Planning Commission
Dave McCullough, District I
Heath Krug, District 2
John Troughton, Jr., District 3, Chair
Kirk Pendleton, District 4
Elizabeth Yerxa, District 5,
Vice-Chair

Community Development Department
Greg Plucker,
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COLUSA COUNTY
Planning Commission
Minutes
April 5, 2023

Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932

The Colusa County Planning Commission meets in Regular Session this 5th day of April 2023 at the hour of 9:00 a.m. Present: Commissioners Heath Krug, Kirk Pendleton, Elizabeth Yerxa and John Troughton, Jr. Absent: Commissioner Dave McCullough.

Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval

Planning Commission – Regular Meetings – March 1, 2023.

Comments received by Ms. Sutton.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Yerxa
SECONDER:	Troughton, Jr.
AYES:	Krug, Yerxa, Troughton, Jr., Pendleton
ABSENT:	McCullough

II. PUBLIC COMMENT

None.

III. PUBLIC HEARING

Chair Troughton makes time to open the Public Hearing on the Final Environmental Impact Report and Use Permit for the Janus Solar Project.

9:03 a.m. Commissioner Yerxa recuses herself and leaves the room.

Comments received by Mr. Plucker.

9:04 a.m. Chair Troughton opens the Public Hearing and calls for public comment.

Mr. Ferrini states the landowners affected by the project were not notified that there was an opportunity to provide public comment at today's meeting.

Mr. Plucker states the Public Hearing notice was published, mailed and emailed but that he would review the issue.

Mr. Ferrini states he hopes the Commissioners review the letters submitted by landowners and visit the proposed site before making a determination.

Ms. Terkildsen is a landowner on Walnut Drive and Spring Valley Road and inquires as to who initiated the delay of hearing the item.

Mr. Plucker states that the County made the determination to postpone the hearing as the Williams Fire has submitted a letter identifying operational issues and this issue needed to be fully considered.

Ms. Terkildsen further states there has been sufficient time to address issues and it shouldn't be postponed further.

Chair Troughton inquires as to whether landowners were notified the item was going to be continued.

Mr. Plucker states landowners were notified of the Public Hearing, he did email some of the landowners of the continuance but did not notify all of the landowners directly that the item would be continued.

Ms. Sutton clarifies the continuation was stated on the Agenda. She further states that despite the item being continued, it was determined by County Staff to allow for public comment so landowners could be heard. She further states the County didn't feel comfortable moving the item forward because they want Commissioners to have all information necessary to make an informed decision.

Mr. Plucker states the additional comment letters have been provided to the Commission for consideration and they are still addressing an unresolved issue with Williams Fire Authority, which was brought forward late in the process. He states it's important to resolve this issue prior to presenting it to the Commission.

Chair Troughton asks if Mr. Plucker is confident there will be a resolution to the issue before the next meeting.

Mr. Plucker states that it remains unresolved and they will need to do a full analysis of the request and determine what options are available. He can't guarantee at this time that it will be resolved by the next meeting.

Mr. Marsh requests landowners be notified by mail if there will be changes to the Public Hearing. He further states that he opposes the project because of potential negative impacts to property values, Williamson Act compliance issues and the project

will not have adequate Fire/EMS response support.

Mr. Plucker states he will mail and email notification to landowners regarding the May 3, 2023 Public Hearing.

Mr. Ferrini inquires as to whether the County expects any further issues that could cause delay.

Mr. Plucker states he's only aware of the current issue with the Fire District.

Mr. Wright from the Kletsel Dehe Wintun Nation states they consider this area to be a part of their aboriginal territory and they have cultural concerns related to the project.

9:20 a.m. Chair Troughton calls for further public comment. Hearing none, Chair Troughton closes the Public Hearing.

COMMUNITY DEVELOPMENT/JANUS SOLAR PV, LLC

1. Continue the Public Hearing on the Final Environmental Impact Report and Use Permit for the Janus Solar Project to 9:00 a.m., May 3, 2023, Planning Commission meeting.

RESULT:	**CONTINUED TO THE MAY 3, 2023 MEETING**

9:22 a.m. Commissioner Yerxa rejoins the Session and is now seated.

IV. COMMUNITY DEVELOPMENT/CLINTON WILLS

1. Adopt **Resolution No. 23-002** approving a one-year time extension to construct the public storage facility approved under UP #20-02.

Comments received by Mr. Plucker.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Yerxa
SECONDER:	Pendleton
AYES:	Krug, Yerxa, Troughton, Jr., Pendleton
ABSENT:	McCullough

2. Update on the General Plan Annual Progress Report for 2022.

Comments received by Mr. Plucker.

V. PLANNING DIRECTOR COMMENTS/REPORTS

Mr. Plucker states he will make sure landowners are properly notified before the next meeting.

VI. PLANNING COMMISSIONER'S COMMENTS/REPORTS

None.

Chair Troughton adjourned the meeting at 9:45 a.m. to reconvene in Regular Session on May 3, 2023 at the hour of 9:00 a.m.

John Troughton Jr., Chair

Respectfully submitted,
Greg Plucker, Secretary to the
Planning Commission

By: Melissa Kitts, Deputy Clerk

Planning Commission
546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

Meeting: 04/05/23 09:00 AM
Department: Community Development
Category: Public Hearing
Prepared By: Melissa Kitts
Initiator: Greg Plucker
Sponsors:
DOC ID: 9002

PLANNING COMMISSION (ID # 9002)

Detail

Applicant: Janus Solar PV, LLC
General Plan: Agriculture Upland (AU)
Agriculture General (AG)

File: Use Permit #20-01 (PD-3829)
Zoning: Foothill Agriculture (F-A)
Exclusive Agriculture (E-A)

Formal Title / Summary

Janus Solar Use Permit #20-01 (PD-3829)

Action Requested

Open and continue the Public Hearing on the Final Environmental Impact Report and Use Permit for the Janus Solar Project to 9:00 a.m., May 6, 2023, Planning Commission meeting.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

Additional public comment letters have been received and are attached to this report for review prior to the May 6, 2023 meeting. Janus Solar PV, LLC (Applicant) has applied for a conditional use permit to construct, operate, maintain, and decommission (in the future) a photovoltaic (PV) electricity generating facility with a battery energy storage system (BESS) and associated facilities and infrastructure. The project would generate and store up to 80 megawatts of electricity on an approximately 768 acres of a 1,024-acre site. The proposed battery energy storage system (BESS) would extend the period of time each day that the project could contribute the PV-generated energy to the electrical grid. The project would connect to the existing Cortina Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E), approximately 4 miles northeast of the project site by aboveground electrical lines. Contingent upon project approval, the Board of Supervisors would consider the cancellation of the property's existing Williamson Act contract.

The County of Colusa (County), as the CEQA Lead Agency, has prepared an Environmental Impact Report (EIR) (State Clearinghouse No. 2020070577) to document the analysis of the potential direct, indirect, and cumulative impacts of the proposed project.

APN:

018-050-005-000, 018-050-006-000, and 018-050-013-000

LOCATION:

The project site is located approximately 6.5 west/southwest from the City of Williams. Access to the site is provided by Spring Valley Road and is approximately 1.64 miles to the south of the Spring Valley Road/Walnut Drive street intersection. Please refer to Figure 2-1 (Project Location) of the Draft Environmental Impact Report (DEIR) for the specific location.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Overview

Pursuant to the California Environmental Quality Act (CEQA), when a discretionary project (such as the subject Use Permit) is submitted to the County for approval, the County acting as the Lead Agency must determine:

(1) Whether the project is covered by either Statutory or Categorical Exemption;

(2) If not exempt, if there is no possibility that the project would have the potential to cause a significant impact, or if potential significant impacts are mitigated below the level of significance then a Mitigated Negative Declaration can be prepared; or

(3) If there is reasonable information that the project may have a significant impact on the environment despite any potential mitigation measures, then an Environmental Impact report must be prepared.

When staff originally reviewed the proposed application, staff determined that given the size and scope of the project that it was reasonable to determine that the project could have potential significant effects upon the environment. As such, the Community Development Department, as the CEQA Lead Agency, prepared an Environmental Impact Report (EIR) (State Clearinghouse No. 2020070577) to document the analysis of the potential direct, indirect, and cumulative impacts of the proposed project.

An EIR is primarily an informational document intended to inform the public agency decision-makers (in case of a Use Permit the Planning Commission), other responsible agencies, and the general public of the potentially significant effects of a proposed project. The EIR discloses all known potentially significant impacts; identifies feasible means to minimize or mitigate those effects; and considers reasonable alternatives to the project that might further reduce significant impacts while still attaining the project objectives. The decision-making body then must consider the information in an EIR before taking action on the proposed project.

An EIR is prepared in two key stages. First, a Draft EIR (DEIR) is prepared and distributed

for public and agency review. Once comments on the DEIR are received, responses to those comments and any additional relevant project information are prepared and compiled in a Final EIR (FEIR). Both of these documents (i.e., the DEIR and the FEIR), along with any related technical appendices, represent the complete record of the EIR.

Throughout this staff report, the term EIR may be used to refer to the DEIR together with the Final EIR, Appendices, and all other studies and documents prepared as part of the environmental review process since these documents represent the totality of the EIR record, However, when referring to just the "Draft EIR" document, the term DEIR will be used and when referring to just the "Final EIR" document, the term FEIR will be used.

Ultimately, the EIR is used by the agency's decision making body to weigh the environmental impacts against a proposed project in order to make an informed decision. In the case of the Janus Solar Use Permit, the Planning Commission is the decision making body for the Use Permit and the Board of Supervisors is the decision making body for the proposed Williamson Act contract cancellation.

Process

In preparing the EIR, the following is a general overview of the process that has been undertaken:

- July, 2020 the required Tribal Cultural Resources Notification of Consultation Opportunity pursuant to Public Resources Code § 21080.3.1 was sent.

- July, 2020, the Notice of Preparation of the DEIR was sent to the State Office of Planning and Research (OPR) for distribution to State agencies.

- October, 2021, the Notice of Availability along with the Notice of Completion for the Janus Solar DEIR was sent to the State's OPR which informed State responsible agencies of the availability of the DEIR for review and started the 45-day period for the DEIR.

- October, 2021, the Notice of Completion for the Janus Solar DEIR was also sent to adjacent property owners, local agencies and published in the Williams Pioneer newspaper. In addition, this notice informed the public of a neighborhood meeting which was held in November, 2021 in order to provide an opportunity to learn about the project and provide initial comments.

- February, 2023, the Final Environmental Impact Report was published. Responsible agencies, surrounding property owners, and all individual and agencies that commented on the DEIR were notified of its completion and of the

public hearing for consideration of the FEIR and Use Permit at the Planning Commission's March 1, 2023 meeting.

- February 9, 2023, the public hearing notice informing the public about the Planning Commission's consideration of the FEIR and Use Permit at its March 1, 2023 meeting was posted in the Williams Pioneer newspaper.

The EIR is now before the Planning Commission for your review and consideration as part of proposed Janus Solar Use Permit application. Prior to acting upon the proposed Use Permit, the Planning Commission must consider the totality of the EIR record including any written comments received on the adequacy of the FEIR and proposed Use Permit.

PROJECT AND SITE DESCRIPTION:

Section 2.1 (page 2-1) through Section 2.4 (page 2-20) of the DEIR contains a detailed description of the proposed project. In general, the project consists of three major components: a solar energy generating facility, an energy storage system, and the generation tie-line (Figure 2-2 of the DEIR). A general overview of each component is as follows:

Solar Energy Generating Component

The solar energy generating component would consist of PV solar modules (also known as panels) arranged into arrays supported by a racking system and tracker units that track the sun. Each tracking assembly would consist of steel posts on which the frames for the PV modules rest. Each tracker would hold PV modules mounted on this metal framework structure and range between 6 and 13 feet above grade, depending on the topography. The trackers are organized in rows in a uniform grid pattern or solar array and the project would include approximately 196,000 solar PV modules in multiple solar arrays interconnected to form a utility-scale PV system. The PV modules themselves would be dark blue or black in color, with anti-reflection coating to minimize light reflection.

The project would include a substation anticipated to be located in the northwest portion of the project site. The substation would include a step-up transformer to increase the output voltage from the module blocks (34.5 kV) to the voltage of the 60-kV gen-tie line, protective relay and metering equipment, utility and customer revenue metering, lightening arrestor, disconnect, circuit breaker and a station service transformer that would provide power to the substation and its weatherproof control house.

The overall footprint of the project's on-site substation is anticipated to be

approximately three acres with gen-tie power poles up to 80 feet in height. An emergency generator for use in the event that the regional transmission system fails also would be at this substation; this emergency generator would provide emergency power until the regional transmission system restores operations.

A complete description of this component is contained within Section 2.4.1.1 of the DEIR.

Energy Storage System

The battery energy storage system (BESS) is expected to be located adjacent to the project's substation. Batteries would be contained within metal enclosures measuring approximately 20 to 60 feet long, 8 to 12 feet wide, and 8 to 12 feet in height and situated on concrete pads. The maximum combined footprint for the BESS would be approximately 3.5 acres. Key components of the BESS include batteries and battery storage system enclosures and controllers, converters, inverters, and transformers.

Each BESS container would contain a safety system that would be triggered automatically when the system senses imminent fire danger. The fire safety system inside each enclosure would shut down the unit if any hazard indicators are detected. If the safety system detects a potential issue as detected by the smoke and temperature sensors, the batteries would be automatically de-energized by opening the electrical contacts, and HVAC units and fans would be shut off.

A complete description of this component is contained within Section 2.4.1.2 of the DEIR.

Generation Tie-Line

Energy produced from the solar arrays would be collected at the project's substation and transmitted to the existing PG&E-owned Cortina Substation along Walnut Avenue. In order to interconnect the project to the Cortina Substation, the Applicant would construct a new 60 kV gen-tie line that would extend from the project's on-site substation about 2 miles within the County's ROW on Spring Valley Road to reach Walnut Drive. At Walnut Drive, the transmission line would be located within the Colusa County road ROW for approximately 2 miles on existing, retrofitted, or new poles to the Cortina substation. Along this route, the gen-tie line would cross the Colusa-Tehama Canal, administered by USBR. The gen-tie line would include tubular steel poles of up to 80 feet in height. The Applicant's gen-tie construction would terminate at the PG&E Cortina Substation property line. At the Cortina Substation, PG&E would construct network upgrades, interconnection facilities, and a span of transmission line that extends from the Cortina Substation property line to the new bay station within the existing footprint of the PG&E facility. All PG&E improvements would be constructed

within the existing Cortina Substation footprint.

A complete description of this component is contained within Sections 2.4.1.3 and 2.4.1.4 of the DEIR.

PROJECT CONSTRUCTION:

Project construction would consist of two major stages. The first stage would include site preparation, grading, and preparing staging areas and on-site access routes. The second stage would involve assembling the trackers and constructing electrical interconnection facilities. It is anticipated that construction would occur during an 11-month period and would occur primarily during daylight hours, Mondays through Fridays 7:00 am to 7:00 pm and potentially 8:00 am to 8:00 pm on Saturdays and Sundays. The applicant proposes potential nighttime hours if necessary for material and equipment deliveries and/or where the schedule has been delayed due to weather or other events. These nighttime activities would be performed with temporary lighting, which would be directed downward to minimize impacts to neighboring properties and wildlife in the project vicinity.

The on-site construction workforce would consist of laborers, craftspeople, supervisory personnel, and support personnel. The on-site assembly and construction workforce is expected to reach a peak of approximately 200 workers; the average number of workers on-site is anticipated to be approximately 50 to 150. On average, it is anticipated that 25 percent of worker trips to the site would be in carpools. Workers would commute to the site from nearby communities and given the number of workers required it is anticipated that some would travel from more-distant areas in the Sacramento Valley area.

DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SUMMARY:

As previously discussed, a DEIR or the project has been prepared pursuant to the requirements of the California Environmental Quality Act. Detailed information about the project's potential impacts are contained with the DEIR documents. The following is an overview of the issues considered in the DEIR:

Section 4.1 Agriculture and Forestry Resources

The project site largely consists of grazing land with some areas used for dryland crop production and has been classified as Farmland of Local Importance under the California Department of Conservation's Farmland Mapping and Monitoring Program. The entirety of the project site is included in a Williamson Act contract. The applicant has filed a Petition for Cancellation of Contract for the Williamson Act contract. In order to cancel the contract, the County must find (1) that other public concerns

outweigh the objectives of the Williamson Act and (2) that there is no proximate noncontracted land that is both available and suitable for the proposed use or that development of the contracted land would provide more contiguous patterns of urban development (Government Code Section 51282(c)).

As stated in the EIR, development of the proposed solar facility is in the public interest in order to address the State's goal of generating emissions-free electricity energy. The proposed project would assist the State of California in achieving its goal of providing electricity 100 percent GHG emissions free by 2045. The subject property is not prime farmland and its conversion would not have a significant adverse effect on agricultural resources.

Mitigation Measure AGR-1 requires the Applicant to file a Petition for Cancellation of Contract for the Williamson Act contract on the project site and approval of the Petition for Cancellation would be required prior to development of the project. With incorporation of this mitigation measure, the EIR determined that impacts to agricultural resources were reduced to a level that is less than significant.

Section 4.2 Air Quality

Air pollutant emissions associated with the project would occur over the short term from construction related activities including equipment exhaust, vehicle travel on paved and unpaved roads, and fugitive dust from soil disturbance activities. Construction activities would produce combustion emissions from construction equipment engines and motor vehicles transporting the construction crew, equipment, and materials. Exhaust emissions from construction activities would vary daily as activity levels change.

Once constructed, the project would operate seven days per week and 365 days per year. Only occasional, on-site maintenance is expected to be required following commissioning. Operations and maintenance activities would require up to three workers performing visual inspections, monitoring plant performance, executing minor repairs, and responding to needs for plant adjustment.

An air quality analysis report (Appendix "C" of the DIER) has been prepared to evaluate potential air quality and greenhouse gas (GHG) impacts associated with the proposed solar project. As detailed, during construction, unmitigated NOx emissions would exceed the BCAQMD daily and annual significance thresholds. However, mitigated NOX emissions would fall below the BCAQMD significance thresholds. Both unmitigated and mitigated ROG emissions are below the annual threshold of significance. Both unmitigated and mitigated PM10 emissions are below the daily threshold of significance.

Unmitigated and mitigated daily operational emissions are below significance thresholds for all pollutants. During the longer-term operational phase, the project would have routine inspection and maintenance activities that would result in a net

increase in emissions although, the increase in emissions would not exceed any significance threshold. Construction and operational emissions are summarized in Tables 7, 8, and 9 of Appendix "C".

The mitigation measures that have been included require that during construction of the project, all disturbed areas including soil piles, areas that have been graded, and unpaved roads shall be watered twice daily during dry conditions and when feasible covered and enclosed by the construction contractor. Materials transported offsite shall be wetted and covered securely and at least 2 feet of freeboard maintained. In addition, traffic speeds on unpaved roads shall be limited to 15 miles per hour and construction activities shall be curtailed when the County's Air Quality Index exceeds 150.

In addition, a dust suppressant will be required to be applied to Spring Valley Road, the unpaved road accessing the site, before and during the construction period as needed to reduce dust associated with truck traffic. During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road and shall enforce a 15 mile per hour speed limit for heavy vehicles on unpaved roads, and shall monitor and log dust conditions. Additional long term dust control measures are also required.

During construction, diesel particulate filters or other CARB-verified diesel emission control strategies shall be installed on construction equipment. All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5-minute idling limit. All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked and determined to be running in proper condition before the start of work. Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors shall be limited.

With incorporation of these mitigation measures, the EIR determined that impacts to air quality are less than significant.

Section 4.3 Aesthetics

Although some portion of the project site may be visible from a relatively large area, the degree of visibility would depend on distance and view angle. Generally, the project site would be most visible from viewpoints within 1 mile, while site visibility would diminish as distance increases and view angle decreases. Air quality, including dust and other visible particulates, can affect visibility in the area. Distance is only one of the factors that determine visibility of a site from a viewpoint. Terrain, vegetation, and structural features can obscure views that might otherwise be available at a certain distance.

In order to evaluate the potential visual impact of the project, a Visual Impact

Assessment was prepared to identify and evaluate the potential visual and aesthetic impacts associated with construction and operation of the project (Appendix "D" of the DEIR). Potential visual impacts were characterized by determining the level of visual contrast introduced by the project based on comparing existing conditions and photo simulations. Visual contrast is a means to evaluate the level of modification to existing landscape features. Existing landscape is defined by the visual characteristics (form, line, color, and texture) associated with the landform (including water), vegetation, and existing development. The level of visual contrast introduced by a project can be measured by changes in the visual characteristics that would occur because of project implementation. The greater the difference between the character elements found within the existing landscape and with a proposed project, the more apparent the level of visual contrast.

In the visual impact analysis Key Observation Points (KOPs) were identified based on locations from which the project infrastructure would potentially be visible and noticeable to the casual observer. The "casual observer" is considered an observer who is not actively looking or searching for the project, but who is engaged in activities at locations with potential views of the project, such as hiking or driving along a scenic road. If the project infrastructure is not noticeable to the casual observer, visual impacts can be considered minor to negligible.

Based on the visual impact analysis, the EIR determined that project impacts to aesthetics would be less than significant, and no mitigation measures were required.

Section 4.4 Biological Resources

The project site is located in northern California within the Sacramento Valley Subregion of the Great Central Valley Region. This region experiences hot, dry summers, mild winters, and annual rainfall averaging between roughly 5 and 25 inches. Elevation at the project site ranges from approximately 144 to 331 feet. The project site currently supports cattle grazing and grain cultivation. Vegetation on the project site includes non-native grassland, cultivated grain fields, low growing herbaceous plants, and disturbed riparian areas and drainages with sparse native and non-native trees, as well as non-native cultivated tree rows along the proposed gen-tie line. Wetlands and standing water also occur in small areas on the project site

Vegetation communities of the project were mapped within the Biological Survey Area (BSA) during the surveys, which is defined as the project site and 150-meter buffer. No CDFW sensitive natural communities were found. All vegetated areas of the project site have previously been or are currently being used for grazing and/or cultivation of common wheat.

The proposed project site supports an assortment of plants and wildlife and provides shelter, cover, roosting, foraging, and breeding habitats to mammals, birds, invertebrates, reptiles, and amphibians as year-round residents, seasonal residents,

and/or migrants. Overall, the project site supports low quality wildlife habitat since it is disturbed by cattle grazing and grain cultivation and lacks complex vegetation communities. During the 2019, 2020, and 2021 field surveys, 93 native and non-native plant species, six mammals, 35 birds, six invertebrates, three reptiles, and two amphibian species were recorded within the BSA.

To evaluate the potential impacts, a habitat characterization report was prepared (Appendix "E1" of the DEIR), a biolocifcal survey report was prepared (Appendix "E2" of the DEIR, and a Burrowing Owl Report was prepared (Appenix "E3" of the DEIR).

The EIR identified potential impacts to the following plant and animal species: Parry's rough tarplant, burrowing owl, Swainson's hawk, and American badger. Mitigation measures, including project site pre-construction surveys for the species, have been incorporated into the project to address potential impacts to these species. In addition, mitigation measures including Worker Environmental Awareness Training, Best Management Practices for Biological Resources including limiting the areas of disturbance, flagging sensitive habitats including riparian areas and state and federally protected wetlands, covering excavated holes and trenches with plywood at the end of the work day, and enforcement of a maximum speed limit of 20 miles per hour will also be required. Finally, during the nesting bird breeding season (February 1 to August 31), a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the project site where construction is planned.

With incorporation of these mitigation measures, impacts to biological resources were defined as being reduced to a level that is less than significant.

Section 4.5 Cultural Resources

The construction of the proposed project is not anticipated to impact historic or unique resources. Based on the background studies and the Phase I field survey, there are no known resources found in the project area or within the transmission line corridor that meet CEQA's definition of a historical resource or unique resource.

Construction activities related to trenching, excavating and grading could potentially impact previously unidentified, buried archaeological resources. To address this impact, prior to project construction related to ground disturbing activities (e.g., vegetation removal, excavation, trenching, grading), the project proponent would conduct a worker education awareness program for project construction personnel. A qualified archaeologist will be retained for the project and will prepare and present the initial cultural resource briefing of the worker education awareness program prior to ground disturbing activities.

In addition, a qualified archaeologist would be retained to prepare an Inadvertent Discovery Plan for the project and to be on-call in the event of an inadvertent discovery. The Inadvertent Discovery Plan will provide protocols and notification

procedures in the event of an inadvertent discovery. During project construction, should subsurface archaeological resources be discovered, all ground disturbing activities within 50 feet of the find would cease and the qualified archaeologist would be contacted to assess the significance of the find according to CEQA Guidelines Section 15064.5 and/or NRHP criteria (as applicable).

The County and Applicant would continue to consult with interested tribes throughout the planning process and construction of the project, as applicable. A tribal monitor from the Yocha Dehe Wintun Nation (or other local tribe as available) would be notified to participate in monitoring of visibly exposed, excavated subsurface soils associated with ground-disturbing construction activities. At the completion of construction, a final monitoring report would be prepared for the project that summarizes the daily monitoring activities and resolution of any inadvertent discoveries identified during construction of the project. With these mitigation measures required, the DEIR determined that the impacts to cultural resources are less than significant.

Section 4.6 Energy

California's Renewable Portfolio Standard (RPS) Program was enacted in 2002 and accelerated in 2006, requiring investor-owned utilities to obtain 20 percent of their electric supply from renewable energy sources, such as solar, by 2010. On April 12, 2011, Governor Brown signed Senate Bill (SB) 2X, requiring California retail electric providers, such as PG&E, to procure 33 percent of their retail energy sales from eligible renewable sources by 2020. In October 2015, Governor Brown signed into legislation SB 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. On September 10, 2018, Governor Brown signed SB 100, establishing that 100 percent of all electricity in California must be obtained from renewable and zero-carbon energy resources by December 31, 2045.

The project would assist the state of California in achieving or exceeding its RPS and greenhouse gas (GHG) emissions reduction objectives by developing and constructing a new California RPS-qualified 80 MW solar power generating facility. Potential impacts to energy have been determined to be less than significant by the DEIR and that no mitigation measures are required.

Section 4.7 Geology, Soils and Paleontological Resources

The surface geologic unit mapped within the project site is Plio-Pleistocene alluvium (QPc). This unit is assessed as having moderate paleontological sensitivity and therefore, a moderate probability of containing fossils. The local geologic unit that stratigraphically underlies the QPc surface unit is Cretaceous sedimentary rock (Ku), which also is considered to have moderate (though little known) paleontological sensitivity. This unit has contained fossils at other locations, including one that is only 3 miles from the project site.

To address potential impacts, prior to construction activities on-site personnel would be trained in basic recognition of fossils and appropriate procedures to notify management in order to engage a qualified paleontological specialist in the event that fossils are discovered during construction activities. In addition, a qualified paleontological specialist would be retained on an on-call status, to be brought on-site to evaluate the significance of any unanticipated discovery of paleontological resources and determine if additional study is warranted. With these mitigation measures required, the DEIR determined that the impacts to geology and soils are less than significant.

Section 4.8 Greenhouse Gases

Construction of the project would increase greenhouse gas (GHG) generation, which can contribute to global climate change. The project will also decrease GHG emissions by providing renewable power.

Construction emissions would be associated with vehicle engine exhaust from construction equipment and vehicles, equipment and material deliveries, and construction worker commuting trips. Construction-related GHG emissions are considered temporary and short term.

While GHG would be generated from construction and occasional operation and maintenance activities, the project would result in a net reduction in GHG from the production of solar energy that would potentially replace energy generated by fossil fuels. The project would assist in the attainment of the State's goals by using a renewable source of energy that could displace electricity generated by fossil-fuel-fired power plants, and therefore would comply with the goals and objectives of the State.

Potential impacts to greenhouse gases have been determined by the DEIR to be less than significant and no mitigation measures are required.

Section 4.9 Hazards and Hazardous Materials

The project would not involve the routine transport, use, or disposal of hazardous materials, as defined by the Hazardous Materials Transport Uniform Safety Act. The majority of the waste generated during construction would be non-hazardous, and consist primarily of cardboard, wood pallets, wire, scrap metal, common trash, and wood wire spools. Most construction waste would be disposed of at a non-hazardous landfill or at a recycling facility whenever feasible. Construction would generate an average of approximately 20 cubic yards of non-hazardous solid waste per week over the period of construction. Sanitary waste would be managed using portable toilets and hauled for off-site disposal.

During construction of the project, diesel and gasoline fuels and other hazardous materials such as oils, solvents, hydraulic fluids, and paints commonly associated with

construction equipment may be stored on-site. These materials would be stored and handled in a manner to prevent accidental release, i.e., consistent with the hazardous materials handling Best Management Practices (BMP) and other measures contained within the required Stormwater Pollutions Prevention Plan (SWPPP), which would require them to be stored within locked aboveground containers with secondary containment.

With these protections in place, potential impacts to hazards and hazardous materials have been determined by the DEIR to be less than significant and no mitigation measures are required.

Section 4.10 Hydrology and Water Quality

The portions of the project site that would be disturbed for construction are relatively flat, with little potential for any concentrated runoff to occur. Construction would involve the use of bulldozers, graders, semi-trucks, and various other types of heavy equipment for vegetation removal, grubbing, grading, and installation of roads and other facilities. These construction activities would involve minor changes to on-site topography; however, these activities would potentially loosen existing surface soils and sediments, increasing the potential for erosion during storm events. Water used for dust suppression also has the potential to generate runoff that could transport sediments and dissolved solids. The use of construction equipment on-site may involve the accidental release of fuel, oils, brake dust, lubricants, antifreeze, and other potentially hazardous substances at the project construction site. These water quality pollutants could be delivered to surface water bodies during storm events, and/or be infiltrated into groundwater and the underlying aquifer, resulting in the degradation of water quality.

The project will be subject to compliance with the NPDES General Permit for Stormwater Discharge Associated with Construction and Land Disturbance Activities (Construction General Permit). The Construction General Permit would include development and implementation of a SWPPP. The objectives of a SWPPP are to identify pollutant sources that may be delivered off-site (in the form of runoff) and affect the quality of stormwater discharge; to implement site controls and practices to reduce stormwater pollution; and to protect water quality of receiving waters. The SWPPP would include site-specific BMPs to minimize erosion on-site and reduce or otherwise prevent conditions of erosion and stormwater runoff.

Diesel and gasoline fuels and other hazardous materials such as oils, solvents, hydraulic fluids, and paints commonly associated with construction equipment would be stored and handled in a manner to prevent accidental release, i.e., consistent with the hazardous materials handling BMPs, Spill Prevention, Control, and Countermeasure Plan, and other measures contained within the required SWPPP.

With implementation of the General Construction Permit conditions, including the preparation and implementation of a SWPPP, Spill Prevention, Control, and

Countermeasure Plan, and associated BMPs, potential impacts to hydrology and water quality have been determined by the DEIR to be less than significant and no mitigation measures are required.

Section 4.11 Land Use and Planning

The project site is on three parcels of private land that total approximately 1,024 acres and is currently operated as a cattle ranch. To avoid environmental constraints, approximately 768 acres of the 1,024-acre site would be used for the project. The project site is surrounded by rural residential, agricultural fields, and undeveloped land. Spring Valley Road runs through the project site from north to south. The gen-tie line follows Spring Valley Road north to Walnut Drive at which point it follows Walnut Drive to PG&E's Cortina substation. The nearest community to the project site is the city of Williams, which is located approximately 6.5 miles northeast. The project site lies within the County's jurisdiction and land uses on the project site are governed by the County's General Plan and Zoning Ordinance.

The project would not physically divide an established community as the construction, operation, and decommissioning phases of the project do not propose any features that would create a physical barrier that would hinder existing community access. Additionally, the project would not involve the removal of any existing publicly used means of access. Therefore, the project would not physically divide an established community.

The project site is zoned Foothill Agriculture (F-A) and Exclusive Agriculture (E-A). These zone districts allow for commercial scale solar facility projects through the Use Permit process, as described in Zoning Code §44-2.20.30. Compliance with conditions of approval for the Use Permit will ensure the project will not conflict with the underlying F-A and E-A zones. Potential impacts to land use and planning have been determined by the DIER to be less than significant and no mitigation measures are required.

Section 4.12 Mineral Resources

Based on the geologic setting, the only mineral resources with the potential to occur near the project site are aggregate resources. Alluvial geologic units in the region are potential sources of sand and gravel that could have value as a mineral resource commodity. Because sand and gravel are low-value, high-volume resources, the economic value and feasibility of developing them is predicated on the existence of high local demand from the construction industry. The closest gravel mine is Lovelady Ranch, which has been closed for a number of years, approximately 20 miles northwest of the project site.

There are no active mining claims within the project site, nor is there any locatable mineral activity within the project site boundary. Based on the geological environment and historical trends, the potential for occurrence of locatable minerals is low within the

surrounding area. However, none of these resources occurs within 30 miles of the project site and they are unlikely to be found within the geologic units that underlie the site or surrounding area. Potential impacts to mineral resources have been determined by the DEIR to be less than significant and no mitigation measures are required.

Section 4.13 Noise

The project site is surrounded by rural residential, agricultural fields, and undeveloped land. The nearest residential properties are located directly adjacent to the southern project boundary and the northwestern project boundary, while a mixed residential/agricultural property is located directly adjacent to the northern project boundary. Spring Valley Road runs through the project site from north to south. The gen-tie line follows Spring Valley Road north to Walnut Drive at which point it follows Walnut Drive to PG&E's Cortina substation.

Human response to noise varies considerably from one individual to another. Effects of noise at various levels can include interference with sleep, concentration, and communication, and can cause physiological and psychological stress and hearing loss. Given these effects, some land uses are considered more sensitive to ambient noise levels than others. In general, residences, schools, hotels, hospitals, and nursing homes are considered to be the most sensitive to noise. These locations are referred to as noise sensitive areas (NSAs). Places such as churches, libraries, and cemeteries, where people tend to pray, study, and/or contemplate also are NSAs. Commercial and industrial uses are considered the least noise sensitive. As shown in Figure 4.13-1 of the DEIR, there are multiple residences near the project site.

Construction of the project will occur over approximately 11 months and has the potential to generate noise impacts from construction equipment and related activities to surrounding properties and residences. Construction of the project may cause short-term, but unavoidable noise impacts that could be loud enough at times to temporarily interfere with speech communication outdoors and indoors with windows closed at two of the neighboring residences, and with windows open at two other residences. The noise levels resulting from the construction activities would vary significantly depending on several factors such as the type and age of equipment, specific equipment manufacture and model, the operations being performed, and the overall condition of the equipment and exhaust system mufflers.

As proposed, project construction would occur between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 8:00 p.m., Saturday and Sunday in compliance with Section 13-8 of the County Code. Once the project is constructed and operational, the primary noise sources are the inverters, transformers, battery storage heating, ventilation, air conditioning (HVAC) units, and battery storage inverters. Noise from normal operations is not anticipated to be significant.

To address potential noise impacts during construction, the project will be required to implement construction management protocols which include: maintain all construction tools and equipment in good operating order according to manufacturers' specifications; limit use of major excavating and earth-moving machinery to daytime hours; to the extent practicable, schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable; equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks; limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities; and utilize a Complaint Resolution Procedure to address any noise complaints received from residents. With these mitigation measures required, the DEIR determined that noise impacts will be less than significant.

Although the DEIR has determined that noise levels would not be a significant impact and comply with the County Code, County staff believes that through the Use Permit restrictions a condition should be added that limits the import or export of materials and heavy equipment to just Monday through Friday and that on-site construction hours on weekends should be limited to 8:00 a.m. though 5 p.m.

Section 4.14 Population and Housing

The project site is located approximately 6.5 miles southwest of the city of Williams. It is reasonable to assume that construction workers may drive approximately 50 miles to the project site during construction, operation, or decommissioning from the surrounding counties of Butte, Glenn, Lake, Sutter, and Yolo. In 2019, Colusa County had an estimated population of 21,547 representing an approximate 0.7 percent increase from the 2010 population of 21,419. The city of Williams had a higher rate of growth during the 2010-2019 period, but its actual growth was only 314 persons. The city of Colusa had an estimated population of 6,060 in 2019, an approximate 2.6 percent decrease from 2010.

In 2020, Colusa County had an estimated 8,227 housing units with a vacancy rate of 6.7 percent such that there were 716 vacant housing units. The number of households is expected to increase by 7 percent in Colusa County over the period from 2020-2028. The County is expected to increase housing by 526 units between 2019 and 2028.

The project is not anticipated to increase the need for additional housing units as workers would be expected to commute to the site from local and regional towns and cities, rather than relocate. Therefore, construction, operation, and decommissioning of the project is not expected to require substantial numbers of new housing units. Potential impacts to population and housing have been determined by the DEIR to be less than significant and no mitigation measures are required.

Section 4.15 Public Services

The Williams Fire Protection Authority will provide fire services to the project site. The fire station is located in the city of Williams and is approximately 7 miles from the project site. The project will be designed in compliance with federal, state, and local worker safety and protection codes and regulations which will minimize the potential for the occurrence of fire.

Project maintenance and operation may introduce potential ignition sources such as transformers, electric transmission line (including gen-tie inline), substations, maintenance vehicles, and gas/electric-powered machinery. The proposed inverters and photovoltaic arrays may also be identified as a potential ignition source. However, the potential fire risk is low for these project components. All battery components for the battery energy storage system would be installed on concrete pads and contained within an enclosure to minimize the potential for sparks or ignition. All such enclosures would be equipped with a fire suppression system.

A Battery Storage Fire Management Plan is also required to be submitted to the Williams Fire Authority for review and approval. This mitigation measure requires the battery containers to receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, would conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory would provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards.

In addition, a Wildland Fire Management Plan is required to be submitted to the Williams Fire Authority. The Plan would detail implementation measures to control and maintain the vegetation throughout the project site to eliminate wildland fire hazards.

To encourage and incentivize the construction of commercial solar projects, the State of California has passed legislation which excludes properties developed with commercial solar facilities from paying increased property taxes that would normally be generated by physical improvements. This loss of additional property tax revenue has the potential to financially impact both the County and public service providers (i.e. fire protection, sheriff, parks and recreation, etc.). To address this impact, a mitigation measure is included which requires the project proponents to enter into a Public Service Mitigation Agreement with the County.

The Agreement will require the payment of a Public Service Mitigation Fee (PSMF) to the County each year for the life of the project or as a lump sum payment for multiple years until the project is decommissioned, the site restored, and the Use Permit is no longer activated (voided) by the County. The PSMF is a total of $110,000 which is paid directly to the County for unrestricted County General Fund uses. In addition, a $15,000

payment would be paid to the Maxwell Park and Recreation District, a $15,000 payment would be paid to the City of Williams to be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment would be paid to the Arbuckle Park and Recreation District.

With these mitigation measures, the DEIR has determined that impacts to Public Services will be less than significant.

Section 4.16 Recreation

Increases in use of recreational facilities typically are associated with substantial increases in population or a substantial reduction in the availability of existing parks or other recreational facilities. The project site is not located within or adjacent to a residential area, or within the immediate vicinity of any parks or recreational facilities, and there no parks or existing recreational facilities located on the site. No residential facilities are proposed as part of the project. However, as previously discussed to offset any short-term or long-term impacts to the area's recreation districts, a PSMF would be paid for the life of the project.

Section 4.17 Transportation

State Route (SR) 20 runs as close as 1 mile from the project site, to the north and west. Interstate 5 runs north to south, approximately 7.2 miles east of the project site. The western portion of the site is intersected by Spring Valley Road, an undivided, two-lane County road. Walnut Drive, also a two-lane, undivided County road, provides access from Spring Valley Road to State Route 20 north of the project site.

Due to the site's rural location, current traffic on the roads immediately adjacent to the project is light. The Caltrans data available for Colusa County includes I-5 and SR 20. I-5 included 30,800 vehicles per day, and SR 20 included 5,900 vehicles per day within Colusa County. Near the project location the roads are rural without dedicated turn lanes. The existing traffic is expected to be light, and based on experience with similar projects, rural roads like these are estimated to have between 500 and 800 vehicles per day, or less than 100 vehicles during peak hour.

Spring Valley Road is a two-lane undivided County road that provides access from the site via Walnut Drive to SR 20. Most vehicle trips generated by the project would travel through the intersection of Spring Valley Road and Walnut Drive to get to the project site. Travelers from Colusa and Williams would be expected to access the site from SR 20 via East Camp Road, to Beauchamp Road, which transitions to Walnut Drive. There are no dedicated turn lanes onto or off of Spring Valley Road or Walnut Drive in the vicinity of the project site. Average annual daily traffic and peak hour volumes on Spring Valley Road and Walnut Drive are not available.

Peak hours for traffic generated by the project are expected to be daily between 6:00

a.m. and 7:00 a.m. and between 6:00 p.m. and 7:00 p.m., when construction workers would commute to and from the project site. It is expected that nearly all workers would arrive and leave during the peak hours. Conservatively, a small number of workers are included as either leaving during the morning peak hour or arriving during the evening peak hour.

Once constructed, the project would operate 7 days per week and 365 days per year. Only occasional, on-site maintenance is expected to be needed following commissioning. Initially, personnel would likely visit the project site daily or weekly, but it is anticipated that eventually maintenance visits would be reduced to once a month or less, such that facility operations would generate little traffic.

Operation and maintenance activities would require up to three workers performing visual inspections, monitoring plant performance, executing minor repairs, and responding to needs for plant adjustment. On intermittent occasions, the presence of 5 to 30 workers may be required for repairs or replacement of equipment, panel cleaning, and other specialized maintenance. Due to the infrequent operations and maintenance worker trips to the site, there would be no impact to peak hour traffic associated with ongoing operations of the project.

Construction of the project has the potential to damage area roads. The applicant will be required to conduct both pre-project and post-project inspections of construction access routes approved by the Colusa County Public Works Director that are used during construction of the project. Damage determined to have been caused by project construction would be repaired to the satisfaction of the Public Works Director. With this mitigation measure required, the DEIR has determined that the project would have less than a significant impact.

Section 4.18 Tribal Cultural Resources

The project area and surrounding region is within the ancestral territory of the Patwin band of the Southern Wintun people. An ethnographic review of tribal cultural resources was performed and review of available ethnographic documents. In addition, AB 52 tribal notification consultation letters were sent out to tribes.

Construction activities related to the project has the potential to impact tribal cultural resources. Implementation of the three previously discussed Cultural Resources mitigation measures (Cultural Resource Worker Education/Training), Inadvertent Discovery of Archaeological Resources During Construction, and Native American Tribal Consultation and Monitoring, will also ensure that tribal resources are appropriately addressed, therefore, reducing any potential impacts to less than significant.

Section 4.19 Utilities and Service Systems

The relevant utility or service systems for the project are the water supply, wastewater, stormwater, solid waste disposal, gas and electrical, and telecommunication utilities that would provide service to the project site.

Current water facilities on-site are one hand dug well and several manmade reservoirs currently used to water the land for cattle grazing. The city of Williams is the purveyor of a public water system located approximately 11.4 miles from the project site. The City has indicated that it can provide water for the project through a fire hydrant located at 180 N. Virginia Way in the city of Williams. Water obtained from the fire hydrant would be trucked to the project site.

The DEIR determined that the project would primarily require water during construction for dust control and that total water volume that would be used during construction was 46 acre-feet (approximately 15,000,000 total gallons). However, as previously discussed dust suppressant would be used on Spring Valley Road. Not only would this reduce dust levels, but it would reduce the number of water trucks and amount of water necessary to control the dust on Spring Valley Road.

During operation and maintenance, water would be used for panel washing and maintenance. The expected annual water consumption during operation would be approximately 1 acre-foot per year (approximately 326,000 gallons). No new wells would be constructed as part of the project. The proposed project would not require or result in the relocation or construction of new or expanded water treatment facilities. Due to the relatively low amount of water used during the construction and operation of the life of the project, it is anticipated that the project would have sufficient water supplies during normal, dry, and multiple dry years.

The proposed project would not require permanent wastewater treatment connection due to the small number of employees during operation. Portable toilets would be on-site for permanent employees. Portable units would be provided for workers during construction. Removal of the portable units would not affect the operation or function of wastewater facilities that are located on or adjacent to the project.

No on-site stormwater detention facilities are planned nor would the project require the construction or relocation of stormwater drainage facilities. The project has been designed so that site drainage would continue to follow the natural drainage pattern. None of the project facilities would prevent stormwater flow. Site preparation and construction activities would be performed in accordance with a SWPPP, or similar plan as appropriate, which incorporates stormwater BMPs to reduce the adverse effects of erosion and sedimentation.

Based on this information, potential impacts to utilities and service systems have been determined by the DEIR to be less than significant and no mitigation measures are required.

Section 4.20 Wildfire

The primary fire protection services in the vicinity of the project site are provided by the Williams Fire Protection Authority (WFPA). The WFPA's service area encompasses approximately 135 square miles in the City of Williams and the surrounding unincorporated area. The WFPA provides a full range of emergency response services, which include structural, wildland, and confined space fire suppression, basic response to hazardous materials incidents, and basic life support medical services.

As previously discussed a series of fire management plans are required to mitigate potential fire risks, including wildland fire risks. With these mitigation measures and review and approval required by the Williams Fire Authority, potential wildfire impacts are less than significant.

FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) SUMMARY:

The 45-day public review period for the DEIR began with the filing of the Notice of Completion (NOC) on October 14, 2021 with the Governor's Office of Planning and Research and ended on November 29, 2021. In addition, notices were mailed directly to property owner's in the vicinity and published in the Williams Pioneer informing the public of the opportunity to review the DEIR, the public review time period, and that a public meeting had been scheduled for November 4, 2021 at Granzella's Conference Room to introduce the project and provide an early opportunity to provide initial comments.

Upon conclusion of the public review period, nine comments were received from seven property owners and their representative and two State agencies. Since that time, County staff, the EIR consultant, and the applicant have worked on addressing the submitted comments, performed additional analysis and studies, and incorporated a series of revisions. The totality of this effort represents the FEIR document which is attached to this staff report. The FEIR provides an analysis and response to each of the issues identified in the submitted comments. Because several comments contained the same issues, there is some duplication of the FEIR responses.

The totality of the comments (including from State agencies) and responses thereto in the FEIR must be fully reviewed and considered. In order to provide an overview of the identified issues contained within the submitted comments by the general public, a summary has been developed as detailed below. Please note that this is a generalized summary of comments submitted by the general public for informational purposes and the formal responses contained with the FEIR are required to be fully considered prior to action on the project.

1.) Traffic

a. Spring Valley Road: The entrance to the project site is Spring Valley Road, a gravel County Road. A concern has been raised that construction traffic would negatively impact the road and the resultant dust could negatively impact the production and health of the adjacent orchards.

In June 2022, a field study was conducted to observe the degree of effectiveness of the dust suppressant that has been historically used by private landowners on unpaved, rural County roads adjacent to orchards. A liquid magnesium chloride dust suppressant commercially known as "Dust-Off" was applied to a portion of King Road, an unpaved roadway in rural Colusa County which borders existing orchards. In addition, a section of the roadway was also left untreated so that a direct comparison could be made between the treated roadway and the untreated roadway. A semi-truck with a loaded travel trailer traveled along the treated and untreated road at speeds of 15 MPH, 25 MPH, and 40 MPH.

As shown in the photographs of Appendix "C", the application of dust suppressant was extremely effective in mitigating dust generation at all speeds. This observation is consistent with field observations of the Road Department staff where Dust-Off has been historically applied on County Roads to control dust and prevent it from impacting adjacent crops. However, in order to ensure dust is not created, Mitigation Measure AQ-1 has been developed which includes a number of requirement including: (1) that the applicant apply the dust suppressant per County standards prior to and during construction as necessary to prevent dust; (2) construction traffic speed on Spring Valley Road be limited to 15 MPH; (3) during peak travels periods a traffic control flagger will be present on Spring Valley Road to enforce the 15 MPH speed limit and monitor and log dust conditions; and (4) each day during construction, the construction contractor shall keep a daily log of dust and weather conditions. In addition, prior to the application of the dust suppressant, Spring Valley Road will be graded to ensure a flat uniform surface.

In addition to this requirement, before and during construction an additional mitigation measure (AQ-3: Long-Term Dust Control) has been developed which requires the applicant to apply the dust suppressant once a year (generally in late spring) to ensure that dust generated by the applicant's operational traffic and other local traffic does not impact the surrounding orchards. The timing and rate of application of the dust suppressant is required to be to the satisfaction of the Public Works Director.

b) Road Conditions: A concern has been expressed that the area roadways are not adequate to support the proposed construction traffic and may be damaged because of this traffic.

The area roadways are currently heavily impacted by existing agriculturally related trucking operations. The proposed construction traffic will be of limited term and is not expected to negatively impact the existing roads in the area. However, as discussed in the FEIR, to ensure that any impacts to the areas roadways are fully mitigated, Mitigation Measure TRANS-1 has been developed which requires that a pre-project inspection and a post-project inspection of road conditions be conducted in consultation with the Public Works Director to ensure that access roads are not negatively impacted by the additional traffic associated with the project. If the Public Works Director determines that construction related traffic has damaged County roadways, the applicant is required to fix this damage.

c) Safety Concerns: A concern was expressed about traffic safety at both the intersection of Highway 20 and East Camp Road and Highway 20 and Walnut Drive where there are no turn lanes.

As detailed in the FEIR, the Transportation Injury Mapping System (TIMS) data was reviewed for the years 2015 through 2020 (the last year which data was available). During those 5 years, 7 accidents were reported within 2 miles of the project site, which includes: 2 accidents where driver or passenger had a complaint of pain, 3 minor injuries, 1 serious injury accident, and 1 fatality. Construction traffic will access the project site from Highway 20 and East Camp Road. Three of the accidents recorded between 2015 and 2020 occurred at the intersection of Highway 20 and East Camp Road, including one minor injury accident in 2019 and two minor accidents with complaints of pain in 2015 and 2016. These accidents appear to be the result of non-attentiveness of the drivers as the line of sight on Highway 20 at East Camp Road is approximately 1 mile in length, and the project traffic itself is not anticipated to contribute to a greater accident rate.

However, to bring added awareness of project related construction traffic to motorists, a condition of the Use Permit requires that the applicant install construction traffic warning signage along Highway 20 as required by Caltrans and along county roads as required by the Public Works Director.

2.) Economic Impact

Lack of Tax Revenue: A concern has been raised that the project would generate little tax revenue to off-set the cost of public services.

Unlike many other businesses in California, portions of solar development can be excluded from property taxes per State law. This property tax exclusion results in solar projects not providing the tax revenue needed to offset public services that they may require. CEQA requires an analysis of physical impacts to the environment from a

project; it does not require analysis of social and economic impacts. Under CEQA, "an economic or social change by itself is not be considered a significant effect on the environment". However, Community Development Department staff believes that potential economic impacts that may result in County service constraints must be fully considered in the review of any project so that all aspects of the project are fully evaluated. In order to review the projects potential fiscal impacts, the County commissioned an economic impact analysis.

As detailed in the Janus Solar Facility Economic Impact Analysis dated January 9, 2023 (Attachment #1):

a) The construction of the project is anticipated to generate $15.9 million in onetime economic activity (supporting 90 jobs) and generate $788,000 in onetime fiscal revenues to the County;

b) On an annual ongoing basis, project operations are anticipated to generate $4.0 million annually in total economic activity (supporting 6 new jobs in the County); and

c) On an annual ongoing basis, the project is anticipated to generate tax revenue directly to the County ranging from $155,000 (including Vehicle In-Lieu fees) in the first year of operations to $22,000 (including VLF) once all assets have depreciated (years 12 and beyond).

In the short-term, the project would generate significant economic activity and benefit. In the long term, project operations would add additional economic activity over the cattle operations that exist today. With respect to property taxes, the State's solar property tax exclusion does significantly reduce what property taxes would be received from the developed project. However, it is important to note that even fully depreciated; the property tax payments would be greater than is being collected today.

Currently, under the Williamson Act, the project site generates approximately $15,212 in total annual property taxes, with the County receiving approximately $3,514. As part of the project, the property will be removed from the Williamson Act and the first year total tax revenue is estimated to be approximately $495,083 ($442,713 in property taxes and $52,370 in VLF) with the County receiving approximately $154,765, or $151,251 more than currently being collected. Please note that in addition to the County, all other agencies in the project site's Tax Rate Area (Williams School District, Yuba Community College District, Williams Fire Authority, and the Colusa Groundwater Authority) will also be receiving considerable more tax revenue than they are currently. Even after the equipment is fully depreciated in year 12, the total amount of tax revenue is estimated

to be approximately $71,503 ($63,939 in property taxes and $7,564 in VLF) with the County receiving approximately $22,352, or $18,838 more than currently being collected.

While the County, as well as the other agencies in the project site's Tax Rate Area, will be receiving considerably more in tax revenues than is currently being collected, staff was nonetheless concerned that the developed project would generate additional public service demands than the existing uses on the property are generating and whether the additional tax revenue would pay for any increased public service demand. As detailed in Chapter 3 of the FEIR (Minor Revisions to the Draft EIR), a Public Services Mitigation Fee has been developed to ensure that any potential public service is fully mitigated. As required, each year for the life of the public, the developer will pay $110,000 directly to the County Colusa for unrestricted use. In addition, the developer is also required to pay annually $15,000 to the Maxwell Park and Recreation District, $15,000 payment to the City of Williams to support the Williams Park and Recreation Department, and $15,000 to the Arbuckle Park and Recreation District.

In summary, between the one-time revenue, the on-going operational revenue, the increased property taxes, and the Public Service Mitigation Fee payments, the project will have a positive economic impact while ensuring that public services are fully funded.

3.) Visual Impact

Potential Visual Impact: A concern was expressed about the aesthetics of the project.

Section 4.3 of the DEIR provides the initial analysis of the project aesthetics. In this analysis, Key Observation Points (KOPs) were identified based on locations from which the project would potentially be visible and noticeable to a casual observer. A "casual observer" is considered an observer who is not actively looking or searching for the project, but who is engaged in activities at locations with potential views of the project, such as hiking or driving along a road.

In total six KOPs were selected as representative vantage points in the landscape that offer motorists traveling on area roadways and local residents' views of the proposed project site. Please refer to Figure 4.3-1 of the DIER for the KOP's locations. These KOPs provide views of each side of the project site from publicly accessible areas. In general, this analysis found that the visibility of the project would be limited except for vehicles traveling along Spring Valley Road. With respect to visual impacts along Spring Valley Road, the DEIR found that the project would introduce dark gray color, geometric shapes, and horizontal lines into the landscape setting and would be visible to the casual observer (DEIR Figure 4.3-7). The DEIR found that although a portion of the project that would be visible, the contrast would be considered moderate and the

view would be short term for travelers as they approached the project as their focus would be on the road ahead. A complete discussion of the views from the 6 KOP's is contained on pages 4.3-16 - 4.3-17.

In addition to the visual analysis contained in the DEIR, Appendix "D" of the FEIR included additional photo simulations of the project showing what the power poles along Beauchamp Drive (Walnut Avenue). As is shown, the appearance of the poles would not be out of character with the existing streetscape. It should be noted that the poles that were visually modeled are a dark brown color. In order to ensure that the visual appearance matches the photo simulation, a condition in the Use Permit has been included which requires if metal poles are used, that the finish be a flat, dark brown color to resemble the existing wooden power poles.

4.) Obstruction of Agricultural Aerial Operations

A concern was expressed that the new gen-tie power poles would interfere with agricultural related aerial operations.

To evaluate this concern, the County's Agricultural Commissioner's office was contacted regarding the potential impact. Based on information obtained from the Agricultural Commissioner's Office, there are nine growers with a total of 15 permitted sites adjacent to the proposed gen-tie line route . These sites include orchards and field crops. Based on data available for the last three years, there were 27 aerial pesticide applications in 2019, five aerial pesticide applications in 2020, and one aerial pesticide application in 2021. The pole heights proposed as part of the project are similar to existing obstacles for aerial applicators and based on discussions with the Agricultural Commissioner; the introduction of the new gen-tie poles would not prevent agriculturally related aeronautic operations from occurring.

5.) Migratory Bird Impacts

A concern was expressed that birds migrating along the Pacific Flyway would mistake the solar panels as a water body resulting in their deaths when landing.

The potential risks to migrating birds is discussed in Chapter 4, Section 4.4, Biological Resources of the DEIR. In general, the available data from PV solar array-type facilities indicate some instances of avian mortality resulting from collisions. However, the best available scientific information to date does not indicate a significant risk of substantial avian mortality occurring at facilities such as the proposed project. The current research on the topic indicates that though avian species, and specifically aquatic habitat avian species, may perceive PV solar facilities as waterbodies, it remains unclear the proportion of species that might actually land or attempt landing. As the Commission is aware, local waterfowl hunting in the County is a significant source of economic

activity in the County. For example, during the 2020-2021 season some 30,555 waterfowl were harvested just in the Colusa National Wildlife Refuge and Sacramento National Wildlife Refuge Complex. In comparison to any waterfowl deaths as a result of the project, the annual recreational hunting bird harvest in the Colusa County will far exceed any accidental bird deaths as a result of the project.

As previously stated, research on this issue has been limited. Staff believes that the project would provide an opportunity to development statistically information on this matter. As such, a condition has been developed which requires the applicant to log any bird deaths as a result of solar panel impacts and submit this information to the County on an annual basis so that this information can be quantified.

FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) COMMENTS:

As of the writing of the staff report, staff has received four written comments on the FEIR. Although we expect that there will be a number of verbal comments presented at the project's hearing.

Williams Fire Authority

The first comment was received from the Williams Fire Authority (Attachment #2). In the letter, the Fire Authority expresses a concern that should there ever be a fire, despite the mitigation measures, it would result in a potentially significant impact due to operational staffing issues. In addition, the Fire Authority has a grant that will expire in February 2024 potentially resulting in the current two-man fire crews having to go back to a one-man fire crews. The Fire Authority believes that a specific fire public service mitigation fee is required in order to ensure that if there is a fire that it can be adequately staffed from an operational perspective. As of the writing of this staff report, the Fire Authority and project proponents are discussing the required level of funding to ensure the proposed project does not result in a significant operational impact to the Williams Fire Authority. An update will be provided at the meeting.

Department of Conservation

A second letter was received on March 20, 2023 from the Department of Conservation (Attachment #3). The letter stated that the FEIR did not address:

- The Project's compatibility with, and/or, potential contract resolutions for lands within agricultural preserves and/or enrolled in a Williamson Act contract.

- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

The DEIR did discuss the Williamson Act and requirement for the contract cancellation process in numerous sections including but not limited to Section 4.1 - beginning at Page 4.1-10, Section 4.14 - beginning at Page 4.1-5, Section 4.1.2.2.1 - beginning at Page 4.4-1, Impact 4.1-2 - beginning at Page 4.1-5, and Section 4.11.2.2.1 - beginning at Page 4.11-1. In addition, early on the project review the applicant met with the Board of Supervisor's Williamson Act ad hoc committee (then Supervisors Evans and Carter) to discuss the project and to consider whether the project was considered a compatible use or not with agricultural operations on site. During this effort, the ad hoc committee considered the County's existing Williamson Act program's enabling resolution. Please refer to Attachment #4 (Resolution 02-82) for the Board's resolution setting forth the current permitted and compatible uses. Item #19 of Compatible Uses lists "*The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities.*" While the proposed project is an electric utility facility, it will displace any permitted agricultural use on site. As such, the ad hoc committee believed that given this displacement the project was not compatible with agricultural uses on the site and, therefore, recommended that the existing Williamson Act contracts should be cancelled. Ultimately, the full current Board of Supervisors will make this determination.

Beth Ferrini Katsaris

A third comment letter was received from Beth Ferrini Katsaris (Attachment #5). The comment letter raised concerns with:

(1) Answers included in the application's project questionnaire where it was indicated that the project would not have change scenic views, the character of the general area, the amount of dust in the vicinity, noise levels, or cause a substantial demand for municipal;
(2) The Williamson Act Cancellation process and the recommendation from the Board's Ad-Hoc Committee;
(3) The response to the Department of Conservations DEIR comments;
(4) The threat to public safety from fire; and
(5) The compatibility of the project to the rural character of Spring Valley Road and consistency with the County's General Plan.

The comments were summarized above and the Commission should refer to the letter for the complete wording of the comments.

Clark and Nelson

David Nelson, representing Jean Terkildsen, Matthew Ferrini, and Elizabeth Katsaris, submitted a comment letter on the EIR documentation (Attachment #6). The

comment letter raised concerns with:

(1) The project lacks consistency with Colusa County's General Plan; and
(2) The subject property is ineligible for inclusion within the Energy Production Overlay Zone.

The comments were summarized above and the Commission should refer to the letter for the complete wording of the comments.

Matt Ferrini also submitted a comment letter (Attachment #7). In general, the letter shared his concerns with the land use and visual change that the proposed project would have to Spring Valley, is opposed to the conversion of the agricultural ground into a commercial solar facility and the adverse effect on surrounding owner and residents, and believes that the project is not consistent with the rural character of Spring Valley.

The comments were summarized above and the Commission should refer to the letter for the complete wording of the comments.

Finally, as of the writing of the staff report, Jean Terkildsen also submitted a comment letter (Attachment #8). In general, her comment letter expressed concerns that the project could provide additional commercial and industrial encroachment into the Spring Valley area, the impact on property values, and the provision for fire protection.

Her comments were summarized above and the Commission should refer to the letter for the complete wording of the comments.

With respect to the Katsaris, Ferrini, Nelson, and Terkildsen comment letters, staff will provide additional information when the project is heard by the Commission. However, staff wanted to provide the letters to the Commission at the earliest time with this Staff report package.

USE PERMIT (UP 20-01):

Land Use

The solar facility would be located on land designated in the Colusa County General Plan as "Agriculture Upland," in which cultivated agriculture, industrial and commercial agriculture, agricultural tourism, resource production, energy production (including solar), single family housing, and farmworker housing are allowed as appropriate uses (Colusa County General Plan Land Use Element Table LU-1). The gen-tie power lines along Walnut Drive are located on land designated in the Colusa County General Plan

as "Agriculture General" in which the same land uses are also allowed by the Colusa County General Plan Land.

With respect to the zoning, the solar facility would be located on land designated as the Foothill Agriculture zoning district and the gen-tie power lines along Walnut Drive are located on land with the zoning designation of Exclusive Agriculture. Pursuant to Section 44-2.20.30 (Allowed Uses in the Agricultural Zones) of the Zoning Code, Energy Generation for Off-Site Use are permitted subject to obtaining a Conditional Use Permit.

Pursuant to Section 44-1.70.010 (Review Authority) the Planning Commission is the review authority of Use Permits. Section 44-1.80.030 (Use Permits) of the County Code specifies that in order to approve a Use Permit application, the Planning Commission must make the following findings:

1. The proposed use is consistent with the General Plan and all applicable provisions of this title; and

2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use.

As detailed above, the proposed solar facility is allowed as an energy production facility by the General Plan and, thus, staff recommends Finding #1 be made. With respect to Finding #2, the FEIR has identified potential impacts and has developed a series of mitigation measures in order to ensure that the proposed project is not detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area. In addition, the staff has recommended additional conditions of approval within the Use Permit to further ensure that the project would not be detrimental to other properties or residents in the area. Together these mitigation measures and conditions of approval address the submitted concerns regarding transportation impacts and hazards, dust creation, impacts to agriculture aviation, aesthetics, fire hazards, impacts to public services, and other the other issues that have been fully detailed in the FEIR documents.

SUMMARY

As required by CEQA, a DEIR report was prepared for the project and comments regarding the adequacy of that document were received. A FEIR has been prepared responding to those comments and additional studies, analysis and several minor updates to the DIER have been made. Together, these documents comprise the entirety of the EIR's environmental record for the proposed Use Permit.

Attached to this staff report, Planning Staff has prepared a resolution for the Commission's consideration that would certify the FEIR and approved the proposed Use Permit. If the Planning Commission determines that that the FEIR along with the proposed mitigation measures and Use Permit conditions of approval, reduce potential impacts below a level of significance and that the project would not be detrimental to surrounding properties and residents, then the Planning Commission should adopt the resolution which would approve the project.

During the course of the Commission's review, following a review of the totality of the record, and all testimony received during the public hearing, should the Commission have any questions regarding the project that have not been addressed, the Commission should detail those questions so that they can be fully addressed prior to the Commission taken formal action on the project. Depending on the nature of such questions, it may be possible that they can be answered to the Commission's satisfaction at the Commission's March meeting. Should this not be the case, then the Commission should direct staff to perform the necessary additional analysis and return with the results to the Commission prior to acting upon the application

RESOLUTION NO. 23-____

RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577), ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING USE PERMIT #20-01 (PD-3829) FOR JANUS SOLAR PV, LLC

WHEREAS, Janus Solar PV, LLC (Applicant) has applied for a conditional use permit to construct, operate, maintain, and decommission (in the future) a photovoltaic (PV) electricity generating facility with a battery energy storage system (BESS) and associated facilities and infrastructure (Project); and

WHEREAS, the County of Colusa is considered a Lead Agency under the California Environmental Quality Act (CEQA) for this Project and has determined that an Environmental Impact Report was necessary to fully review and consider all potentially significant impacts for the Project; and

WHEREAS, a Draft Environmental Impact Report and a Final Environmental Impact were prepared and processed pursuant to all requirements of Title 14 (Natural Resources), Division 6 (Resources Agency), Chapter 3 (Guidelines for Implementation of the California Environmental Quality Act) of the California Code of Regulations; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing regarding the proposed Final Environmental Impact Report and Use Permit on March 1, 2023, at which time any and all comments were received during the public hearing process; and

WHEREAS, after the close of the Public Hearing the Planning Commission fully considered the Final Environmental Impact Report, Planning Staff's report on the Project, all public testimony, all other written and orally testimony, and totality of the public record of the Project.

I. NOW, THEREFORE, BE IT RESOLVED that the Colusa County Planning Commission based on facts contained within the Final Environmental Impact Report, Planning Staff's report on the Project, all public testimony, all other written and orally testimony, and totality of the public record of the Project makes the following findings:

A. The Final EIR has been completed in compliance with the California Environmental Quality Act;

B. The Final EIR was presented to the Planning Commission acting as the decision making body of the lead agency and that the Planning Commission has reviewed and considered the information contained in the Final EIR prior to taking any action upon the project;

C. The Final EIR reflects the lead agency's independent judgment and analysis; and

D. The Final EIR has identified potential significant impacts of the Project but all said potential impacts have been reduced to a level of non-significance through project changes and/or mitigation measures that have been fully considered and incorporated into the Project.

II. NOW, THEREFORE, BE IT FURTHER RESOLVED that based upon the findings of Section I of this Resolution, that the Colusa County Planning Commission does hereby take the following actions:

A. Certifies the Final EIR attached hereto as Exhibit "A" and incorporated by reference;

B. Adopts the Mitigation Monitoring and Report Program attached hereto as Exhibit "B" and incorporated by reference;

C. Finds that the Proposed Use Permit 20-01 (PD-3829) with the adopted Mitigation Measures and the Conditions of Approval detailed in Exhibit "C" is consistent with the General Plan and all applicable provisions of Chapter 44 of the Colusa County Code and that the establishment, maintenance or operation of the Project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area surrounding the Project and does hereby approve Use Permit 20-01 (PD-3829) as detailed in Exhibit "C" attached hereto and incorporated by reference.

PASSED AND ADOPTED this 5th day of April, 2023 by the following vote:

AYES:

NOES:

ABSENT:

_____
John Troughton, Jr. , Chair,
Planning Commission

ATTEST: Greg Plucker, Secretary to the Colusa County Planning Commission

_____
Melissa Kitts, Deputy Clerk

APPROVED AS TO FORM

_____
Jennifer Sutton, Sr. Deputy County Counsel

FINAL
ENVIRONMENTAL IMPACT REPORT
JANUS SOLAR PROJECT

COUNTY OF COLUSA
COMMUNITY DEVELOPMENT DEPARTMENT
220 12th Street
Colusa, California 95932

State Clearinghouse No. 2020070577

February 3, 2023

JANUS SOLAR FINAL ENVIRONMENTAL IMPACT REPORT TABLE OF CONTENTS

APPENDICES

1 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This Final Environmental Impact Report (Final EIR) (State Clearinghouse No. 2020070577) is an informational document which examines and discloses the potential impacts of the Janus Solar Project (Project), as proposed by Janus Solar I, LLC (Applicant). Colusa County (County) will rely on the findings of this EIR, along with all other information in the formal record, to decide whether to approve, approve with modifications, or disapprove the application for the Conditional Use Permit as requested for the Project (UP No. 20-01).

The Final EIR consists of the Draft Environmental Impact Report (Draft EIR) published October 15, 2021, and responses to comments, as provided in Chapter 2. The Draft EIR and a digital copy of this Final EIR are contained on a CD in the cover of printed copies of this Final EIR and are available for viewing at the Community Development Department and local public libraries. An electronic version is available at the Colusa County's Community Development Department's website.

The County is the lead agency for reviewing the potential environmental impacts of the Project pursuant to the California Environmental Quality Act (CEQA), and directed the preparation of this Final EIR. The County will use this Final EIR, along with any other information developed in the County's formal record, when considering whether to certify the Final EIR and whether to approve the Applicant's CUP application to the County Development Department.

The Draft EIR detailed the Project; evaluated and described the potential environmental impacts associated with Project construction, and operation and maintenance; identified those impacts that have the potential to be significant; and presented mitigation measures that would avoid or minimize impacts, if adopted. The Draft EIR also evaluated alternatives to the Project, including the Reduced Acreage Alternative, Distributed Solar Alternative, Northeast Site Alternative, and the CEQA-required No Project Alternative.

1.2 INTENDED USE OF THE EIR

The EIR is intended to evaluate the potential environmental impacts that a proposed project may have to the greatest extent possible. This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to analyze all planning and permitting actions associated with the proposed Project. For detailed information on the proposed project, please refer to Chapter 2, Project Description of the Draft EIR, which provides a discussion of the proposed Project.

1.3 ORGANIZATION OF THE FINAL EIR

As required by CEQA Guidelines 15132, this Final EIR consists of the following elements:

1. The Draft EIR;
2. Comments received on the Draft EIR;

3. A list of persons, organizations, and public agencies that commented on the Draft EIR;
4. The County's responses to significant environmental points raised in the review and consultation process;
5. Other information added by the County; and
6. Minor revisions to the Draft EIR.

2 RESPONSE TO COMMENTS

2.1 LIST OF COMMENTERS

The following individuals and agencies provided comments on the Draft EIR:

A. Vance Boyes

B. Leo LaGrande

C. Bob and Cindy Freed

D. David R. Nelson, representing Jean Terkildsen, Elizabeth Katsaris, and Matthew Ferrini

E. Garnett A. Vann

F. Elizabeth Katsaris

G. Sid LaGrande

H. Peter G. Minkel, Central Valley Regional Water Quality Control Board

I. Monique Wilber, California Department of Conservation

Colusa County

EIR Public Meeting
Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print) VANCE BOYES

Mailing Address 757 MAIN STREET COLUSA, CA 95932

Telephone No. (daytime) 530 263-3310

E-mail address VRBOYES@GMAIL.COM

Organization/Affiliation LAND OWNER

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar Project:

1. SINCE THE PROJECT WILL HAVE MAJOR IMPACT ON THE ROAD I BELIEVE THE ROAD NEEDS TO BE PAVED, ESPECIALLY SINCE THE COUNTY WILL NOT HAVE ANY MAJOR TAX REVENUE; AT A MINIMUM, 1
2. I FEEL LOOKING AT ROLLING HILLS, THAN SOLAR PANELS IS ESTETICALLY BETTER 2

Signature Vance Boyes

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

Exhibit "A"

Colusa County

EIR Public Meeting
Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print) Leo LaGrande

Mailing Address PO Box 279, Williams CA.

Telephone No. (daytime)

E-mail address leo@SBLLagrande.com

Organization/Affiliation LaGrande Ranch

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar P

High [illegible]ers using Spring Valley Rd (gravel) in regards to damaging tree crops and livestock forage.

Defoliation and loss of crop or crops occurs when excess dust is present.

Defoliation of an orchard would also effect crop yields the following year.

Signature

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

Exhibit "A"

Attachment #10
Letter C

Colusa County

EIR Public Meeting

Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print): Bob & Cindy Freed

Mailing Address: PO Box 151, Williams 95987

Telephone No. (daytime): 530 681 2412 or 530 304 8899

E-mail address: cfreed@colusanet.com

Organization/Affiliation: residence on East Camp Rd, Williams

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar Project:

Please See attached:

Signature _____

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

November 22 2021

Dear Mr. Plunker,

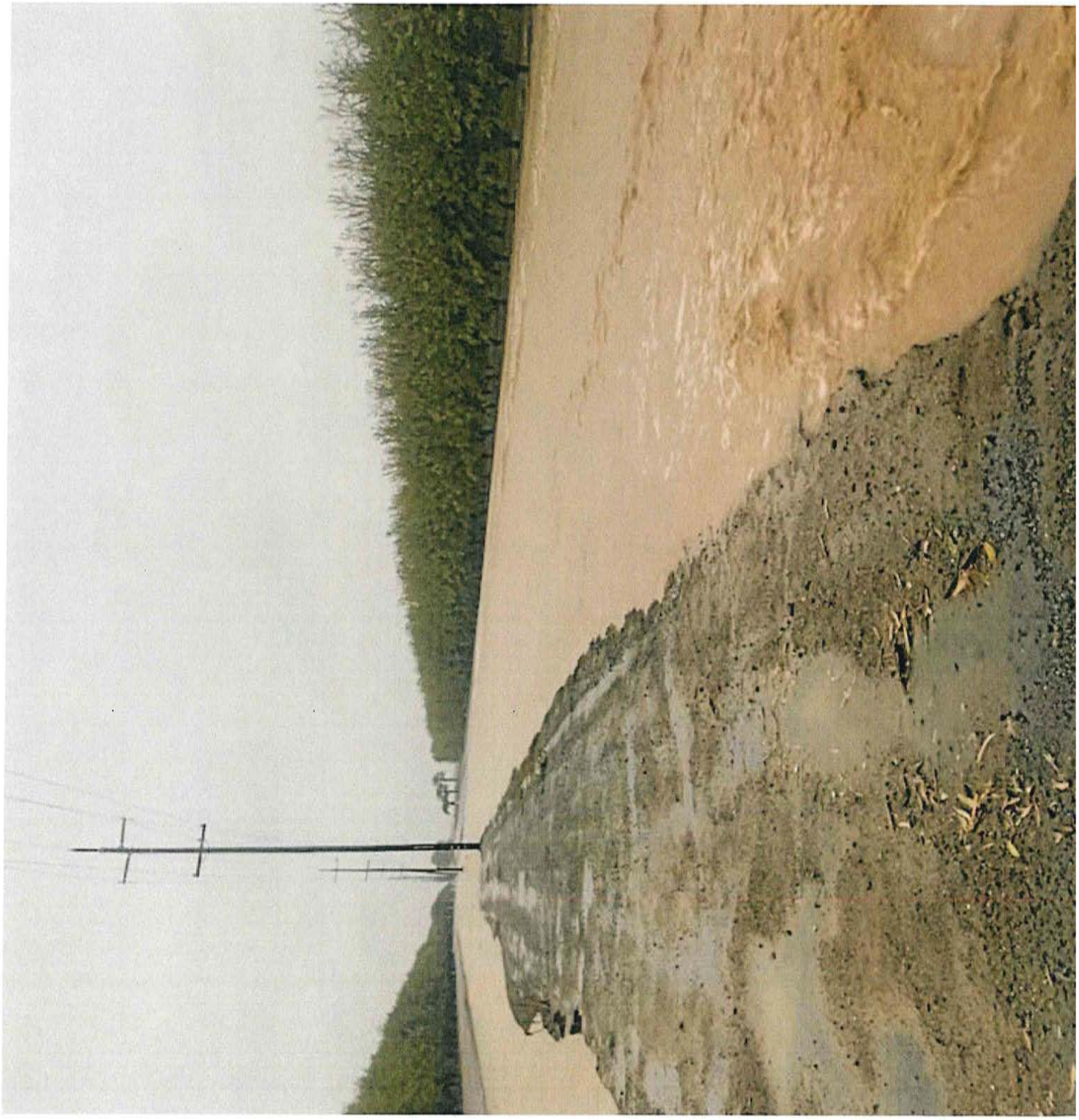
This letter is regarding the proposed Janus Solar Project, which is being considered west of Williams, off of Spring Valley Road. Our home is located on East Camp Road, which apparently would be a main thoroughfare for construction and maintenance of the project. With this in mind, we are adamantly opposed to the project. We are aware of several injury accidents, as well as fatalities, at the intersection of Highway 20 and East Camp Road --there is no turn lane on either roadway, making it a very dangerous area. In addition, East Camp Road is known to flood, closing the roadway in both directions (I've attached photos of from this year). With the proposed construction, more vehicles and trucks will be utilizing Highway 20 and East Camp Road, creating more traffic and likely more accidents. Furthermore, the additional wear and tear of the already rough East Camp Road will only add to more maintenance required on said roadway. 1

Please take into consideration all of the negative aspects of this project before agreeing to move forward. If you should have questions or would like to discuss our thoughts, please feel free to contact either of us.

Sincerely,

Bob & Cindy Freed

530-304-8899




BOB & CINDY FREED
THREE SISTERS SHEEP
2458

CLARK & NELSON
ATTORNEYS AT LAW
521 MARKET STREET
POST OFFICE BOX 968
COLUSA, CALIFORNIA 95932
(530) 458-5157
FAX (530) 458-2183
dave.clarkandnelson@gmail.com

DAVID R. NELSON
CHARLES T. YERXA, JR

ROBERT D. CLARK
(1935-2004)

November 22, 2021

NOV 22 2021

Greg Plucker
Community Development Director
County of Colusa
1213 Market Street
Colusa, CA 95932

Re: Draft EIR - Janus Solar Project

Dear Mr. Plucker:

Please be advised that we are the attorneys for Jean Terkildsen, Elizabeth Katsaris and Matthew Ferrini, who own agricultural real property adjacent to and in the near vicinity of the real property upon which the above referenced project is proposed. Within this letter I will set forth my clients comments to the Draft EIR ("DEIR") for the Janus Solar Project.

1. **SIZE AND SCOPE OF PROPOSED PROJECT**: The proposed project seeks to convert 1,024 acres of real property from its historical use of cattle grazing and sheep grazing to a totally different use of an industrial/commercial utility use. This significant alteration of the use of this real property is sought to be done by means of a use permit. While it is recognized that the Colusa County Zoning Ordinance permits an energy production overlay zone within the Foothill/Agricultural Zoning classification, it is difficult to believe that the decision makers who adopted the current zoning ordinance contemplated a project in the Foothill/Agricultural zone of this magnitude. The conversion of more than 1,000 acres, from its historical farm and grazing use, to an industrial use, should be attempted only by means of a general plan amendment and rezoning of the property. The potential impacts and changes that would result if this project is built cannot be properly contemplated nor fully understood as a project of this type and of this size has never been developed in Colusa County. Colusa County should not permit and convert more than 1,000 acres from an agricultural use to an industrial use on the hope and expectation that unknown and undiscovered impacts will not occur. The development of this project will change the nature and use of not only the project area but also the surrounding agricultural areas. Solar projects of much smaller size should be considered in agricultural areas to determine what the long term impacts can be before undertaking a project of more than 1,000 acres.

1

Furthermore, approval of this project will prohibit the

2

CLARK & NELSON
ATTORNEYS AT LAW

future expansion of prime agricultural property should future water sources be found for the property (Sites Reservoir perhaps). This conversion of agricultural property to an industrial use conflicts with the overriding policy set forth in the General Plan that favors and protects the County's agricultural heritage. 2

2. **INADEQUATE REVIEW OF POTENTIAL DRAINAGE IMPACTS**: The DEIR indicates that there will not be any significant impact from drainage in that the water will drain from the property after the project is built in the same way that it does presently. However, the DEIR fails to consider the potential for the accelerated and increased offsite drainage flows, especially those related to peak flows during a storm event. The project contemplates placing 196,000 solar panels over 738 acres of the project site. While currently there are no improvements that would prevent water from rains to permeate into the soil and pond upon the property, the 196,000 solar panels will be impermeable and the rainwater will accelerate off of the panels and quite likely create a significant increase in downstream drainage. The criteria of the Energy Production Overlay Zone provides in Section E(g) the following: "there shall be no net increase in offsite drainage flows, including peak flows during a storm event." Our clients contend that there is a great likelihood of a significant increase in offsite drainage which must be analyzed and mitigated within the DEIR. 3

3. **DUST IMPACTS**: The DEIR references that dust will be created as a part of the construction of the project. The dust will occur not only on the project site itself but along unpaved portions of Spring Valley Road which will serve as the primary means of ingress and egress to the project site. The DEIR proposes that the dust issue be mitigated by watering dust producing areas twice a day by water truck. The DEIR fails to analyze the potentially significant impact upon neighboring almond orchards. It is common knowledge within almond growing districts that the creation of dust near orchards significantly increases the infestation of mites that are detrimental to almond trees and can cause significant and long lasting impacts to the trees and their production capabilities. The DEIR needs to fully analyze the potential for damage from dust mites and provide mitigation measures that will be more significant than watering twice a day. 4

4. **TRANSMISSION POLES**: The DEIR recognizes that there will be numerous transmission poles located in the county road right of way from the project site down Spring Valley Road and then along Walnut Drive to the PG&E substation. The DEIR further advises that these transmission poles will be as high as 80 feet. That results in the poles and transmission cables being some 20 to 40 feet higher than the existing power poles along Spring Valley Road and Walnut Drive. This 5

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increase in the number of poles and the height of the poles could have a significant impact upon agricultural aerial applicators servicing the orchard and open ground in the area. Poles and wires are a significant hazard to both fixed wing aircraft and helicopters used in agricultural application. Increasing the height of the poles and wires to 80 feet will result in a greater safety hazard for the applicators and may result in aerial application not being feasible in close proximity to the poles and wires. Alternatives to the proposed transmission lines, such as underground lines, should be considered. 5

5. **TRAFFIC AND ROADWAY IMPACTS**: As property owners and residents of the area in question, our clients are very familiar with the local roads and have concerns with regard to the impacts this project would have on the local roads. With Spring Valley Road being unimproved it may not be adequate in its current condition to accommodate the traffic flows during construction, nor for emergency vehicle access to the project site both during construction and afterwards. As mentioned, Spring Valley Road is in large part unpaved and does not have adequate or appropriate drainage facilities. As a result, in times of rain events, the road becomes either unpassable or dangerous to travel upon. While Spring Valley Road presents transportation impacts the additional surrounding roadways will also be impacted. The DEIR acknowledges that Walnut Drive and East Camp Road will also be major routes to access the project site. While traffic will be greatly increased, particularly during construction, safety concerns must be addressed at both the intersection of Highway 20 and East Camp Road where there are no turn lanes as well as at the intersection of Highway 20 and Walnut Drive where again, there are no turn lanes. The DEIR is silent with regard to traffic safety concerns. 6

Furthermore, the number of truck trips is vastly understated. The DEIR references that during construction there will be a need of 15,000,000 gallons of water that would be trucked to the site. Projecting that a water truck can carry 4,000 gallons per load, that equates to 7,500 truck trips during construction. The most likely route for the water trucks would be Highway 20 to East Camp Road to Walnut Drive and to Spring Valley Road. That number of trucks making turns on the State Highway and County Roads without turn lanes creates significant safety issues. The actual number of truck trips will also impact the need for additional road maintenance. 7

6. **HAZARDOUS MATERIALS ASSOCIATED WITH BATTERIES**: The DEIR references that the project will include a battery energy storage system. Batteries are known to have hazardous waste and toxic materials associated with them and have the ability to leak, burn and/or explode. The DEIR fails to adequately analyze what threats the battery energy storage system as proposed will create for both humans, 8

CLARK & NELSON
ATTORNEYS AT LAW

wildlife and the environment. The DEIR further fails to adequately discuss whether local emergency personnel are capable of responding to an accident at the project site and if not, what training will be necessary. 8

7. **IMPACTS TO COLUSA COUNTY AND THE CITY OF WILLIAMS**: It does not appear that the project will provide any significant revenue source to either the County of Colusa or to the City of Williams. However, it goes without saying that the project will have impacts to county and city roadways, fire and emergency responders, drainage improvements, law enforcement amongst others. There is no analysis as to the economic benefits that would come to the County of Colusa or the City of Williams, nor is there any analysis of the economic costs to the County of Colusa and City of Williams. The citizens of Colusa County and the decision makers should be fully advised of impacts upon public agencies and particularly the fiscal impacts that will result from this project. 9

8. **IMPACTS TO USE AND VALUE OF NEIGHBORING PROPERTY**: As the owners of adjacent and neighboring agricultural property, our clients have concerns over what impact a project of this size and nature will have upon their farming operations and the value of their agricultural realty. The DEIR does not address what impacts a 1,000 acre industrial utility complex will have upon current and future neighboring agricultural properties and the extensive cattle and sheep grazing that occur in the area. The potential impacts include changes to the vistas, potential acceleration of drain waters, roadway impacts, hazardous material exposure, altering the safety and availability of aerial agricultural applications and potential impacts to local wildlife. The DEIR should address and adequately review what these cumulative impacts will have upon nearby property owners, their workers and their property. 10

9. **ADDITIONAL EXPANSION**: Could the creation of a 1,000 acre industrial utility complex lead to additional expansion of this type of use in the area? If so, the DEIR should review what the potential cumulative and future impacts could be to agricultural properties similarly situated within the County of Colusa. Cumulative impacts could be in conflict with Colusa County's General Plan that seeks to preserve and expand the County's agricultural heritage. 11

CLARK & NELSON
ATTORNEYS AT LAW

Thank you for your consideration of these comments and should you have questions with regard to these comments please feel free to contact the undersigned.

Very truly yours,

CLARK & NELSON

By
David R. Nelson

DRN:d
cc: Jean Terkildsen
Elizabeth Katsaris
Matthew Ferrini

Colusa County

EIR Public Meeting

Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print) Garnett A. Vann

Mailing Address 365 Ruggieri Way, Williams Ca. 95

Telephone No. (daytime) 530-473-2607

E-mail address gvann@vannbros.com

Organization/Affiliation Vann Bros, Vann Family Orchards

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar Project:

1 We have had our fill of powers lines and disruptio in our agricultural operations related to power lines going though many of our properties. We have already had our easement agreements broken by P,G+E and Western Power. Our original agreements allowed us to farm under the power lines. Then the lawyers got ahold of it and found loopholes to make us quit farming below the transmission wires. We will vigorously resist any attempt to build this facility.

Signature Garnett A. Vann

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

Place
Stamp
Here

Colusa County
Community Development Department
Attn: Mr. Greg Plucker, Director
1213 Market Street
Colusa, CA 95932

Exhibit "A"

Attachment #10
Letter F

Colusa County

EIR Public Meeting

Janus Solar Project
Granzella's Inn, Conference Room
391 6th Street, Williams
Thursday, November 4, 2021

This form may be used to submit comments in regards to the Draft Environmental Impact Report (EIR) for the proposed Janus Solar Project.

Name (please print) Elizabeth Katsaris

Mailing Address

Telephone No. (daytime)

E-mail address katsaris@comcast.net

Organization/Affiliation

In the Final EIR, please address the following comment on the environmental impacts of the Janus Solar Project:

1.) Keeping in mind the threat to public health and safety in the event of a fire, will fire fighting equipment for the Fire Department be kept on site? If so, what type? 1

2.) Are there any alternative projects with a bigger or smaller scope? 2

3.) Is anything about this project going to change? 3

4.) What is the maximum amount of acreage the project could entail? 4

Signature Elizabeth Katsaris

Thank you for your assistance.

Written comments will be accepted until **November 29, 2021** and may be directed to Mr. Greg Plucker, Director, located at Community Development Department, 1213 Market Street, Colusa, CA 95932, or email to gplucker@countyofcolusa.com.

To Mail, Fold and Staple

The proposed Solar Project one spring Valley Road is on the western edge of the pacific flyaway. My concern is the migrating ducks and geese will see this reflection and thinking it is water will try to land on these panels. injuring or killing themselves.

Also, this project will not be beneficial to the county or local land owners. best to serve only one land owner.

530-681-6378
Sid La Grande

California Water Boards
Gavin Newsom
Governor
Jared Blumenfeld
Secretary for
Environmental Protection

Central Valley Regional Water Quality Control Board

29 November 2021

Colusa County
Community Development Department
1213 Market Street
Colusa, CA 95932
gplucker@countyofcolusa.com

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, JANUS SOLAR PROJECT, SCH#2020070577, COLUSA COUNTY

Pursuant to the State Clearinghouse's 15 October 2021 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 Janus Solar Project, located in Colusa 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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.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

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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

NOVEMBER 16, 2021

Letter I

VIA EMAIL: GPLUCKER@COUNTYOFCOLUSA.COM
Greg Plucker
County of Colusa
1213 Market Street
Colusa, CA 95932

Dear Mr. Plucker:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE JANUS SOLAR PROJECT, SCH#2020070577

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Janus Solar Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

Janus Solar PV, LLC has applied to the Colusa County Community Development Department for a Use Permit to construct, operate, maintain, and decommission a photovoltaic (PV) electricity generating facility, with a battery energy storage system (BESS) and associated facilities and infrastructure, to be known as the Janus Solar Project.

The Project would generate and store up to 80 megawatts alternating current on an approximately 1,024-acre site, owned by a private landowner in unincorporated western Colusa County. To avoid environmental constraints, an estimated 768 acres of the 1,024-acre site would be used for the Project. The proposed battery energy storage system (BESS) would extend the period of time each day that the Project could contribute PV-generated energy to the electrical grid. The Project would connect to the electrical grid at the existing Cortina Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E), approximately 4 miles northeast of the Project site. The entirety of the Project site is included in a Williamson Act contract.

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project. 1

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conservation easements, among other measures, as potential mitigation. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]) 2

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at: 3

https://www.calandtrusts.org/resources/conserving-californias-harvest/

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG Farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland). 4

Conclusion

The Department recommends further discussion of the following issues:

- The Projects compatibility with, and/or, potential contract resolutions for lands within agricultural preserves and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

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

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

Janus Solar Project

Responses to Public Comments

February 2023

A VANCE BOYES

A-1

Comment Summary:

Since the project will have major impact on the road. I believe the road needs to be paved, especially since the county will not have any major tax revenue, at minimum.

Response:

The Draft Environmental Impact Report (DEIR) analyzed the potential impacts of additional construction and operation trips on local roads in Chapter 4, Section 4.17. The estimated total number of vehicles during the peak hours would be 230, based on land use, road connectivity, and the nearest location where traffic counts were available. A conservative range of 230 to 310 vehicles was used for analysis in the DEIR. The estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction. The Level of Service calculation for Walnut Drive and Spring Valley Road is provided as part of Appendix J of the DEIR and yields a Level of Service A during peak construction (DEIR page [p.] 4.17-6).

Direct access to the Project site would be on Spring Valley Road, which is an unpaved, rural road currently typically used by agricultural equipment and rural residents to access their properties. As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months.

Application of dust suppressant would include pre-Project road conditioning that would grade and level the road prior to its application. In addition, to ensure that Project construction traffic does not negatively impact surrounding roads, the **Mitigation Measure TRANS-1** has been developed requiring a pre-Project inspection and a post-Project inspection of road conditions to ensure that access roads are not negatively impacted by the additional traffic associated with the Project.

> *"**TRANS-1: Road Inspection and Repairs***
>
> *Prior to construction activities beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.*
>
> *Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through*

photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.

The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic."

Chapter 4, Section 4.2 of the DEIR analyzes air pollutant emissions associated with the Project, such as emissions from construction related activities including equipment exhaust, vehicle travel on paved and unpaved roads, and fugitive dust (PM_{10}) from soil disturbance activities. Mitigation Measure AQ-1 would be required to reduce dust emissions. Based on the Butte County Air Quality Management District recommended thresholds (on which the Colusa County Air Pollution Control District relies), the Project would result in a significant contribution to localized ambient air quality if daily emissions exceeded 80 pounds per day of PM_{10} during either construction or operation. Daily PM_{10} emissions will be well below this threshold for both construction and operation (DEIR p. 4.2-16). Detailed emissions calculations are provided in Appendix C of the DEIR.

In June 2022, the Applicant commissioned a field study (*Janus Solar Project Dust Suppressant Effectiveness Study)* to observe the degree of effectiveness of the dust suppressant that the County has historically used on an unpaved, rural road in Colusa County that was representative of Spring Valley Road and located nearby several nut orchards. The study was performed out of concern regarding the effects of potential dust emissions during use of Spring Valley Road during construction.

A liquid magnesium chloride dust suppressant commercially known as "Dust-Off" was applied to a portion of King Road, an unpaved roadway in rural Colusa County which borders orchards. A section of the roadway was also left untreated. The dust suppressant was applied at a rate of 0.5 gallons per square yard.

A triple-axle truck, fully loaded with 79,000 pounds of equipment, was driven at various speeds on the treated and untreated portions of the unpaved roadway. The study concluded that the application of dust suppressant was extremely effective in mitigating dust generation. As shown in Appendix C to the Final EIR, the effectiveness of the mitigation was observed at all speeds at which the treated portion of the road was driven.

Due to the observed effectiveness of application of the dust suppressant, its use was recommended as part of **Mitigation Measure AQ-1**. To address the concern raised in this comment, the following additions to **Mitigation Measure AQ-1** are proposed:

"AQ-1: Dust Control Measures

During construction of the Project, the primary construction contractor shall implement the following practices:

- *All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed.*
- *When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained.*
- *Limit traffic speeds on unpaved roads to 15 miles per hour.*
- *Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduce dust associated with truck traffic.*
- *Curtail construction activities when the County's Air Quality Index exceeds 150.*
- *Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period.*
- *During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below.*
- *Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles.*
- *The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to*:
  - *Read and understand applicable mitigation measures and have them available at the job site*
  - *Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities*
  - *Use contingency control measures when primary controls are ineffective*
  - *Monitor the worksite for compliance with the dust control mitigation measures*
  - *Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities.*
- *Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information:*
  - *Date*
  - *Time*
  - *Wind speed*
  - *Temperature*

- *Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity*
- *Soil conditions (damp, dry, etc.)*
- *Corrective actions taken, if needed"*

In addition to the application of the dust suppressant during the construction of the Project, in order to ensure that the minimal traffic that would be generated once the Project has been constructed and is operation, **Mitigation Measure AQ-3** has been included to require the application of dust suppressant once a year to Spring Valley Road for the life of the Project.

*"**AQ-3: Long-Term Dust Control***

Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director."

The California Environmental Quality Act (CEQA) does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

"***PS-1: Public Services Mitigation Fee***
Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:

- *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
- *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
  - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*

- *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*

- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation Distict, a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District.*"

A-2

Comment Summary:

I feel looking at rolling hills is esthetically better than solar panels.

Response:

Impacts to visual resources are discussed in Chapter 4, Section 4.3 of the DEIR. An additional visual simulation was completed depicting the view from the gate of the commenter and is provided as Appendix D to the Final EIR. This visual simulation is from Key Observation Point (KOP) 6.

KOP 6 is located near Spring Valley Road, approximately 0.2 miles north of the Project site. KOP 6, Orientation 2 depicts views oriented southwest toward the Project site. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with relatively flat terrain. Existing structural features include a residence and fencing in the foreground. Vegetation includes grasses and trees. Dominant colors for the landscape are green-brown, tan, and green while the structures are gray, brown, and white. The vegetation consists of irregular, organic forms of contiguous grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers traveling along Spring Valley Road. Considering the short duration of viewing, viewers would have a low viewer sensitivity to the visual changes in the area. This KOP also provides a typical view for the occupants of the residence west of Spring Valley Road. Considering the frequent viewing by local residents, viewers would have a moderate sensitivity to the visual changes in the area.

The Project would introduce dark gray color, geometric shapes, and horizontal lines into the landscape setting and would be visible from this location by a casual observer. The colors, regular geometric forms and horizontal lines associated with the solar arrays and associated infrastructure would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the structures in the vicinity also possess gray color and horizontal and vertical lines (fencing). This viewpoint reflects the views of drivers traveling along Spring Valley Road. These impacts would be short term for travelers because they would only be approaching or paralleling the Project site for a limited time and their focus would be on

the road ahead. This viewpoint also reflects the views of the occupants of the residence west of Spring Valley Road. For views from residence, while appearing as new and visible features, the Project infrastructure would be consistent with other horizontal and vertical lines and geometric shapes visible throughout the landscape. As the Project would attract attention to the casual observer and the portion of the Project that would be visible would co-dominate the landscape, the contrast would be considered moderate. However, the Project would not block views of the surrounding agricultural open space or the trees in the middleground. Therefore, the impacts would be less than significant.

B LEO LAGRANDE

B-1

Comment Summary:

High [unreadable (concern?)] using Spring Valley Rd (gravel) in regards to damaging tree crops and livestock forage.

Defoliation and loss of crop or crops occur when excess dust is present.

Defoliation of an orchard would also effect crop yields the following year.

Response:

Chapter 4, Section 4.2 of the DEIR analyzes air pollutant emissions associated with the Project, such as emissions from construction related activities including equipment exhaust, vehicle travel on paved and unpaved roads, and PM_{10} from soil disturbance activities. Mitigation Measure AQ-1 would be required to reduce dust emissions. Based on the Butte County Air Quality Management District recommended thresholds (on which the Colusa County Air Pollution Control District relies), the Project would result in a significant contribution to localized ambient air quality if daily emissions exceeded 80 pounds per day of PM_{10} during either construction or operation. Daily PM_{10} emissions will be well below this threshold for both construction and operation (DEIR p. 4.2-16). Detailed emissions calculations are provided in Appendix C of the DEIR.

In June 2022, the Applicant commissioned a field study (*Janus Solar Project Dust Suppressant Effectiveness Study)* to observe the degree of effectiveness of the dust suppressant that the County has historically used on an unpaved, rural road in Colusa County that was representative of Spring Valley Road and located nearby several nut orchards. The study was performed out of concern regarding the effects of potential dust emissions during use of Spring Valley Road during construction.

A liquid magnesium chloride dust suppressant commercially known as “Dust-Off” was applied to a portion of King Road, an unpaved roadway in rural Colusa County which borders orchards. A section of the roadway was also left untreated. The dust suppressant was applied at a rate of 0.5 gallons per square yard.

A triple-axle truck, fully loaded with 79,000 pounds of equipment, was driven at various speeds on the treated and untreated portions of the unpaved roadway. The study concluded that the application of dust suppressant was extremely effective in mitigating dust generation. As shown in Appendix C of the Final EIR, the effectiveness of the mitigation was observed at all speeds at which the treated portion of the road was driven

A triple-axle truck, fully loaded with 79,000 pounds of equipment, was driven at various speeds on the treated and untreated portions of the unpaved roadway. The study concluded that the application of dust suppressant was extremely effective in mitigating dust generation. The effectiveness of the mitigation was observed at all speeds at which the treated portion of the

road was driven. Due to the observed effectiveness of application of the dust suppressant, its use was recommended as part of Mitigation Measure AQ-1. To address the concern raised in this comment, the following additions to Mitigation Measure AQ-1 are proposed:

"AQ-1: Dust Control Measures

During construction of the Project, the primary construction contractor shall implement the following practices:

- *All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed.*
- *When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained.*
- *Limit traffic speeds on unpaved roads to 15 miles per hour.*
- *Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduce dust associated with truck traffic.*
- *Curtail construction activities when the County's Air Quality Index exceeds 150.*
- *Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period.*
- *During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below.*
- *Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles.*
- *The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to:*
  - *Read and understand applicable mitigation measures and have them available at the job site*
  - *Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities*
  - *Use contingency control measures when primary controls are ineffective*
  - *Monitor the worksite for compliance with the dust control mitigation measures*
  - *Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities.*

- *Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information:*
  - *Date*
  - *Time*
  - *Wind speed*
  - *Temperature*
  - *Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity*
  - *Soil conditions (damp, dry, etc.)*
  - *Corrective actions taken, if needed"*

In addition to the application of the dust suppressant during the construction of the Project, in order to ensure that the minimal traffic that would be generated once the Project has been constructed and is operation, **Mitigation Measure AQ-3** has been included to require the application of dust suppressant once a year to Spring Valley Road for the life of the Project.

> "***AQ-3: Long-Term Dust Control***
>
> *Once a year generally in late spring the Applicant shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director."*

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

> "***PS-1: Public Services Mitigation Fee***
>
> *Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:*
>
> - *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
> - *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*

- *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
- *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*

- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation Distict, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

C BOB AND CINDY FREED

C-1

Comment Summary:

Our home is located on East Camp Road, which apparently would be a main thoroughfare for construction and maintenance of the project. With this in mind, we are adamantly opposed to the project. We are aware of several injury accidents, as well as fatalities, at the intersection of Highway 20 and East Camp Road -- there is no turn lane on either roadway, making it a very dangerous area. In addition, East Camp Road is known to flood, closing the roadway in both directions (I've attached photos of from this year). With the proposed construction, more vehicles and trucks will be utilizing Highway 20 and East Camp Road, creating more traffic and likely more accidents. Furthermore, the additional wear and tear of the already rough East Camp Road will only add more maintenance required on said roadway.

Response:

The DEIR analyzed the potential impacts of additional construction and operation trips on local roads in Chapter 4, Section 4.17. The estimated total number of vehicles during the peak hours would be 230, based on land use, road connectivity, and the nearest location where traffic counts were available. A conservative range of 230 to 310 vehicles was used for analysis in the DEIR. The estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction. The Level of Service calculation for Walnut Drive and Spring Valley Road is provided as part of Appendix J of the DEIR and yields a Level of Service A during peak construction (DEIR p. 4.17-6).

The Transportation Injury Mapping System[1] data was reviewed for the years 2015 through 2020 (the last year which data was available). During those 5 years, 7 accidents were reported within 2 miles of the Project site, which includes: 2 accidents where driver or passenger had a complaint of pain, 3 minor injuries, 1 serious injury accident, and 1 fatality. Construction traffic will approach the Project site from Highway 20 to East Camp Road to Walnut Drive to Spring Valley Road. Three of the accidents recorded between 2015 and 2020 occurred at the intersection of Highway 20 and East Camp Road, including one minor injury accident in 2019, two minor accidents with complaints of pain in 2015 and 2016. The line of sight on Highway 20 at East Camp Road is approximately 1 mile in length, and the Project traffic is not anticipated to contribute to a greater accident rate.

Direct access to the Project site would be on Spring Valley Road, which is an unpaved, rural road currently typically used by agricultural equipment and rural residents to access their properties.

[1] Transportation Injury Management System. TIMS - Transportation Injury Mapping System (berkeley.edu). Accessed on January 9, 2023.

As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months.

Application of dust suppressant would include pre-Project road conditioning that would grade and level the road prior to its application. In addition, to ensure that Project construction traffic does not negatively impact surrounding roads, the **Mitigation Measure TRANS-1** has been developed requiring a pre-Project inspection and a post-Project inspection of road conditions to ensure that access roads are not negatively impacted by the additional traffic associated with the Project.

> *"**TRANS-1: Road Inspection and Repairs***
>
> *Prior to construction acitivies beginning and building permit issuance, the Project Owner shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.*
>
> *Following completion of the construction activities, the Project Owner shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.*
>
> *The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic."*

D CLARK & NELSON, ATTORNEYS AT LAW

D-1

Comment Summary:

The proposed project seeks to convert 1,024 acres of real property from its historical use of cattle grazing and sheep grazing to a totally different use of an industrial/commercial utility use. This significant alteration of the use of this real property is sought to be done by means of a use permit. While it is recognized that the Colusa County Zoning Ordinance permits an energy production overlay zone within the Foothill/Agricultural Zoning Classification, it is difficult to believe that the decision makers who adopted the current zoning ordinance contemplated a project in the Foothill/Agricultural zone of this magnitude. The conversion of more than 1,000 acres, from its historical farm and grazing use, to an industrial use, should be attempted only by means of a general plan amendment and rezoning of the property. The potential impacts and changes that would result if this project is built cannot be properly contemplated nor fully understood as a project of this type and of this size has never been developed in Colusa County. Colusa County should not permit and convert more than 1,000 acres from an agricultural use to an industrial use on the hope and expectation that unknown and undiscovered impacts will not occur. The development of this project will change the nature and use of not only the project area but also the surrounding agricultural areas. Solar projects of much smaller size should be considered in agricultural areas to determine what the long-term impacts can be before undertaking a project of more than 1,000 acres.

Response:

As stated in Chapter 4, Section 4.11.2.4 of the DEIR, the County's Zoning Code allows for energy production in areas zoned as Foothill Agriculture and Exclusive Agriculture with a Use Permit, or a Minor Use Permit if the project site is located in an Energy Production Overlay Zone. The County has determined that a Use Permit is required for the Project. Colusa County General Plan **Policy AG 2-1** states that alternative energy is permitted on agricultural land. In support of alternative energy, **Policy AG 2-5** describes that solar facilities should be encouraged.

> ***"Policy AG 2-1****: Agricultural-related industrial support operations shall be permitted on agricultural lands. Such uses may include, but are not limited to, processing, assembly, distribution and warehousing of agricultural materials and commodities and alternative energy systems that provide energy for on-site uses. These uses should be permitted on agricultural lands as principal permitted uses subjected to the standards of the Zoning Ordinance provided the following findings are made:*
>
> *a. The use provides a needed service to the surrounding agricultural area which cannot be provided more efficiently within designated industrial or commercial areas or which requires location in a non-urban area because of unusual site requirements, operational characteristics, or proximity to agricultural goods and products.*
>
> *b. The use avoids prime agricultural lands to the greatest extent feasible.*

c. *If the use is sited on productive agricultural lands, less productive agricultural lands are not available in the vicinity.*

d. *The operational or physical characteristics of the use will not have a significant adverse impact on water resources or the use or management of surrounding agricultural properties within at least one-quarter (1/4) mile radius.*

e. *The use supports local agricultural productions.*

f. *The use is compatible with existing uses in the area.*

g. *The use will not adversely affect agricultural production in the area.*

h. *The use will not result in significant adverse traffic or air quality impacts.*

Policy AG 2-5: *Encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, biofuels, and solar or wind farms.*

The Land Use section in the Colusa County General Plan includes ***Table LU-1*** *which outlines the minimum parcel size, maximum dwelling density and allowed uses for each of the land use designations. Categories for the allow uses under Agricultural Upland which the project site is designated as, includes cultivated agriculture, agricultural industrial, livestock and animal keeping, agricultural commercial, agricultural-base tourism, low-intensity recreation, resource production, energy production, single family residential, and farmworker housing. Energy Production under Agriculture Upland states that solar facilities are permitted as allowed uses."*

D-2

Comment Summary:

Furthermore, approval of this project will prohibit the future expansion of prime agricultural property should future water sources be found for the property (Sites Reservoir perhaps). This conversion of agricultural property to an industrial use conflicts with the overriding policy set forth in the General Plan that favors and protects the County's agricultural heritage.

Response:

The Project site is located in the Westside Water District which supplies water for agricultural irrigation. An adequate baseline for agricultural impacts is provided in the DEIR. As described in Section 15125(a) of the CEQA Guidelines, the environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. Under the current environmental setting, the Project site does not contain irrigation infrastructure or an irrigation system connection to the Westside Water District and to assume future access to irrigation infrastructure would be highly speculative. Due to lack of irrigation water, the current use on the Project site is cattle ranching.

CEQA recognizes that the conversion of prime, unique, or farmland of statewide importance can result in a significant impact on agricultural resources (CEQA Guidelines, Appendix G). In this case, the Project site is grazing land (DEIR at 4.1-1) and is not considered prime, unique, or farmland of statewide importance (DEIR p. 4.1-5). Based on information from the United States Department of Agriculture Natural Resources Conservation Service, there are three soil types found on the Project that may be considered prime farmland when irrigated: Capay clay (approximately 23 percent of the Project site), Clear Lake Clay (approximately 6 percent of the Project site), and Corval loam (approximately 5 percent of the Project site). As stated previously, the property does not have irrigation infrastructure or an existing agreement or connection with the Westside Water District that would supply irrigation water. Therefore, the availability of irrigation water in the future is highly speculative, and conversion of the land from grazing uses to uses for renewable energy production and energy storage is not a significant adverse impact on agricultural resources due to the conversion of prime, unique, or farmland of statewide importance (DEIR p. 4.1-5).

D-3

Comment Summary:

The DEIR indicates that there will not be any significant impact from drainage in that the water will drain from the property after the project is built in the same way that is does presently. However, the DEIR fails to consider the potential for the accelerated and increased offsite drainage flows, especially those related to peak flows during a storm event. The project contemplates placing 196,000 solar panels over 738 acres of the project site. While currently there are not improvements that would prevent water from rains to permeate into the soil and pond upon the property, the 196,000 solar panels will be impermeable, and the rainwater will accelerate off of the panels and quite likely create a significant increase in downstream drainage. The criteria of the Energy Production Overlay Zone provide in Section E(g) the following: "there shall be no net increase in offsite drainage flows, including peak flows during a storm event." Our clients contend that there is a great likelihood of a significant increase in offsite drainage which must be analyzed and mitigated within the DEIR.

Response:

The 196,000 solar panels would not introduce impervious ground surfaces with the exception of those surfaces required for the battery energy storage system (BESS) foundations, the substation, the operations and maintenance building, tracking assembly piles and inverter foundations. These features would introduce a proportionately small amount of impervious surfaces to the 1,024-acre site. The Project will minimize grading by using portions of the site that are flat and will not significantly alter the existing drainage patterns. As discussed in the DEIR, the Project is not within a flood zone and would include minimal new impervious surfaces. Solar panel posts, fences, generation-tie (gen-tie) line poles, the BESS, the operations and maintenance building, and the substation would not prevent stormwater flow, and the Project's design would follow the natural drainage of the site (DEIR p. 4.10-9).

Under Section 402 of the Clean Water Act, a National Pollutant Discharge Elimination System (NPDES) General Permit would be required for the Project because it would disturb more than 1 acre of soil with the potential to discharge to the waters of the United States. The NPDES permit would regulate any stormwater discharge associated with construction, and would require the development and implementation of a Stormwater Pollution Prevention Plan that would include Best Management Practices designed to prevent sediment and other pollutants from reaching receiving waters. Additionally, the Stormwater Pollution Prevention Plan would be required to contain visual and chemical monitoring programs for non-visable pollutants (DEIR p. 4.10-3).

Section 44-2.20.20 of the Colusa County Code, states that "there shall be no net increases in off-site drainage flows, including peak flows during a storm event, and water quality measures shall be implemented to reduce stormwater pollutants." The Project would be required to be built compliant with the Colusa County Code.

D-4

Comment Summary:

The DEIR references that dust will be created as part of the construction of the Project. The dust will occur not only on the Project site itself but along unpaved portions of Spring Valley Road which will serve as the primary means of ingress and egress to the Project site. The DEIR proposed that the dust issue be mitigated by watering dust producing areas twice a day by water truck. The DEIR fails to analyze the potentially significant impact upon neighboring almond orchards. It is common knowledge within almond growing districts that the creation of dust near orchards significantly increases the infestation of mites that are detrimental to almond trees and can cause significant and long-lasting impacts to the trees and their production capabilities. The DEIR needs to fully analyze the potential for damage from dust mites and provide mitigation measures that will be more significant than watering twice a day.

Response:

Chapter 4, Section 4.2 of the DEIR analyzes air pollutant emissions associated with the Project, such as emissions from construction related activities including equipment exhaust, vehicle travel on paved and unpaved roads, and fugitive dust (PM_{10}) from soil disturbance activities. Mitigation Measure AQ-1 would be required to reduce dust emissions. Based on the Butte County Air Quality Management District recommended thresholds (on which the Colusa County Air Pollution Control District relies), the Project would result in a significant contribution to localized ambient air quality if daily emissions exceeded 80 pounds per day of PM_{10} during either construction or operation. Daily PM_{10} emissions will be well below this threshold for both construction and operation (DEIR p. 4.2-16). Detailed emissions calculations are provided in Appendix C of the DEIR.

In June 2022, the Applicant commissioned a field study (*Janus Solar Project Dust Suppressant Effectiveness Study)* to observe the degree of effectiveness of the dust suppressant that the County has historically used on an unpaved, rural road in Colusa County that was representative of Spring Valley Road and located nearby several nut orchards. The study was performed out of

concern regarding the effects of potential dust emissions during use of Spring Valley Road during construction.

A liquid magnesium chloride dust suppressant commercially known as "Dust-Off" was applied to a portion of King Road, an unpaved roadway in rural Colusa County which borders orchards. A section of the roadway was also left untreated. The dust suppressant was applied at a rate of 0.5 gallons per square yard.

A triple-axle truck, fully loaded with 79,000 pounds of equipment, was driven at various speeds on the treated and untreated portions of the unpaved roadway. The study concluded that the application of dust suppressant was extremely effective in mitigating dust generation. As shown in Appendix C of the Final EIR, the effectiveness of the mitigation was observed at all speeds at which the treated portion of the road was driven.

Due to the observed effectiveness of application of the dust suppressant, its use was recommended for as part of **Mitigation Measure AQ-1**. To address the concern raised in this comment, the following additions to Mitigation Measure AQ-1 are proposed:

> ***"AQ-1: Dust Control Measures***
>
> *During construction of the Project, the primary construction contractor shall implement the following practices:*
>
> - *All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed.*
> - *When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained.*
> - *Limit traffic speeds on unpaved roads to 15 miles per hour.*
> - *Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduce dust associated with truck traffic.*
> - *Curtail construction activities when the County's Air Quality Index exceeds 150.*
> - *Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period.*
> - *During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below.*
> - *Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles.*

- *The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to:*
  - *Read and understand applicable mitigation measures and have them available at the job site*
  - *Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities*
  - *Use contingency control measures when primary controls are ineffective*
  - *Monitor the worksite for compliance with the dust control mitigation measures*
  - *Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities.*
- *Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information:*
  - *Date*
  - *Time*
  - *Wind speed*
  - *Temperature*
  - *Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity*
  - *Soil conditions (damp, dry, etc.)*
  - *Corrective actions taken, if needed"*

In addition to the application of the dust suppressant during the construction of the Project, in order to ensure that the minimal traffic that would be generated once the Project has been constructed and is operation, an additional **Mitigation Measure AQ-3** has been recommended that the application be required to apply the dust suppressant once a year in for the life of the Project.

> *"**AQ-3: Long-Term Dust Control***
>
> *Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director."*

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the

economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

> ***"PS-1: Public Services Mitigation Fee***
>
> *Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:*
>
> - *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
> - *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
>   - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
>   - *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*
> - *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

D-5

Comment Summary:

The DEIR recognizes that there will be numerous transmission poles located in the county road right of way from the project site down Spring Valley Road and then along Walnut Drive to the PG&E substation. The DEIR further advises that these transmission poles will be as high as 80 feet. That results in the poles and transmission cables being some 20 to 40 feet higher than the existing power poles along Spring Valley Road and Walnut Drive. This increase in the number of poles and the height of the poles could have a significant impact upon agricultural aerial applications servicing the orchard and open ground in the area. Poles and wires are a significant hazard to both fixed wing aircraft and helicopters used in agricultural application. Increasing the height of the poles and wires to 80 feet will result in a greater safety hazard for the applicators and may result in aerial application not being feasible in close proximity to the poles and wires.

Alternatives to the proposed transmission lines, such as underground lines, should be considered.

Response:

Some of the existing transmission lines in the vicinity of the Project exceed 80 feet in height, such that the Project would not introduce pole heights taller than those that exist in the area. Additionally, the gen-tie line for the Project would be built entirely within the public right-of-way and would not intersect private property. As discussed in Chapter 2, Project Description of the DEIR, the new 4.1-mile-long overhead, 60 kilovolt gen-tie line would be partially located on the County's right-of-way on Walnut Drive and Spring Valley Road and partially on land administered by the United States Bureau of Reclamation, from the Project site to the point of interconnection at the Cortina Substation (DEIR p. 2-1).

To further address this comment, additional visual simulations were prepared, including a simulation of the gen-tie line at Spring Valley Road and Beauchamp/Walnut Drive. This KOP is KOP 2, approximately 1.3 miles north of the Project site, as shown in Appendix D of the Final EIR. KOP 2, Orientation 2 depicts views oriented south toward the Project site. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with gently rolling terrain to steep terrain in the background. Existing structural features include Spring Valley Road, fencing, a utility line in the foreground, and transmission lines in the middleground. Vegetation includes trees. Dominant colors for the landscape are green while the structures are gray and brown. The vegetation consists of the irregular, organic forms of grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers traveling along Beauchamp/Walnut Drive and Spring Valley Road. Considering the short duration of viewing, viewers would have a low viewer sensitivity to the visual changes in the area.

Most of the Project solar facility components, such as the solar photovoltaic (PV) generating components, substation, and BESS, would not be visible from KOP 2, Orientation 2 because of the screening of the Project site by rolling terrain, see Appendix D of the Final EIR. The Project gen-tie line would introduce brown and gray colors and regular vertical and horizontal lines into the landscape setting; and would be visible from this location as a portion of the gen-tie line would extend from the northeast corner of the Project site within the County's right-of-way on Spring Valley Road.

A second visual simulation was prepared looking west on Walnut Drive, just west of the Cortina Substation. KOP 6 depicts views oriented west toward Spring Valley Road, approximately 1.9 miles west. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with flat terrain to steep terrain in the background. Existing structural features include Walnut Drive, transmission and utility lines, and agricultural equipment. Vegetation includes trees. Dominant colors for the landscape are green, brown, and tan while the structures are gray, brown, and white. The vegetation consists of the irregular, organic forms of grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers

traveling west along Beauchamp Drive. Considering the short duration of viewing, viewers would have a low viewer sensitivity to the visual changes in the area.

Most of the Project solar facility components, such as the solar PV generating components, substation, and BESS, would not be visible from this location because of the screening of the Project site by vegetation, see Appendix D of the Final EIR. The Project gen-tie line would introduce brown and gray colors and regular vertical and horizontal lines into the landscape setting; and would be visible from this location as a portion of the gen-tie line would extend along Walnut Drive from Spring Valley Road to the Cortina Substation.

The colors and the vertical and horizontal lines associated with the gen-tie line would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the gen-tie line will appear very similar to the structures visible from this location, that also possess brown and gray colors and horizontal and vertical lines (utility and transmission lines). This viewpoint reflects the views of drivers traveling west along Walnut Drive and would be short term because travelers would only be paralleling the Project gen-tie line for a limited time. While appearing as a new and visible feature to the casual observer, the Project gen-tie would be consistent with other horizontal and vertical lines and visible throughout the landscape and would be a subordinate feature in the landscape setting. The Project gen-tie would not block views of the surrounding agricultural open space or the foothills of the Coast Ranges. As the contrast is anticipated to be weak from Viewpoint 2B, the visual impacts are considered minor and less than significant.

A third visual simulation was prepared for KOP 7, further south on Spring Valley Road, as shown in Appendix D of the Final EIR. KOP 7 is located on Spring Valley Road, approximately 0.25 miles north of the Project site. KOP 7 depicts views oriented northeast away from the Project site. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with gently rolling terrain to hilly terrain in the foreground/middleground and steeper terrain associated with the foothills of the Coast Ranges in the background. Existing structural features include Spring Valley Road, fencing, a utility line in the foreground, and transmission lines in the middleground. Vegetation includes grasses and trees. Dominant colors for the landscape are tan and green while the structures are gray and brown. The vegetation consists of the irregular, organic forms of grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers traveling along Spring Valley Road. As the orientation of KOP 7 is directed away from the Project site, most of the Project solar facility components, such as the solar PV generating components, substation, and BESS, would not be visible from this location, see Appendix D of the Final EIR.

For both KOP 2 and KOP 7, the colors and the vertical and horizontal lines associated with the gen-tie line would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the gen-tie line would appear very similar to the structures visible from this location that also possess brown and gray colors and horizontal and vertical lines (fencing, utility line, transmission lines). These impacts would be short-term for travelers because they would only be approaching or paralleling the Project gen-tie line for a

limited time. While appearing as a new and visible feature to the casual observer, the Project gen-tie line would be consistent with other horizontal and vertical lines and visible throughout the landscape and would be a subordinate feature in the landscape setting. The Project gen-tie line would not block views of the surrounding agricultural open space or the foothills of the Coast Ranges. As the contrast is anticipated to be weak from KOP 2 and KOP 7, the visual impacts are considered minor and less than significant. Regarding aerial agricultural pesticide applications, based on information obtained from the Colusa County Agricultural Commissioner's office[2], there are nine growers with a total of 15 permitted sites adjacent to the proposed gen-tie line. These sites include orchards and field crops. Based on data available for the last three years, there were 27 aerial pesticide applications in 2019, five aerial pesticide applications in 2020, and one aerial pesticide application in 2021. The pole heights proposed as part of the Project are similar to existing obstacles for aerial applicators.

D-6

Comment Summary:

As property owners and residents of the area in question, our clients are very familiar with the local roads and have concerns with regard to the impacts this project would have on the local roads. With Spring Valley Road being unimproved it may not be adequate in its current condition to accommodate the traffic flows during construction, nor for emergency vehicle access to the project site both during construction and afterwards. As mentioned, Spring Valley Road is in large part unpaved and does not have adequate or appropriate drainage facilities. As a result, in times of rain events, the road becomes either unpassable or dangerous to travel upon. While Spring Valley Road presents transportation impacts the additional surrounding roadways will also be impacted. The DEIR acknowledges that Walnut Drive and East Camp Road will also be major routes to access the project site. While traffic will be greatly increased, particularly during construction, safety concerns must be addressed at both the intersection of Highway 20 and East Camp Road where there are no turn lanes as well as at the intersection of Highway 20 and Walnut Drive where again there are no turn lanes. The DEIR is silent with regard to traffic safety concerns.

Response:

The DEIR analyzed the potential impacts of additional construction and operation trips on local roads in Chapter 4, Section 4.17. The estimated total number of vehicles during the peak hours would be 230, based on land use, road connectivity, and the nearest location where traffic counts were available. A conservative range of 230 to 310 vehicles was used for analysis in the DEIR. The estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction. The Level of Service calculation for Walnut Drive and Spring Valley Road is provided as part of Appendix J of the DEIR and yields a Level of Service A during peak construction (DEIR p. 4.17-6).

[2] Data request response from the Colusa County Agricultural Commissioner's office. January 7, 2022.

The Transportation Injury Mapping System[3] data was reviewed for the years 2015 through 2020 (the last year which data was available). During those 5 years, 7 accidents were reported within 2 miles of the Project site, which includes: 2 accidents where driver or passenger had a complaint of pain, 3 minor injuries, 1 serious injury accident, and 1 fatality. Construction traffic will approach the Project site from Highway 20 to East Camp Road to Walnut Drive to Spring Valley Road. Three of the accidents recorded between 2015 and 2020 occurred at the intersection of Highway 20 and East Camp Road, including one minor injury accident in 2019, two minor accidents with complaints of pain in 2015 and 2016. The line of sight on Highway 20 at East Camp Road is approximately 1 mile in length, and the Project traffic is not anticipated to contribute to a greater accident rate.

Direct access to the Project site would be on Spring Valley Road, which is an unpaved, rural road currently typically used by agricultural equipment and rural residents to access their properties. As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months.

Application of dust suppressant would include pre-Project road conditioning that would grade and level the road prior to its application. In addition, to ensure that Project construction traffic does not negatively impact surrounding roads, **Mitigation Measure TRANS-1** has been developed requiring a pre-Project inspection and a post-Project inspection of road conditions to ensure that access roads are not negatively impacted by the additional traffic associated with the Project.

> *"**TRANS-1: Road Inspection and Repairs***
>
> *Prior to construction acitivies beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.*
>
> *Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.*

[3] Transportation Injury Management System. TIMS - Transportation Injury Mapping System (berkeley.edu). Accessed on January 9, 2023.

The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic."

D-7

Comment Summary:

Furthermore, the number of truck trips is vastly understated. The DEIR references that during construction there will be a need of 15,000,000 gallons of water that would be trucked to the site. Projecting that a water truck can carry 4,000 gallons per load, that equates to 7,500 truck trips during construction. The most likely route for the water trucks would be Highway 20 to East Camp Road to Walnut Drive to Spring Valley Road. That the number of trucks making turns on the State Highway and County Roads without turn lanes creates significant safety issues. The actual number of truck trips will also impact the need for additional road maintenance.

Response:

Use of 4,000-gallon capacity water delivery trucks would result in 3,750 round trips or 7,500 one way trips to deliver 15,000,000 gallons of water during construction. The vendor and hauling trips described in Table 4.2-5 Construction Scenario Assumptions, account for these truck trips. Water use for dust control would be significantly reduced due to the use of additional dust suppressant control measures; however, the maximum, reasonable number of trips is included for a conservative analysis.

As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months. **Table 4.2-4** of the DEIR describes five main phases of construction, which include preparation, excavation, utilities/sub-grade, construction, and paving. The shortest phase would be 9 days for preparation and the longest phase would consist of 233 days for construction. During peak construction it is estimated that approximately 200 workers would be commuting to the Project site as seen in **Table 4.17-1** of the DEIR, with 25 percent participating in carpools.

The Transportation Injury Mapping System[4] data was reviewed for the years 2015 through 2020 (the last year which data was available). During those 5 years, 7 accidents were reported within 2 miles of the Project site, which includes: 2 accidents where driver or passenger had a complaint of pain, 3 minor injuries, 1 serious injury accident, and 1 fatality. Construction traffic will approach the Project site from Highway 20 to East Camp Road to Walnut Drive to Spring Valley Road. Three of the accidents recorded between 2015 and 2020 occurred at the intersection of Highway 20 and East Camp Road, including one minor injury accident in 2019, two minor accidents with complaints of pain in 2015 and 2016. The line of sight on Highway 20 at East Camp Road is approximately 1 mile in length, and the Project traffic is not anticipated to contribute to a greater accident rate.

[4] Transportation Injury Management System. TIMS - Transportation Injury Mapping System (berkeley.edu). Accessed on January 9, 2023.

Direct access to the Project site would be on Spring Valley Road, which is an unpaved, rural road currently typically used by agricultural equipment and rural residents to access their properties. As discussed in the DEIR, the Project would introduce short-term construction traffic for truck deliveries and worker trips over a period of approximately 11 months. Per **Mitigation Measure AQ-1**, a flagger would be located on Spring Valley Road during peak truck trip periods to manage traffic.

In addition, to ensure that Project construction traffic does not negatively impact surrounding roads, **Mitigation Measure TRANS-1** has been developed requiring a pre-Project inspection and a post-Project inspection of road conditions to ensure that access roads are not negatively impacted by the additional traffic associated with the Project.

> *"**TRANS-1: Road Inspection and Repairs***
>
> *Prior to construction acitivies beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.*
>
> *Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.*
>
> *The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after Project decommissioning to address any road damage as a result of decommissioning construction traffic."*

D-8

Comment Summary:

The DEIR references that the project will include a battery energy storage system. Batteries are known to have hazardous waste and toxic materials associated with them and have the ability to leak, burn and/or explode. The DEIR fails to adequately analyze what threats the battery energy storage system as proposed will create for both humans, wildlife, and the environment. The DEIR further fails to adequately discuss whether local emergency personnel are capable of responding to an accident at the project site and if not, what training will be necessary.

Response:

As discussed in Chapter 4, Section 4.9, Hazards and Hazardous Materials of the DEIR, Section 608 of the International Fire Code has been adopted by the state of California to minimize risk of fire from stationary battery storage systems and to contain fire in the event of such an incident. Compliance with Article 480 of the National Electrical Code, which identifies insulation and venting requirements for stationary storage batteries, reduces potential fire risk. Colusa County has adopted the California Fire Code in its Municipal Code as part of its building and construction regulations (Title 15, Chapter 15.10).

As discussed in the DEIR, all battery components for the BESS would be installed on concrete pads and contained within an enclosure to minimize the potential for sparks or ignition. All such enclosures would be equipped with a fire suppression system. Therefore, the proposed Project is not expected to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (DEIR p. 4.9-17).

Wildfire impacts are discussed in Chapter 4, Section 4.20 of the DEIR. The risk of wildfire due to operation of the BESS component of the Project was analyzed and determined to be a less than significant impact because each BESS used on-site would be designed, operated, and ultimately disposed of in compliance with all applicable requirements including the California Fire Code, Section 608 of the International Fire Code and Article 480 of the National Electrical Code, which identifies insulation and venting requirements for stationary storage batteries to further reduce potential fire risk. Additionally, the BESS would include fire protection systems (DEIR p. 4.20-9).

The Project would include four federally required fire safety elements set forth by the National Fire Protection Association (NFPA):

1. There would be separation requirements which would include larger spacing than required.
2. Software limits and alarms would be installed in state-of-the-art operating systems based on regulations, operational experience, and supplier recommendations.
3. Thermal runaway protection would be tested in accordance with UL9540a.
4. Explosion control for the BESS would include mechanical deflagration prevention ventilation per NFPA 69.

The following fire prevention design measures are included in the Project:

- Fire breaks around the Project site boundary.
- Vegetation and agricultural products located on and around the Project site would be managed.
- Perimeter roads would be 18 feet wide and interior roads would be 9 feet wide to allow access by emergency vehicles.

- An Emergency Response Plan would be prepared in consultation with the Fire Department and BESS supplier, and local emergency response staff would be trained and oriented at the Project site.
- Infrared cameras would be used to monitor the temperature of enclosed areas.
- Smoke and fire protection where smoke detectors would be provided.
- Gas detection where gas detectors would be provided.
- Fire control and suppression where the BESS would have open sprinkler heads inside the cabinet enclosures with fire department connections outside the fenced area to ensure firefighter safety.

Additionally, over the last year, the Applicant, Chief Gilbert of the Williams Fire Protection Authority (WFPA), and WFPA's consultant have worked together to develop the following **Mitigation Measure FIRE-1, to be included** in Chapter 4, Section 4.20 Wildfire in the EIR:

"***FIRE-1: Wildfire Protection Measures***

- *Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary.*
- *Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief:*
    - *On-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified.*
    - *Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval.*

- *The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements.*

- *Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.*
- *As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief."*

D-9

Comment Summary:

It does not appear that the project will provide any significant revenue source to either the County of Colusa or to the City of Williams. However, it goes without saying that the project will have impacts to county or city roadways, fire and emergency responders, drainage improvements, law enforcement among others. There is no analysis as to the economic benefits that would come to the County of Colusa or the City of Williams, nor is there any analysis of the economic costs to the County of Colusa or the City of Williams. The citizens of Colusa County and the decision makers should be fully advised of impacts upon public agencies and particularly the fiscal impacts that will result from this project.

Response:

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

> " ***PS-1: Public Services Mitigation Fee***
>
> *Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:*
>
> - *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
> - *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
>   - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
>   - *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*
> - *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

D-10

Comment Summary:

As the owners of adjacent and neighboring agricultural property, our clients have concerns over what impact a project of this size and nature will have upon their farming operations and the value of their agricultural realty. The DEIR does not address what impacts a 1,000-acre industrial utility complex will have upon current and future neighboring agricultural properties and the extensive cattle and sheep grazing that occur in the area. The potential impacts include changes to the vistas, potential acceleration of drain waters, roadway impacts, hazardous material exposure, altering the safety and availability of aerial agricultural applications and potential

impacts to local wildlife. The DEIR should address and adequately review what these cumulative impacts will have upon nearby property owners, their workers and their property.

Response:

In the DEIR, impacts to agricultural resources are addressed in Chapter 4, Section 4.1, impacts to visual resources are addressed in Chapter 4, Section 4.3, impacts to hydrology and water quality resources are discussed in Chapter 4, Section 4.10, impacts to transportation are included in Chapter 4, Section 4.17, hazards and hazardous materials impacts are discussed in Chapter 4, Section 4.9, and impacts to biological resources are addressed in Chapter 4, Section 4.4. Cumulative impacts to each of these resources are discussed in their respective sections.

Given the prevalence of existing transmission lines in the vicinity of the Project which exceed 80 feet in height, the gen-tie line for the Project would not introduce a new element to the area with which aerial applicators are not currently encountering. Additionally, the gen-tie line for the Project would be built entirely within the public right-of-way and would not intersect private property. As discussed in Chapter 2, Project Description of the DEIR, the new 4.1-mile-long overhead, 60 kilovolt gen-tie line would be partially located on the County's right-of-way on Walnut Drive and Spring Valley Road and partially on land administered by the United States Bureau of Reclamation, from the Project site to the point of interconnection at the Cortina Substation (DEIR p. 2-1).

As mentioned in comment D-4, a dust suppressant study was conducted to measure the amount of dust picked up by vehicles during construction using a dust suppressant such as "Dust-Off." Mitigation Measure AQ-1 would reduce the potential impacts dust may have on the surrounding environment.

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

> "***PS-1: Public Services Mitigation Fee***
>
> *Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:*
>
> - *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*

- *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
  - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
  - *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*
- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

D-11

Comment Summary:

Could the creation of a 1,000 acre industrial utility complex lead to additional expansion of this type of use in the area? If so, the DEIR should review what the potential cumulative and future impacts could be to agricultural properties similarly situated within the County of Colusa. Cumulative impacts could be in conflict with Colusa County's General Plan that seeks to preserve and expand the County's agricultural heritage.

Response:

The Land Evaluation and Site Assessment (LESA; Appendix B to the DEIR) addresses potential impacts on agricultural production on the Project site and a Zone of Influence. This study and the Agricultural Resources section of the DEIR (Chapter 4, Section 4.1) provide analysis that demonstrates the Project would have a less than significant impact on agricultural resources on the Project site and in adjacent areas.

The Colusa County General Plan includes the following policies related to agricultural land and energy development:

Policy AG 1-2: *Lands designated for agricultural use shall remain designated for agriculture and not be rezoned or redesignated to an urban use unless all of the following criteria are met:*

a. The lot(s) for which conversions is requested is adjacent to agriculture or agricultural support uses (e.g., receiving plants, hulling plants, warehousing, trucking, distribution, and other related activities)

b. Conversion will not be detrimental to existing agricultural operations

c. The conversion land is within 500 feet of existing urban infrastructure (e.g., water supply lines and sewer lines) and conversion will constitute a logical contiguous extension of designated urban area

d. *The lot(s) proposed for conversion include a buffer at the agricultural/urban transition zone to protect future users of conservation lands from nuisances associated with typical agricultural practices*

e. *No feasible alternative location (e.g., non-agricultural lands or less productive agricultural lands) exists.*

f. *The use would not have a significant adverse effect on existing or potential agricultural activities on surrounding*

Policy AG 2-5: *Encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, biofuels, and solar or wind farms.*

Policy LU 2-11*: Develop accommodations for the development of large-scale commercial energy production, such as solar, on agricultural parcels. Such parcels shall require the following:*

- *A Use Permit.*
- *An Energy Production (EP) Overlay Zone.*
- *Detailed and rigorous site planning and development.*

Such projects shall only be located on agricultural parcels with marginal or poor farmland. Prime farmlands are not appropriate for this type of development.

The Community Development Department was informally approached in October 2022 by a developer interested in potentially developing a parcel in the County south of the project site, or more preferably near the Cortina Substation as a battery energy storage project. This undefined, potentially future project is known as the Beauchamp Project. The technology, footprint, and specific location are undefined and thus unknown at this time, but are anticipated to include battery storage within 1 mile of the Cortina Substation. The Community Development Department had not received a Use Permit application for the Beauchamp Project at the time of the publication of the Notice of Preparation or at the time of publication of the Draft EIR and still has not received a Use Permit application to date, as the project applicant is still defining the project site, which is anticipated to be less than 25-acres and limited to approximately 30 battery storage units. Project proponents have stated that any such project would feature screening and appropriate setbacks to minimize any change in the visual character of the area. Environmental impacts would be analyzed as part of the application process, should the currently undefined project be proposed through a Use Permit application.

The Community Development Department is interested in maintaining the agricultural character of the area and intends to site future, potential projects to avoid cumulative impacts to agriculture in the area. Given that the scope of the Beauchamp Project is unknown at this time, it would be speculative for the County to attempt to analyze its cumulative impacts, such that it is not considered a probable, future project and it is not included in the cumulative projects evaluated in the EIR.

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the

economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

"***PS-1: Public Services Mitigation Fee***

Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:

- *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
  - *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
  - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
  - *The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.*
- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

E VANN BROS, VANN FAMILY ORCHARDS

E-1

Comment Summary:

We have had our fill of power lines and disruptions in our agricultural operations related to power lines going through many of our properties. We have already had our easement agreements broken by PG&E and Western Power. Our original agreements allowed us to farm under the power lines. Then the lawyers got ahold of it and found loopholes to make us quit farming, below the transmission wires. We will vigorously resist any attempt to build this facility.

Response:

Thank you for providing context for your previous experience with transmission lines. Existing transmission lines in the vicinity of the Project exceed 80 feet in height, such that the Project would not introduce pole heights taller than those that exist in the area.

The gen-tie line for the Project would be built entirely within public right-of-way. As discussed in Chapter 2, Project Description of the DEIR, the new 4.1-mile-long overhead, 60 kilovolt gen-tie line would be partially located on the County's right-of-way on Walnut Drive and Spring Valley Road and partially on land administered by the United States Bureau of Reclamation, from the Project site to the point of interconnection at the Cortina Substation (DEIR p. 2-1).

Most of the Project solar facility components, such as the solar PV generating components, substation, and BESS, would not be visible from this location because of the Project site screening by vegetation (Appendix D of the Final EIR). The Project gen-tie line would introduce brown and gray colors and regular vertical and horizontal lines into the landscape setting; and would be visible from this location as a portion of the gen-tie line would extend along Walnut Drive from Spring Valley Road to the Cortina Substation.

The colors and the vertical and horizontal lines associated with the gen-tie line would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the gen-tie line will appear very similar to the structures visible from this location, that also possess brown and gray colors and horizontal and vertical lines (utility and transmission lines). This viewpoint reflects the views of drivers traveling west along Walnut Drive. These impacts would be short term for travelers because they would only be paralleling the Project gen-tie line for a limited time. While appearing as a new and visible feature to the casual observer, the Project gen-tie line would be consistent with other horizontal and vertical lines and visible throughout the landscape and would be a subordinate feature in the landscape setting. The Project gen-tie line would not block views of the surrounding agricultural open space or the foothills of the Coast Ranges. As the contrast is anticipated to be weak from Viewpoint 2B, the visual impacts are considered minor and less than significant.

A third visual simulation was prepared for KOP 7, further south on Spring Valley Road, as shown in Appendix D of the Final EIR. KOP 7 is located on Spring Valley Road, approximately 0.25 miles

north of the Project site. KOP 7 depicts views oriented northeast away from the Project site. As shown in Appendix D of the Final EIR, the existing landscape setting is characterized by agricultural land with gently rolling terrain to hilly terrain in the foreground/middleground and steeper terrain associated with the foothills of the Coast Ranges in the background. Existing structural features include Spring Valley Road, fencing, a utility line in the foreground, and transmission lines in the middleground. Vegetation includes grasses and trees. Dominant colors for the landscape are tan and green while the structures are gray and brown. The vegetation consists of the irregular, organic forms of grasses and trees. The linear and horizontal lines associated with the structures are visible and prominent from this viewpoint. This KOP provides a typical view for drivers traveling along Spring Valley Road. As the orientation of KOP 7 is directed away from the Project site, most of the Project solar facility components, such as the solar PV generating components, substation, and BESS, would not be visible from this location, see Appendix D of the Final EIR.

For both KOP 2 and KOP 7, the colors and the vertical and horizontal lines associated with the gen-tie line would result in a visual contrast with the irregular, organic forms and colors of the existing landform and vegetation. However, the gen-tie line would appear very similar to the structures visible from this location, that also possess brown and gray colors and horizontal and vertical lines (fencing, utility line, transmission lines). These impacts would be short-term for travelers because they would only be approaching or paralleling the Project gen-tie line for a limited time. While appearing as a new and visible feature to the casual observer, the Project gen-tie line would be consistent with other horizontal and vertical lines and visible throughout the landscape and would be a subordinate feature in the landscape setting. The Project gen-tie line would not block views of the surrounding agricultural open space or the foothills of the Coast Ranges. As the contrast is anticipated to be weak from KOP 2 and KOP 7, the visual impacts are considered minor and less than significant.

F ELIZABETH KATSARIS

F-1

Comment Summary:

Keeping in mind the threat to public health and safety in the event of a fire, will firefighting equipment for the Fire Department be kept on site? If so what type?

Response:

As discussed in Chapter 4, Section 4.9, Hazards and Hazardous Materials of the DEIR, Section 608 of the International Fire Code has been adopted by the state of California to minimize risk of fire from stationary battery storage systems and to contain fire in the event of such an incident. Compliance with Article 480 of the National Electrical Code, which identifies insulation and venting requirements for stationary storage batteries, reduces potential fire risk. Colusa County has adopted the California Fire Code in its Municipal Code as part of its building and construction regulations (Title 15, Chapter 15.10).

As discussed in the DEIR, all battery components for the BESS would be installed on concrete pads and contained within an enclosure to minimize the potential for sparks or ignition. All such enclosures would be equipped with a fire suppression system. Therefore, the proposed Project is not expected to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving fires (DEIR p. 4.9-17).

Training sessions with the local fire department will be conducted at the facility so that local firefighting personnel can become familiar with the facility equipment and appropriate emergency procedures.

The Project would include four federally required fire safety elements set forth by the NFPA:

1. There would be separation requirements which would include larger spacing than required.
2. Software limits and alarms would be installed in state-of-the-art operating systems based on regulations, operational experience, and supplier recommendations.
3. Thermal runaway protection would be tested in accordance with UL9540a.
4. Explosion control for the BESS would include mechanical deflagration prevention ventilation per NFPA 69.

The following fire prevention design measures are included in the Project:

- Fire breaks around the Project site boundary.
- Vegetation and agricultural products located on and around the Project site would be managed.

- Perimeter roads would be 18 feet wide and interior roads would be 9 feet wide to allow access by emergency vehicles.
- An Emergency Response Plan would be prepared in consultation with the Fire Department and BESS supplier, and local emergency response staff would be trained and oriented at the Project site.
- Infrared cameras would be used to monitor the temperature of enclosed areas.
- Smoke and fire protection where smoke detectors would be provided.
- Gas detection where gas detectors would be provided.
- Fire control and suppression where the BESS would have open sprinkler heads inside the cabinet enclosures with fire department connections outside the fenced area to ensure firefighter safety.

Additionally, over the last year, the Applicant, Chief Gilbert of the Williams Fire Protection Authority (WFPA), and WFPA's consultant have worked together to develop the following **Mitigation Measure FIRE-1, to be included** in Chapter 4, Section 4.20 Wildfire in the EIR:

"***FIRE-1: Wildfire Protection Measures***

- *Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary.*
- *Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief:*
    - *On-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified.*
    - *Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling*

software. The computational fluid dynamic modeling shall be submitted for review and approval.

- *The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements.*

- *Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.*
- *As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief."*

F-2

Comment Summary:

Are there any alternative projects with a bigger or smaller scope?

Response:

As discussed in Chapters 3 and 5 of the DEIR, four alternatives to the Project were analyzed, including the No Project Alternative, the Distributed Solar Alternative, the Reduced Acreage Alternative, and the Northeast Site Alternative.

No Project Alternative

In the No Project alternative, the Project site would continue to be used for agricultural grazing and the existing environmental setting would be maintained. Changes to the setting, including changes to the landscape (visual resources, habitat, and land use/agriculture); Project related impacts such as construction noise, traffic, and air emissions would not occur; and potential ground disturbance impacts to cultural and tribal resources, wildlife habitat would not occur. Additionally, the environmental benefits of renewable energy generation would not be realized from solar development of the site.

Distributed Solar Alternative

The Distributed Solar Alternative would develop solar PV systems on the existing rooftops throughout Colusa County, which would increase energy efficiency and renewable energy availability. Under this alternative, solar PV panels would be mounted on existing rooftops, such that no new land would be disturbed. It is anticipated that a similar amount of rooftop acreage (approximately 768 acres) would be required for the Project's 80 megawatts (MW) of solar generating capacity. Similar to the proposed Project, the Distributed Solar Alternative would be designed to operate year-round using solar PV technology to convert solar energy into direct current electricity. The energy generated could be used for on-site uses with the potential to be shared using a community solar arrangement that allows multiple users to share power from a single local source. No new construction of transmission facilities or electrical substations would be required for the power generated by distributed solar PV systems.

Reduced Acreage Alternative

Compared to the Project, the Reduced Acreage Alternative would reduce the Project's impacts to biological resources, cultural resources, and noise. Though none of these Project impacts are significant after mitigation, the Reduced Acreage Alternative, by reducing the acres of land disturbed and the proximity of noise-emitting facilities to offsite receptors, would reduce the potential for biological, cultural, and noise impacts compared to the Project. The Reduced Acreage Alternative also entails less surface disturbance, less construction dust, reduced construction and decommissioning emissions, and reduced demand for water. The Reduced Acreage Alternative would not meet the Project Objectives to generate 80 MW of electricity at the point of interconnection (POI) in a cost-effective manner. It would only generate up to 50 MW of electricity and would not be economically viable to develop or be commercially financeable due to its reduced capacity, and it would generate less economic benefits to the County.

The Northeast Site Alternative

The Northeast Site Alternative site size is approximately 107 acres smaller than the Project site; however, it is anticipated that the same amount of acreage would be used for solar and ancillary facilities as the Project (768 acres) in order to maximize the capacity to generate electricity. Due to the anticipated set-aside areas for giant garter snake (*Thamnophis gigas*) along the existing agricultural canals, solar arrays would be required to be distributed throughout the site rather than concentrated in a single area. The scattered distribution of solar arrays would result in less efficient production of electricity and a significant decrease in capacity compared to the Project's

80 MW. Compared to the Project, the Northeast Site Alternative is anticipated to have increased impacts to agricultural and biological resources, due to its occurrence on prime farmland, and because it includes habitat for the federally and state threatened giant garter snake.

Section 2.5 (Cumulative Projects) of the Draft EIR discusses other notable projects in the County, including one solar and 3 non-solar projects. In addition, the Community Development Department was informally approached in October 2022 by a developer interested in potentially developing a parcel in the County south of the project site, or more preferably near the Cortina Substation as a battery energy storage project. This undefined, potentially future project is known as the Beauchamp Project. The technology, footprint, and specific location are undefined and thus unknown at this time, but are anticipated to include battery storage within 1 mile of the Cortina Substation. The Community Development Department had not received a Use Permit application for the Beauchamp Project at the time of the publication of the Notice of Preparation or at the time of publication of the Draft EIR and still has not received a Use Permit application to date, as the project applicant is still defining the project site, which is anticipated to be less than 25-acres and limited to approximately 30 battery storage units. Project proponents have stated that any such project would feature screening and appropriate setbacks to minimize any change in the visual character of the area._Environmental impacts would be analyzed as part of any application process, should the currently undefined project be proposed through a Use Permit application.

F-3

Comment Summary:

Is anything about this project going to change?

Response:

The Project is described in Chapter 2, Project Description of the DEIR. According to Section 15064 of the CEQA Guidelines, a new CEQA document would be required if substantial changes are proposed to the Project that would require major revisions to the DEIR. Substantial changes might occur if there were new significant environmental impacts or a substantial increase in the severity of previously identified environmental impacts. Any new CEQA document required due to substantial changes to the Project would be circulated for public review.

The changes described to the DEIR to address public and agency comments and minor errata, including the additions to **Mitigation Measure AQ-1** and the addition of **Mitigation Measures AQ-3, PS-1, TRANS-1, and PS-1**, are not considered substantial changes. The changes do not result in new significant impacts or a substantial increase in the severity of previously identified environmental impacts, but are intended to further address less than significant impacts and correct minor editorial issues in the DEIR.

F-4

Comment Summary:

What is the maximum amount of acreage the project could entail?

Response:

The Project size is described in Chapter 2 of the DEIR. The Project site is 1,024 acres, of which only an estimated 768 acres would be used for the Project. As discussed in Chapter 3, Alternatives, the Applicant used a number of criteria to efficiently site the Project (DEIR p. 3-3). These criteria included the following:

- Sufficient incoming solar radiation.
- Flat terrain (less than 15 percent slope across the majority of the site).
- Minimal environmental constraints, such as significant wetlands, protected species habitat.
- Site devoid of “permanent” structures, including orchard trees.
- Enough acreage for desired project size.
- Contiguous acreage.
- Capacity of point of interconnection.
- Distance to point of interconnection.

G SID LAGRANDE

G-1

Comment Summary:

The proposed solar project on spring valley road is on the western edge of the pacific flyway. My concern is the migrating ducks and geese will see this reflection and thinking it is water will try to land on the panels, injuring or killing themselves.

Response:

The potential risks to migrating birds is discussed in Chapter 4, Section 4.4, Biological Resources of the DEIR. Although data from PV solar array-type facilities indicate instances of avian mortality resulting from collisions, the best available scientific information to date does not indicate a significant risk of substantial avian mortality occurring at facilities such as the Project. Current research on the topic indicates that though avian species, and specifically aquatic habitat avian species, may perceive PV solar facilities as waterbodies, it remains unclear the proportion of species that might actually land or attempt landing.[5] Risk of mortality to aquatic birds from nearby, local waterfowl hunting resulted in 30,555 waterfowl kills during the 2020-2021 season, which is much higher than that posed by PV solar facilities.[6, 7] The DEIR concludes that the Project operations and maintenance would have no substantial adverse effects on special-status migratory birds, and the impact would be less than significant with mitigation incorporated (DEIR p. 4.4-28 and 4.4-29).

G-2

Comment Summary:

Also, this project will not be beneficial to the county local landowners but to serve only one landowner.

Response:

CEQA does not require the DEIR to determine the long- and short-term economic impacts of a project on the economic welfare of the County or its residents. However, promoting the economic prosperity of the County and its residents is a paramount concern of the Colusa County Community Development Department.

To address potential impacts to public services in Colusa County, **Mitigation Measure PS-1** is proposed to be incorporated:

[5] Kosciuch, K.; Riser-Espinoza, D.; Moqtaderi, C.; Erickson,W. Aquatic Habitat Bird Occurrences at Photovoltaic Solar Energy Development in Southern California, USA. Diversity 2021, 13, 524. https://doi.org/10.3390/d13110524.

[6] Colusa National Wildlife Refuge. Free Roam Hunt Results Season 2020-2021.

[7] Sacramento National Wildlife Refuge Complex. Hunt Results Season 2020-2021.

"***PS-1: Public Services Mitigation Fee***

Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:

- *A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.*
- *The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project.*
  - *The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.*
    - *The PSMF fee may be pro-rata should the solar and/or battery components become operationalin phases throughout the year and/or for being operational for a portion of the year.*
- *The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."*

H CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

H-1

Comment Summary:

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water issues/basin plans/

Antidegradation Considerations

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

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

In part it states:

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

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

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

Response:

Applicable water quality plans and regulations are discussed in Chapter 4, Section 4.10 of the DEIR.

H-2

Comment Summary:

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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits1

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (L1D)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

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

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca .gov/centralva lley/water issues/storm water/ind ustrial ge neral permits/index.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:

http://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: http://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

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/

Response:

Applicable water quality plans and regulations are discussed in Chapter 4, Sections 4.4 and 4.10 of the DEIR.

I CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF LAND RESOURCE PROTECTION

I-1

Comment Summary:

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. CEQA requires that all feasible and reasonable mitigation be reviewed and applied to projects. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.

Response:

CEQA recognizes that the conversion of prime, unique, or farmland of statewide importance can result in a significant impact on agricultural resources (CEQA Guidelines, Appendix G). In this case, the Project site is grazing land (DEIR p. 4.1-1) and is not considered prime, unique or farmland of statewide importance (DEIR p. 4.1-5). As such, and as recognized by the DEIR, conversion of the land from grazing uses to uses for renewable energy production and energy storage is not a significant adverse impact on agricultural resources (DEIR p. 4.1-5). This conclusion is buttressed by a LESA – a tool recommended be used by lead agencies in Appendix G of the CEQA Guidelines to determine the significance of the conversion. In this case, the project specific LESA prepared for this Project concludes that "the Project will not result in a significant loss of farmland and will not have a significant impact on agricultural land use." (Appendix B to DEIR, LESA Analysis at p. 1).

The County disagrees that mitigation is required in this instance because there is no evidence that the Project would result in a significant impact due to conversion of unirrigated, grazing land to a renewable energy use.

I-2

Comment Summary:

All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

Consistent with CEQA Guidelines, the Department recommends the County consider agricultural conversation easements, among other measures, as potential mitigation (See Cal. Code Regs., tit. 14 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."])

Mitigation through agricultural easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The

conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

Response:

The Department of Conservation letter asserts that the Project will have a significant impact on California's agricultural land resources because it involves "the conversion of agricultural land" and therefore the County should require mitigation in the form of purchase of conservation easements or payment of mitigation fees.

The County disagrees that mitigation is required in this instance because there is no evidence that the Project would result in a significant impact on agricultural resources.

Mitigation is required to address a project's "significant adverse impacts." (CEQA Guidelines Section 15126.4). As recognized in the DEIR, where a project does not result in significant adverse impacts, mitigation is not warranted. The executive summary of the DEIR summarizes the conclusions of the analysis of impacts to agricultural resources and concludes that the conversion of grazing land is not significant and that "no mitigation [is] required."

The assertion that the Project has a significant impact on agricultural resources and requires mitigation is not supported by the information and analysis provided in the DEIR. The DEIR properly concludes that the Project's impacts on agricultural resources is not significant. As such, no mitigation is required.

I-3

Comment Summary:

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

https://www.calandtrusts.org/resources/conserving-californias-harvest/

Response:

Thank you. Comment noted.

I-4

Comment Summary:

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. Indeed, the recent judicial opinion in King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814 ("KG Farms") holds that agricultural conservation easements on a 1 to 1 ratio are not alone sufficient to adequately mitigate a project's conversion of agricultural land. KG farms does not stand for the proposition that agricultural conservation easements are irrelevant as mitigation. Rather, the

holding suggests that to the extent they are considered, they may need to be applied at a greater than 1 to 1 ratio, or combined with other forms of mitigation (such as restoration of some land not currently used as farmland).

Response:

The case cited by the Department of Conservation–Kings and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal. App. 5 814 ("KG Farms") is not applicable to this Project. This case addressed the potential conversion of thousands of acres of prime, unique, and farmland of statewide importance due to oil and gas exploration activities over a 20-year time period. The EIR in that instance concluded that this conversion would be considered "significant." Here, in contrast, the conversion of grazing land is not considered significant. Therefore, the court's discussion of the adequacy of mitigation offered in the Kern County oil and gas EIR is not relevant to the Project.

3 MINOR REVISIONS TO THE DRAFT EIR

3.1 INTRODUCTION

This section includes minor edits to the Draft EIR. These modifications resulted from minor clarifications and staff-initiated changes.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text).

3.2 MINOR CHANGES AND EDITS TO THE DRAFT EIR

Table ES-1 is revised on pages ES-4, ES-5, ES-17, ES-18, and ES-19 as follows:

Potential Impacts	Level of Significance	Mitigation Measure
IMPACT 4.2-2: Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less than Significant Impact	**AQ-1: Dust Control Measures** During construction of the Project, the primary construction contractor shall implement the following practices ~~during all construction related activities~~: • All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed. • When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained. • Limit traffic speeds on unpaved roads to 15 miles per hour • Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduc dust associated with truck traffic. • Curtail construction activities when the County's Air Quality Index exceeds 150. • Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period. • During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The

Potential Impacts	Level of Significance	Mitigation Measure
		traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below. • Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles. • The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to: • Read and understand applicable mitigation measures and have them available at the job site • Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities • Use contingency control measures when primary controls are ineffective • Monitor the worksite for compliance with the dust control mitigation measures • Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities. • Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information: • Date • Time • Wind speed • Temperature • Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity • Soil conditions (damp, dry, etc.) • Corrective actions taken, if needed **AQ-3: Long Term Dust Control** Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director.

Potential Impacts	Level of Significance	Mitigation Measure
PUBLIC SERVICES		
IMPACT 4.15-1: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: i) Fire protection? ii) Police protection? iii) Schools? iv) Parks? Other public facilities?	No Impact	~~No mitigation required.~~ **PS-1: Public Services Mitigation Fee** Prior to issuance of a building permit for the solar and/or battery components of the Project, Project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval: • A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the Project or as a lump sum payment for multiple years until the Project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa. • The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the Project. o The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied. o The PSMF fee may be pro-rata should the solar and/or battery components be put into operation in phases and/or operational for a portion of the year. • The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District.
TRANSPORTATION		
IMPACT 4.17-1: Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less Than Significant Impact	~~No mitigation required.~~ **TRANS-1: Road Inspection and Repairs** Prior to construction activities beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works

Potential Impacts	Level of Significance	Mitigation Measure
		staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director. Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director. The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after project decommissioning to address any road damage as a result of decommissioning construction traffic.
IMPACT 4.20-2: Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildlife?	Less Than Significant Impact	**FIRE-1: Wildfire Protection Measures** • Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary. • Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief: o On-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections

Potential Impacts	Level of Significance	Mitigation Measure
		compatible with responding fire apparatus. The source and supply for the water shall be clearly identified. o Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval. • The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements. Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis. • As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief.

Chapter 2 Project Description

Page 2-11

2.4.1.1.3.6 Access and Circulation

Access to the Project area would be via a main entrance on Spring Valley Road and/or a secondary access along private right-of-way also connecting to Spring Valley Road. An access gate would be provided at the site entry. Internal service roads would be built to access the Project, for ingress and egress to the Project site, to individual Project components, and between the solar array rows to facilitate installation, maintenance, and cleaning of the solar panels. Roads throughout the arrays would provide access to the inverter equipment pads and substation. The perimeter roads would be a minimum of 18 feet wide and interior roads would be a minimum of 9 feet wide and would be sufficient for Colusa County and California Department of Forest and Fire Protection (CAL FIRE) access.

Page 2-13

2.4.1.4 Cortina Substation Improvements

To accommodate the Project, PG&E would construct network upgrades, interconnection facilities, and an approximately 1,000 foot span of transmission line that extends from the County road right-of-way for Walnut Drive adjacent to the Cortina Substation property ~~line~~ to the ~~new~~ Project's bay ~~station~~ within the existing footprint of the ~~PG&E facility~~ Cortina Substation. All PG&E improvements will be constructed within the Cortina Substation property boundary ~~and~~/or affect existing PG&E structures. To accommodate the gen-tie line, PG&E would potentially increase the heights of up to four existing 115 kV transmission structures west of the Cortina Substation from a current height of 110 feet to a maximum height of up to 135 feet, and within the Cortina Substation property relocate 1-2 existing poles adjacent to Cortina Substation to create space for entry of the Project's gen-tie line.

Network upgrades include a grounding system, steel support structures, outdoor lighting, and outlets, and a disconnect switch. Improvements would also include installation of underground conduits, pull boxes, and junction boxes. Civil foundation improvements consisting of site surfacing and grading would be incorporated within the substation facility.

Interconnection facilities to be constructed at the Cortina Substation would include a circuit breaker, disconnect switches, surge arresters, and a dead-end/pull off structure. A line current differential relay scheme and breaker failure and reclosing relays would be installed. Improvements would also include the installation of fiber termination for the gen-tie line.

Page 2-20 and 2-21

2.5 CUMULATIVE PROJECTS

Cumulative impacts refer to the combined effect of proposed Project impacts with the impacts of other past, present, and reasonably foreseeable future projects. According to the CEQA Guidelines Section 15355 "cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the proposed Project when added to other closely

related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. In addition, as stated in the CEQA Guidelines Section 15064 (h)(4), "the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed Project's incremental effects are cumulatively considerable."

The CEQA Guidelines Section 15130 (b)(1) states that the information utilized in an analysis of cumulative impacts should come from one of two sources, either:

1) A list of past, present and probable future projects producing related cumulative impacts, including, if necessary, those projects outside the control of the agency; or
2) A summary of projections contained in an adopted general plan or related planning document designed to evaluate regional or area-wide conditions.

The cumulative analysis provided in this Draft Program EIR utilizes the first method and is based on a list of future projects provided by the County. Cumulative project land uses and intensities are provided in Table 2-1 and shown on Figure 2-7.

The Community Development Department was informally approached in October 2022 by a developer interested in potentially developing a parcel in the County to the south of the project or near the Cortina Substation as a battery energy storage project. This undefined, potential future project is known as the Beauchamp Project. The technology, footprint, and specific location are undefined and thus unknown at this time but are anticipated to include battery storage within 1 mile of the Cortina Substation. Further, the project ownership is understood to be changing which could entail further changes to the project. The Community Development Department had not received a Use Permit application for the Beauchamp Project at the time of the publication of the Notice of Preparation or at the time of publication of the Draft EIR and still has not received a Use Permit application to date, as the project applicant is still determining the location of the project site, which is anticipated to be less than 25-acres. Proponents of the Beauchamp Project have stated that any such project would feature screening and appropriate setbacks to minimize any change in the visual character of the area. Environmental impacts would be analyzed as part of the application process, should the currently undefined project be proposed through a Use Permit application.

The Community Development Department is interested in maintaining the agricultural character of the area and intends to site future, potential projects to avoid cumulative impacts to agriculture in the area. Given that the scope of the Beauchamp Project is unknown at this time, it would be speculative for the County to attempt to analyze its cumulative impacts, such that it is not considered a probable future project and it is not included in the cumulative projects evaluated in the EIR.

Agriculture and Forestry

Page 4.1-5

Impact 4.1-1: *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?* **(No Impact)**

Based on information from the United States Department of Agriculture Natural Resources Conservation Service, there are three soil types found on the Project that may be considered prime farmland when irrigated: Capay clay (approximately 23 percent of the Project site), Clear Lake Clay (approximately 6 percent of the Project site), and Corval loam (approximately 5 percent of the Project site). As stated previously, the property does not have irrigation infrastructure or an existing agreement or connection with the Westside Water District that would supply irrigation water. Therefore, the availability of irrigation water in the future is highly speculative, and conversion of the land from grazing uses to uses for renewable energy production and energy storage is not a significant adverse impact on agricultural resources due to the conversion of prime, unique, or farmland of statewide importance.

The Project site is designated as Farmland of Local Importance by the California Department of Conservation and is not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, such that there would be no impact.

Section 4.2 Air Quality

Page 4.2-21

AQ-1: Dust Control Measures

During construction of the Project, the primary construction contractor shall implement the following practices ~~during all construction related activities~~:

- All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed.
- When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained.
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduce dust associated with truck traffic.
- Curtail construction activities when the County's Air Quality Index exceeds 150.
- Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period.
- During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below.
- Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles.
- The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to:

- Read and understand applicable mitigation measures and have them available at the job site
- Implement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities
- Use contingency control measures when primary controls are ineffective
- Monitor the worksite for compliance with the dust control mitigation measures
- Maintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities.

- Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information:
  - Date
  - Time
  - Wind speed
  - Temperature
  - Minutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity
  - Soil conditions (damp, dry, etc.)
  - Corrective actions taken, if needed

AQ-2: Construction Equipment Requirements

During construction, diesel particulate filters or other CARB-verified diesel emission control strategies shall be installed on construction equipment. All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5-minute idling limit. All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked and determined to be running in proper condition before the start of work. Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors shall be limited.

AQ-3: Long Term Dust Control

Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director.

Section 4.15 Public Services

Page 4.15-2 through 4.15-4

IMPACT 4.15-1: *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

i) Fire protection

~~**No Impact.**~~ **Less than Significant Impact.** The Williams Fire Protection Authority would provide fire services to the Project site. The station is located at 810 E Street in the city of Williams and is approximately 12 miles from the Project site. While t~~T~~he Project would be designed in compliance with federal, state, and local worker safety and protection codes and regulations which would minimize the potential for the occurrence of fire, ~~,~~ the construction of the Project would introduce a greater fire risk than exists today. The Project is not anticipated to contribute an increase in population that would cause an increase in the demand for fire protection.

In addition, Project maintenance and operation may introduce potential ignition sources such as transformers, electric transmission line (including gen-tie inline), substations, maintenance vehicles, and gas/electric-powered machinery. The proposed inverters and photovoltaic arrays may also be identified as a potential ignition source. However, the potential fire risk is low for these Project components. All battery components for the battery energy storage system would be installed on concrete pads and contained within an enclosure to minimize the potential for sparks or ignition. All such enclosures would be equipped with a fire suppression system. Although the overall fire risk is low, there is the potential for increased calls for fire service during the construction and life of the project greater than what exists today. **Mitigation Measure PS-1** would provide general funding for provision of public services in Colusa County, such that the costs for potential increased fire protection would be less than significant.

~~Therefore, the proposed Project is not expected to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.~~

ii) Police protection

Less than Significant Impact ~~**No Impact.**~~ The Project site would be serviced by the Colusa County Sheriff's Department. The County's Sheriff's office is located at 929 Bridge Street in the city of Colusa and is approximately 17 miles to the east. ~~The Project is not anticipated to contribute an increase in population that would increase the demand for police protection. No new residences are proposed as part of the Project. The construction and operation of the Project would not substantially increase the demand for police services.~~

The facility would be secured with chain link fencing along the perimeter of the Project site. Access to the facility would be provided by individual site entry points. Controlled security lighting would be installed and would allow for the Project site to be monitored remotely. Lights would be installed at substations for maintenance and security purposes.

~~By implementing these measures, the Project would not result in any substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which~~

~~could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police services.~~

While the Project includes design features that would help secure the site, the construction of the Project would potentially increase sheriff dispatches as part of emergency responses associated with the Project. **Mitigation Measure PS-1** would provide general funding for provision of public services in Colusa County, such that the costs for potential increased police protection would be less than significant.

iii) Schools

No Impact. The nearest school is Williams Elementary School which is 6.1 miles away from the Project site at 1404 E Street in the city of Williams. The Project is not anticipated to contribute an increase in population or the associated potential increase in school-aged children, and therefore would not result in any increase demand for schools.

While the project could employee up to 200 employees during the 11-month construction period, it is anticipated that the majority of these workers would temporarily commute during this period. Once constructed, permanent employment would include up to three employees. Thus, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools.

iv) Parks

No Impact. The nearest park ~~from the Project site~~ is 11.3 miles from the Project site. The Northview Park is located at 180 Virginia St., Williams, CA 95987. The Project is not anticipated to contribute an increase in population, and therefore would not result in any increase demand for park facilities.

Thus, the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any park services. Parks and other recreational resources are discussed further in Section 4.16, Recreation.

v) Other public facilities?

No impact. The Project is not anticipated to contribute to increased population growth. It is not anticipated that the demand for public facilities such as libraries or parks would be created. Therefore, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any other public facilities.

Mitigation: ~~None required.~~ **PS-1: Public Services Mitigation Fee**

Prior to issuance of a building permit for the solar and/or battery components of the project, project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval:

- A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the project or as a lump sum payment for multiple years until the project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa.
- The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the project.
    - o The PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied.
    - o The PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year.
- The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."

Section 4.17 Transportation

Page 4.17-6

IMPACT 4.17-1: *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?* **(Less than significant Impact)**

The LOS analysis performed for the Traffic Analysis Memorandum provided in Appendix J relies on the conservative estimates due to the lack of traffic count data. Given the remoteness of the Project site, the local roads are believed to have far fewer vehicles than their capacity. Applying the conservative estimate of 800 vehicles per day under current conditions, during the peak hour there would be 80 or fewer vehicles on the road using the Highway Capacity Manual standard estimation method of peak hour being 10 percent. The Highway Capacity Manual capacity for a single free flow lane is 1,800 vehicles per hour (TRB 2016). These intersections are two-way stop-controlled intersections, so they have one free-flowing lane in each direction. The estimated total number of vehicles during the peak hours, taking into account 80 vehicles per hour at Walnut Drive and at East Camp Road currently, plus 150 vehicles generated by Project construction, would be 230 to 310. The actual capacity of the intersection is far less than the sum of the two lanes since there would be a break in the traffic for stopped vehicles; however, the estimated 230 to 310 vehicles during the peak hour is far below the capacity of the infrastructure, and the roadways surrounding the Project site would still function desirably during Project construction. The LOS calculation for Walnut Drive and Spring Valley Road is provided as Appendix A and yields a LOS A during peak construction. Based on this conservative estimate, it can be reasonably concluded that the LOS will be C or better during construction.

Because the existing roadways would still be functioning under their estimated capacity, there will be no need to mitigate for traffic and a Traffic Management Plan is not anticipated to be needed for this Project.

During the construction phase, service roads would be constructed in between the solar arrays and around the Project site. Signage indicating the speed limit and stop signs would be posted where appropriate. Due to the remoteness of the Project site, it is not expected to interfere with any bicycle or pedestrian facilities.

The proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Therefore, the Project impact would be less than significant.

Mitigation: ~~None required.~~ **TRANS-1: Road Inspection and Repairs**

Prior to construction activities beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director.

Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director.

The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after project decommissioning to address any road damage as a result of decommissioning construction traffic.

Section 4.20 Wildfire

Page 4.20-8 through 4.20-9

IMPACT 4.20-2: *Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildlife?* **(Less than Significant Impact)**

Construction and Decommissioning

During Project construction and decommissioning, the primary fire hazards would be heat or sparks from vehicles and construction equipment. These hazards could potentially ignite dry vegetation at the site, especially during the warmer, dry months between June and October. Additionally, construction activities such as welding and grinding could generate sparks which would increase the likelihood of ignition. Therefore, dependent on the time of year and location of

construction activities at the Project site, there could be a temporary increase in exacerbated fire risk in the area.

As discussed in Section 4.20.2 Regulatory Setting, wildfires release large amount of air pollutants, which can pose as a harmful exposure to first responders such as firefighters, as well as the surrounding communities. The Project site includes relatively flat topography with some rolling hills, and sparse vegetation. While the use of vehicles and equipment on the Project site could introduce an ignition source that could lead to the spread of wildfire, the risk of such an impact would be low. Due to the short-term duration of construction as well as the existing flat topography, lack of vegetation on-site, and distance to population centers, a potential ignition from Project construction is not likely to lead to the spread of wildfire. Therefore, impacts to wildfire risk from Project construction and decommissioning would be less than significant.

Operation

The Project would include battery energy storage systems and other supporting electrical equipment elements that may be susceptible to fire. However, each battery energy storage system used on-site would be designed, operated, and ultimately disposed of in compliance with all applicable requirements including the California Fire Code, Section 608 of the IFC, which has been adopted by the State of California, to minimize risk of fire from stationary battery energy storage systems and contain fire in the event of such an incident, and Article 480 of the National Electrical Code, which identifies insulation and venting requirements for stationary storage batteries to further reduce potential fire risk. Additionally, the battery energy storage system would include fire protection systems. Intermittent maintenance activities could increase the potential for ignition on-site due to the presence of vehicles and use of equipment; however, given the low frequency and nature of maintenance activities as well as the site topography, vegetation, and surrounding land uses, Project operation and maintenance would not significantly exacerbate existing wildfire risks. The potential impacts related to wildfires would be less than significant.

Mitigation: FIRE-1: Wildfire Protection Measures

- Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary.
- Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief:
    - On-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified.

- Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval.
- The battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements.

- Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.
- As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief.

Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, and 4.20

Pages 4.1-13, 4.2-21, 4.3-18, 4.4-34, 4.5-24, 4.6-7, 4.7-12, 4.8-7, 4.9-17, 4.10-10, 4.11-4, 4.12-3, 4.13-19, 4.14-4, 4.15-4, 4.16-3, 4.17-8, 4.18-3, 4.19-8, 4.20-10

PG&E Cortina Substation Improvements

To accommodate the Project, PG&E would construct network upgrades, interconnection facilities, and an approximately 1,000-foot span of transmission lines that would extends from where the Applicant's gen-tie line terminates at the boundary of PG&E's the County road right-of-way for Walnut Drive adjacent to the Cortina Substation property to the Project's bay within the existing footprint of the available PG&E Cortina Substation bay. The improvements would include the installation of a grounding system, disconnect switches, surge arresters, outdoor lighting and outlets, and fiber termination for the gen-tie line. The All PG&E improvements made would be constructed within the existing Cortina Substation property boundary footprint and/or affect existing PG&E structures. To accommodate the gen-tie line, PG&E would potentially increase the heights of up to four existing 115 kV transmission structures west of the Cortina Substation from a current height of 110 feet to a maximum height of up to 135 feet, and within the Cortina Substation property relocate 1-2 existing poles adjacent to Cortina Substation to create space for entry of the Project's gen-tie line.

APPENDIX A
PUBLIC NOTICES

COLUSA COUNTY

Exhibit "A"

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL IMPACT REPORT JANUS SOLAR PROJECT (PD-3829/UP 20-01), SCH Number 2020070577

NOTICE IS HEREBY GIVEN THAT the County of Colusa, as the Lead Agency, has prepared a Draft Environmental Impact Report (DEIR) for the proposed Use Permit (UP) and Williamson Act contract cancellation to construct, operate, maintain, and decommission a photovoltaic (PV) electricity generating facility, with a battery energy storage system (BESS) and associated facilities and infrastructure, commonly known as the Janus Solar Project (Project).

PROJECT LOCATION: The Project is approximately 6.5 miles southwest of the City of Williams. State Highway 20 runs about one mile from the Project site, north and west. The proposed Project would be located on three parcels (APN's 018-050-005, -006, and -013) totaling 1,023.9 acres currently used for cattle grazing in Colusa County, California. The Project would connect to the Cortina Substation, located on Walnut Drive, approximately 3 miles northeast of the Project site.

PROJECT DESCRIPTION: The Project consists of three major components: a solar energy generating facility, the battery energy storage system (BESS), and the generation tie-line. The solar facility would include arrays of solar PV modules (or panels) and support structures, power inverters and transformers/power conditioning stations, and an on-site substation. The Project would include approximately 196,000 solar PV modules in multiple solar arrays interconnected to form a utility-scale PV system. Other solar facility components would include a project substation, access roads, perimeter fences, telecommunications infrastructure, a meteorological data collection system, signage, lighting, stormwater facilities, and an operations and maintenance building.

The BESS is expected to be located adjacent to the aforementioned substation. Batteries would be contained within enclosures. The combined footprint for the BESS would be approximately 5 acres. Key components of the BESS include batteries and battery storage system enclosures and controllers, converters, inverters, and transformers. The BESS enclosures would also house required heating, ventilation, and air conditioning (HVAC) and fire protection systems.

The on-site substation would connect to the existing Cortina Substation via an approximately 3-mile-long, 60 kV gen-tie line strung on approximately 59 new poles of up to 80 feet in height. The gen-tie line also would include fiber optic line for communications.

PUBLIC REVIEW PERIOD: The 45-day public review period for the DEIR begins on October 15, 2021 and ends on November 29, 2021. All comments must be received within this time period. Written comments should be submitted to Greg Plucker, Community Development Director, 1213 Market Street, Colusa, CA 95932 or to gplucker@countyofcolusa.com.

DOCUMENT AVAILABILITY: The DEIR and other project documentation is available for review online at: https://www.countyofcolusa.org/996/Janus-Solar-Project. Hard copies are available for review at the Colusa Main Library at 738 Market St. in Colusa, CA 95932, the Williams Branch Library at 901 E Street in Williams, CA 95987, and the Community Development Department at 1213 Market Street, Colusa, CA. 95932.

SCHEDULE PUBLIC MEETING: A public meeting has been scheduled for Thursday, November 4, 2021 at Granzella's Conference Room, 391 6th St., Williams, CA 95987 from 6:00 pm to 7:30 pm.

SIGNIFICANT ANTICIPATED ENVIRONMENTAL EFFECTS: The DEIR evaluates the Project's potentially significant impacts and recommends mitigation measures to avoid/reduce impacts. The Project is not expected to result in any significant, unmitigated impacts.

HAZARDOUS WASTE SITES: The proposed project is not located on any hazardous waste sites lists enumerated under Section 65965.5 of the Government Code.

QUESTIONS: If you have any questions about this project, please contact Greg Plucker, County of Colusa Community Development Department by phone at (530) 458-0480 or by email at gplucker@countyofcolusa.com.

Dated: October 15, 2021

/s/ Melissa Kitts, Deputy Clerk

10/21/2021 – WPR #2021-5056

Exhibit "A"

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APPENDIX B
RECIPIENTS OF THE FINAL EIR

Individuals
Bob and Cindy Freed
Brent Edward LaGrande
Catherine Maureen Ahart
Clifford Allan Myers
David Nelson
Diane Frost
Elizabeth Ferrini Katsaris
Garnett Vann
James Charter
Jean Ferrini
Jean Terkildsen
Jeremiah and Jessica Karlonas
Joe Ferrini
Jonathan and Laura Zilli
Larry and Darlene Farmer
Leo LaGrande
Matt Ferrini
Matt LaGrande
Matthew Ferrini
Richard Mora
Salt Creek Orchards Group
Sid LaGrande
Spring Valley Ranch Partnership
Stephen Marsh
Thomas and Perry Charter
Vance and Nancy Boyes
Vann Brothers General Partnership
Ward Charter

State/Federal
Cal Fire
California Department of Wildlife Region 2
California Energy Commission
California Public Utiltiies Commission
Caltrans
Central Valley Regional Water Quality Control District
Department of Conservation Land Resource Protection
Pacific Gas and Electric
Reclamation District #1004
US Fish and Wildlife
Western Area Power Administration Sierra Neveda Region
Williams Fire Protection Authority

Local Agencies
Agricultural Commissioner
Air Pollution Control District
County Assessor
Environmental Health
Kent Boes - Supervisor District 3
Public Works
Sherrif's Department

APPENDIX C
DUST SUPPRESSANT EFFECTIVENESS STUDY PHOTO LOG

Exhibit "A"

Attachment #10

Photograph Log
Janus Solar Project
Dust Suppressant Effectiveness Study

Photo 1: **Description:** Test #1: Untreated roadway, truck traveling at 15 mph	

Photo 2: **Description:** Test #2: Road treated with dust suppressant, truck traveling at 15 mph	

Exhibit "A"
Photograph Log
Janus Solar Project
Dust Suppressant Effectiveness Study

Photo 3: **Description:** Test #2: Untreated roadway, truck traveling at 25 mph	

Photo 4: **Description:** Test #2: Treated with dust suppressant, truck traveling at 25 mph	

Exhibit "A"
Photograph Log
Janus Solar Project
Dust Suppressant Effectiveness Study

Attachment #10

Photo 5: **Description:** Test #3: Untreated roadway, truck traveling at 40 mph.	

Photo 6: **Description:** Test #3: Treated with dust suppressant, truck traveling at 40 mph	

APPENDIX D
ADDITIONAL PHOTOGRAPHIC SIMULATIONS

Exhibit "A"

Key Viewpoint plan

EXISTING CONDITIONS

SIMULATED CONDITIONS

JANUS LAR PROJEC

Colusa C :y, CA

PHOTO SIMULA N

Key Obs ation
Point 02
Beauchan

Photograp ormation

Time of photogra	3:35pm
Date of photogra	3/16/21
Weather conditi	Mostly Sunny
Viewing direction	th
Latitude:	39.120 8°
Longtitude:	-122.263 8°

Disclaimer: visu tions and
plans are for re ce only;
Not for constru

TETRA TECH

RWE

Attachment #10

Attachment: Exhibit "A" Final EIR Janus Solar Project (9002 : Janus Solar Use Permit #20-01 (PD-3829))

Exhibit "A"

Key Viewpoint plan

EXISTING CONDITIONS

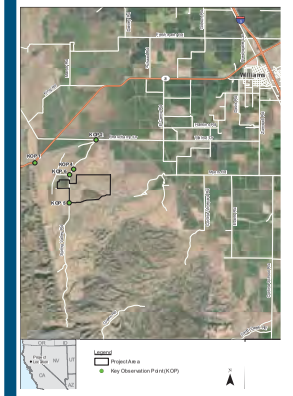
SIMULATED CONDITIONS

JANUS SOLAR PROJECT

Colusa County, CA

PHOTO SIMULATION

Key Observation Point 06:
Spring Valley RD Reside



Photograph Information

Time of photograph:	3:55p
Date of photograph:	12/06/
Weather condition:	Fog
Viewing direction:	Southw
Latitude:	39.1014
Longtitude:	-122.2816

Disclaimer: visualizations and plans are for reference only; Not for construction

TETRA TECH

RW

Attachment: Exhibit "A" Final EIR Janus Solar Project (9002 : Janus Solar Use Permit #20-01 (PD-3829))

Exhibit "A"

Key Viewpoint plan

EXISTING CONDITIONS

SIMULATED CONDITIONS

JANUS LAR PROJEC

Colusa C :y, CA

PHOTO SIMULA N

Key Obs ation Point 07 Spring Val d

Photograp ormation

Time of photogra	2:58pm
Date of photogra	3/16/21
Weather conditi	Mostly Sunny
Viewing direction	North ast
Latitude:	39.104 1°
Longtitude:	-122.278 2°

Disclaimer: visu tions and plans are for re ce only; Not for constru

TETRA TECH

RWE

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
AG-1: Williamson Act Cancellation	The Applicant shall file a Petition for Cancellation of Contract for each of the three Williamson Act Contracts on the Project site, for consideration by the Colusa County Board of Supervisors, prior to construction.	Pre-construction	RWE
AQ-1: Dust Control Measures	During construction of the Project, the primary construction contractor shall implement the following practices during all construction related activities: •All disturbed areas, including soil piles, areas that have been graded, and unpaved roads, shall be watered twice daily during dry conditions and when feasible covered and enclosed. •When materials are transported offsite, they shall be wetted and covered securely and at least 2 feet of freeboard shall be maintained. •Limit traffic speeds on unpaved roads to 15 miles per hour. •Apply dust suppressant to Spring Valley Road, the unpaved road accessing the Project site, before and during the construction period as needed to reduce dust associated with truck traffic. •Curtail construction activities when the County's Air Quality Index exceeds 150. •Vehicle travel distances and total traffic amounts on roads at the Project site and accessing the Project site shall be minimized through efficient planning and management. Special consideration must be given to minimizing the travel distances of heavy or heavily laden vehicles, particularly during the construction period. •During anticipated peak truck trip periods of heavy equipment and vendor deliveries, a traffic control flagger shall be present on Spring Valley Road. The traffic flagger shall enforce the 15 mile per hour speed limit for heavy vehicles on unpaved roads and shall monitor and log dust conditions, per the requirements outlined below. •Signage will be placed on Spring Valley Road describing the 15 mile per hour speed limit for heavy vehicles. •The construction contractor is the designated dust control site coordinator and is responsible for implementing dust control. It is the dust control site coordinator's responsibility to: oRead and understand applicable mitigation measures and have them available at the job site oImplement the mitigation measures and ensure that all employees, workers, and subcontractors know their dust control responsibilities oUse contingency control measures when primary controls are ineffective oMonitor the worksite for compliance with the dust control mitigation measures oMaintain a daily log monitoring the implementation and effectiveness of the control measures, including offsite emissions due to material transport and other activities. •Each day during construction, the construction contractor shall keep a daily log of dust conditions that includes the following information: oDate oTime oWind speed oTemperature oMinutes offsite visible emissions were observed darker than 20 percent opacity, including date, time, location, and work activity oSoil conditions (damp, dry, etc.) oCorrective actions taken, if needed	Construction	RWE/Construction Contractor

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
AQ-2: Construction Equipment Requirements	During construction, diesel particulate filters or other CARB-verified diesel emission control strategies shall be installed on construction equipment. All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5-minute idling limit. All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked and determined to be running in proper condition before the start of work. Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors shall be limited.	Construction	RWE/Construction Contractor
AQ-3: Long-Term Dust Control	Once a year generally in late spring the Project Owner shall be responsible for the application of dust suppressant to Spring Valley Road, the unpaved road accessing the Project site. The dust suppressant shall be applied on Spring Valley Road from the intersection with Walnut Drive to the entrance to the Project site. The timing of the application and the rate of application shall be to the satisfaction of the Public Works Director.	Construction/Operation	RWE
BIO-1: Protection of Special Status Species	**Parry's Rough Tarplant** A pre-construction survey for Parry's rough tarplant shall be conducted in work areas with potential habitat no more than 14 days prior to construction activities during the blooming period (May to October). If Parry's rough tarplant populations are located outside of the Project construction footprint (including staging areas), a qualified biologist shall flag an appropriate zone to completely avoid impacts to any individuals. If necessary based on the timing of the construction work, populations may also be flagged based on previous survey data of the population extents.	Pre-construction, between May and October	RWE/Environmental Contractor
BIO-1: Protection of Special Status Species	**Parry's Rough Tarplant** If Parry's rough tarplant populations cannot be avoided, a qualified biologist shall prepare a seed collection and replanting plan to reduce impacts to the identified special-status plant populations. Temporary impacts (impacts in areas that would be restored to natural conditions) may be mitigated by salvaging the first 6 inches of topsoil during ground disturbance, storing on-site and protecting the soil from weed seed dispersal, and then returning the soil horizon to its original profile to keep seeds at the appropriate soil depth. Permanent impacts (impacts in areas that would not be restored to natural conditions) may be mitigated by enhancing other Parry's rough tarplant habitat within or outside the Project site. Topsoil would not be salvaged in the case of permanent impacts, and other habitat enhancement methods would be used, such as seed collection and propagation, in other non-impacted locations.	Construction	RWE/Environmental Contractor
BIO-1: Protection of Special Status Species	**Burrowing Owl** The Project owner shall have pre-construction surveys performed no less than 14 days prior to the initiation of equipment staging or ground-disturbing activities (e.g., vegetation clearing or grading) and within 24 hours prior to these activities. A qualified biologist shall conduct pre-construction surveys on the site and 150-meters around the site (access permitting) in areas with suitable burrowing habitat to locate any active breeding or wintering BUOW burrows and to check known burrows. Areas that have been plowed within 12 months prior to the start of ground-disturbing activities are not considered suitable habitat. The survey methodology shall be consistent with the methods outlined in the CDFW (2012) Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 23 to 66 feet (7 to 20 meters) apart, noting any potential burrows with fresh BUOW sign or presence of BUOWs, and visiting potential burrows during the timeframe described in the protocol. If the work activity halts for a period of 7 days or more, the survey would need to be conducted again prior to the continuation of site activities. Copies of the survey results shall be submitted to CDFW and the Colusa County Planning Department.	Pre-construction	RWE/Environmental Contractor

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
BIO-1: Protection of Special Status Species	**Burrowing Owl** If BUOWs are detected on the Project site or within 150 meters during the pre-construction survey, a Project-specific mitigation plan shall be prepared for CDFW review and approval and implemented to protect BUOWs and their nest sites. No ground-disturbing activities, such as vegetation clearance, grading, or equipment staging shall be permitted within 330 feet from an active burrow during the breeding season (February 1 to August 31), unless otherwise approved by a qualified biologist. During the non-breeding (winter) season (September 1 to January 31), no ground-disturbing work or equipment staging shall be permitted within a buffer of 165 feet from the active burrow. Depending on the level of disturbance, a smaller buffer may be established by a qualified biologist based on the visibility and sensitivity responses of each individual BUOW or pairs in consultation with CDFW.	Pre-construction	RWE/Environmental Contractor
BIO-1: Protection of Special Status Species	**Burrowing Owl** If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident BUOWs have not yet begun egg laying or incubation or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with the CDFW (2012) Staff Report on Burrowing Owl Mitigation. If passive relocation is anticipated due to on-site BUOW populations, a Burrowing Owl Exclusion Plan in accordance with CDFW (2012) Staff Report on Burrowing Owl Mitigation would be included in the Project-specific mitigation plan prior to passive relocation activities.	Construction	RWE/Environmental Contractor
BIO-1: Protection of Special Status Species	**Swainson's Hawk** If construction (i.e., equipment staging, vegetation removal, or ground disturbance) is scheduled to commence outside of the Swainson's hawk nesting season (September 16 to February 28), no preconstruction surveys or additional measures are required for Swainson's hawk. During the breeding season (March 1 to September 15), a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project site. The survey shall focus on potential nest sites within a 0.5 mile buffer around the site in areas where access to neighboring properties is available or visible using a spotting scope or binoculars. Surveys shall be conducted in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000) and occur no more than 10 days prior to construction activities.	Pre-construction, only if construction is to occur during breeding season	RWE/Environmental Contractor
BIO-1: Protection of Special Status Species	**Swainson's Hawk** Surveys need not be conducted for the entire Project site at one time; they may be phased so that surveys occur shortly before a portion of the Project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by Swainson's hawk without causing intrusive disturbance. If active Swainson's hawk nests are found, a 0.5-mile buffer shall be established by a qualified biologist around active nests and no construction within the buffer shall be allowed until the biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest), adult and juvenile Swainson's hawks have left the area, or the breeding season has ended. Encroachment into the buffer for Swainson's hawk must be authorized by the CDFW.	Pre-construction	RWE/Environmental Contractor
BIO-1: Protection of Special Status Species	**American Badger** A pre-construction survey for the American badger shall occur during the burrowing owl surveys. Any active American badger dens shall be avoided by establishing a minimum 50-foot buffer around the den. No construction activities shall occur within this buffer unless a qualified biologist determines that the den is inactive.	Pre-construction	RWE/Environmental Contractor

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
BIO-2 WEAP and BMPs for Biological Resources	Prior to and for the duration of construction activities, the Project owner, or its contractor, shall implement a Worker Environmental Awareness Program to train all on-site construction personnel how to recognize and protect biological resources on the Project site. The Worker Environmental Awareness Program training shall include a review of the special-status species and other sensitive biological resources that could exist in the Project area, the locations of sensitive biological resources and their legal status and protections, and measures to be implemented for avoidance of these sensitive resources, highlighting Parry's rough tarplant, burrowing owl, Swainson's hawk, American badger, nesting birds, and protected waters and wetlands.	Pre-construction/construction	RWE/Environmental Contractor
BIO-2: WEAP and BMPs for Biological Resources	The Project owner shall limit the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. Buffers and avoidance areas established for biological resources, as described in **BIO-1** and **BIO-3** above, shall be delineated with stakes and/or flagging prior to construction. Construction-related activities and use of vehicles and equipment shall not occur within protected buffers or avoidance areas.	Pre-construction/construction	RWE/Construction Contractor
BIO-2: WEAP and BMPs for Biological Resources	Any sensitive habitats, including riparian areas and state and federally protected wetlands, within 50 feet of the Project impact areas shall be flagged in the field by a qualified biologist prior to Project construction. To the extent feasible, the greatest buffer (up to 50 feet) should be flagged around the sensitive habitat. No work will occur in the flagged areas. The avoidance areas will be maintained for the duration of construction activities in the vicinity of these areas.	Pre-construction/construction	RWE/Environmental Contractor
BIO-2: WEAP and BMPs for Biological Resources	To prevent inadvertent entrapment of wildlife during construction, all excavated, steep-walled holes or trenches with a 2-foot or greater depth shall be covered with plywood or similar materials at the close of each working day or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected by on-site workers for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a special-status species is trapped, the USFWS and/or CDFW shall be contacted immediately.	Construction	RWE/Construction Contractor
BIO-2: WEAP and BMPs for Biological Resources	All construction pipes, culverts, or similar structures with a 4-inch or greater diameter that are stored at a construction site for one or more overnight periods shall be covered and/or thoroughly inspected for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by the biologist. No handling of special-status species shall occur without consultation with the applicable agencies (CDFW, USFWS).	Construction	RWE/Construction Contractor
BIO-2: WEAP and BMPs for Biological Resources	Vehicles and equipment parked on the site during construction shall have the ground beneath the vehicle or equipment inspected for the presence of wildlife prior to moving	Construction	RWE/Construction Contractor
BIO-2: WEAP and BMPs for Biological Resources	Vehicular traffic shall use existing routes of travel. Cross country vehicle and equipment use outside of the Project properties shall be prohibited.	Construction	RWE/Construction Contractor
BIO-2: WEAP and BMPs for Biological Resources	A speed limit of 20 miles per hour shall be enforced within all construction areas.	Construction	RWE/Construction Contractor

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
BIO-2: WEAP and BMPs for Biological Resources	A long-term trash abatement program shall be established for construction, operation, and decommissioning and submitted to the County. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to wildlife such as common raven (Corvus corax), coyote (Canis latrans), and feral dogs.	Construction	RWE/Construction Contractor
BIO-2: WEAP and BMPs for Biological Resources	Workers shall be prohibited from bringing pets to the Project site and from feeding wildlife in the vicinity.	Construction	RWE/Construction Contractor
BIO-2: WEAP and BMPs for Biological Resources	Intentional killing or collection of any wildlife species shall be prohibited.	Construction	RWE/Construction Contractor
BIO-2: WEAP and BMPs for Biological Resources	Rodenticides shall not be used within the Project site except within buildings and disturbance to mammal burrows shall be avoided and minimized.	Construction	RWE/Construction Contractor
BIO-3: Protection of Nesting Birds	If construction (i.e., vegetation removal or ground disturbance) is scheduled to commence outside of the bird nesting season (September 1 to January 31), no preconstruction surveys or additional measures are required for nesting birds, including raptors. During the nesting bird breeding season (February 1 to August 31), a qualified biologist shall conduct preconstruction surveys of all potential nesting habitat within the Project site where construction is planned. The survey shall focus on potential nest sites within a 500-foot buffer around the site in areas where access to neighboring properties is available or visible using a spotting scope or binoculars. Surveys shall be conducted no more than 14 days prior to construction activities. If the work activity halts for a period of 7 days or more, the survey would need to be conducted again prior to the continuation of site activities.	Pre-construction, if construction activities occur during nesting season	RWE/Environmental Contractor
BIO-3: Protection of Nesting Birds	Surveys need not be conducted for the entire Project site at one time; they may be phased so that surveys occur shortly before a portion of the Project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. If active nests are found, a suitable buffer (e.g., 200 feet for non-listed raptors, 50 feet for non-listed birds) shall be established by a qualified biologist around active nests and no construction within the buffer shall be allowed until the biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest) or the breeding season has ended. Encroachment into the buffer may occur at the discretion of a qualified biologist for non-listed species.	Pre-construction	RWE/Environmental Contractor

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
CUL-1: Cultural Resource Worker Education/Training	Prior to Project construction related to ground disturbing activities (e.g., vegetation removal, excavation, trenching, grading), the Project proponent shall conduct a worker education awareness program for Project construction personnel. A qualified archaeologist will be retained for the Project and will prepare and present the initial cultural resource briefing of the worker education awareness program prior to ground disturbing activities. During construction, the Applicant will provide the training to all new construction personnel. The cultural resource training will include an overview of applicable laws and penalties pertaining to disturbing cultural resources, a brief discussion of the prehistoric and historic regional context and archaeological sensitivity of the area, types of cultural resources found in the area, instruction that Project workers will halt construction if a cultural resource is inadvertently discovered during construction, and procedures to follow in the event an inadvertent discovery (Inadvertent Discovery Plan discussed below) is encountered, including appropriate treatment and respectful behavior of a discovery (e.g., no posting to social media or photographs). Per Mr. Kinter's request, Laverne Bill, Cultural Resources Manager of the Yocha Dehe Wintun Nation, shall be notified to participate in the cultural sensitivity/environmental training to discuss or provide text from a tribal cultural perspective regarding tribal cultural resources within the region during the initial pre-construction environmental training	Pre-construction	RWE/Environmental Contractor
CUL-2: Inadvertent Discovery of Archaeological Resources During Construction	A qualified archaeologist shall be retained to prepare an Inadvertent Discovery Plan for the Project and to be on-call in the event of an inadvertent discovery. The Inadvertent Discovery Plan will provide protocols and notification procedures in the event of an inadvertent discovery. During Project construction (e.g., ground disturbing activities such as vegetation removal, excavation, trenching, grading), should subsurface archaeological resources be discovered, all ground disturbing activities within 50 feet of the find shall cease and the qualified archaeologist shall be contacted to assess the significance of the find according to CEQA Guidelines Section 15064.5 and/or NRHP criteria (as applicable). If any find is determined to be significant, the archaeologist shall determine, in consultation with the implementing agencies and any local consulting Native American groups expressing interest, appropriate avoidance measures or other appropriate mitigation. Under CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Methods of avoidance may include, but shall not be limited to, Project reroute or re-design, or identification of protection measures such as capping or fencing. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the qualified archaeologist shall develop additional treatment measures, such as data recovery or other appropriate measures, in consultation with the implementing agency and any local consulting Native American representatives expressing interest in prehistoric or tribal resources. If an archaeological site does not qualify as an historical resource but meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site shall be treated in accordance with the provisions of Section 21083.2. In regard to an inadvertent discovery of human remains: existing regulations require that if human remains and/or cultural items defined by Health and Safety Code, Section 7050.5, are inadvertently discovered, all work in the vicinity of the find would cease and the Colusa County Coroner (Sheriff-Coroner Unit Telephone Number: 530.458.0200) would be contacted immediately. If the remains are found to be Native American as defined by Health and Safety Code, Section 7050.5, the coroner will contact the NAHC by telephone within 24 hours.	Pre-construction/construction	RWE/Environmental Contractor

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
CUL-3: Inadvertent Discovery of Human Remains During Construction	The County and Applicant should continue to consult with interested tribes throughout the planning process and construction of the Project, as applicable. A tribal monitor from the Yocha Dehe Wintun Nation (or other local tribe as available) shall be notified to participate in monitoring visibly exposed, excavated subsurface soils associated with ground-disturbing construction activities (e.g. grading and trenching). The retained on-call Secretary of Interior qualified archaeologist shall assist in the preparation of a cultural resource monitoring plan and inadvertent discovery plan (CUL-2) that will include the worker resource education, inadvertent discovery procedures, and outline the guidelines for cultural resources monitoring. The Project archaeologist will coordinate with local tribes regarding the monitoring plan and tribal cultural resource monitoring of subsurface ground disturbing Project activities. At the completion of construction, a final monitoring report shall be prepared for the Project that summarizes the daily monitoring activities and resolution of any inadvertent discoveries identified during construction of the Project. The report will be submitted to the County and the NWIC.	Construction	RWE/Colusa County
GEO-1: Paleontological WEAP	Before starting construction activities, on-site personnel should be trained in basic recognition of fossils and appropriate procedures to notify management in order to engage a qualified paleontological specialist in the event that fossils are discovered during construction activities (an unanticipated find).	Pre-construction	RWE/Environmental Contractor
GEO-2: Unanticipated Find Contingency	A qualified paleontological specialist, meeting the Secretary of the Interior's Professional Qualification Standards for the Society of Vertebrate Paleontology shall be retained by the Project Owner on an on-call status, to be brought on-site to evaluate the significance of any unanticipated discovery of paleontological resources (an unanticipated find) and determine if additional study is warranted. If the significance of the find under CEQA or California Public Resources Code, Section 21082 does not warrant such study, the qualified paleontologist may decide to record the find and allow work to continue. If the discovery proves significant under CEQA, preparation of a paleontological treatment plan, testing, or data recovery may be required at the discretion of the paleontological specialist.	Construction	RWE/Environmental Contractor
NOISE-1: Noise Minimization	The Project shall implement the following construction management protocols to minimize noise impacts during construction: - Maintain all construction tools and equipment in good operating order according to manufacturers' specifications; - To the extent practicable, schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Some limited activities, such as concrete pours, would be required to occur continuously until completion; - Equip any internal combustion engine used for any purpose on the job or related to the job with a properly operating muffler that is free from rust, holes, and leaks; - For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible; - Limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment; and - Utilize a Complaint Resolution Procedure to address any noise complaints received from residents.	Construction	RWE/Construction Contractor

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
PS-1: Public Service Mitigation Fee	Prior to issuance of a building permit for the solar and/or battery components of the project, project proponents shall enter into a Public Service Mitigation Agreement with the County that contains at least the following provisions subject to Board of Supervisors' approval: •A Public Service Mitigation Fee (PSMF) shall be paid each year for the life of the project or as a lump sum payment for multiple years until the project is decommissioned, the site restored and the Conditional Use Permit is voided by the County of Colusa. •The PSMF is due and payable on July 1st of each year following the building permit final for the solar and/or battery components of the project. oThe PSMF fee shall be paid within thirty (30) days or a late penalty fee will be applied. oThe PSMF fee may be pro-rata should the solar and/or battery components become operational in phases throughout the year and/or for being operational for a portion of the year. •The PSMF shall be a total of $110,000 which shall be paid directly to the County of Colusa for unrestricted Colusa County General Fund obligations and a $15,000 payment shall be paid to the Maxwell Park and Recreation District, and a $15,000 payment shall be paid to the City of Williams which shall be used to support activities in the Williams Park and Recreation Department, and a $15,000 payment shall be paid to the Arbuckle Park and Recreation District."	Pre-Construction/Operation	RWE
TRANS-1: Road Inspection and Repairs	Prior to construction activities beginning and building permit issuance, the Applicant shall conduct a pre-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the pre-Project inspection documentation shall be submitted to the Public Works Director. Following completion of the construction activities, the Applicant shall conduct a post-Project inspection of the construction access routes approved by the Colusa County Public Works Director. This inspection shall document through photographs and/or video the conditions of said access routes, shall be conducted with County Public Works staff, and following the completion of the post-Project inspection documentation shall be submitted to the Public Works Director. Damage determined to have been caused by Project construction traffic shall be repaired to the satisfaction of the Public Works Director. The pre-Project and post-Project inspection requirements detailed herein shall also be performed just before and immediately after project decommissioning to address any road damage as a result of decommissioning construction traffic.	Pre-Construction	RWE

Exhibit "B"

MITIGATION MONITORING AND REPORTING PROGRAM FOR JANUS SOLAR PV, LLC

FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2020070577)

Condition/ Section	Requirement	Timing	Responsible Party
FIRE-1: Wildfire Protection Measures	•Prior to building permit issuance, a Wildland Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Wildland Fire Management Plan shall detail implementation measures to control and maintain the vegetation throughout the Project site to eliminate wildland fire hazards to a level determined satisfactory by the Williams Fire Authority Fire Chief. Said implementation measures may include but not be limited to maintaining the height of the vegetation below a prescribed level, the installation of access roads/fire breaks throughout the Project site area, and/or the installation of sprinkler heads where determined necessary. •Prior to any building permit issuance, a Battery Storage Fire Management Plan shall be submitted to the Williams Fire Authority for review and approval. This Battery Storage Fire Management Plan shall detail the specific details of the fire suppression protection measures that will be implemented in the battery storage facility to eliminate battery storage fire hazards to the satisfaction of the Williams Fire Authority Fire Chief. Such measures shall include but not be limited to the following as required by the Williams Fire Authority Fire Chief: oOn-site water storage shall include a 50,000-gallon water storage tank with hose and truck hook-ups connections compatible with responding fire apparatus. The source and supply for the water shall be clearly identified. oBattery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations, and potentially a heat flux analysis utilizing computational fluid dynamic modeling software. The computational fluid dynamic modeling shall be submitted for review and approval. oThe battery containers shall receive a UL 9540 certification. If a UL 9540 certification cannot be provided, a Nationally Recognized Testing Laboratory, approved by the Williams Fire Authority and qualified to conduct the field testing, shall conduct a field evaluation of one typical system utilizing the field evaluation procedures detailed by that testing laboratory, as approved by the Williams Fire Authority. Upon passing the field test, the testing laboratory shall provide a label certifying that the system has been evaluated to UL 9540 standards and meets or exceeds these standards. The Project Owner is responsible for making any and all required changes to the battery storage units to obtain the UL 9540 certification or the testing equivalent to the satisfaction of the Williams Fire Authority. Should the Project Owner place on the site more than one battery storage prior to obtaining approval of the Williams Fire Authority of the UL 9540 certification or the testing equivalent, it does so at its own risks and no battery storage unit shall be connected, operational, and/or energized in any way until such certification approval is obtained and any required modifications have been made to the satisfaction of the Williams Fire Authority. Should the test battery storage unit require being connected and/or energized to perform the field certification testing, the Williams Fire Authority may approve said connection and/or energization based on its sole discretion subject to any additional requirements. •Compliance with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis. •As part of the siting of the battery storage system, adequate setback shall be provided to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the Project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the Fire Chief.	Pre-Construction	RWE/Environmental Contractor

Exhibit "C"

USE PERMIT #20-01 (PD-3829)
JANUS SOLAR PV, LLC
COLUSA COUNTY PLANNING COMMISSION

April 5, 2023
DATE

UP #20-01 (PD-3829)
PERMIT NO.

018-050-005, 006, and 013
ASSESSORS PARCEL NO.

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa JANUS SOLAR PV, LLC is hereby granted a Use Permit in accordance with the application filed to construct, operate, maintain, and decommission (in the future) a photovoltaic (PV) electricity generating facility with a battery energy storage system (BESS) and associated facilities and infrastructure subject to all of the following Conditions of Approval:

CONDITIONS OF APPROVAL

A. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of the Use Permit constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County Code and Zoning Ordinance.

B. Unless otherwise provided for in a Condition of Approval to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use to the satisfaction of the zoning administrator.

C. The use shall be limited to the project described in the Janus Solar Final EIR certified by the Planning Commission attached as Exhibit "A" to the Commission's approval Resolution. Minor changes may be approved by the Zoning Administrator pursuant to Section 44-1.80.030 of the County Code. Changes deemed major or significant in nature by the Zoning Administrator shall require an application amendment which must be reviewed by the Planning Commission.

D. All requirements of the Mitigation and Monitoring Program adopted by the Planning Commission in Exhibit "B" of the Commission's approval Resolution are herein incorporated by referenced as conditions of this Use Permit approval.

E. The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.

F. The use granted by this permit must be established within 24 months per the County Code. Upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit per the County Code. If any use for which a Use Permit has been granted is not established within 24 months and no time extension has been granted, this Use Permit shall become null and void and re-application and a new permit shall be required prior to establishment of the use.

G. The project developer agrees, as a condition of issuance and use of this entitlement, to indemnify and defend the County, at applicant's sole cost and expense, in any claim, action, or proceeding brought against the County within 180-days after the issuance of this entitlement because of, or resulting from, any preliminary approval or actual issuance of this entitlement, or, in the alternative, to relinquish such entitlement. Applicant will reimburse the County for any damages, court costs and attorney fees which the County may be required by a court to pay as a result of such claim, action or proceeding. The County shall promptly notify the applicant of any such claim, action, or proceeding and will cooperate in its defense. The County may also, at its sole discretion, participate in the defense of any such claim, action, or proceeding but such participation shall not relieve applicant of its obligations under this condition.

H. The project developer shall comply with all other applicable federal, state, and local laws, statutes, ordinances and regulations, including Colusa CUPA Business Plan requirements.

I. The project developer shall comply with the current version of the California Building Standards Code adopted in Chapter 5 of the County Code in effect at the time of building permit submittal.

J. Prior to building permit issuance, the Applicant shall submit a Local Tax Purchasing Plan to the Community Development Director for review and approval which details the requirements and actions that will be taken to procure equipment and materials necessary for the development of the project in a manner that maximizes the amount of sales tax able to be captured and allocated to Colusa County.

K. The applicant shall track the number and species of birds that may have died as a result of impacting solar panels throughout the life of the project. Any bird fatalities incidentally observed by operations staff should be logged. This information shall be collected on a calendar year basis and no later than January 31 of each year, the total number of bird deaths believe to occur as a result of solar panel strikes shall be submitted to the Community Development Director. The information shall include the total number of deaths per month and species to the satisfaction of the Community Development Director.

L. The final color of the metal battery enclosures shall be submitted to the Community Development Director for review and approval prior to installation. In general, the color shall be non-reflective and earth tones to blend into the surrounding environment

M. The approval of this Use Permit is contingent upon the Board of Supervisors approving the cancellation of the properties' Williamson Act Contracts and said cancellation being finalized prior to the expiration of the Use Permit pursuant to the time lines detailed in these conditions. Once the contract has been cancelled, acceptance back into the County's Williamson Act program shall be consistent with Colusa County's Williamson Act Contract program and policies in effect at the time of any re-entry application. No contract re-entry shall occur in any event until after the Project and has been fully decommissioned and returned to its pre-Project state.

N. Project related semi-truck construction traffic and off-site construction shall be limited to Mondays through Friday 7:00 am to 7:00 pm. On-site construction activities shall be limited to Mondays through Friday 7:00 am to 7:00 pm and from 8:00 am though 5 pm on Saturday and Sundays.

O. Prior to commencement of construction, the Applicant shall identify a single point of contact to receive any complaints (including but not limited to noise, traffic, and other issues) and shall forward this contact and their contact information to the Community Development Director. The Applicant shall also mail a notice of this contact information to property owners adjacent to the project development. Within 48 hours of receiving any complaint, the complaint contact shall notify the Community Development Director of any complaint.

P. Prior to construction commencing, the application shall contact Caltrans and the Colusa County Public Works Department to determine any appropriate locations for Construction Warning signs along Highway 20 and along County Roads. The placement of such signage shall be subject to Caltrans and the Public Works Department's specifications. The results of these determinations shall be submitted to the Community Development Director for review and approval prior to construction commencing,

Q. Should metal power poles be used for the gen-tie connection, the poles shall be finished in a non-reflective (flat) dark brown color to resemble the coloration of adjacent wooden power poles. Prior to installation of the poles, the finish shall be submitted to the Community Development Director for review and approval.

R. Prior to permit issuance, the applicant shall pay all required fees, including but not limited to the Williams Fire Authority determined development impact fees

S. Prior to building permit issuance, an engineer's estimate for decommissioning the project and returning it back to the pre-existing development state and a bond or other surety in a form satisfactory to the County Counsel to ensure said decommissioning shall be submitted to the Community Development Director for review and approval. At least two years prior to the decommissioning of plant, the applicant shall submit a detailed project specific decommissioning plan to the Community Development Director for review and approval. This plan shall detail the actions required to return the property to its pre-development condition. An updated engineer's estimate of the cost of this decommissioning shall accompany the plan and prior to the approval of said plan, an updated bond or other surety in a form satisfactory to the County Counsel for cost of decommissioning the project shall be submitted to the County.

T. Prior to installation of any security fencing, the design of this fencing shall be submitted to the Community Development Director for review and approval. In general, the design of the fencing shall incorporate rural fencing characteristics to the greatest extent possible and avoid industrial or institutional designs.

U. Prior to issuance of building permits, the Applicant shall submit a status of all requirements contained in the Mitigation and Monitoring Report Program to the Community Development Director. Said status shall specify the status and timing of completion of all mitigation measures to the satisfaction of the Community Development Director.

V. This approval shall become effective ten (10) days from the date of this decision unless appealed pursuant to Section 44-1.80.080 of the County Code. Any such appeal must be filed within 10 days from this approval by submitting an appeal request in writing together with the applicable fee to the Colusa County Board Clerk. The appellant shall clearly identify in the appeal documentation the specific reasons for the appeal and the relief requested.

TECHNICAL MEMORANDUM

To: Greg Plucker, Colusa County

From: Jamie Gomes and Sean Fisher

Subject: Colusa County Janus Solar Facility Economic Impact Analysis; EPS #212142

Date: January 9, 2023

Introduction and Project Overview

Colusa County (County) retained Economic & Planning Systems, Inc. (EPS) to prepare an economic impact analysis (Analysis) of the proposed Janus Solar Facility (Project), an 80-megawatts alternating current (MWac) solar facility plus battery energy storage system (BESS), located in the western unincorporated portion of the County. The Project is being proposed by Janus Solar PV, LLC, a subsidiary of RWE Solar Development, LLC (Applicant). The Project is anticipated to encompass 768 acres of 1,024 acres of land owned by a private landowner. The Project consists of three major components: a solar energy generating facility, energy storage system, and the generation tie-line. The proposed BESS would extend the period of time each day that the Project could contribute PV-generated energy to the electrical grid. The Project would connect to the electrical grid at the existing Cortina Substation, which is owned and operated by Pacific Gas and Electric Company (PG&E), approximately 3 miles northeast of the Project site.

The Project is located approximately 6.5 miles southwest of the City of Williams. The Project is to be located on 3 adjacent parcels zoned for foothill agriculture and are being used for cattle grazing.

The purpose of this Analysis is to estimate the quantifiable one-time construction and ongoing operational impacts of the proposed Project on the local economy with respect to jobs,

The Economics of Land Use

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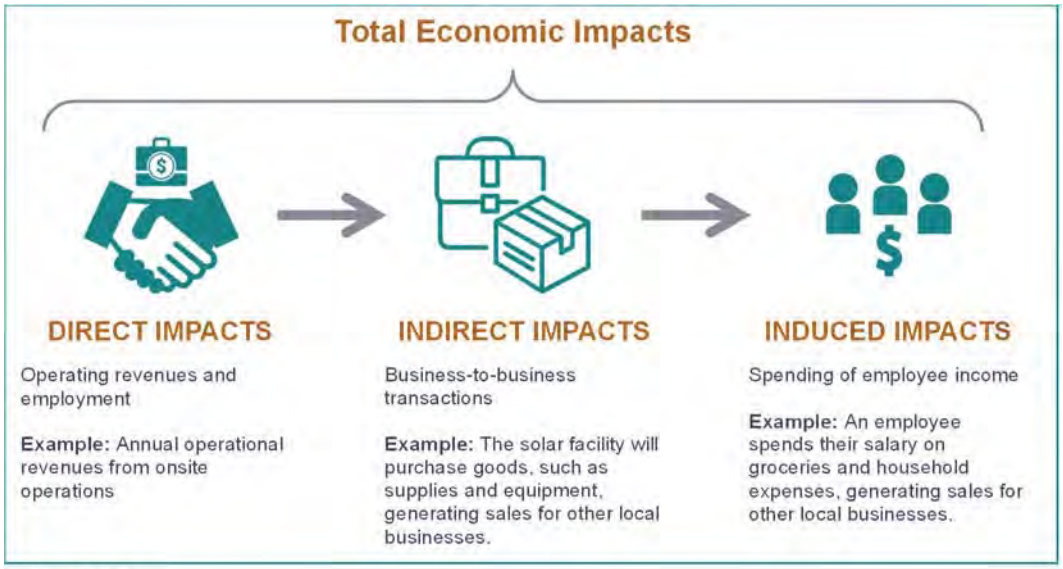
income, and total economic output.[1] The economic stimulus generated by the Project will have a multiplying effect throughout the economy as local businesses, consumers, and employees associated with the Project make local expenditures. This Analysis quantifies these impacts using an input/output (I/O) economic modeling system, which measures the change in regional economic activity resulting from a specific economic stimulus.

In this Analysis, the local economy is defined as Colusa County (County), and the economic impacts measured include the direct contributions of the Project, as well as indirect and induced impacts resulting from Project construction and operations. **Figure 1** illustrates the activities captured by this Analysis.

Figure 1. Economic Impact Analysis Components



Source: EPS.

In addition, this Analysis includes an estimate of revenues generated by the Project to the public sector of the County.

[1] Total economic output refers to the value of goods and services produced in a county as a result of a project's buildout operations.

Economic Impact Results

Table 1 summarizes the estimated one-time construction impacts, ongoing annual direct, indirect, and induced impacts, and public-sector revenues generated by the Project in the County:

- The construction of the Project is anticipated to generate $15.9 million in one-time economic impacts, supporting 90 jobs.
- On an annual ongoing basis, Project operations are anticipated to generate $4.0 million annually in total economic impacts, supporting 6 new jobs in the County.
- This Analysis includes an estimate of tax revenues generated in the County. The construction of the Project is anticipated to generate $788,000 in one-time fiscal revenues to the County. On an annual ongoing basis, the Project is anticipated to generate tax revenue to support public-sector operations ranging from $155,000 in the first year of operations to $22,000 once all assets have depreciated (years 12 and beyond).[2]

One-Time Construction Economic Impact Results

One-time economic impacts are generated by construction and as such are limited to the development period of the construction. To the extent that construction activity is short-term and construction labor markets are tight, construction impacts may represent a shift of resources from other projects in the County. This report, therefore, reports gross economic impacts, not accounting for potential shifts in resources. To the extent that construction labor is used temporarily and laborers may live outside of the County, this Analysis is based on the assumption that construction activities will not generate induced impacts. Construction impacts are based on the anticipated construction employment estimates and hard construction costs for the proposed Project, as provided by the Applicant.

[2] Ongoing public sector revenues include annual property tax revenues estimated assuming a dual use scenario in which the BESS would in any part be fueled by the existing power grid, resulting in a reduced solar exclusion of 75% of the property value for the BESS not assessed for property tax purposes.

Table 1
Colusa County Janus Solar Facility
Economic Impact Analysis
Summary of One-Time and Ongoing Impacts (Rounded 2022$)

Activity/Impact Categories	Estimated Economic Impacts (2022$)
Estimated Economic Impacts of Project Construction and Operations	
Colusa County Impacts	
One-Time Economic Impacts	
One-Time Construction Impacts [1]	$15.9 M
One-Time Construction Jobs (Job Years) [2]	90
One-Time Fiscal Revenues	$788,000
Annual Ongoing Economic Impacts	
Annual Ongoing Operational Impacts [3]	$4.0 M
Annual Ongoing Operational Jobs (Annual Average) [4]	6
Annual Ongoing Fiscal Revenues	$22,000

Source: IMPLAN, 2019 Dataset; RWE Solar Development, LLC; EPS.

[1] Includes direct and indirect impacts.
[2] Employment includes both full-time and part-time workers. Job years refer to the number of jobs in each year summed over the entire construction period.
[3] Includes direct, indirect, and induced impacts of the anticipated Project.
[4] Reflects Stabilized Operational employment for the Project. Employment includes both full- and part-time workers.

One-time economic impacts stemming from construction of the Project are estimated to generate a **total output of $15.9 million** (measured in 2022 dollars). It is anticipated that construction of the Project will generate **90 job-years** over the anticipated construction timeline, including 83 direct and 7 indirect job years.[3]

Ongoing Economic Impact Results

Ongoing economic impacts are measured on a gross annual impact basis, not accounting for shifts in consumer expenditures from other local alternatives. Based on the anticipated operating expenditure of the Project after stabilized operations are reached, approximately **$4.0 million in total economic activity** (measured in 2022 dollars) is estimated to be generated in the County annually. This level of economic output represents direct, indirect, and induced impacts.

The Project is estimated to result in **6 full- and part-time jobs** in the County as a result of ongoing, annual Project operations, including 3 direct (on-site) Project jobs, 2 indirect jobs, and 1 induced job. These full- and part-time jobs are estimated to generate approximately **$752,000 in earned employee compensation (wages and benefits)**.

Public-Sector Revenues

This Analysis estimates tax revenues resulting from the Project that will flow to the County resulting from Project construction and ongoing operations. This Analysis focuses on major sources of tax revenue only, including property tax, property tax in lieu of vehicle license fees, property transfer tax, and sales tax revenues. Under a dual-use scenario, in which only a portion of the assessed BESS is eligible for the State of California's (State) Active Solar Energy System Exclusion (Exclusion), it is estimated that Project operations will generate public-sector tax revenues ranging from approximately **$155,000 in the first year of Project operations** to **$22,000 annually after the Project facilities have depreciated in value (years 12 and beyond)** with an **additional $788,000 in one time County revenues** related to Project construction (measured in 2022 dollars).

[3] Note that the employment figures reported for construction impacts represent total job years lasting over the duration of the Project and could reflect the same job that extends over multiple years. For instance, a general laborer employed for 2 years during construction activity would represent 2 job years. Construction employment in any given month of Project development may exceed total job year estimates.

Detailed Analysis Findings and Assumptions

The following section provides the detailed results of the Analysis, as well as the assumptions used to calculate each impact.

One-Time Construction Impacts

Impacts associated with construction of the Project through buildout are measured on a one-time basis. Construction activity generates a short-term burst of economic activity that dissipates once construction is complete. One-time impacts include the value of new construction, improvements to existing infrastructure, employment created, and income earned during Project construction. The duration of one-time impacts is limited to the development period of the Project. One-time economic impacts are calculated based on the anticipated Project construction employment estimates provided by the Project Applicant. Based on information provided by the Project Applicant, it is estimated that construction of the Project will last approximately 9 months with employment estimates of up to 175 employees during any given month. As the economic impacts are estimated based on annual job years, EPS converted the monthly job estimates to an annual job year estimate. The conversion of monthly to annual job estimates is shown on **Table B-1** in **Appendix B**.

The section below details the one-time economic impacts results for construction of the Project.

One-Time Project Construction

Table 2 details the estimated one-time economic impacts associated with construction of the Project. The resulting impacts are described below:

- **Annual Output:** Construction operations are estimated to generate approximately $14.5 million in direct one-time industry output. Local spending will result in $1.4 million in indirect one-time impacts for a total one-time industry output impact of $15.9 million.
- **Employee Compensation:** Of the $14.5 million in direct industry output reported above, approximately $7.1 million will be received by construction employees in the form of salary, wages, and benefits. Indirect employee compensation impacts total approximately $402,000, for a total annual employee compensation impact of approximately $7.5 million.
- **Annual Employment:** The 83 direct job years support 7 indirect job years for a total employment impact of 90 job years.

Table 2
Colusa County Janus Solar Facility
Economic Impact Analysis
Detailed One-Time Economic Impacts of Project Construction (Rounded 2022$)

Construction

Activity/Impact Categories	Source	Impact Type			Total One-Time Impacts
		Direct	Indirect	Induced [1]	
Key Input					
Estimated Construction Jobs (Annual)	Table B-1	83			
Colusa County One-Time Impacts					
Colusa County Output [2]					
Industry Output (excl. Income)		$7,464,000	$957,000	$0	**$8,421,000**
Income [3]		$7,056,000	$402,000	$0	**$7,458,000**
Total		**$14,520,000**	**$1,359,000**	**$0**	**$15,879,000**
Colusa County Employment (Annual Average) [4]		83	7	0	**90**

Source: IMPLAN, 2019 Dataset; RWE Solar Development, LLC; EPS.

[1] Note that total construction impacts include direct and indirect impacts only; induced impacts were not estimated because construction activities are temporary and thus are not anticipated to generate net new household expenditures in the local economy.

[2] Analysis based on construction activity generated in Colusa County data. Output is the amount of business expenditures on goods and services retained within the County economy.

[3] Includes employee compensation, proprietors income, and other income (profits, rents, and royalties).

[4] Employment includes both full-time and part-time workers. Job years refer to the number of jobs in each year summed over the entire estimated construction period of the Project.

Ongoing Operations

This report estimates the ongoing economic impacts occurring annually as a result of the Project operations in the County. Ongoing economic impacts capture the direct, indirect, and induced impacts generated by annual operations of the Project. Impacts associated with these economic activities are estimated based annual ongoing Project operational expenditures, provided by the Project Applicant, reflecting stabilized operations.

Ongoing Project Operations

Table 3 summarizes the total estimated annual ongoing impacts associated with Project operations. The resulting impacts are described below:

- **Annual Output:** Project operations are estimated to generate approximately $3.6 million in direct industry output annually. Local spending will result in approximately $318,000 in indirect industry output impacts and $145,000 in induced impacts annually for a total industry output impact of $4.0 million on an annual basis.
- **Employee Compensation:** Of the $3.6 million in direct industry output reported above, approximately $626,000 will be received by employees employed in the Project in the form of salary, wages, and benefits. Indirect and induced employee compensation impacts total approximately $126,000 for a total annual employee compensation impact of approximately $752,000.
- **Annual Employment:** The 3 direct jobs will generate approximately 2 indirect and 1 induced jobs annually for a total employment impact of approximately 6 jobs on an annual basis.[4]

Additional Public-Sector Revenues

The Project will generate additional revenues to the County. This Analysis focuses on major sources of tax revenues, including property tax and sales tax revenues, as shown in **Table 4**. Based on the State's Revenue and Taxation Code section 73, active solar facilities are eligible for the State Exclusion program, which allows for development of active solar facilities with no increase in assessed value for construction of active solar facilities. The property tax revenues estimated in this analysis are based on estimating methodologies derived from the Guidelines for Active Solar Energy Systems New Construction Exclusion (Guidelines), published by the State Board of Equalization in December 2012.

[4] Job estimates reflect total full- and part-time employment, adjusted for seasonality but not adjusted for hours worked per day.

Table 3
Colusa County Janus Solar Facility
Economic Impact Analysis
Detailed Annual Economic Impacts of the Ongoing Project Operations (Rounded 2022$)

Annual Ongoing Impacts

Activity/Impact Categories	Impact Type			Total Annual Ongoing Impacts
	Direct	Indirect	Induced	
Key Input				
Ongoing Project Operating Expenditures [1]	$3,550,000			
Colusa County Annual Ongoing Operating Impacts				
Colusa County Output [2]				
Industry Output (excl. Income)	$2,924,000	$230,000	$107,000	**$3,261,000**
Income [3]	$626,000	$88,000	$38,000	**$752,000**
Total	**$3,550,000**	**$318,000**	**$145,000**	**$4,013,000**
Colusa County Employment (Annual Average) [4]	3	2	1	**6**

Source: IMPLAN, 2019 Dataset; RWE Solar Development, LLC; EPS.

[1] Reflects stabilized operational expenditures as provided by the Project Applicant.
[2] Analysis based direct employment generated in Colusa County data. Output is the amount of business expenditures on goods and services retained within the County economy.
[3] Includes employee compensation, proprietors income, and other income (profits, rents, and royalties).
[4] Reflects stabilized operational employment. Employment includes both full-time and part-time workers. Due to the types of employment resulting from the Project, total ongoing employment impacts reflect full time equivalent employment estimates.

Table 4
Colusa County Janus Solar Facility
Economic Impact Analysis
Summary of One-Time and Annual Fiscal Revenues (Rounded 2022$)

County Revenue Type	Source	Estimated Revenues (2022$)		
			Dual Use Scenario [2]	
		No Exclusion Scenario [1]	Initial Value [3]	Depreciated Value [4]
Estimated Fiscal Impacts of Project Construction and Operations				
Colusa County Revenues				
One-Time Fiscal Revenues				
Property Transfer Tax	Table A-1	$3,245	$3,245	$3,245
Sales Tax [5]	Table A-2	$784,483	$784,483	$784,483
Total One-Time Fiscal Revenues		**$787,728**	**$787,728**	**$787,728**
Annual Ongoing Fiscal Revenues				
Property Tax [6]	Table A-3	$404,489	$102,395	$14,788
Property Tax in Lieu of Vehicle License Fees	Table A-3	$206,876	$52,370	$7,564
Total Annual Ongoing Fiscal Revenues		**$611,364**	**$154,766**	**$22,352**

Source: RWE Solar Development, LLC; EPS.

[1] Represents a scenario estimating the maximum property tax revenue available assuming there is not a property tax exclusion.
[2] A dual use scenario reflects a scenario in which the battery storage facilities on-site would be in some way fueled by the existing energy infrastructure and not be solely charged by the solar facilities. Under this scenario, 25 percent of assessed value for the battery storage system would not be eligible for property tax exclusions
[3] Estimates reflect the revenues associated with the total taxable assessed value of the Project under the dual use scenario prior to any assumed depreciation.
[4] Estimates reflect the revenues associated with the total taxable assessed value of the Project in Year 12, including depreciation of personal property values under a dual use scenario.
[5] Includes both the one percent Bradley Burns local sales tax rate and the half cent proposition 172 public safety sales tax revenues. Ongoing estimates of sales tax revenues resulting from employee spending is anticipated to be negligible and have not been estimated in this analysis.
[6] Property tax estimates shown reflect only the County's share of property tax revenues. For the full 1 percent property tax generated by the Project, refer to Table A-3.

This Analysis estimates public-sector revenues under two scenarios related to the State's Exclusion program:

- **No Exclusion Scenario:** The No Exclusion Scenario is provided for informational purposes and estimates the public sector revenues generated by the project assuming no Exclusion for any portions of the Project. No depreciation is assumed in the No Exclusion Scenario.
- **Dual Use Scenario:** The Dual Use Scenario reflects a likely operational scenario for the project in which the BESS will in part be fueled using the existing energy grid and not exclusively new solar facilities. Based on information provided in the Guidelines, this scenario assumes that the active solar facilities within the Project would be eligible for the Exclusion and the dual-use BESS would be eligible for a partial (75 percent) Exclusion. The Dual Use Scenario assumes the value of the BESS will depreciate for the first 12 years of Project operations.

Under the no Exclusion Scenario construction of the Project is anticipated to generate $788,000 in one-time County revenues and ongoing Project operations are anticipated to generate $611,000 in additional public-sector tax revenue.

Under the Dual Use Scenario, construction of the Project is anticipated to generate $788,000 in one-time County revenues and ongoing Project operations are anticipated to generate $155,000 in additional public-sector tax revenue in the initial year of operations decreasing as the Project depreciates in value to $22,000 annual for year 12 and beyond.

The Analysis estimates additional public-sector revenues using a marginal-revenue case-study approach, which simulates actual revenue generation resulting from new development. The following sections detail the additional public-sector tax revenues generated by the Project and the case-study methodologies used to calculate each revenue source.

One-Time Revenues Generated by Project Construction

Property Transfer Tax

Real property transfer tax is based on the value of the portion of the Project land to be purchased through a fee simple property sale prior to Project development. Real property transfer tax revenue projections are identified in **Table A-1** in **Appendix A**.

Sales Tax

Sales tax revenue is based on estimated taxable sales and the Bradley-Burns local 1-percent Uniform Local Sales Tax rate as summarized in **Table A-2** in **Appendix A**. Due to local purchasing agreements entered into between the County and the Project Applicant, it is anticipated that sales tax generated by Project construction would be registered to a local property in the unincorporated

Colusa County. Based on information provided by the Project Applicant, construction of the Project is estimated to result in $3.25 million in sales taxes. Due to the local purchasing agreement, the Analysis assumes that all sales tax related to construction materials and services would be generated in Colusa County. The County's share of sales tax revenue is estimated using the share of total sales tax rates benefitting the County, including the Bradley Burns sales tax rate, local transportation taxes, and Proposition 172 public safety sales tax. As shown on Table A-2, Project construction is estimated to generate $784,000 in sales tax revenue to the County.

In total, construction of the Project is anticipated to generate $788,000 in one-time County revenues under all scenarios.

Ongoing Annual Revenues Generated by Project Operations

Property Tax Revenues

The Analysis estimates property tax revenues generated by the Project annually under each Exclusion scenario. The Project is estimated to create $174.9 million in assessed value (net of existing land value) including $174.1 million in BESS uses and $1.0 million in other real property, including streets, fencing, and other uses not directly related to solar operations.

No Exclusion Scenario

The No Exclusion Scenario estimates annual property tax revenues based on the total value of real property and the BESS with no Exclusion applied. Under this scenario, the Project is estimated to generate $404,000 in property tax revenues to the County General Fund, annually.

Dual Use Scenario

The Dual Use Scenario assumes that the BESS would be in part fueled using energy from the existing power grid and not fully from new solar facilities and would be eligible for a partial exclusion, as detailed in the Guidelines. Due to the dual-use categorization, the BESS would be eligible for a 75 percent exclusion, with property taxes being generated on only 25 percent of the total BESS value. The real property would not be eligible for Exclusion. In addition to the partial Exclusion, the Dual Use Scenario includes annual depreciation of BESS facility values, with the Project being fully depreciated to 13 percent of the beginning value by year 12 of Project operations. In the initial year of Project operations, the Project is estimated to generate $102,000 in property tax revenue benefitting the County General Fund. After the Project fully depreciates in year 12, it is estimated that the Project will generate $15,000 in property taxes, annually.

Estimated annual property tax revenue resulting from development in the Project is presented in **Table A-3** in **Appendix A**. The estimated assessed values for Project land uses are assumed to remain static in 2022-dollar values—real growth in assessed value is not estimated. The property taxes the County will receive are derived from the total assessed value of the Project, as provided by the Project

Applicant, and the estimated post-Educational Revenue Augmentation Fund (ERAF) share of the 1 percent ad valorem property tax rate to the County.

Property Tax in Lieu of Vehicle License Fee

The Analysis uses a formula provided by the State Controller's Office to forecast Property Tax in Lieu of Vehicle License Fees (PTIL VLF). PTIL VLF is calculated by taking the percentage increase in the County's assessed value resulting from the Project under each scenario and applying that percentage increase to the County's current State allocation of PTIL VLF revenue, as shown in the County's Fiscal Year (FY) 2021-22 budget. This calculation is shown in **Table A-3** in **Appendix A**. As shown, the Project is anticipated to generate approximately $207,000 in PTIL VLF revenues to the County under the No Exclusion Scenario. Under the Dual Use Scenario, the Project is anticipated to generate approximately $52,000 in PTIL VLF revenues in the initial year of operations and $8,000 annually beginning in year 12.

Economic Impact Modeling Framework

The Analysis uses an I/O modeling framework to quantify the project's one-time and ongoing contributions to countywide output, employment, and labor income. The I/O modeling framework is premised on the concept that industries in a geographic region are interdependent in the sense that they purchase output from and supply input to other industries. This regional economic analysis relies on IMPLAN (Impact Analysis for Planning) software, an I/O model that draws on data collected by the IMPLAN Group, LLC, from several state and federal sources, including the Bureau of Economic Analysis, the Bureau of Labor Statistics, and the Census Bureau. The model is used widely for estimating economic impacts across a wide array of industries and economic settings.

Regional economic impact analysis and I/O models in particular provide a means to estimate total regional effects stemming from a particular industry. Specifically, I/O models produce quantitative estimates of the magnitude of regional economic activity resulting from some initial activity (e.g., business operations or building construction). I/O models rely on economic "multipliers" that mathematically represent the relation between the initial change in one sector of the economy and the effect of that change on economic output, income, or employment in other local industries. These economic data provide a quantitative estimate of the magnitude of shifts in jobs and revenues in the regional economy.

Economic impacts using an I/O model are based on an initial change in output or employment in a specific industry sector. The model then translates the initial change into changes in demand for output from other interdependent sectors, corresponding changes in demand for inputs to those sectors, and so on. These effects commonly are described as direct, indirect, or induced and generally are defined as follows:

- The **direct** effect represents the change in output or employment attributable to a certain economic activity. In this case, the annual operations of the Project and the entities directly receiving spending related to the building construction project (e.g., construction contractors, equipment vendors, and consultants).
- The **indirect** effect results from industry-to-industry transactions required to satisfy the direct effect. This effect is a measure of the change in the output of suppliers linked to the industry that is directly affected.
- The **induced** effect consists of impacts from employee spending in the local economy. Specifically, the employees of directly and indirectly affected businesses generate this effect by purchasing goods and services in the local economy. For instance, employees of these businesses spend their paychecks on household needs such as groceries, retail purchases, health care, or mortgage or rent payments, all of which are considered to be induced effects.

The total impact is the sum of the direct, indirect, and induced effects. The total effect measures the impact of an activity as it "ripples" throughout the regional economy. For this Analysis, the regional economy is defined as the County. IMPLAN generates a model of the industrial structure and household profile for the County economy, which in turn determines the extent to which spending is captured and recirculated in the local economy rather than being allowed to leak outside the County. In the following sections, the regional economic effects described above are reported in three categories:

- **Annual Output:** Annual output measures the value of goods and services produced in the County as a result of business operations. Projected Project operational expenditures were used to estimate ongoing annual output of the Project. Construction employment was used to estimate one-time construction impacts.
- **Employment:** Employment estimates the total number of jobs, both full time and part time, created as a result of project operations. Employment is reported in job years. Construction employment represents total job-years over the life of the project (1 job lasting 2 years would be reported as an employment impact of "2").
- **Labor Income:** Labor income reflects the estimated amount of direct, indirect, and induced annual employment income (salaries, wages, and benefits) resulting from the associated employment. It is important to note that labor income is a component of industry output and is not an additive economic impact.

I/O Modeling Considerations

The current IMPLAN dataset relies on I/O relations derived from 2019. Although 2020 data is available, due to the unique nature of the economy as the COVID-19 pandemic impacted the global economy, EPS believes the 2019 data provides a more accurate and reasonable approximation of conditions on an ongoing basis.

All economic impacts depicted in this Analysis reflect gross impacts. As such, the economic impacts do not account for potential shifts in resources or shifts in consumer expenditures from other local alternatives. The I/O methodology is based on the assumption that an industry's demand for goods and services results in a corresponding increase in supply and therefore employment. This implies that key industry suppliers can increase output rather than shift output from one set of consumers or products to another. This assumption may not hold in areas with tight labor or capital markets because companies may find it difficult to obtain these inputs or other resources necessary to expand production. In these cases, accommodating an establishment's demand for labor and other inputs may come at the expense of other establishments in the same or related sectors or may need to be satisfied by increased imports from outside the study area. This phenomenon often is referred to as "crowding out" because the stimulated sector tends to crowd out other sectors, which can reduce the net economic gain.

APPENDICES:

APPENDIX A:

Fiscal Revenue-Estimating Tables

Table A-1
Colusa County Janus Solar Facility
Economic Impact Analysis
One Time Real Property Transfer Tax (2022$)

Description	Assumption/ Source	Estimated Annual Property Transfer Tax Revenue
Rate per $1,000 of AV	$0.55	
One Time Transfer Tax Revenue	[1]	$3,245

Source: Colusa County Auditor-Controller; EPS.

[1] One time transfer tax revenue based on the fee simple purchase value of the portion of the Project area to the purchased via a fee simple property sale as provided by the Project Applicant.

Table A-2
Colusa County Janus Solar Facility
Economic Impact Analysis
Estimated One-Time Taxable Sales and Use Tax Revenue from Project Construction (2022$)

Item	Formula	Source/ Assumptions	Annual Sales Tax Revenue
Estimated Sales Tax			
Total Estimated Sales Taxes Generated by Project Development [1]	*a*		$3,250,000
Annual Sales Tax from New Development	***b = a***		**$3,250,000**
Annual Sales Tax Revenue			
Colusa County Share			
County Bradley Burns Local Sales Tax Revenue	*c b 1.00 / .2*	1.0000%	$448,276
County Local Transportation Sales Tax Revenue	*d b 0.2 / .2*	0.2500%	$112,069
Prop 172 Public Safety Sales Tax Revenue	*e b 0. 0 / .2*	0.5000%	$224,138
Total Colusa County	***f = c + d + e***	**1.7500%**	**$784,483**
State of California	*b . 0 / .2*	5.5000%	$2,465,517
Total Sales Tax Revenues	***h = b***	**7.2500%**	**$3,250,000**

Source: Colusa County; California State Board of Equalization; EPS.

[1] Based on information provided by the Project applicant Project construction is estimated to generate $3.25 million in sales taxes for materials and service costs. It is anticipated that the Project will be required to establish a local address for billing/delivery of goods resulting in all sales generating local sales tax revenues. Colusa County share of revenues is estimated based on Colusa's share of the total sales tax rate in the County.

Table A-3
Colusa County Janus Solar Facility
Economic Impact Analysis
Estimated Annual Property Tax Revenues (2022$)

Item	Assumption/ Source	Formula	Estimated Property Tax Revenues (2022$)		
			No Exclusion Scenario [1]	Dual Use Scenario [2] Initial Value [3]	Dual Use Scenario [2] Depreciated Value [4]
Taxable Assessed Value					
Real Property		*a*	$1,041,023	$1,041,023	$1,041,023
Personal Property (Battery Storage Facility)					
Total Value		*b*	$174,148,984	$174,148,984	$22,639,368
Percentage Taxable		*c*	100%	25%	25%
Total Taxable Personal Property Value		*d b c*	**$174,148,984**	**$43,537,246**	**$5,659,842**
Total Taxable Project Assessed Value		*e a d*	**$175,190,007**	**$44,578,269**	**$6,700,865**
Less Existing Property Base Value	[5]		($307,002)	($307,002)	($307,002)
Net Taxable Assessed Value		*e*	**$174,883,005**	**$44,271,267**	**$6,393,863**
Property Tax Revenue (1% of Assessed Value)	1.0000%	*h 1.00*	$1,748,830	$442,713	$63,939
Estimated Property Tax Allocation [6]					
Colusa County General Fund	23.1%	*i h 23.13*	$404,489	$102,395	$14,788
Other Agencies/ERAF	76.9%	*j h .*	$1,344,341	$340,317	$49,150
Total Colusa County General Fund Property Tax		***k = i***	**$404,489**	**$102,395**	**$14,788**
Property Tax In-Lieu of Motor Vehicle In-Lieu Fee Revenue (VLF)					
Total Unincorporated County Area Assessed Value		*l*	$2,950,220,068	$2,950,220,069	$2,950,220,070
Total Assessed Value of Project		*m*	$174,883,005	$44,271,267	$6,393,863
Total Assessed Value		*n l m*	**$3,125,103,073**	**$2,994,491,336**	**$2,956,613,933**
Percent Change in AV		*o m / n*	5.93%	1.50%	0.22%
Property Tax In-Lieu of VLF [7]	**$3,489,925**	***p = o * $3,489,925***	**$206,876**	**$52,370**	**$7,564**

Source: Colusa County; Colusa County Treasurer Tax Collector; RWE; EPS.

[1] Represents the maximum property tax revenue available assuming all personal property were to be taxable prior to any assumed depreciation.
[2] A dual use scenario reflects a scenario in which the battery storage facilities on site would be in some way fueled by the existing energy infrastructure and not solely be charged by the solar facility. Under this scenario, 25 percent of assessed value for the battery storage system would be taxable.
[3] Represents the total taxable assessed value of the Project under the dual use scenario prior to any assumed depreciation.
[4] Represents the total taxable assessed value of the Project in Year 12, including depreciation of personal property values under a dual use scenario.
[5] Existing value reflects the existing land value for the three parcels containing the Project. As existing improvements are anticipated to remain on the property in the ownership of the existing landowners, no reduction is made for existing improvements.
[6] Property tax allocation based on information provided by the Colusa County Treasurer Tax collector
[7] Property tax in-lieu of VLF amount derived from the Final Fiscal Year 2021-22 Colusa County Budget.

APPENDIX B:

Project Construction Employment Estimates

Table B-1
Colusa County Janus Solar Facility
Economic Impact Analysis
Estimated Project Construction Employment Estimates

Item	Estimated Construction Jobs: Monthly Employment	Estimated Construction Jobs: Annual Job Estimate [1]
Construction Employment		
Month		
April	45	4
May	95	8
June	135	11
July	155	13
August	175	15
September	175	15
October	155	13
November	45	4
December	20	2
Total Annual Jobs Estimate		**83**

Source: RWE Solar Development, LLC; EPS.

[1] IMPLAN estimates jobs using an annual job estimate, meaning a job lasting for 6 months would count as 0.5 jobs. To estimate annual construction jobs, monthly construction employment was divided by 12 and summed for all months.

Table B-2
Colusa County Janus Solar Facility
Economic Impact Analysis
Existing Project Parcel Values

Parcel	Existing Assessed Value			
	Land	Improvement	Personal	**Total**
Parcel Number				
018-050-005	$186,756	$232,628	$618,720	**$1,038,104**
018-050-006	$74,921	$0	$0	**$74,921**
018-050-013	$45,325	$74,652	$0	**$119,977**
Total	**$307,002**	**$307,280**	**$618,720**	**$1,233,002**

Source: RWE Solar Development, LLC; Parcelquest; Colusa County Assessors Office; EPS.

WILLIAMS FIRE PROTECTION AUTHORITY

810 E Street • P.O. Box 755 • Williams, California 95987

(530) 473-2269 • Fax: (530) 473-3174 • E-mail: wfpa@frontiernet.net

3/07/2023

Colusa County Planning Department
220 12th Street
Colusa Ca. 95932

Attn: Greg Plucker

RE: Janus Solar

Greg,

Prior to the March 1st planning commission meeting I was approached by a couple of concerned land owners regarding the Janus Solar project. One of the concerns was a fire that had happened in Moss Landing (Elkhorn Farm) in October 2022. I have done some research on this fire and have also reached out to the Fire Chief Joel Mendez of the North County Fire District of Monterey County.

In my conversation with Chief Mendoza I asked him several question regarding the Elkhorn incident. Chief Mendoza stated that he had three incidents at three different facilities in the last three years. The Elkhorn incident was TESLA Mega packs that are designed to burn out in a 4 to 6 hour time frame. This facility was approximately 100 mega watts (245 Mega Packs) of BESS system. The fire department was committed for six hours with 3 engine companies pumping over 70,000 gallons of water to keep the other BESS units from burning. Now these TESLA mega packs are different from what is being proposed by Janus and did not have extinguishing systems in place. There was a huge impact and commitment on the fire department. They also had to have a shelter in place order for 12 hours until EPA could to sampling.

Chief Mendoza was shown the Planning Commission Packet as to pages 25,26,29,31,32,33 that discusses Public Safety and potential economic impact. Chief Mendoza is aware that the solar panel tax revenue section, but states the BESS system should bring a substantial amount of revenue. Elkhorn facility is 100 Megawatt brings in approximately $115K to the Fire district and over a million to the County. Chief Mendoza does not feel that the Williams Fire Protection Authority can properly service this project without a three man engine company and the developer should be willing to negotiate additional staffing.

The Williams Fire Protection Authority (Authority) currently is staffed with a two (2) man engine company, chief officer and supplemented with volunteers. There is no guarantee that volunteers will

respond to incidents like these and having to wait for a volunteer to fill the third seat on the engine delays the response time to major incidents. The Authority currently has four paid Captains, four paid firefighters and a paid fire chief. The four firefighters are on a grant that will expire in 2024. If the Authority is unable to fund those positions in the future the Authority will go back to a one man engine company in February 2024.

In looking at what Colusa County is going to receive from the updated taxes, the portion that the Williams Fire Protection District (District) would receive is only approximately $7200 based off the County getting $154,765.00 in taxes per year (.046). The County will then also receive $110,000 in mitigation funding per year to go to the general fund. This does not give the Fire District any additional funding.
Then I see that the three park districts (Maxwell/ Williams /Arbuckle) will receive $15,000 per year. I believe that a company that is anticipated to generate over four (4) million dollars a year in revenue should be able to provide better public safety funding.

As the Authority has been working with the Janus project on fire code measures to lower the probability of an incident at this facility, I believe that the Authority has been enlightened to additional issues and hazards that this project might impact without some type of mitigation. We do understand that the District will receive Development Impact Fees for the Bess units, but that is one time impact funding for capital projects not operational funding.

In discussing this with my board chair we are asking to have a conversation with the County and Janus Solar regarding what we have determined to be significant impacts to the Authority.

Jeffery A. Gilbert

Fire Chief

cc: Colusa County Planning Commission

MARCH 20, 2023

VIA EMAIL: GPLUCKER@COUNTYOFCOLUSA.COM
Greg Plucker
County of Colusa, Secretary to the Planning Commission
1213 Market Street
Colusa, CA 95932

Dear Mr. Plucker:

NOTICE OF PUBLIC HEARING: FINAL ENVIRONMENTAL IMPACT REPORT AND USE PERMIT FOR THE JANUS SOLAR PROJECT, SCH#2020070577

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Final Environmental Impact Report for the Janus Solar Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments with respect to the Final Environmental Impact Report for the Janus Solar Project.

Project Description

The project would include: (1) approximately 196,000 solar PV modules in multiple solar arrays interconnected to form a utility-scale PV system and ancillary infrastructure; (2) a battery energy storage system (BESS) consisting of batteries, battery storage system enclosures, ancillary infrastructure and fire protection systems; (3) and an on-site substation that would connect to the existing Cortina Substation via an approximately 3-mile-long, 60 kV gen-tie line strung on new poles of up to 80 feet in height. The entirety of the Project site is under a Williamson Act contract.

Department Comments

The Department notes that the lead agency adequately addressed the majority of its comments in its letter written in response to the projects Draft Environmental Impact Report. However, the lead agency did not address, nor comment on, the Department's recommendation for further discussion of the following issues:

- The Project's compatibility with, and/or, potential contract resolutions for lands within agricultural preserves and/or enrolled in a Williamson Act contract.
- If applicable, notification of Williamson Act contract non-renewal and/or cancellation.

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

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor

RESOLUTION NO. 02- 82

A RESOLUTION OF THE COLUSA COUNTY BOARD OF SUPERVISORS **AMENDING EXHIBIT A TO RESOLUTION 82-67** RELATING TO THE IMPLEMENTATION OF THE CALIFORNIA LAND CONSERVATION ACT IN COLUSA COUNTY (WILLIAMSON ACT)

WHEREAS, the COUNTY OF COLUSA, as a condition of implementing the California Land Conservation Act, is required to establish rules to govern the administration of agricultural preserves and for initiating, filing and processing requests to establish agricultural preserves; and

WHEREAS, Resolution 82-67, adopted on October 12, 1982, set forth the guidelines for establishment of agricultural preserves; and

WHEREAS, Exhibit "A" to Resolution 82-67 enumerated the agricultural uses and compatible uses pertaining to agricultural preserves; and

WHEREAS, the compatible uses enumerated in Exhibit "A" of Resolution 82-67 require further clarification therein.

NOW, THEREFORE, BE IT RESOLVED that Exhibit "A" of Resolution 82-67 is hereby amended as set forth in Exhibit "A" attached hereto, and substituted in its place and stead.

PASSED AND ADOPTED by the Board of Supervisors of the County of Colusa, State of California, this 17th day of DECEMBER 2002 by the following vote:

AYES: Supervisors Womble, Scofield, Marshall, White and Waite

NOES: None.

ABSENT: None.

William R. Waite
Chairman of the Board of Supervisors

ATTEST: Kathleen Moran, Clerk/Recorder
and Ex-Officio Clerk to the Board of Supervisors

By Sue Grave, Deputy

APPROVED AS TO FORM:

Donald F. Stanton
Colusa County Counsel

STATEMENT OF AGRICULTURAL AND COMPATIBLE USE FOR AGRICULTURAL PRESERVE NUMBERS ONE AND TWO AND FARMLAND SECURITY ZONE

A. AGRICULTURAL USES

1. Agriculture, including any customary agricultural buildings and structures and such uses as, but not limited to, livestock ranges, animal husbandry, field crops, fallow, lands withdrawn from production pursuant to Federal agricultural programs such as, but not limited to, that authorized by the Crop and Adjustment Act, tree crops, nurseries and greenhouses together with all necessary equipment and facilities for support and maintenance of the operation.

2. Animal feed yards when more than 1000 feet from any existing dwelling.

3. Hog farms.

B. COMPATIBLE USES

1. Ranch and farm dwellings appurtenant to a principal agricultural use.

2. Drilling and operating of oil and gas wells for which a conditional use permit has been granted.

3. Electrical distribution substations.

4. Recreational uses for which a conditional use permit has been granted.

5. Living quarters of persons employed on the premises and relatives of the property owner or lessee.

6. Agricultural labor camps.

7. Mobile homes may be used as living quarters when they are located on land used for agricultural purposes and are appurtenant to such agricultural use, provided that there may not be more than one mobile home for each ten (10) acres of total site area.

8. Temporary shelters for herdsmen including mobile homes, wagons, and tents.

9. Guest houses, not rented or otherwise conducted as a business.

10. Home occupations.

11. Offices incidental and necessary to the conduct of a principal permitted use.

12. Private garages, private parking areas, and private stables.

13. Roadside stands for the sale of agricultural products primarily grown in the local area.

14. Name plates and signs appurtenant to any permitted use including, but not limited to, temporary real estate signs advertising the sale, rental, or lease of the premises upon which the sign is located.

15. Temporary landing strips appurtenant to a principal permitted use.

16. Other accessory uses and buildings customarily appurtenant to a permitted use including, but not limited to, almond hulling, fruit, grain and bean storage and drying when such products are primarily produced on the premises.

17. Any customary agricultural building, structure or dwelling appurtenant to an agricultural use no longer necessary for the operation of the principal use may be rented or leased for similar use.

18. Hunting clubs or hunting activities for which a conditional use permit has been granted which permit hunting only during the dormant or winter fallow agricultural season. More particularly, the act of hunting does not begin until after harvest and ceases before planting season begins.

19. The erection, construction, alteration or maintenance of gas, electric, water, or communication utility facilities.

Original

COLUSA COUNTY BOARD OF SUPERVISORS
Clerk of the Board
546 Jay Street
Colusa, CA 95932
530-458-0508
cocolusa@colusanet.com

AGENDA TIME:

AGENDA REQUEST FORM

1.) Meeting Date:	2.) Department/Organization:	3.) Name:	4.) Phone:
12-17-02	Planning & Building	Stephen Hackney	458-0480

5.) Timed Item ☐ 6.) Numbered Item ☒ 7.) Consent Item ☐ 8.) Estimated Time:

9). Request:

Consider Resolution Amending Exhibit A to Resolution 82-67 Relating to the Implementation of the California Land Conservation Act in Colusa County (Williamson Act).

10.) Documentation:

See attached Resolution.

11.) Signature Requirements:

Requires signature from Chairman, Clerk, and County Counsel.

12) Notes:

Return copy to Planning & Building.

FOR CLERK USE ONLY

Board Action: Approved ☒ Denied ☐ Approve with Revisions ☐

Set Public Hearing for:_____ Continued to: _____

Referred/Direction to:_____

Other: 02-82

VOTE: All yes ☐ NOES:_____ ABSTAIN:_____

Notes:

COLUSA COUNTY BOARD OF SUPERVISORS
Clerk of the Board
546 Jay Street
Colusa, CA 95932
(530) 458-0508/0509
cocolusa@colusanet.com

BACKGROUND INFORMATION

Meeting Date:	Department:	Name:	Phone:
December 17, 2002	Planning & Building	Stephen Hackney	458-0480

SUBJECT

Resolution amending Exhibit A to Resolution 82-67 relating to the implementation of the California Land Conservation Act in Colusa County (Williamson Act).

REQUEST

Consider Resolution.

FINANCIAL

N/A

ALTERNATIVES

N/A

PRIOR REVIEW/OTHER DEPARTMENT INVOLVEMENT

Resolution prepared by County Counsel.

RECOMMENDATION

Adopt Resolution.

March 24, 2023

Sent Via Email

Colusa County Planning Commissioners
1213 Market Street
Colusa, CA 95987

Re: Janus Solar Project Use Permit UP #20-01 (PD-3829)

Dear Commissioners,

I am writing this letter to express my opposition to the Janus Solar Project proposed along rural Spring Valley Road in Williams.

Reasons for opposition are as follows:

The APPLICATION AND PROJECT QUESTIONNAIRE submitted by Janus Solar PV on May 6, 2020, contains egregious inaccuracies regarding PROJECT IMPACTS and CERTIFICATION of "True and Correct information," leading to doubts about the competency, integrity, professionalism and honesty of the applicants and owners.
ie: Regarding YES / NO questions about the project or its effects:
"21.Change in scenic views or vistas from existing residential areas or public lands or roads - NO"
The application also contains obviously incorrect *NO* answers to questions 22, 24, and 29.
See Attachments #1& #2.

The proposed Janus Project is located on ground currently under Williamson Act Contract. Ground in the Williamson Act cannot be used for large-scale solar projects.
No notification of Cancellation has been received. On March 16, 2023, I virtually attended the Department of Conservation Williamson Act Cancellation Open Office Hours Presentation by staff member, Annie Giovacchini, who is in charge of Cancellations. The meeting included discussion of Government Code Section 51284 which says no contract may be cancelled without the extensive process of Public Hearings and Notifications.
Saying the Colusa County Board of Supervisors Williamson Act Ad-Hoc committee recommended cancellation on the project site contract is misleading in that it infers support, when in actuality, their recommendation confirms the incompatibility of a large-scale solar project on contracted land.

The loss of 1000 acres of productive grazing land to encroaching incompatible land use is not "insignificant"-it is substantial and the County currently holds a debatable position on that issue.
In The Responses to Public Comments, the County "disagreed" with with the California Department of Conservation's letter saying "The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural resources."

The threat to public health and safety due to fire has continued to be understated in the FEIR which increased the unfounded "No Impact" finding in the DEIR to "Less than Significant."
The proposed site is located in a designated HIGH Fire Hazard Safety Zone by the Cal Fire Office of the State Fire Marshal. See Attachment #3
The Wildfire Protection Measure should be submitted to the Williams Fire Authority PRIOR to granting of the Use Permit not afterward.

The Battery Storage Fire Management Plan should be submitted to the Williams Fire Authority PRIOR to the granting of the Use Permit not afterward.
Response to my Letter F contains the simplistic and seemingly unrealistic statement "The proposed Project is not expected to expose people or structure, either directly or indirectly, to a significant risk of loss, injury or death involving fires."
My opinion was formulated after considerable research including the following newspaper articles:
Energy Storage in Moss Landing: A smoky challenge to a new chapter ,
published June 12, 2022 in The Monterey Herald newspaper, and
Fire Crews Tend to massive smoldering battery in Chandler facility
published in the Arizona Republic newspaper on April 21, 2022.

The proposed project is incompatible with the existing rural character of Spring Valley Road. See Attachment #4.
The Agriculture Element of the General Plan states "Farming and related agriculture industries are not only the backbone of Colusa County's economy, they also play a central role in the way of life of County residents and help define the character of the County.
Policy AG-2 states its goal is to " Maintain and enhance agriculture as the County's most critical land use, economic sector and resource. "
Omitted from the FEIR comments is AG 2 1. i . "The use will not be detrimental to the rural character." Was this intentionally left out because it is proof of incompatibility?

I urge you to protect the beautiful Spring Valley Road area, its historic land use of grazing land for cattle and sheep and its future agricultural potential should the project site take advantage of being within the Westside Water District Boundary Area and become annexed and receive irrigation water for orchards and crops.

The proposed Janus Project will devalue the area both monetarily and aesthetically.

I urge you to deny the project developers request for Use Permit #20-01 (PD-3829).
I support maintaining the agricultural integrity of Spring Valley Road now and for the future.

Thank you for your consideration of this letter.

Sincerely,

Beth Ferrini Katsaris

Beth Ferrini Katsaris

16. If commercial, indicate the type, whether neighborhood, or regionally oriented, square footage of sales area, and loading facilities. N/A

17. If industrial, indicate type, estimated employment per shift, and loading facilities. N/A

18. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project. N/A

19. If the project involves a variance, conditional use permit or rezoning application, state this and indicate clearly why the application is required. Energy generation for off-site use is permitted within the Foothill Agriculture Zone with approval of a Use Permit (Colusa County Zoning Ordinance §44-2.20.30).

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

		YES	NO
20.	Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	___	X
21.	Change in scenic views or vistas from existing residential areas or public lands or roads.	___	X
22.	Change in pattern, scale or character of general area of project.	___	X
23.	Significant amounts of solid waste or litter.	___	X
24.	Change in dust, ash, smoke, fumes or odors in vicinity.	___	X
25.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	___	X
26.	Substantial change in existing noise or vibration levels in the vicinity. ?	___	X
27.	Site on filled land or on slope of 10 percent or more.	___	X
28.	Use of disposal of potentially hazardous materials such as toxic substances, flammables or explosives.	___	X
29.	Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	___	X
30.	Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	___	X
31.	Relationship to a larger project or series of projects.	___	X

ENVIRONMENTAL SETTING:

32. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site and their use. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

Please see the attached Habitat Characterization Report (Attachment B) and the Phase I Environmental Site Assessment (Attachment C).

33. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity or land use (one-family, apartment houses, shops, department stores, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

The surrounding land use is rural. Properties are currently being used for cattle grazing, agriculture, and open space. There is a residence to the south of the Project site, and agricultural buildings to the west. Photographs of views of the surrounding properties are included as Attachment D.

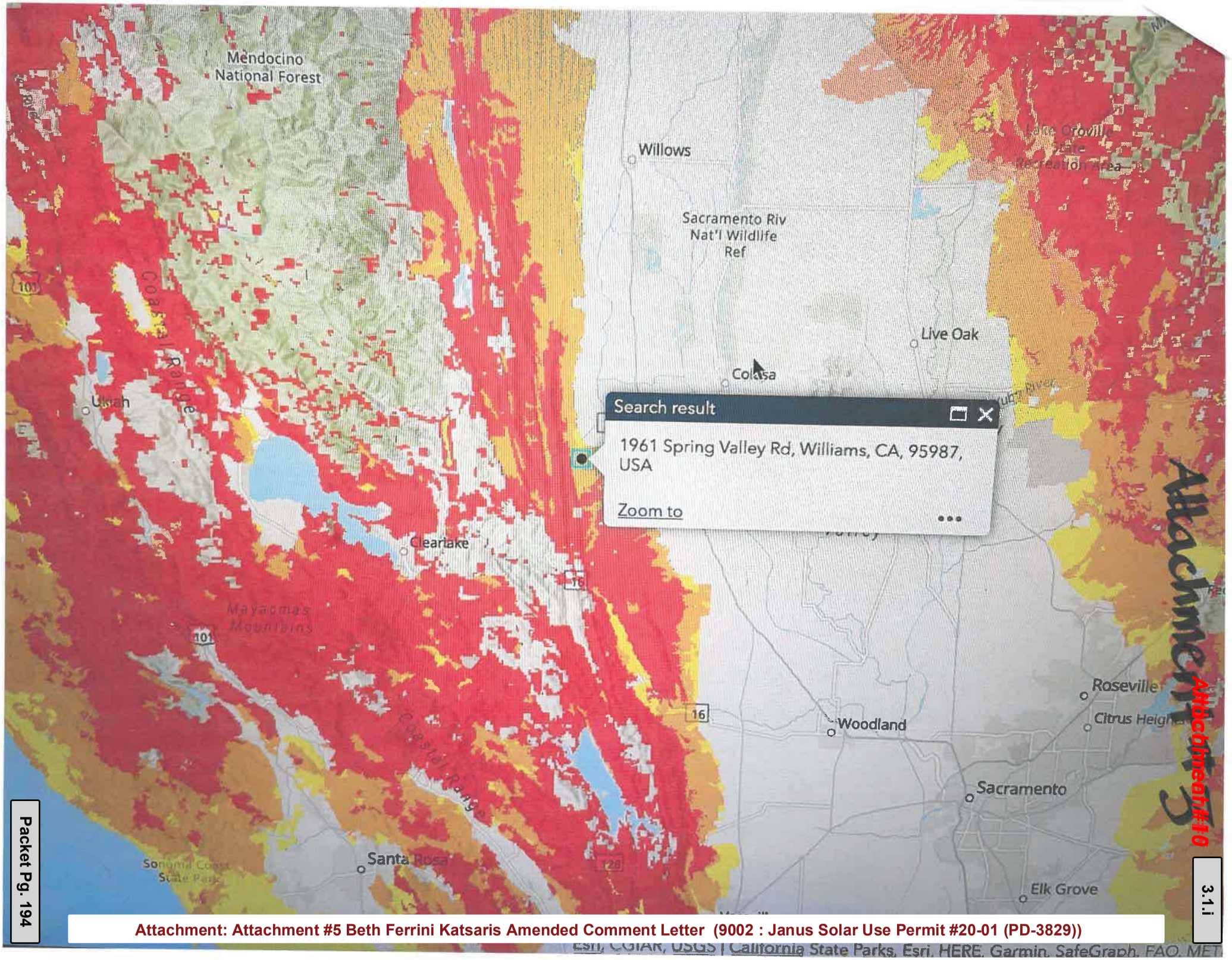
CERTIFICATION:
I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date: 5/6/2020

Edward B. Mellon III
Signature

For: Janus Solar PV, LLC

Page 5 - Application And Project Questionaire



Attachment 3

Attachment#10

Packet Pg. 194

3.1.i

Attachment: Attachment #5 Beth Ferrini Katsaris Amended Comment Letter (9002 : Janus Solar Use Permit #20-01 (PD-3829))

Attachment #4

Spring Valley March 2023

DAVID R. NELSON
CHARLES T. YERXA, JR.

CLARK & NELSON
ATTORNEYS AT LAW
521 MARKET STREET
POST OFFICE BOX 968
COLUSA, CALIFORNIA 95932
(530) 458-5157
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dave.clarkandnelson@gmail.com

ROBERT D. CLARK
(1935-2004)

March 24, 2023

Colusa County Planning Commission
c/o Colusa Community Development Department
1213 Market Street
Colusa, CA 95932

Re: Janus Solar
Your Use Permit No. 20-01 (PD3829)

Ladies and Gentlemen:

On behalf of my clients, Jean Terkildsen, Matthew Ferrini and Elizabeth Katsaris, I submit the following written comments, which I request be included as a part of the record of the public hearing currently scheduled for April 5, 2023, concerning the Janus Solar Project requested Use Permit.

My comments relate to two fundamental requirements of the planning process that are lacking with this pending application for a Major Use Permit.

The two issues are:

(1) The project lacks consistency with Colusa County's General Plan; and

(2) The subject property is ineligible for inclusion within the Energy Production Overlay Zone.

The proposal before you requests that a Major Use Permit be granted to allow 1,024 acres of real property within the Foothill Ag Zoning Designation to be converted into a photovoltaic solar electric generating facility with 196,000 solar panels and a 5 acre battery storage area. The project would further result in 4 plus miles of above ground transmission lines that would connect to the PG&E Cortina Substation. The power produced from this solar electric generating facility would be utilized off-site.

1. Lack of Consistency with the General Plan: The Colusa County General Plan states in Policy AG 2:1 the following:

"Agricultural related industrial support operations shall be permitted on agricultural lands. Such uses may include, but are not limited to, processing, assembly, distribution and warehousing of agricultural materials and commodities and alternate energy systems

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that provide energy for on-site uses (emphasis added). These uses should be permitted on agricultural lands as principal permitted uses subject to the standards of the zoning ordinance provided the following findings are made:

a. The use provides a needed service to the surrounding agricultural area which cannot be provided more efficiently within designated industrial or commercial areas or which requires location in a non-urban area because of unusual site requirements, operational characteristics, or proximity to agricultural goods and products.

b. The use avoids prime agricultural lands to the greatest extent feasible.

c. If the use is sited on productive agricultural lands, less productive agricultural lands are not available in the vicinity.

d. The operational or physical characteristics of the use will not have a significant adverse impact on water resources or the use or management of surrounding agricultural properties within at least a quarter mile (1/4) radius.

e. The use supports local agricultural production.

f. The use is compatible with existing uses in the area.

g. The use will not adversely affect agricultural production in the area.

h. The use will not result in significant adverse traffic or air quality impacts.

i. The use will not be detrimental to the rural character of the area."

California Land Use Planning Law is settled with regard to the fact that county zoning ordinances must be consistent with the General Plan. Government Code Section 65860 states:

"(a) County or city zoning ordinances shall be consistent with the General Plan of the county or city by January 1, 1974. A zoning ordinance

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shall be consistent with a city or county General Plan only if both of the following conditions are met:

(1) The city or county has officially adopted such a plan.

(2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan."

In the pending application for a Major Use Permit, the lack of consistency with the General Plan is unequivocal, as the General Plan restricts alternate energy systems for on-site uses only. This project is for off-site use.

The project proponent asserts that the project meets the consistency standard because Colusa County Zoning Ordinance, Article 44-2.20.30 allows energy generation for off-site use within the FA zone. This assertion is contrary to California law. In Orange Citizens for Park and Recreation v. The Superior Court of Orange County (2016) 2 Cal.5th 141, the California Supreme Court held:

"The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable General Plan and its elements." At page 153.

The settled law of California is that the General Plan is at the top of the hierarchy of local government law regulating land use. Subordinate to the General Plan are zoning laws. Use Permits are a part of the zoning ordinance process and thereby are subordinate to General Plan provisions. Neighborhood Action Group v. Calaveras County (1984) 156 Cal.App.3d 1176. In light of the land use hierarchy set forth above, provisions within Section 44-2.20.30 of the Colusa County Zoning Ordinance cannot supercede the specific provisions of General Plan Policy AG 2-1, which allows alternative energy systems for only on-site uses. In further discussing consistency with the General Plan, the courts have held a zoning ordinance that conflicts with a General Plan is invalid. Lesher Communications v. Walnut Creek (1990) 52 Cal.3d 535. In Lesher, the Supreme Court states:

"The Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog. The general plan is the charter to which the ordinance must conform." At page 541.

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This project and its proposed off-site use of the generated electricity lacks consistency with the Colusa County General Plan and therefore this application is fundamentally flawed and must be denied.

2. The Subject Property is Ineligible for Inclusion Within the Energy Production Overlay Zone:

The project proponent further asserts that the proposed project is permissible due to the provisions of Colusa County Zoning Ordinance Article 44-2.80.020, Energy Production (EP) Overlay Zone. The purpose of the Energy Production Overlay Zone is intended to identify and designate areas suitable for the development of large scale commercial energy facilities and to streamline the approval of such facilities. The application of the EP Overlay Zone should be based on the availability of resources, the location of existing or proposed infrastructure and the potential for commercial energy facilities to be appropriately cited to effectively mitigate potential significant impacts.

However, specific criteria is set forth within the section with regard to designating and applying the EP Overlay Zone to specific properties. Section 44-2.80.020 (C) states in part the following:

> "Criteria for Designation. The EP Overlay Zone may be applied only to property meeting all of the following designation criteria:
>
> a...
> b. The EP Overlay Zone shall not be placed on any property under Williamson Act Contract unless power energeration facilities are specifically allowed under the contract.
> c...
> d..."

As clearly indicated in the Application and Project Questionnaire completed by the project proponent, the subject property was, at the time of application, and remains, as confirmed by the Colusa County Assessor's Office, under a Williamson Act Contract.

As such, the provisions of the EP Overlay Zone are not applicable to the subject property.

The proponent and apparently County staff believe that they can avoid the exclusion of Williamson Act property from the EP Overlay Zone by an after the fact removal of the subject property from their Williamson Act Contract. In addressing this issue, our California

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Supreme Court has held:

> "The validity of the ordinance under which permits are granted, or pursuant to which development is regulated, may not turn on possible future action by the legislative body or electorate." Lesher Communications v. Walnut Creek (supra). At page 544.

Only the General Plan and Zoning Ordinances in effect at the time of project approval is relevant in determining inconsistency with the General Plan and/or inconsistency with conditions of the zoning ordinance. Future action of the Board of Supervisors to cancel the Williamson Act cannot serve to make the subject property eligible for designation under the EP Overlay Zone.

The properties inclusion under a Williamson Act Contract prohibits any present consideration of proceeding with the project under the auspices of the EP Overlay Zone.

Conclusion: I apologize for the legalese included in these comments. However, I believe it is of utmost importance that you understand the fundamental legal criteria that applies to this pending application.

As stated herein, the application before you must be denied as lacking consistency with the General Plan and being ineligible for designation under the EP Overlay Zone. There are any number of additional concerns with respect to the project and that relate to the mandatory findings that must be made under General Plan Policy AG 2:1. I am confident that numerous members of the community will address these concerns at the public hearing.

Thank you for your consideration of the matters set forth herein.

Respectfully submitted,

CLARK & NELSON
Attorneys for Jean Terkildsen, Matthew Ferrini and Elizabeth Katsaris

By _____
David R. Nelson

DRN:d
cc: Colusa County Community Development Dept.
Colusa County Counsel
Client

Matthew Ferrini
PO Box 415
Williams, CA 95987

March 27, 2023

Colusa County Planning Commission
1213 Market Street
Colusa, CA 95932

Dear Colusa County Planning Commissioners:

As an active farmer of land located adjacent to the proposed Janus Solar Project, I am writing to urge you to deny Use Permit #20-01 (PD) 3829. My comments today are to express my opposition to this project.

First, I would like to invite all of you to take a ride out to Spring Valley and visit the proposed site (if you haven't already). Along your travels pay close attention beginning with the intersection of East Camp Road and Walnut Drive where the PG&E substation is located and where this project will tie into from 4 ½ miles down Spring Valley Road. As you are heading west along the 4 ½ mile drive to the proposed solar site, pay close attention to both sides of Spring Valley Road and you will notice the prime agricultural ground. Once you reach the site I ask you to visualize what 196,000 solar panels, a 5-acre battery storage facility and a substation will look like where livestock have grazed and wheat, barley and hay crops have grown for over 150 years and still do so today. Please see the five photos I have enclosed. Photo 1 is a photo of the proposed site displaying the solar panels, the battery storage and the substation. Photos 2 and 3 show the hay crop growing today on the west side of Spring Valley Road where there are proposed solar panels. Photo 4 shows cattle grazing today on the east side of Spring Valley Road near the proposed 5-acre battery storage, substation and more solar panels. Photo 5 shows the current hay crop on the south east side where there are proposed solar panels. With regard to Photo 1, I have circled multiple residential homes located on or right next to the proposed project.

In the 1850's a man named William H. Williams, the founder of the town of Williams, was one of the first to settle in Spring Valley because of its virgin soils and its ability to run livestock and farm his wheat and barley. He recognized the land in Spring Valley was prime agricultural ground and had many successes in Spring Valley. With this being said my point is contrary to what Janus Solar would lead you to believe. Spring Valley is NOT like the Central California Valley desert. It continues to be prime agricultural ground. With today's new technologies and farming methods, and because the proposed project site is located in the West Side Water District and is able to be annexed into the District, the farming possibilities are unlimited to what can be done in this area. Adjacent land owners who have chosen to join the District have proven this land is full of farming opportunity for those willing to work and to engage in the work of farming.

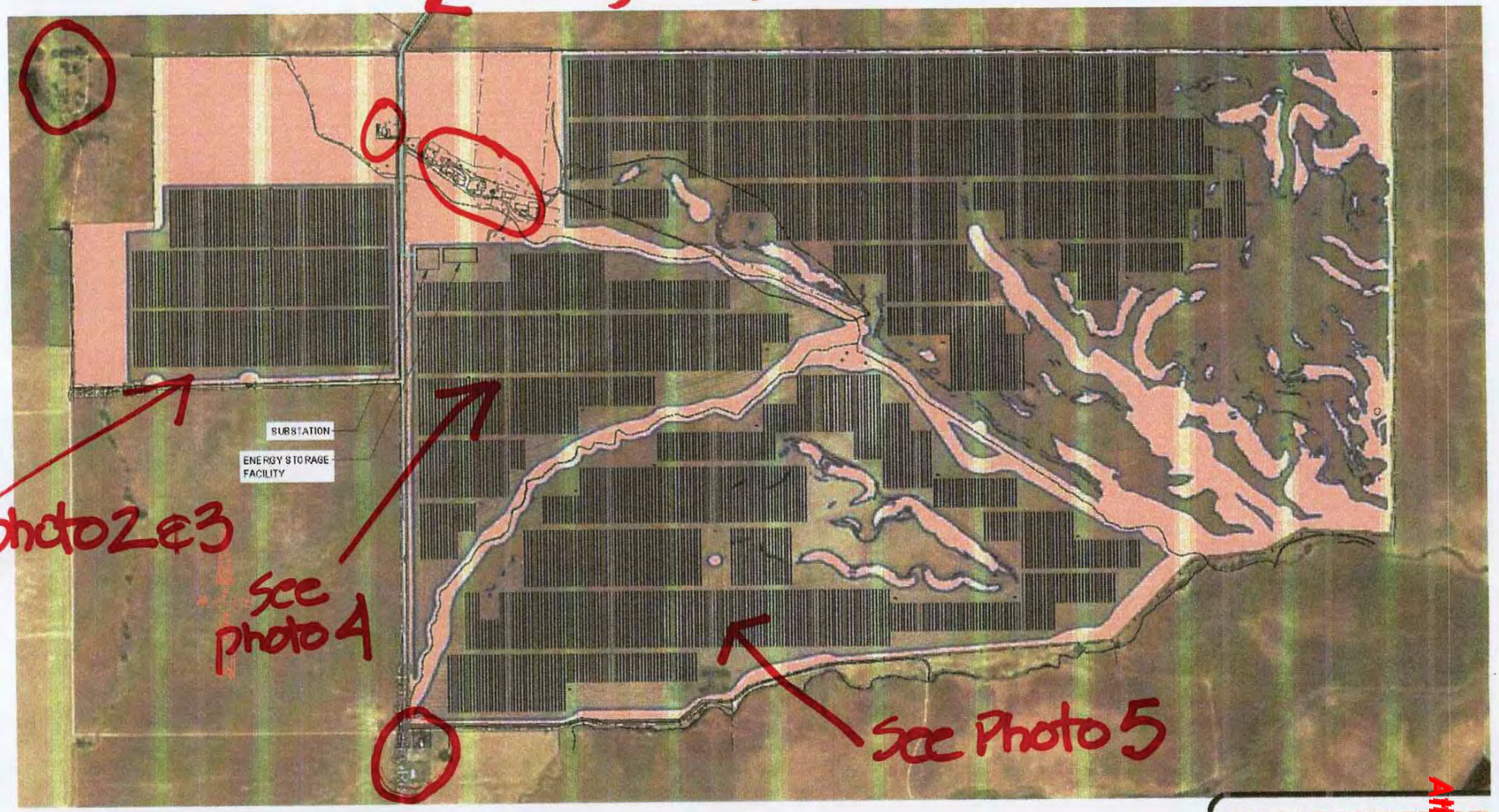
I believe that Janus Solar, a giant solar corporation, knows nothing about Colusa County's historical agricultural foundations and is exploiting the residents and land owners of the county by the proposed heinous misuse of the land in regard to the language of the General Plan which allows for alternate energy systems on agricultural lands for on-site usage only (not for an industrial commercial solar facility with a 5-acre battery storage facility and substation along with a 4 ½ mile transmission line to be used for off-site generation of power for sale). Please refer to the Colusa County General Plan Policy AG 2:1 for reference. Let's face the facts. This policy was written so that farmers wanting to run their pumps off the usage of solar panels would be allowed to do so. Hence: on-site usage. If someone wants to put solar on the roof of their shop, that is considered on-site usage. If a rice mill or an almond huller or a tomato processing plant chooses to place solar on their property and run their facilities off the use of solar, that is allowed (on-site usage).

In closing it would be a crime to allow Janus Solar and one individual land owner to convert 1,024 acres of prime agricultural ground into a commercial industrial solar facility that would have an adverse effect on surrounding land owners and residents being that it is not consistent with the rural character of Spring Valley and the hazards of a 5-acre battery storage facility to those same land owners and residents. I urge the Commission to deny the pending application for the major use permit.

Sincerely,

Matthew Ferrini

Enclosures: Photo 1 – Proposed Project Layout
Photo 2 – Hay Crop West Side #1 (Location of proposed solar panels)
Photo 3 – Hay Crop West Side #2 (Location of proposed solar panels)
Photo 4 – Cattle Grazing East Side (Near proposed battery storage, substation, solar panels)
Photo 5 – Hay Crop South East Side (Location of proposed solar panels)



Residential homes circled in red

Photo 1


Photo 2 Hay Crop
Westside #1


Photo 3 Haycrop
Westside #2

Attachment#7 10

3.1.k


Photo 5 S.E. Side
Hay Crop

Jean Terkildsen
P.O. Box 562
Williams, CA 95987

March 27, 2023

Colusa County Planning Commission
1213 Market Street
Colusa, CA 95987

Re: Janus Solar Project/ Use Permit

Commissioners:

After reviewing the DEIR and Comments I am requesting the denial of a Use Permit for the Janus Solar-Battery Storage Project for the following reasons:

1. The Williamson Act:
   The purpose of this Act is to protect agriculture land from commercial and industrial use. The Janus Solar and Battery Storage Project is proposing the removal of 1,000 + acres from the Williamson Act. As a neighboring landowner, with land in the Williamson Act, I am concerned with future commercial and industrial encroachment along Spring Valley Road.

2. Property Values:
   The devaluation of adjacent property, due to the Janus Solar Project, should be considered before the project is allowed to continue. The negative impact on present and future agriculture development could be felt for years. As a fourth-generation family farm operation I strongly object to the approval of a Use Permit for this project.

3. Fire Protection:
   Fire protection is always a concern in rural areas. This project includes 196,000 solar panels and 5 acres for battery storage. A 50,000 gallon water tank is to be located on site, however, the source and supply of water has not been identified.
   A plan for fire protection and training of primarily a volunteer fire department has not been required before issuance of a Use Permit. These issues should be addressed before this project is allowed to proceed.

Please consider these concerns in denying the proposed Use Permit for the Janus Solar Project.

Very truly yours,

Jean Terkildsen

Jean Terkildsen

COLUSA COUNTY Pioneer Review
430 Market Street, Suite G, Colusa, CA 95932
(530) 458-4141

Draft Proof

COUNTY OF COLUSA
547 MARKET ST., STE 102
COLUSA, CA 95932

NOTICE DESCRIPTION

NOTICE OF PUBLIC HEARING
FINAL ENVIRONMENTAL IMPACT REPORT
AND USE PERMIT FOR THE
JANUS SOLAR PROJECT

RUN DATES

03/16/2023

This is not an affidavit of publication.
You will receive the signed
affidavit of publication
within 5-days of publication date.

LEGAL NOTICE

COUNTY OF COLUSA

NOTICE OF PUBLIC HEARING
FINAL ENVIRONMENTAL IMPACT REPORT AND USE PERMIT FOR THE JANUS SOLAR PROJECT

NOTICE IS HEREBY GIVEN THAT that the Colusa County Planning Commission will conduct a Public Hearing on Wednesday, April 5, 2023 at 9:00 a.m., or as soon thereafter as the matter can be heard, in the Board of Supervisors Chambers located at 546 Jay Street, Suite 108, Colusa, CA, to consider the following:

PUBLIC HEARING: The Planning Commission will hold a public hearing to consider all public testimony on the adequacy of the response to comments to the Draft EIR previously prepared and circulated and whether to adopt a resolution which would: (1) certify the Final Environmental Impact Report (SCH Number 2020070577); adopt the Mitigation and Monitoring Reporting Program; and approve the Use Permit for the Janus Solar project (PD-3829/UP 20-01). All persons are invited to attend and be heard.

Project Location: The Project is approximately 6.5 miles southwest of the City of Williams. Access to the site is provided by Spring Valley Road and is approximately 1.64 miles to the south of the Spring Valley Road/Walnut Drive street intersection. The proposed Project would be located on three parcels (APN's 018-050-005, -006, and -013) totaling 1,023.9 acres currently used for cattle grazing in Colusa County, California. The Project would connect to the Cortina Substation, located on Walnut Drive, approximately 3 miles northeast of the Project site.

PROJECT DESCRIPTION: The project would include: (1) approximately 196,000 solar PV modules in multiple solar arrays interconnected to form a utility-scale PV system and ancillary infrastructure; (2) a battery energy storage system (BESS) consisting of batteries, battery storage system enclosures, ancillary infrastructure and fire protection systems; (3) and an on-site substation that would connect to the existing Cortina Substation via an approximately 3-mile-long, 60 kV gen-tie line strung on new poles of up to 80 feet in height.

ENVIRONMENTAL REVIEW: The 45 day public comment period for the Draft EIR began on October 14, 2021 and ended on November 29, 2021. Comments received during the comment period were responded to and those comments and responses are included in the Final EIR.

DOCUMENT AVAILABILITY: The Final EIR, Draft EIR, Staff Report and other project documentation is available for review online at: https://www.countyofcolusa.org/996/Janus-Solar-Project. Hard copies are available for review at the Colusa Main Library at 738 Market St. in Colusa, CA 95932, the Williams Branch Library at 901 E Street in Williams, CA 95987, and the Community Development Department at 1213 Market Street, Colusa, CA. 95932, (530) 458-0480. Additional documentation is available for review in accordance with Agenda Scheduling Deadlines at the Office of the Clerk of the Board, 547 Market Street, Ste. 102, Colusa, CA (530)458-0508.

If you have questions or concerns regarding this matter, or would like to submit comments you may do so to the following: Secretary to the Planning Commission, 1213 Market Street, Colusa, CA (530)458-0483, or by e-mail at gplucker@countyofcolusa.com.

If you challenge the proposed project or environmental determination in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

Dated: March 8, 2023

/s/ Melissa Kitts, Deputy Clerk