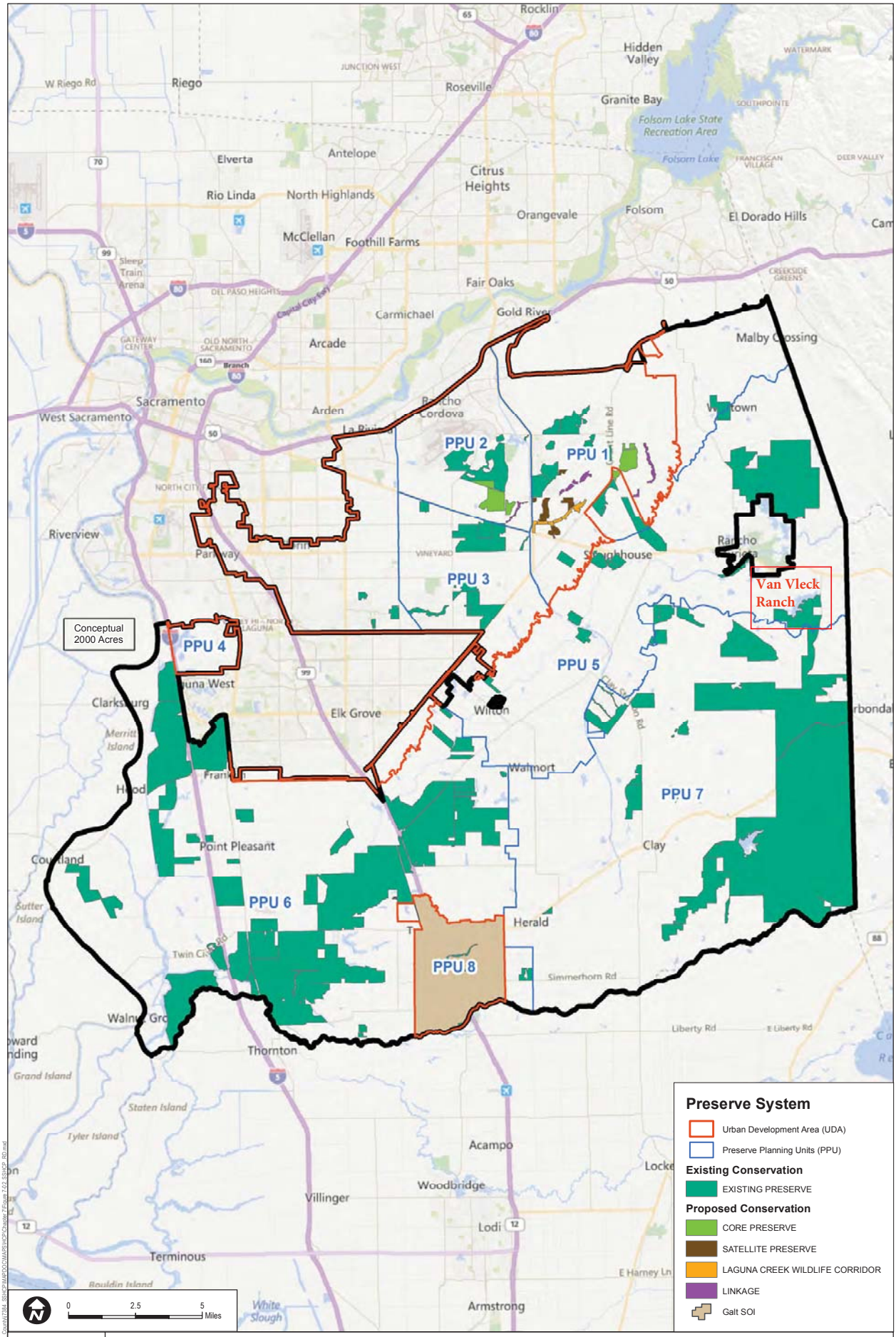
Cosumnes River Preserve Property Map

Cosumnes River Preserve Property Map



ATTACHMENT F

Existing and Planned SSHCP Preserves



SOURCE: USGS 2012, County of Sacramento 2012

FIGURE 7-2

Existing Preserves and SSHCP Planned Hardline Preserves

SOUTH SACRAMENTO HABITAT CONSERVATION PLAN

Figure depicts existing preserves and hard-line planned conservation only. For a description of soft-line planned conservation see Sections 7.5.2 and 7.5.3.

APPENDIX 2

Response to Comments on Souza Dairy Project Swainson's Hawk Mitigation Proposal

ECORP Consulting, Inc. prepared a proposal (Mitigation Proposal) to mitigate impacts to Swainson's hawk (SWHA; *Buteo swainsoni*) foraging habitat associated with the Souza Dairy Project (Project), a component of the Southeast Policy Area Strategic Plan Project. The Mitigation Proposal consisted of permanently preserving land at the Van Vleck Ranch, located near Rancho Murieta, California. The City of Elk Grove submitted this proposal to the California Department of Fish and Wildlife (CDFW) for review and comment on December 8, 2017, and received comments from CDFW on January 12, 2018. In addition, the City received letters with comments from Habitat 2020 and Friends of the Swainson's Hawk on December 22, 2017 and January 17, 2018. A point-by-point response to these comments follows.

RESPONSE TO CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LETTER

In a letter dated January 12, 2018, CDFW analyzed the Mitigation Proposal using nine criteria regarding the value of lands offered as mitigation for the loss of SWHA foraging habitat. Below are summaries of and responses to CDFW's comments for each of the nine criteria evaluated.

1. Proposed foraging habitat mitigation sites should be used as foraging habitat by SWHA.

CDFW acknowledges the Van Vleck Ranch as suitable foraging habitat for SWHA.

Response:

None.

2. Proposed foraging habitat mitigation sites are in close proximity to the impact site.

CDFW noted that the Van Vleck Ranch mitigation site is 18 miles from the Project site, and concluded that this is not a biologically supportable distance from the impact site. CDFW advised that mitigation should be conducted within a 10-mile radius from the impact site.

Response:

The Van Vleck Ranch is ±18 miles from the Project site when measuring between centerpoints, or ±16 miles when measuring the distance between the two site boundaries. We acknowledge that SWHA nesting pairs near the Project site would be less likely to utilize the mitigation site due to this distance. However, the preservation of foraging habitat at the Van Vleck Ranch will benefit the regional SWHA population as a whole. It is a tenet of conservation biology that the conservation of a single, large site has

higher ecological value than the conservation of several smaller sites, due to the effects of habitat fragmentation and edge effects (e.g., Wilcox and Murphy 1985). Fragmentation of nesting and foraging habitats and loss of historic grassland foraging habitat were key factors in the recommendation to retain a "Threatened" classification for SWHA within CDFW's Five-Year Review. Preservation of habitat at the Van Vleck Ranch would be in line with the conservation strategies identified by the Five-Year Review by preserving unfragmented historic grassland habitat to support long-term persistence of SWHA populations, and preventing the conversion of this habitat to urban development.

Preservation of a large, contiguous area of natural habitat for the entirety of the mitigation is not practicable within a 10-mile radius of the Project. There are currently no mitigation banks with service areas including the Project site that have sufficient SWHA mitigation credit available to service the Project. For mitigation to occur within 10 miles of the Project, preservation of multiple smaller parcels would be required. An analysis of potential mitigation sites within 10 miles of the Project demonstrated that there are no currently available sites that can provide the acreage needed to mitigate the Project's impacts in one contiguous site. Searches for alternative mitigation sites within 10 miles of the Project were conducted using search criteria of agricultural sites larger than 80 acres that are currently available for sale (Attachment A). Ten available sites were identified, and these were analyzed for their potential for SWHA mitigation use. Four sites were found to have potential use as SWHA mitigation. These four sites totaled 709 acres, a shortfall of 186 acres below the 895 acres of mitigation required. Total cost of these sites was $16,436,111 (presuming those lands are available and excluding the cost of establishing conservation easements and endowments for management), nearly four times the cost of mitigation at the Van Vleck Ranch. These potential mitigation sites are located in Elk Grove, Galt, and Wilton. The majority of these fragmented parcels would most likely be interspersed within an agricultural landscape with uncertain long-term habitat value as a result of changing land use and farming practices. The lands surrounding them may be converted to development or non-compatible agricultural uses in the future (e.g., due to the proliferation of orchards and vineyards). Although providing less certainty for individual nest sites near the impacted area, the proposed mitigation site focuses on the protection and long-term sustainability of the larger regional population by protecting a large, intact natural area that more closely resembles the historic pre-European settlement landscape used by SWHA that is less subject to future changes in the function and value of nesting and foraging habitats. The proposed approach will also provide substantially greater overall ecological and resource value compared with several smaller, fragmented agricultural parcels.

In addition, while mitigation within 10 miles of the impacted site is commonly recommended, the 10-mile distance is not a requirement of the existing California Fish and Game Code or formal policy or guidance issued by CDFW. Neither is mitigation within 10 miles of the impacted site a requirement of the Elk Grove Swainson's Hawk Ordinance (EGSHO). Both the EGSHO (Section 160130.010) and the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* (CDFG 1994) require mitigation for impacts to SWHA habitat when impacts occur within 10 miles of an active SWHA nest, but do not specify a need for the mitigation to occur within 10 miles of the impacted site.

3. Proposed foraging habitat mitigation sites should contain at least the same quality or better suitable foraging habitat than habitat impact site.

CDFW noted that the Van Vleck Ranch does not contain similar foraging habitat as the impact site, as proposed mitigation at Van Vleck Ranch is annual grassland whereas the Project site contains hayfields, alfalfa/other semi-perennial hays, cropland, and pasture. CDFW concludes that the Van Vleck Ranch would not be able to support the higher SWHA population density present near the Project site.

Response:

Swainson's hawk expert biologist James A. Estep performed an onsite investigation of the Project and mitigation sites to assess foraging habitat suitability. Each land cover type was given a rank of either high, moderate or low habitat value. Habitat assessments (Estep 2016 and 2017) indicated that both the Van Vleck Ranch and the Project contained predominantly moderate habitat quality for SWHA, with alfalfa/semi-perennial hays within the Project site and adjacent irrigated pastures within the Van Vleck Ranch having high habitat quality.

Though density of SWHA nests is lower in the grasslands of the eastern Central Valley, this area likely supports a breeding density more closely resembling the historic, pre-agricultural condition. Densities of nesting SWHA within some irrigated agricultural lands are considered to be anthropogenically elevated due to farming practices. In light of global climate change and the decline of water-intensive farming practices, including alfalfa production, preservation of the grasslands that have historically supported SWHA foraging have a vital role in providing stable nesting and foraging conditions that enable long-term resilience of the regional SWHA population. Preservation of this large natural area will also provide habitat for multiple native species in addition to SWHA.

As discussed in response to Comment 2 above, in-kind mitigation in proximity to the Project would result in preservation of a heavily fragmented patchwork of habitat due to the lack of available mitigation lands. While the Van Vleck Ranch mitigation area contains annual grassland, use of this mitigation site would enable the preservation of a large, contiguous area of habitat. Adjacent to the potential mitigation area, there are ±300 acres of irrigated pastures already (or currently being) designated as SWHA habitat in perpetuity. The irrigated pastures are considered high value SWHA foraging habitat, and they help to sustain prey populations throughout the adjacent annual grassland. The proximity of the potential mitigation area to existing conservation lands, including the irrigated pastures and the Van Vleck Mitigation Bank to the south, satisfies a key criterion of the EGSHO to prioritize preserving lands in proximity to other protected lands. An additional component of the Mitigation Proposal was to convert ±50 acres of irrigated pasture to alfalfa in order to provide increased prey availability to SWHA. The Mitigation Proposal also included the planting of additional nesting habitat within the Van Vleck Ranch. Adjacent to the irrigated pasture and the proposed mitigation site there is also a large riparian area that covers more than 300 acres that is also part of the Van Vleck Ranch that provides high quality nesting and foraging habitat. In sum, the habitat mitigation sites described in the Mitigation Proposal contain equal or better foraging habitat as compared with the habitat impact site.

4. Proposed foraging habitat mitigation sites should be connected to other protected habitat thereby contributing to a larger habitat preserve

CDFW notes that the Van Vleck Ranch meets this criterion.

Response:

None.

5. Foraging habitat mitigation sites should be outside of areas identified for urban growth

CDFW notes that the Van Vleck Ranch meets this criterion.

Response:

None.

6. Proposed foraging habitat mitigation sites should be managed in perpetuity as foraging habitat

CDFW notes that the Van Vleck Ranch meets this criterion.

Response:

None.

7. CEQA lead agencies should be supportive of the proposed foraging habitat mitigation sites

CDFW notes that the Van Vleck Ranch meets this criterion.

Response:

None.

8. Proposed foraging habitat mitigation sites should not conflict with regional conservation planning efforts

CDFW noted that South Sacramento Habitat Conservation Plan (SSHCP) staff stated that the proposed mitigation at Van Vleck Ranch would not conflict with the SSHCP. However, CDFW expressed that the proposed mitigation would not advance the SWHA preservation goals under the SSHCP conservation strategy.

Response:

Use of 895 acres of the Van Vleck Ranch as mitigation for the Project will provide the ranch with enough financial stability to allow the remainder of the ranch's potential mitigation area to be sold to the SSHCP upon SSHCP approval.

Mr. Van Vleck has agreed with SSHCP management to sell up to ±1,100 acres of the potential mitigation area within the ranch to the SSHCP, contingent upon the preceding sale of 895 acres as mitigation for the Project. The Van Vleck Ranch will be one of the initial (and largest) mitigation areas targeted for dedication and conservation, which will help ensure that the SSHCP achieves its "stay ahead" conservation goals. Dedication of the ±1,100 acres within Van Vleck Ranch to the SSHCP would not be feasible without an initial sale of sufficient acreage to financially sustain the ranch and preclude the need to sell a portion of the ranch for development. One of the most difficult challenges for habitat conservation plans (HCPs) is getting the initial land into the banks and this mitigation proposal will help the HCP do exactly that. Therefore, this proposed mitigation would, in fact, advance the SWHA preservation goals under the SSHCP conservation strategy.

9. Proposed foraging habitat mitigation sites should not conflict with nearby approved mitigation banks

CDFW notes that the approved Van Vleck Mitigation Bank (Bank) is located adjacent to the proposed Van Vleck Ranch mitigation area, but that the Project is outside of the service area for this bank.

Response:

There are currently no mitigation banks that have sufficient SWHA mitigation credits available to serve the Project and have service areas including the Project site. As noted, the service area for the Van Vleck Mitigation Bank does not include the Project site. In addition, there are approximately 391 SWHA credits currently available at the Van Vleck Mitigation Bank per the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS). This represents a shortfall of 504 credits needed per the Mitigation Proposal. In addition, the Bank contains the same annual grassland habitat as the proposed mitigation area; however, the purchase of credits from the Bank would not provide the opportunity to further enhance SWHA habitat through cultivation of alfalfa or planting of additional nesting trees as discussed in the Mitigation Proposal. Nor would it allow for the SSHCP to purchase an additional 1,100 acres at Van Vleck Ranch.

RESPONSE TO HABITAT 2020 AND FRIENDS OF THE SWAINSON'S HAWK LETTERS

Habitat 2020 and Friends of the Swainson's Hawk (jointly referred to as Environmental Organizations) provided comments on eight main points in a letter dated December 22, 2017. The eight points have been summarized below and responses are provided. A second letter was submitted on January 17, 2018, reiterating points 1 through 3.

1. Relationship to Southeast Policy Area Final Environmental Impact Report

The Environmental Organizations commented that the Environmental Impact Report (EIR) states that SWHA mitigation shall be accomplished in accordance with Elk Grove Municipal Code Chapter 16 Section 130 or with the SSHCP. The Environmental Organizations summarized concerns regarding the distance between the impact and mitigation sites and the difference in habitat types and qualities, as well as the potential inconsistencies with Elk Grove's stated policy and with requirements of the SSHCP.

Response:

For response to comments on the distance between impact and mitigation site, please see the response to CDFW Comment 2 above. Neither the EGSHO nor the EIR provide any specific geographic limit on the conservation of mitigation acreages. Purchase of conservation easements within regional areas to support species habitats or agriculture are commonly accepted as mitigation for individual projects. (*Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238-239 (noting that offsite conservation easements are well-accepted method for mitigating impacts to loss of prime farmland and wildlife habitat); *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 101 (preservation of foraging habitat at a ratio of 0.5:1 upheld as adequate mitigation for conversion of SWHA foraging habitat).)

For response to comments on the difference in habitat types and qualities, please see the response to CDFW Comment 3 above. In comparison to other available options, the Van Vleck Ranch is the ecologically superior mitigation site as it contains comparable habitat to the majority of the impacted site in a single contiguous site which is in close proximity to other preserved areas.

For response to comments on potential inconsistencies with the EGSHO, please see the response to Environmental Organizations Comment 2 below.

For response to comments on potential inconsistencies with the SSHCP, please see the response to Environmental Organizations Comment 6 below. The City of Elk Grove is not a participating member of the SSHCP. In addition, the Mitigation Proposal will help ensure that the Van Vleck Ranch is available to provide additional conservation land to the SSHCP as discussed in CDFW Comment 8 above.

2. Potential inconsistencies with the Elk Grove Swainson's Hawk Mitigation Program

The Environmental Organizations cite guidance from the City of Elk Grove's webpage, which describes adequate mitigation for impacts to SWHA as being within 10 miles of the impacted site.

Response:

The City of Elk Grove Swainson's Hawk Program webpage no longer describes adequate mitigation for impacts to SWHA as being within 10 miles of the impacted site (City of Elk Grove 2018). As discussed in the response to CDFW Comment 2 above, while mitigation within 10 miles of the impacted site is commonly recommended, it is not a requirement of the existing California Fish and Game Code or formal policy or guidance issued by CDFW. Nor is the recommended 10-mile limit a component of the EIR or Chapter 16, Section 130 of the City of Elk Grove's code. Indeed, as outlined above and in the Mitigation proposal, the Van Vleck Ranch is *environmentally superior* to the more fragmented mitigation that would occur within a 10-mile radius of the Project.

The City's Swainson's Hawk Mitigation Program does not have sufficient acreage of conservation lands to support the Project's mitigation needs and the Program is intended to provide mitigation for much smaller projects (less than 40 acres). While there has been concern that adoption of the Mitigation Proposal may allow future projects to mitigate more than 10 miles from Elk Grove, the intent of the

approach for this particular Project is to allow conservation of a large, single site contiguous with other conserved lands. The Van Vleck Ranch affords an opportunity to provide the necessary 895 acres of habitat in a single, contiguous site, which is not practicable within a 10-mile radius of the Project. Smaller future projects could not be expected to provide the same magnitude of mitigation acreage as the Mitigation Proposal and would continue to be directed to use the Swainson's Hawk Mitigation Program or to conserve lands within the Elk Grove area. If the Project were to utilize the Swainson's Hawk Mitigation Program and/or conserve available lands within 10 miles, there would be little opportunity for future projects to mitigate for SWHA impacts within the Elk Grove area.

3. Potential conflicts with the Van Vleck Mitigation Bank

The Environmental Organizations note that the Van Vleck Mitigation Bank is not permitted to sell credits for impacts within the City of Elk Grove, and express a concern that the Bank may request to extend its service area to include Elk Grove.

Response:

Please see the response to CDFW Comment 9 above. In addition, approval of mitigation bank service areas is determined by CDFW and other pertinent regulatory agencies, while approval of mitigation pursuant to California Environmental Quality Act (CEQA) is determined by the CEQA lead agency, in this case the City of Elk Grove.

4. Difference in habitat quality between impact and mitigation sites

The Environmental Organizations note the difference in habitat type and quality between the Project site and Van Vleck Ranch, and that Mr. Estep's report stated that preservation at the Van Vleck Ranch would be suitable if lands could not be preserved south of Elk Grove.

Response:

Please see the response to CDFW Comment 3 above. In addition, as discussed in response to CDFW Comment 2, an analysis of potential mitigation sites within 10 miles of the Project demonstrated that there are no currently available sites that can provide the acreage needed to mitigate the Project's impacts in one contiguous site (Attachment A). As indicated by the analysis, a minimum of five sites would be needed to meet the required acreage, resulting in fragmentation of habitat. The total cost of the four alternative sites identified was $16,436,111 (presuming those lands are available and excluding the cost of establishing conservation easements and endowments for management), nearly four times the cost of mitigation at the Van Vleck Ranch. Therefore, preservation of lands to the south of Elk Grove is not practicable or desirable from a policy standpoint.

5. Potential mitigation discussed in the EIR

The Environmental Organizations state that the EIR describes sufficient SWHA mitigation areas to the south of Elk Grove.

Response:

The EIR was reviewed, but a statement concerning the availability of SWHA mitigation lands to the south of Elk Grove was not found.

6. Potential inconsistencies with the SSHCP

The Environmental Organizations note that the SSHCP requires mitigation for impacts to high value SWHA habitat to occur within Preserve Planning Units (PPUs) 4, 6, and 8. The Van Vleck Ranch is not located within those PPUs.

Response:

As noted by the Environmental Organizations, the City of Elk Grove is not a participating member of the SSHCP and thus is not subject to SSHCP requirements. In addition, Mr. William Ziebron, the Consulting Program Manager of the SSHCP, provided a letter stating that the use of the Van Vleck Ranch to mitigate for impacts within a non-participating city would not cause difficulties for the SSHCP's mitigation planning. Please also see the response to CDFW Comment 8 above for more information.

6. [Sic] Historic conservation of farmland

The Environmental Organizations state that prior to the incorporation of the City of Elk Grove, conservation policies required impacts within the urban area to be mitigated with conservation of like agricultural areas outside of the urban area to preserve farmland.

Response:

Mitigation for SWHA that conserves similar farmland values as the impacted site is generally preferred but not required under CEQA or the City's code. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 (mitigation by "offsite preservation of similar habitat"); *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 278 (offsite habitat mitigated at 1:1 ratio).) Further, in-kind value includes factors other than just the particular agricultural use. For example, as previously noted, mitigating south of Elk Grove would result in small, fragmented mitigation parcels spread across a broad landscape that would be increasingly subject to land use changes incompatible with SWHA foraging. Preserving small farmland parcels is not as effective at replacing the value of a large, contiguous impact area.

The Sacramento County Farm Bureau, the Sacramento Metropolitan Chamber of Commerce and the Sacramento Region Business Association have all expressed support for the use of the Van Vleck Ranch as mitigation for the Project (Attachments B, C and D). The Farm Bureau has expressed that the dedication of easements for SWHA habitat on lands in the Elk Grove area imposes restrictions on the types of crops that can be grown, reducing the flexibility of farmers to respond to changes in economic demand and available resources (e.g., long-term drought). The Farm Bureau states that these restrictions have a detrimental effect on the local agricultural economy. Out of the top five agricultural commodities (wine grapes, milk, pears, poultry, and nursery stock; County of Sacramento 2016), none are fully compatible with SWHA easement restrictions. Likewise, the Sacramento Metropolitan Chamber of Commerce and the

Sacramento Region Business Association stated that requiring mitigation to occur on high-quality agricultural lands close to the Project site would significantly and negatively impact Sacramento County's local agricultural economy. Therefore, placing easements on 895 acres of agricultural lands in the Elk Grove area may be detrimental to the sustainability of farmland and the agricultural economy in the Elk Grove area, whereas use of the Van Vleck Ranch as mitigation will not impair existing farming operations in the Elk Grove area and will enable the more than 160-year-old working ranch to continue operating in perpetuity.

7. Potential for mitigation to the south of the City of Elk Grove

The Environmental Organizations state that mitigation within the area to the south of the City of Elk Grove would add to existing preserve areas and benefit the SWHA population.

Response:

Mitigation through the City of Elk Grove's Swainson's Hawk Mitigation Program, or otherwise within the area to the south of Elk Grove, would be the preferred option if a mitigation site meeting the majority of the nine criteria discussed by CDFW could be secured. However, the City's Swainson's Hawk Mitigation Program does not have sufficient acreage to support the Project's mitigation needs and the Program is intended to provide mitigation for much smaller sites (less than 40 acres). In addition, an analysis of potential mitigation sites demonstrated that preservation of lands to the south of Elk Grove is not practicable, as discussed in response to the Environmental Organizations' Comment 4 above.

REFERENCES

California Department of Fish and Game (CDFG). 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California. November 8, 1994.

California Department of Fish and Game (CDFG). 1993. 5-Year Status Review: Swainson's Hawk (*Buteo swainsoni*).

City of Elk Grove. 2018. Swainson's Hawk Program. Available at: http://www.elkgrovecity.org/city_hall/departments_divisions/planning/resources_and_policies/swainsons_hawk_program/). Accessed on February 5, 2018.

County of Sacramento. 2016. The Sacramento County 2016 Crop and Livestock Report. Available at: http://www.agcomm.saccounty.net/Documents/CropandLivestockReports/2016Report.pdf.

Estep Environmental Consulting (Estep). 2016. Habitat Suitability Assessment for the State-listed Swainson's Hawk on the Van Vleck Ranch, Sacramento County. Prepared for Downy Brand, LLP. October 1, 2016.

Estep Environmental Consulting (Estep). 2017. Habitat Suitability Assessment for the State-listed Swainson's Hawk within the City of Elk Grove's Southeast Policy area, Sacramento County. Prepared for Downy Brand, LLP and Kamilos Companies. October 6, 2017.

Wilcox, Bruce A., and Dennis D. Murphy. Conservation Strategy: The Effects of Fragmentation on Extinction. The American Naturalist, vol. 125, no. 6, 1985, pp. 879–887. Available at: www.jstor.org/stable/2461453.

LIST OF ATTACHMENTS

Attachment A – Analysis of Available Parcels

Attachment B – Farm Bureau Letter of Support

Attachment C – Sacramento Metropolitan Chamber of Commerce Letter of Support

Attachment D – Sacramento Region Business Association Letter of Support

ATTACHMENT A

Analysis of Available Parcels

Analysis of Available Parcels: Alternative Mitigation Sites Identified and Evaluated

Alternative Site No.	APN(s)	Total Acreage	Listed Price	Landcover Type	Other Considerations	Potential SWHA mitigation site?
1	408-200-04	100.5	$3,200,000	Dry land	Contains homes/ structures/cell tower that would need to be excluded from easement.	Yes
2	067-0050-005	191.35	$11,000,000	Degraded/ industrial land	Current Raceway. Zoned for industrial use and located inside Urban Services Boundary.	No
3	Not available	158.59	$3,171,800	Dry land	Within Urban Services Boundary and proposed for future development for General Plan Jackson Visioning Area.	No
4	132-0320-010	102	Not applicable – Part of Project Site			No
5	132-0320-008, 132-0320-009	165	Not applicable – Part of Project Site			No
6	Not Available	102	Not applicable – Part of Project Site (repetition of Site No. 4)			No
7	Not Available	113	$2,200,000	Irrigated pasture	Contains homes that would need to be excluded from easement.	Yes
8	044-080-003	610.91	$6,110,000	Vineyard	Vineyard – not SWHA foraging habitat.	No
9	148-0073-001, 148-0073-002, 148-0073-003, 148-0073-005, 148-0073-006, 148-0073-007, 148-0073-008, 150-0011-068, 150-0011-069, 150-0011-070	108	$6,900,000	Irrigated pasture, Industrial	Consists of 37 acres currently zoned for industrial use and 71 acres zoned for agricultural use. Industrial parcels are planned for future development within City of Galt.	71 acres available for mitigation use ($4,536,111).
10	134-0240-025, 134-0240-028, 134-0250-031, 134-0250-032, 134-0250-023	424.7	$6,500,000	Irrigated and dry pasture	Large area of vineyards and orchards to the east, and some conversion to orchards occurring to the west. Ranchette development occurring to the north. Parcels are currently conserved under Williamson Act Program (not at risk of development in near future).	Yes
					Total Number of Potential Alternative SWHA Mitigation Sites	**4**
					Total Acres of Potential Alternative SWHA Mitigation Sites	**709.2**
					Total Cost of Potential Alternative SWHA Mitigation Sites	**$16,436,111**
					Shortfall in Mitigation Acreage	**185.8**

1 10250 Arno Rd - 10250 Arno Rd, Galt, CA 95632

Galt, CA 95632 - Outer Sacramento County Submarket
Land of 100.50 AC is for sale at $3,200,000 ($31,840.80/AC)



Investment Information

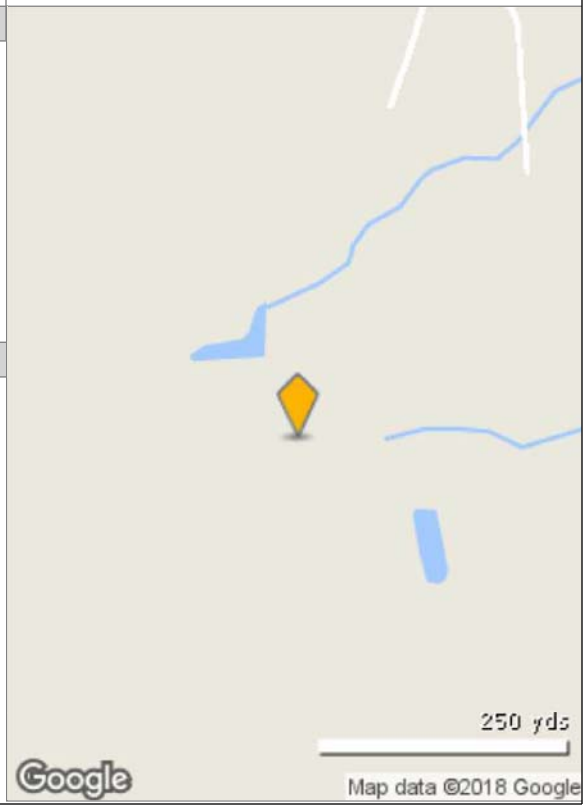
Sale Price:	$3,200,000
Price/AC:	$31,840.80
Sale Status:	Active
Sale Conditions:	-
Days On Market:	150

Investment Notes

Over 100 acres w/ tons of possibilities! Current use produces over $6k a month income. 2 homes on the property, both 3 bd, 1 ba, 1500 sqft, outbuildings, also 2 wells. Conveniently located to the upcoming ELK Grove Collection Mall and proposed Casino in Elk Grove just a few miles up the freeway, easy access to I-99 and possible future development as Galt expands northbound, been on the table in the past Galt General Plan. Possible split into two 50 acre parcels; Future uses can be import/export, distribution.

-Only a couple miles from the newly approved $500 million dollar casino.
-Highway 99 exposure to all metropolis, surrounding cities, and Elk Grove.
-Population estimate within 25 miles radius is 2.5 million
-Seller financing with minimum 25% down payment.

Highway 99 south to Arno Rd East, over the highway overpass, the property is on the right.



Land Information

Zoning:	-	Proposed Use:	Agricultural		
Density:	-	Parcel Size:	100.50 AC	Lot Dimensions:	-
Number Of Lots:	-	On-Site Improv:	-		
Improvements:	-				

Parcel Number: 408-200-04

Off-Site Improv: Electricity, Water

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2 5305 Excelsior Rd - Sacramento Raceway

Sacramento, CA 95827 - Highway 50 Corridor Submarket
Land of 191.35 AC is for sale at $11,000,000 ($57,486.28/AC)



Investment Information

Sale Price:	$11,000,000
Price/AC:	$57,486.28
Sale Status:	Active
Sale Conditions:	-
Days On Market:	311

Investment Notes

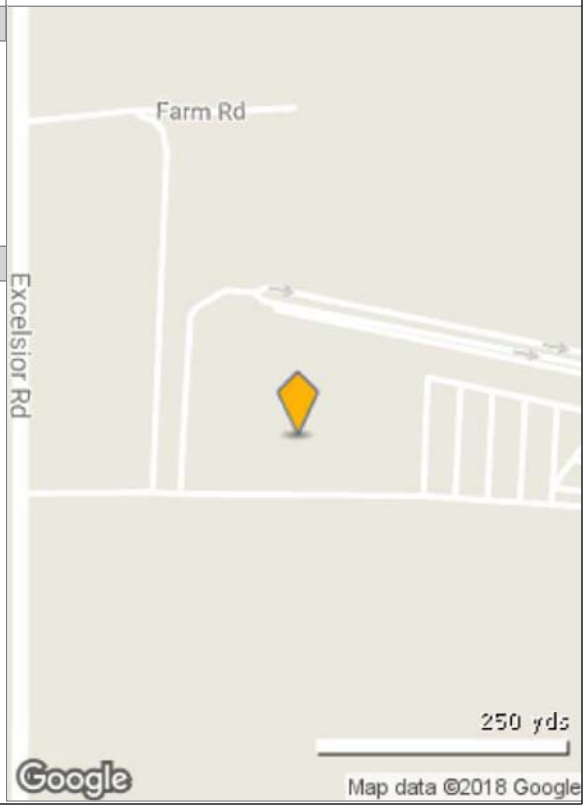
-Sacramento Raceway is a facility operating a 1/4 mile drag strip and event center.
-Huge potential for land development.
-All necessary utilities existing
- +/- 191.35 Acres
- Zoned M1

- Off of Highway 16 and Excelsior Road

Land Information

Zoning:	M 1	Proposed Use:	Industrial		
Density:	-	Parcel Size:	191.35 AC	Lot Dimensions:	-
Number Of Lots:	-	On-Site Improv:	Raw land		
Improvements:	-				

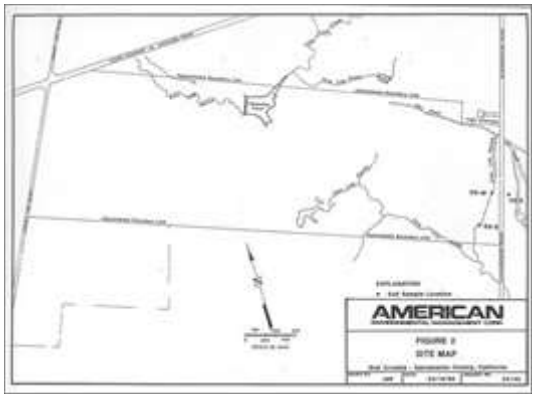
Parcel Number: 067-0050-005
Topography: Level
Off-Site Improv: Cable, Curb/Gutter/Sidewalk, Electricity, Gas, Irrigation, Sewer, Streets, Telephone, Water



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3 Grant Line Rd - Grant Line Road Ranch

Elk Grove, CA 95624 - Elk Grove Submarket
Land of 158.59 AC is for sale at $3,171,800 ($20,000.00/AC)



Investment Information

Sale Price:	$3,171,800
Price/AC:	$20,000.00
Sale Status:	Active
Sale Conditions:	-
Days On Market:	3,171

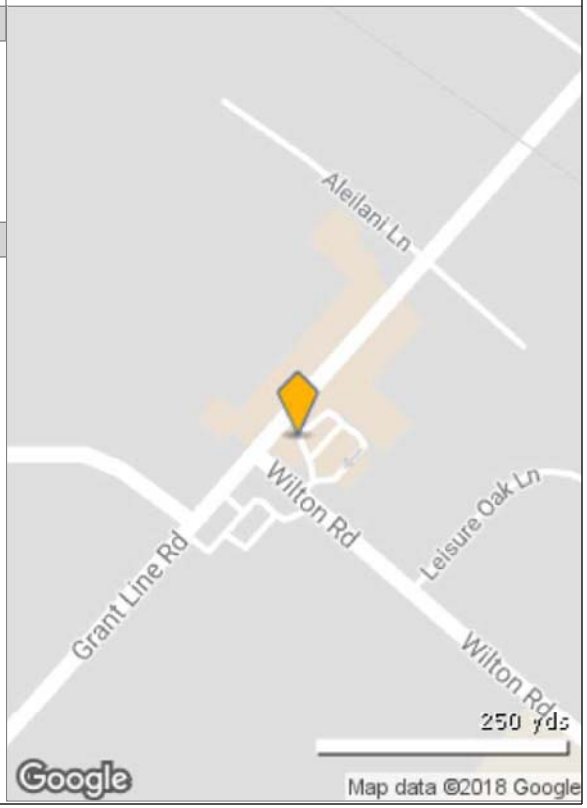
Investment Notes

158 acre parcel located at SE corner of Jackson Hwy and Grant Line Road. Backs up to Sloughhouse Road. Zoned AG-20.

Located within County Urban Service Area. Located within County General Plan Jackson Visioning Area. Borders Rancho Cordova. Development opportunity as well as mitigation potential.

Land Information

Zoning:	-	Proposed Use:	Pasture/Ranch, Single Family Residence
Density:	-	Parcel Size:	158.59 AC
Number Of Lots:	-	On-Site Improv:	-
Improvements:	-	Lot Dimensions:	-



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4 Kammerer Rd

Elk Grove, CA 95757 - Elk Grove Submarket
Land of 102 AC is for sale at an undisclosed price



Investment Information

Sale Price:	For Sale
Price/AC:	-
Sale Status:	Active
Sale Conditions:	-
Days On Market:	1,556

Investment Notes

+/ -102 acres, a part of the Elk Grove S.E.P.A. Master Plan. Property designated employment center.

Land Information

Zoning:	AG-80	Proposed Use:	Office, Office Park		
Density:	-	Parcel Size:	102 AC	Lot Dimensions:	-
Number Of Lots:	-	On-Site Improv:	Raw land		
Improvements:	vacant raw land				
Parcel Number:	132-0320-010				
Topography:	Level				
Street Frontage:	1,524 feet on Kammerer Rd				



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5 8499 Kammerer Rd - 8499 Kammerer Road

Elk Grove, CA 95757 - Elk Grove Submarket
Land of 165 AC is for sale at an undisclosed price



Investment Information

Sale Price:	For Sale
Price/AC:	-
Sale Status:	Active
Sale Conditions:	-
Days On Market:	703

Investment Notes

Elk Grove/Laguna/Galt

Land Information

Zoning:	AG-80	Proposed Use:	Commercial		
Density:	-	Parcel Size:	165 AC	Lot Dimensions:	-
Number Of Lots:	-	On-Site Improv:	-		
Improvements:	-				

Parcel Number: 132-0320-008, 132-0320-009

Off-Site Improv: Electricity



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6 0 Kammerer Road Land - 0 Kammerer Road Land

Elk Grove, CA 95757 - Elk Grove Submarket
Land of 102 AC is for sale at an undisclosed price



Investment Information

Sale Price:	For Sale
Price/AC:	-
Sale Status:	Active
Sale Conditions:	-
Days On Market:	1,570

Investment Notes

Elk Grove/Laguna/Galt

Land Information

Zoning:	AG-80	Proposed Use:	Commercial		
Density:	-	Parcel Size:	102 AC	Lot Dimensions:	-
Number Of Lots:	-	On-Site Improv:	-		
Improvements:	-				
Off-Site Improv:	Electricity				



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7 3264 Point Pleasant Rd - Agricultural crops

Elk Grove, CA 95757 - Outer Sacramento County Submarket
Land of 113 AC is for sale at $2,200,000 ($19,469.03/AC)



Investment Information

Sale Price:	$2,200,000
Price/AC:	$19,469.03
Sale Status:	Active
Sale Conditions:	-
Days On Market:	130

Investment Notes

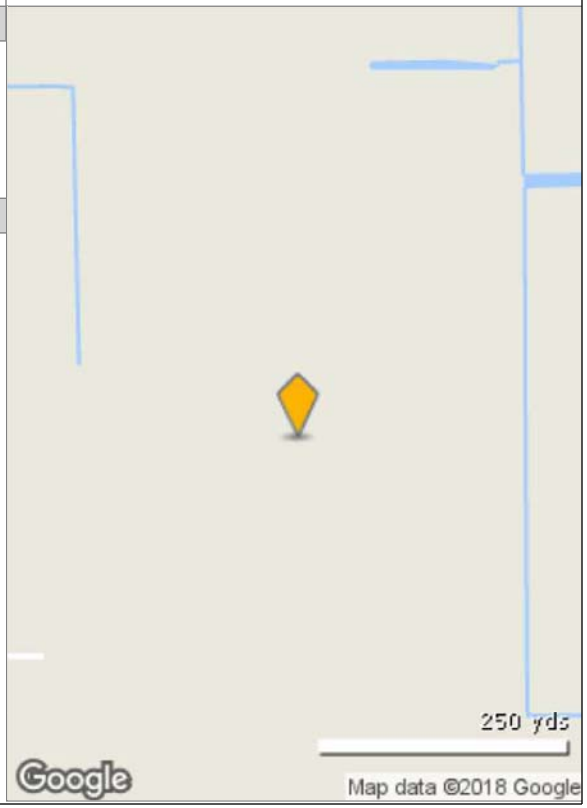
113 acres prime agricultural land. 2 ag wells + 1 domestic well. Old home and barns. Suited for trees or grapes

Close to Hwy 5 in the delta region of Elk Grove

Land Information

Zoning:	AG	Proposed Use:	Hold for Development, Agricultural		
Density:	-	Parcel Size:	113 AC	Lot Dimensions:	Irregular
Number Of Lots:	-	On-Site Improv:	Raw land		
Improvements:	-				

Topography: Level
Off-Site Improv: Electricity, Gas, Irrigation, Telephone, Water



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8 33830 S River Rd - Spinella Ranch

Clarksburg, CA 95612 - Outer Yolo County Submarket
Land of 610.91 AC is for sale at $6,110,000 ($10,001.47/AC)

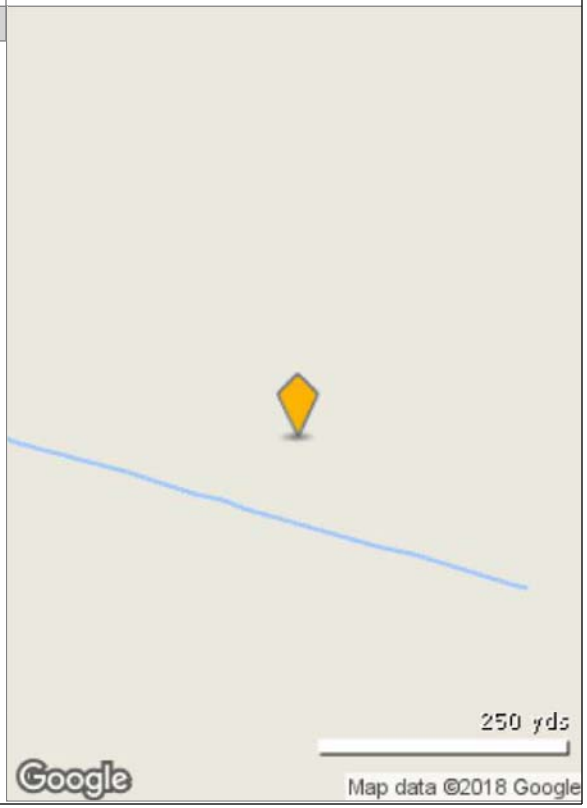


Investment Information

Sale Price:	$6,110,000
Price/AC:	$10,001.47
Sale Status:	Active
Sale Conditions:	-
Days On Market:	72

Land Information

Zoning:	-	Proposed Use:	Winery/Vineyard		
Density:	-	Parcel Size:	610.91 AC	Lot Dimensions:	-
Number Of Lots:	-	On-Site Improv:	-		
Improvements:	-				
Parcel Number:	044-080-003-000				
Topography:	Level				



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9 10326 Walnut Ave - Development Property

Galt, CA 95632 - Outer Sacramento County Submarket
Land of 108 AC is for sale at $6,900,000 ($63,888.89/AC)



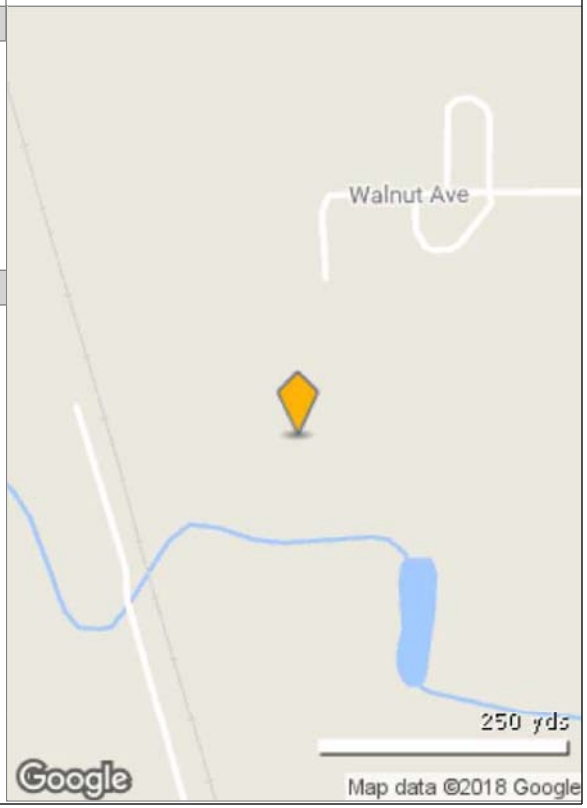
Investment Information

Sale Price:	$6,900,000
Price/AC:	$63,888.89
Sale Status:	Active
Sale Conditions:	-
Days On Market:	736

Investment Notes

108 acres - half zoned M-1 the other AG. In the process of being brought into the City of Galt. City of Galt is proposing all M-1 Zoning with the possibility of some Hwy Commercial Zoning. Boarders Hwy 99 and RRX / Walnut and Live Oak. City Sewer and water lines boarder property. SMUD is the utility provider. Property fronts Walnut Avenue On/Off ramp. Cal Trans is proposing overpass at Walnut.

On Hwy 99 btwn Walnut and Live Oak. RRX is Westside boundry.



Land Information

Zoning:	M1	Proposed Use:	-		
Density:	-	Parcel Size:	108 AC	Lot Dimensions:	-
Number Of Lots:	-	On-Site Improv:	-		
Improvements:	-				

Parcel Number: 148-0073-001, 148-0073-002, 148-0073-003, 148-0073-005, 148-0073-006, 148-0073-007, 148-0073-008, 150-0011-068, 150-0011-069, 150-0011-070

Off-Site Improv: Cable, Curb/Gutter/Sidewalk, Electricity, Gas, Irrigation, Sewer, Streets, Telephone, Water

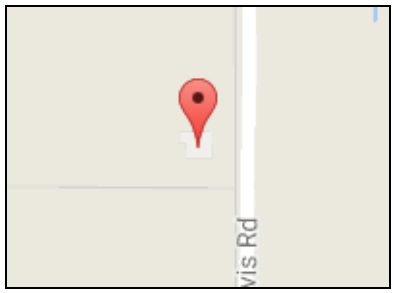
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Client Full Report - Lots and Land

Listings as of 02/06/2018 at 9:58AM

ST: Active 12/14/17 **10672 Davis Rd, Wilton, CA 95693-9785** **Listing Price:** $6,500,000
MLS#: 17076920 01KMNL **Cross Street:** Walmort Road **Map** **VRP** N





Additional Pictures (9) Virtual Media Map Mortgage Calculator

Pending Date:
DOM: 54
CDOM: 54
Escrow:
Escrow #:
Days in Escrow:
Selling Date:
Selling Price:
SP % LP:
Financing:
REO: No **Short Sale:** **HUD:** No **Auction:** No

Acres: 424.7800 **Price/Acre:** 15,302.04
Number of Lots:
Lot Dimensions:
Horse Property: Yes
Horse Amenities: Barn,Pasture Irrigated,Riding Trail

Addl Living Unit: No
Prob Use: Grazing,Tree/Crop/Orchard,Vineyard

Cur Use: Agricultural,Grazing,Livestock

Dev Status: Farm Land

Income: Crop(s),Lease

Area: 10693
County: Sacramento
APN: 134-0240-025
Zoning: AG-80
Zone Desc: Agricultural, Agricultural/Res

Map Sec:
Census Tract:
Apprx Elevation:
Subdivision:

School County: Sacramento
EL: Elk Grove Unified
JH: Elk Grove Unified
SH: Elk Grove Unified

Subtype: Agricultural
Minimum Building Sqft:
CC&RS: No **Bonds/Asmts/Taxes:** Unknown
B/A/T Desc:

HOA: No
Current Rent:
Docs: None

Terms: Cash, Conventional, Federal Land Bank

Crops: Irrigated Pasture
Vegetatn: Grassland,Pasture

Soil:
Mineral:
Rd Front: Private Road

Rd Surf: Gravel
Topo Desc: Lot Grade Varies,Lot Irregular,Lot Sloped,Pond Seasonal,Stream Seasonal
Site Loc:
Water: Domestic Well w/Pump,Pond Seasonal,Stream Seasonal

Sewer: Other-Rmks

Improvmt: Cross Fenced,Fenced

Prim Res: Other-Rmks

Addl Livn:

Outbuildings: Barn

Irrigatn: Deep Water Turbine,Water Reservoir

Utility: Electricity to Site

Equip: Irrigation Equipment
Special: Other-Rmks

Misc:

ATTACHMENT B

Farm Bureau Letter of Support

SACRAMENTO COUNTY FARM BUREAU

PUTTING THE FOOD ON YOUR FORK SINCE 1917

January 29, 2018

Honorable Mayor Steve Ly
City of Elk Grove
8401 Laguna Palms Way
Elk Grove California 95758

RE: Sacramento County Farm Bureau Support for Van Vleck Ranch Mitigation Proposal

Dear Mayor Ly:

On behalf of the Sacramento County Farm Bureau's (SCFB) Board of Directors, I am writing to express this organization's unanimous support to the use of land for Swainson's Hawk mitigation on the Van Vleck Ranch near Rancho Murieta for the proposed 900-acre development inside Elk Grove city limits, north of Kammerer Road.

The SCFB supports this plan because it places the easements on land that that is used now, and will be used in the future for livestock, which has a lower agronomic per acre value. Simply put, if this easement is placed on their land, the Van Vleck family will be still able to continue to raise cattle in much of the same manner that it has for over 100-years.

However, it is our understanding that some contend that the mitigation should be placed on irrigated lands within ten miles from the proposed development in Elk Grove. We strongly oppose this proposal because it will significantly and negatively impact Elk Grove's local agricultural economy. Placing wildlife easements on irrigated lands significantly limits the crops that can be grown on that land. Fruit trees, wine and table grape vines and structures that are necessary for dairies, nurseries and processing facilities would be severely restricted. These crops are of high value and important to Elk Grove's local agricultural economy.

According to the Sacramento County 2016 Crop and Livestock Report, the value of the top ten commodities raised in Sacramento (wine grapes, milk, pears, poultry, nursery, cattle, aquaculture, corn, hay and tomatoes) is aproximately$500 million. Swainson's Hawk easements would prohibit all of the top five crops and all but three of the top ten commodities (cattle, hay and tomatoes would still be allowed). This means that approximately 900 acres of valuable farm land would be prevented from growing or containing crops that represent nearly 90% of the value in Sacramento County. A significant portion of this land is in Elk Grove. This is an unacceptable loss.

Losing that many acres of this high-quality land also affects the economic viability of businesses that provide service and goods for those crops and will jeopardize the availability of these goods and services to other farmers. It also drastically limits the flexibility that farmers and ranchers have to respond to future demands for certain types of crops. What happens if in 20 years there is little or no economic viability for cattle, hay or tomatoes in this county? That land would have little or no value and would contribute little or nothing to Elk Grove's agricultural economy.

The good news is that there is very good option that high quality agricultural land won't be locked up or prevented from responding to market conditions. That option is placing the easement on land that is consistent with the uses under the easement, like the Van Vleck Ranch.

It is beneficial to the environment and Sacramento County to keep large working landscapes like the Van Vleck Ranch in agriculture. The Van Vleck family has been ranching in this region for over 160-years and currently operates several other ranches in Sacramento County. Without the Van Vleck Ranch the future of those operations, which combined with Van Vleck holdings represents over 4% of our county, could be lost.

As supported in the report, the Van Vleck Ranch represents very good quality Swainson's Hawk habitat that is home to actual nesting pairs. The large size of this mitigation area provides an enhanced benefit to the environment. Finally, the Van Vleck Ranch is strategically located between two existing preserves and putting that land under easement creates a large corridor that connects to the Cosumnes River Preserve which is biologically important to this region.

Furthermore, this proposal complies with the Property Rights and Land Use Policy that the SCFB Board of Directors adopted in 2007. That policy states, in part, "private property must not be damaged or taken for public use without critical and absolute need. Therefore, agricultural land should be protected from conversions to non-agricultural uses."

Our organization appreciates the City of Elk Grove's thoughtful approach to this proposed mitigation and supports the use of Van Vleck Ranch instead of land within ten miles of the proposed development.

Thank you for your consideration of this matter. Please feel free to contact me if you have any questions or concerns.

Sincerely,

Bill Bird

Bill Bird
Executive Director
Sacramento County Farm Bureau

8970 Elk Grove Boulevard ● Elk Grove, CA 95624
Phone: (916) 685-6958 ● www.sacfarmbureau.org

ATTACHMENT C

Sacramento Metropolitan Chamber of Commerce Letter of Support

metrochamber
SACRAMENTO METROPOLITAN CHAMBER OF COMMERCE

February 5, 2017

Honorable Steve Ly, Mayor
City of Elk Grove
8401 Laguna Palms Way
Elk Grove California 95758

RE: **Support for Van Vleck Ranch Mitigation Proposal**

Dear Mayor Ly:

I am writing to express the Sacramento Metro Chamber of Commerce's support for the City of Elk Grove's proposal to use land from the Van Vleck Ranch for Swainson's hawk mitigation. Since its inception 120 years ago, the Sacramento Metro Chamber has been a leader in advocating for and supporting regional economic success, embracing innovation and economic evolution, and supporting organic job and business growth in the region. This Swainson Hawk mitigation plan will enable the city to move forward with important economic activity, create much needed jobs, and provide housing at a time when housing supply in the Sacramento region is at a critical point.

The Metro Chamber is pleased to lend its support for plans like these that create a balance of growth and environmental protection without impacting our local agriculture economy. We feel strongly that placing mitigation easements on land whose highest agronomic value is consistent with that easement's restrictions is the right approach. To instead require mitigation of this nature on high quality agriculture land closer to the proposed development would significantly and negatively impact Sacramento County's local agricultural economy, put our region's ability to continue to be the "Farm to Fork Capital" in jeopardy, and directly impact Elk Grove's economy as well.

The economic value of Sacramento's top 10 commodities is over $420,000,000. Appropriate Swainson hawk easements limit, and in almost all cases, prohibit production of our top 5 crops and all but 2 of the top 10 commodities, with the exception, of Cattle and hay. To put this type of mitigation easement on land that produces our top producers creates a slippery slope that undercuts our region's local economy. The region's top Swainson hawk expert, Jim Estep, even supports using the Van Vleck Ranch for this mitigation because of its compatibility and has stated that it is a once in a lifetime opportunity for the hawk to have the type of preserve you are considering.

We must keep our region's agricultural lands productive. Mitigation opportunities like this, where the environmental needs and agricultural uses are compatible, will help ensure that large working landscapes like the Van Vleck Ranch stay in agriculture. The Metro Chamber appreciates Elk Grove's thoughtful and balanced approach to this proposed mitigation and supports use of the Van Vleck Ranch for this important mitigation.

Please feel free to contact me directly if you have any questions.

Sincerely,

Robert Dugan
Senior Vice President of Public Policy and Economic Development
Sacramento Metro Chamber

ATTACHMENT D

Region Business letter to Elk Grove regarding Van Vleck Ranch easement

regionbusiness
Sacramento Region Business Association

February 9th, 2018

Mayor Ly and Councilmembers
City of Elk Grove
8401 Laguna Palms Way
Elk Grove California 95758

RE: Van Vleck Ranch Mitigation Proposal

Dear Mayor Ly and Councilmembers:

Sacramento Region Business Association (hereafter Region Business) supports the City of Elk Grove's proposal to use land from the Van Vleck Ranch for Swainson's hawk mitigation for the proposed 900 acre development inside the city limits of Elk Grove which is commonly referred to as the Southeast Policy Area (SEPA).

Region Business advances regional economic growth through public policy. The organization is led by a Board of Directors of thirty-five local business executives. We serve as the broad-based representative of the business community and the association manager for several vertically aligned trade associations – Region Builders, Region Restaurants, Region Technology, and Region Finance.

Mitigation on the Van Vleck Ranch allows the proposed development to meet its California Environmental Quality Act (CEQA) requirements and start construction. This development in SEPA is over 1,000 acres bringing a combination of residential units and commercial buildings for jobs. The lack of housing in the Sacramento region is at a critical point; this creates important relief. Adding the jobs in this area will help Elk Grove to achieve a greater job/housing balance to reduce vehicle miles which reduces pollution and highway gridlock.

Region Business also supports this plan because it helps meet growth demands, balancing the protection of the environment and not harming the local agriculture economy. Placing mitigation easements on land whose highest agronomic value is consistent with that easement's restrictions is the right approach. In this case, you have Swainson's hawk easements which prohibit the growing of high value crops like trees, vines and dairies and only allow lower value crops like cattle grazing or hay. In this instance, the highest and best use for the Van Vleck Ranch land is cattle or hay, the same thing they have been doing for 161 years.

We have seen letters from the environmental community contend that the mitigation should be placed on high quality agriculture land within 10 miles from the development. We strongly disagree with this contention because it severely impacts Elk Grove's local agricultural economy. Severely restricting the commodities that can be grown on high quality land "forever" puts our region's ability to continue to be responsive to market demands and continue to be the "Farm to Fork Capital" in jeopardy. Swainson's hawk easements specifically prohibit trees, vines and structures that are necessary for dairies, nurseries

and processing facilities. These agriculture sectors are of high value and important to Sacramento County's and Elk Grove's local agricultural economy.

According to official publications by the County Agriculture Commissioner, the top 10 commodities raised in Sacramento are, in order: wine grapes, milk (dairies), pears, poultry, nursery, cattle, aquaculture, corn, hay and tomatoes. These commodities represent over $420,000,000 to the agriculture economy. Swainson hawk easement would prohibit in most cases all but 3 of the top 10. Cattle, hay and tomatoes would be allowed, ranked 6th, 9th, and 10th respectively. This severely limits the ability for this region to use the land for its highest and best use and undercuts our region's local economy. The Van Vleck Ranch is a very good option that does not lock up high quality agriculture land and creates an opportunity for one of the largest Swainson's hawk preserves in the region.

In closing, it is beneficial to the environment and the County to keep large working landscapes like the Van Vleck Ranch in agriculture. At 161 years, this family ranch is one of the oldest businesses in our region and for over 50 years they have allowed first responders from the National Guard Medical Unit, Sacramento Sherriff's Department, Sacramento Metro Fire, Cal Fire, California Highway Patrol and others to train on their ranch so these different agencies are prepared to protect the Sacramento Region.

Our organization appreciates Elk Grove's thoughtful and balanced approach to this proposed mitigation and supports using the Van Vleck Ranch. Thank you for your consideration on this important matter. If you have any questions you can contact me directly at (916) 397-4776.

Sincerely,

Joshua Wood
Chief Executive Officer
Region Business

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2018-141

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 27, 2018 by the following vote:

AYES: COUNCILMEMBERS: Ly, Suen, Detrick, Hume

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Nguyen

Jason Lindgren, City Clerk
City of Elk Grove, California