ALAMEDA COUNTY

Livermore Community Solar Farm Project EIR

October 2020 | Final Environmental Review

PLACEWORKS

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1. Executive Summary

This Final Environmental Impact Report (EIR) has been prepared to provide an assessment of the potential environmental consequences of approving and implementing the proposed Livermore Community Solar Farm Project (project or proposed project). The Final EIR contains responses to comments received on the Draft EIR. The Final EIR also contains corrections and clarifications to the text and analysis of the Draft EIR, where warranted.

Table 1-1 summarizes the conclusions of the environmental analysis contained in the Draft EIR and presents a summary of impacts and mitigation measures identified. It is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.11 of the Draft EIR. Table 1-1 is arranged in four columns: 1) environmental impact; 2) significance without mitigation; 3) mitigation measures; and 4) significance with mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapters 4.1 through 4.11 of the Draft EIR. Table 1-1 has been reprinted from the Draft EIR. It is formatted with ~~strikethrough~~ and underline text to indicate impacts and mitigation measures that have been revised, removed from, or added to the Draft EIR.

Table 1-1 is organized to correspond with the environmental issues discussed in Chapters 4.1 through 4.11 of the Draft EIR. The table is arranged in 4 columns: 1) impact; 2) significance before mitigation; 3) mitigation measures; and 4) significance after mitigation.

The proposed project has the potential to generate significant environmental impacts in four of the environmental topic areas. As shown in Table 1-1, all significant impacts would be reduced to a less-than-significant level if the mitigation measures identified in this Draft EIR are adopted and implemented. Pursuant to Section 15126.2(b) of the CEQA Guidelines, an EIR must describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As shown in Table 1-1, no significant unavoidable impacts were identified for the proposed project. As described in detail in Chapter 6, CEQA-Mandated Sections, of the Draft EIR, the proposed project would have no significant impact on geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, population and housing, public services, or recreation due to existing conditions in the project area and the nature of the project. Accordingly, these topics have not been analyzed further in this Draft EIR.

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
AES-1: The proposed Project would not have a substantial adverse effect on a scenic vista.	LTS	N/A	N/A
AES-2: The proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	LTS	N/A	N/A
AES-3: Implementation of the proposed Project would have the potential to alter but not degrade the existing visual character or quality of the parcel and its surroundings. The design of the proposed landscaped berm would help to soften the view of the facility with the addition of plantings that are compatible with the rural character and natural landscape of the area. The long-term preservation of the landscape berm will ensure the visual compatibility with the adjoining land uses.	S	**AES-3:** In order to ensure the long-term effectiveness of the proposed landscaped berm, the Project applicant shall ensure that the proposed landscape berm is adequately irrigated to establish the long-term viability of the buffer and maintained throughout the life of the Project. Should any of the proposed landscape plantings not survive the initial planting or expire at any time during the life of the Project, the applicant shall provide replacement plantings, ranging from 8 to 15 feet in height upon maturity, to screen the proposed solar arrays within 5-years of planting.	LTS
AES-4: The proposed Project would not expose people on- or off- site to substantial light or glare which would adversely affect day or nighttime views in the area.	LTS	N/A	N/A
AES-5: The proposed Project, in combination with past, present, and reasonably foreseeable Projects, would result in less than significant cumulative impacts with respect to aesthetics.	LTS	N/A	N/A
AGRICULTURE AND FORESTRY RESOURCES			
AG-1: The proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use.	No Impact	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AG-2: The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.	LTS	N/A	N/A
AG-3: The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).	LTS	N/A	N/A
AG-4: The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.	LTS	N/A	N/A
AG-5: The proposed Project would not involve other changes in the existing environment which, due to their location or nature, would result in conversion of Farmland, to non-agricultural use.	LTS	N/A	N/A
AG-6: The proposed Project would result in less than significant cumulative impacts with respect to agricultural resources.	LTS	N/A	N/A
AIR QUALITY			
AQ-1: The proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
AQ-2: Uncontrolled fugitive dust (PM_{10} and $PM_{2.5}$) could expose the areas that are downwind of construction sites to air pollution from ground-disturbing construction activities without the implementation of the Air District's best management practices.	S	**AQ-2:** The applicant shall require their construction contractor to comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM10 and $PM_{2.5}$ during ground-disturbing construction activities: ▪ Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. ▪ Apply water twice daily or as often as necessary to control dust or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. ▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). ▪ Sweep driveway entrances and public street segments in the vicinity of the subject property (with water sweepers or similarly effective equipment) daily, or as often as needed, to keep streets free of visible soil material. ▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand). ▪ Limit vehicle traffic speeds on unpaved roads to 15 mph. ▪ Replant vegetation in disturbed areas as quickly as possible after construction in area has been completed. ▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways.	LTS
AQ-3: The proposed Project would not expose sensitive receptors to substantial pollutant concentrations.	LTS	N/A	N/A
AQ-4: The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	LTS	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
BIOLOGICAL RESOURCE			
BIO-1: The proposed Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.	S	**BIO-1.1:** The following measures shall be implemented to ensure avoidance of individual California tiger salamanders (CTS) and California red-legged frogs (CRLF) as individuals of these species could disperse onto the site and occur in ground squirrel burrows in advance of or during construction. Because CTS/CRLF could occur on the subject property and could be impacted during initial ground disturbance, the Project will require consultation with the USFWS and CDFW and the development of a CTS/CRLF relocation plan. The plan shall include at a minimum: ▪ A detailed exclusion-fencing plan to enclose the subject property before the onset of fall/winter rains and to remain in place throughout one entire winter rainy season (October through April) with the purpose of 1) the fence will be designed to exclude CTS/CRLF from entering the site and 2) capturing CTS/CRLF within the subject property that are emerging from burrows and moving towards breeding ponds and/or creeks. ▪ The exclusion fence should be constructed of silt fence or other suitable barrier material. Exclusion fence material must be at least 36 inches in height (at least 30 inches above ground and buried at least 6 inches below the ground). The fence will be placed inside the subject property boundary to provide an outside buffer area of undisturbed habitat to relocate any CTS/CRLF captured inside the fence. Stakes must be placed on the inside of the project boundary (side on which work will take place). ▪ Cover boards shall be installed every 30 feet on the inside and outside of the exclusion fence for the purpose of capturing adult and juvenile CTS/CRLF and safely relocating them under cover boards or suitable rodent burrows outside of the exclusion fence. This will allow CTS/CRLF relocated outside of the exclusion fence to disperse to aquatic breeding areas or other off-site habitat, but not return to the subject property. ▪ Identification of qualified biologists (approved by the USFWS and/or the CDFW) to handle and relocate CTS/CRLF. ▪ Captured CTS/CRLF will be relocated outside the exclusion fence (approved by the USFWS and/or CDFW) outside the subject property exclusion fence.	LTS

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		▪ Implementation of measures to reduce the risk of spreading harmful pathogens. ▪ Development of reporting measures for all captured and relocated CTS/CRLF, including, but not limited to, capture site (i.e., cover board location), sex, age (i.e., adult, juvenile), size, and release site. ▪ Submittal of a final report to the USFWS and CDFW detailing all captures and relocations of CTS/CRLF. The listed amphibian relocation plan will be developed in consultation with the USFWS and CDFW and be subject to their approval. The plan will require obtaining an incidental take permit under the California Endangered Species Act (pursuant to Fish and Game Code Section 2081 et seq.) and the federal Endangered Species Act. In addition, the following measures will be implemented during construction: ▪ A qualified biologist (approved by the USFWS and/or CDFW) will be on-site during initial ground disturbance. ▪ All workers shall receive environmental awareness training from the qualified biologist to inform workers of the potential occurrence of listed species, the need to avoid any inadvertent take, and procedures to follow if a CTS or other listed species is encountered. ▪ The qualified biologist will have authority to stop work until the qualified biologist can capture and relocate the animal to a safe place off the subject property. ▪ To avoid entrapment of animals during construction, pipes or similar structures shall be capped if stored overnight. Construction personnel shall inspect open trenches at the beginning and end of each workday for trapped amphibian individuals. If individuals are found, the individuals shall be relocated by a qualified biologist. ▪ Tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibians are not trapped. Plastic monofilament netting (erosion control matting), rolled erosion control products, or similar material shall not be used.	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		BIO-1.2: Even though burrowing owls were not observed on the subject property and there was no evidence (owl pellets, whitewash) of their occurrence, the numerous on-site ground squirrel burrows provide potential nesting and wintering habitat. Burrowing owls are present within 3 miles (closest 0.88 miles) of the subject property and could disperse to the subject property prior to initial ground disturbance for the Project. Conservation Action BUOW-3 in the EACCS recommends mitigation for the loss of burrowing owl nesting habitat (suitable habitat within 0.5 miles of documented nest occurrence during previous 3 years), by protecting habitat in accordance with the mitigation guidelines outlined in Table 3-10 (up to 3.5:1; preserved:impacted). Impacts to burrowing owls and/or their habitat are considered significant. However, the impact would be *less than significant* with implementation of Mitigation Measure BIO-1.2. ▪ In accordance with the Staff Report on burrowing owl mitigation,[1] a minimum of four survey visits shall be conducted within the subject property during the burrowing owl breeding season, typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, will be conducted during the peak nesting period, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are not found on the subject property during the surveys and there are no documented nest site occurrences within 0.5 miles of the subject property during the previous three years, no compensation for habitat loss will be required. ▪ If burrowing owls are found on the site during the surveys, mitigation will be required in accordance with EACCS guidelines. If the surveys identify breeding or wintering burrowing owls on or adjacent to the site, occupied burrows will not be disturbed and will be provided with protective buffers. Buffers shall be a minimum of 150-foot radius around an occupied wintering burrow and a minimum 250-foot radius around a breeding burrow. On-site occupied habitat will be mitigated at a minimum 3:1 ratio (preserved:impacted) consistent with the EACCS. Such mitigation may be conducted by acquiring parcels, through fee title purchase, or conservation easement, where known nesting sites occur or	

[1] California Department of Fish and Game, 2012. Staff Report on Burrowing Owl Mitigation, March 7.

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		where nesting sites have occurred in the previous three nesting seasons according to EACCS Conservations Actions BUOW-1 and BUOW-2.[2] Offsite preserved mitigation land under this MM BIO-1.2 may be "stacked" with other mitigation obligations identified in this chapter. ▪ Take avoidance surveys as described in the Staff Report[3] will be conducted no more than 14 days prior to any ground-disturbing activities (regardless of time of year). A qualified biologist will conduct the survey for burrowing owls. If no owls are found during this first survey, a final survey will be conducted within 24 hours prior to ground disturbance to confirm that burrowing owls are still absent. If ground-disturbing activities are delayed or suspended for more than 14 days after the initial take avoidance survey, the site will be resurveyed (including the final survey within 24 hours of disturbance). All surveys will be conducted in accordance with Staff Report guidelines. **BIO-1.3:** A qualified botanist shall conduct up to three appropriately timed rare plant surveys during late April and early May to confirm the status of special-status plant species not detectable on the parcel during the October 2017 survey. Exact timing of the surveys will depend on environmental conditions in the year of the survey. The surveys shall focus on the special-status plant species for which suitable habitat occurs on the subject property. The surveys shall be completed, and a report of findings submitted to the County before the onset of initial ground-disturbing activity or construction associated with Project implementation. If special-status plant species are found on the subject property, the plant populations will be avoided by establishing a buffer around the plant populations that will be maintained throughout Project implementation. The buffer shall be determined on a case by case basis and shall be adequate to prevent direct and indirect effects from construction and operation (e.g., dust, changes in hydrology, shading, weed abatement and wildfire fuel modification) on the avoided plant populations and will be determined by a qualified botanist. Project implementation means from the start	

[2] EACCS Section 3.5.3.11 Burrowing Owl.

[3] California Department of Fish and Game, 2012. Staff Report on Burrowing Owl Mitigation, March 7.

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		of ground disturbance until the facility becomes operational. Once operational, avoided plant populations preserved onsite will have permanent avoidance areas established around the preserved plants. A qualified botanist will determine the preserved area with approval from CDFW. The preserved area shall at minimum preserve the plant population and a sufficient portion of its watershed to ensure long term viability of the plants. A Long-term Management Plan shall also define long-term vegetation management activities and performance criteria such as livestock grazing standards (season of use, livestock type, seasonal and residual cover requirements, etc.) required to promote the continued presence of the identified rare plants on the property. The Long-term Management Plan shall be approved by CDFW and Alameda County, and implemented by the operator. If special-status plants are found during the rare plant surveys and avoidance is not feasible, a qualified botanist/biologist or certified range manager will prepare a detailed rare plant mitigation and monitoring plan. The plan will recognize grazing as a management tool and will use grazing regimes to sustain rare plant populations and control of vegetation. The plan shall only be required if a listed species or those with a ranking of 1A, 1B, or 2 of the California Native Plant Society (CNPS) Inventory or locally rare species as listed in the CNPS East Bay database are found during the rare plant surveys. The site will be monitored for 5 years to ensure the continued presence of the special-status plant populations. Rare plant populations will be mapped. Plant populations will be monitored and the population size and number will be recorded. Plant populations shall either be stable or increasing during the monitoring period as compared to pre-project condition. A monitoring report will be prepared and submitted by the end of the year to the County. The plan will include details on seed collection and propagation, techniques to avoid the introduction of plant pathogens to the preserved area, preparing the preserved area for planting, revegetation monitoring plan, success criteria, and reporting requirements. The planting area within the preserved area will be similar in size to the area occupied by the impacted plant on the subject property. After replanting, the preserved area will be monitored for a minimum of five years. Based on standard practices, minimum success criteria would be presence and continued reproductive success of the plant within the preserved area and with less than 80 percent areal coverage of the impacted rare plant at the end of the five-year	

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Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		monitoring period. Annual reports, with interim success criteria to ensure the plan is on track to meet the mitigation goals, will be prepared. At the end of each monitoring year, a report shall be prepared evaluating the success of the mitigation program and recommending remedial measures as necessary. If the success criteria have not been met at the conclusion of the five-year monitoring period, continued monitoring will be conducted until the success criteria have been achieved. 1. If the success criteria have not been met at the conclusion of the five-year monitoring period, monitoring may be extended for an additional period or another population of the affected special-status plant species may be preserved. The preserved population shall provide for permanent protection of an existing population in Alameda County, which is equal or larger than that impacted on the parcel (minimum 1:1 replacement). Preservation may occur through land acquisition or use of a conservation easement. Off-site mitigation lands shall include establishment of a management endowment as necessary to provide for long-term management of the preserved population. Offsite preserved mitigation land under MM BIO-1.3 may be "stacked" with other mitigation obligations identified in this chapter. **BIO-1.4:** Ground-disturbing and/or vegetation-clearing activities shall be performed in compliance with the MBTA and relevant sections of the CDFG Code to avoid loss of active nests. This shall be accomplished by scheduling ground/vegetation-disturbing activities outside of the bird nesting season (February 1 to August 31) to avoid possible impacts on nesting birds. Alternatively, if ground/vegetation-disturbing activities cannot be scheduled during the non-nesting season (September 1 to January 31), a preconstruction nesting bird survey shall be conducted. The preconstruction nesting survey shall include the following: ▪ A qualified biologist shall conduct a preconstruction nesting bird (both passerine and raptor) survey within seven calendar days prior to ground-disturbing activities. ▪ If no nesting birds or active nests are observed, no further action is required. Ground-disturbing activities shall occur within seven calendar days of the survey. ▪ If any active nests are encountered, the qualified biologist shall determine an	

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
		appropriate disturbance-free buffer zone to be established around the nest location(s) until the young have fledged (or the nest is determined to be inactive). Buffer zones vary depending on the species and the context of the nest location (i.e., typically 25 to 100 feet for passerines and up to 300 feet for raptors) and other factors such as ambient disturbance levels in the vicinity of the nest. If necessary, the dimensions of the buffer zone shall be determined in consultation with the CDFW. ▪ Orange construction fencing, flagging, or other marking methods shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as surface parking and site maintenance may continue within this buffer zone. ▪ Construction activities shall be restricted from the buffer zone until the qualified biologist has determined that young birds have fledged (or the nest is inactive) and the buffer zone is no longer needed. A survey report of findings verifying that any young have fledged (or the nest is inactive) shall be submitted by the qualified biologist for review and approval by the County prior to initiation of any construction activities within the buffer zone. Following written approval by the County construction within the nest-buffer zone may proceed.	
BIO-2: Implementation of the proposed Project would have the potential to have a substantial adverse effect on an approximately 0.0095-acre (414 square feet) state and federally protected seasonal wetland through direct removal, filling, hydrological interruption, or other means.	S	**BIO-2:** The Project applicant shall realign the proposed perimeter swale to avoid the potential wetlands and provide a 25-foot buffer between the potential wetland and the proposed swale. Prior to the initiation of ground-disturbing activities, temporary orange construction fencing shall be installed around the potential wetland features to prohibit inadvertent damage to the potential wetland features during construction activities. No construction equipment including staging and/or parking or other construction activity shall occur in the buffer zone. After construction is complete the temporary fencing can be removed.	LTS
BIO-3: The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	LTS	N/A	N/A

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Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4: The proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.	LTS	N/A	N/A
BIO-5: The proposed Project would not result in a significant cumulative impact with respect to biological resources.	LTS	N/A	N/A
CULTURAL AND TRIBAL RESOURCES			
CULT-1: The proposed Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.	No Impact	N/A	N/A
CULT-2: Implementation of the proposed Project could result in a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.	S	**CULT-2:** If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the subject property outside the 50-foot area while mitigation for historical resources or unique archaeological resources is being carried out.	LTS

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Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
CULT-3: Implementation of the proposed Project could have the potential to disturb human remains, including those interred outside of dedicated cemeteries.	S	**CULT-3:** Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.	LTS
CULT-4: Implementation of the proposed Project could have the potential to cause a substantial adverse change in the significance of a TCR, as defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.	S	**CULT-4:** Implement Mitigation Measures CULT- 2 and CULT-3.	LTS
CULT-5: The proposed Project would result in less than significant cumulative impacts with respect to cultural resources.	LTS	N/A	N/A
ENERGY			
ENE-1: The Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.	LTS	N/A	N/A

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Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
ENE-2: The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	LTS	N/A	N/A
ENE-3: The proposed Project, in combination with past, present, and reasonably foreseeable Projects, would result in less than significant cumulative impacts with respect to energy conservation.	LTS	N/A	N/A
LAND USE AND PLANNING			
LU-1: The proposed Project would not physically divide an established community.	LTS	N/A	N/A
LU-2: The proposed Project would not cause a significant conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	N/A
LU-3: The proposed Project would not result in significant cumulative impacts with respect to land use and planning.	LTS	N/A	N/A
NOISE			
NOISE-1: The proposed Project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or deferral standards.	LTS	N/A	N/A
NOISE-2: The proposed Project would not generate excessive groundborne vibrations or groundborne noise levels.	LTS	N/A	N/A

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NOISE-3: For projects located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the Project would not expose people residing or working in the Project area to excessive noise levels..	LTS	N/A	N/A
NOISE-4: The proposed Project would not result in a significant cumulative impact with respect to noise.	LTS	N/A	N/A
TRANSPORTATION			
TRANS-1: The proposed Project would not conflict with a program, plan, or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	LTS	N/A	N/A
TRANS-2: The proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	LTS	N/A	N/A
TRANS-3: The proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	N/A	N/A
TRANS-4: The proposed Project would not result in inadequate emergency access.	LTS	N/A	N/A
UTILITIES AND SERVICE SYSTEMS			
UTIL-1: The proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.	LTS	N/A	N/A

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Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
UTIL-2: The proposed Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.	LTS	N/A	N/A
UTIL-3: The proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.	LTS	N/A	N/A
UTIL-4: The proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	LTS	N/A	N/A
UTIL-5: The proposed Project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.	LTS	N/A	N/A
UTIL-6: The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to water, wastewater, stormwater, electric power, natural gas, telecommunication and solid waste disposal infrastructure.	LTS	N/A	LTS
WILDFIRE			
FIRE-1: The proposed Project would be located in a State Responsibility Area but would not substantially impair an adopted emergency response plan or emergency evacuation plan.	LTS	N/A	N/A

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Without Mitigation	Mitigation Measures	Significance With Mitigation
FIRE-2: The proposed Project would be located in a State Responsibility Area, but would not exacerbate wildfire risks due to slope, prevailing winds, or other factors. Thus, proposed Project would not expose Project occupants to pollutant concentrations from wildfire or uncontrolled spread of wildfire.	LTS	N/A	N/A
FIRE-3: The proposed Project would be located in a State Responsibility Area, but would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment .	LTS	N/A	N/A
FIRE-4: The proposed Project would be located in a State Responsibility Area but would not expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.	LTS	N/A	N/A
FIRE-5: The proposed Project would be located in a State Responsibility Area but would not expose people or structures to significant risks such as downslope or downstream flooding due to post-fire runoff or slope instability.	LTS	N/A	N/A

LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable

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2. Introduction

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Chapter 14 California Code of Regulations, Section 15378[a], the Livermore Community Solar Farm project is considered a "project" subject to environmental review as its implementation is "an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies." The County of Alameda (County) is the Lead Agency for the project. The assessment in this Final Environmental Impact Report (EIR) is intended to inform the County's decision-makers, other responsible agencies, and the public-at-large of the nature of the project and its effect on the environment.

2.1 PROJECT OVERVIEW

The proposed Project would develop a 58.7-acre solar photovoltaic (PV) facility with a capacity of 6 megawatt (MW) alternating current (AC) on the 71.64-acre parcel. Construction of the proposed Project is expected to occur in two phases over a one-year period. Phase I would be located on the southern portion of the subject property adjacent to May School Road and would encompass 30.8 acres. Phase 2 would be located on the northern portion of the subject property adjacent to North Livermore Avenue, and would encompass 27.9 acres. Water for Project operation and irrigation would be collected and stored from on-site stormwater and replenished from a fire hydrant located approximately 2.8 miles southeast of the subject property at the corner of Ames Street and Martingale Lane in the City of Livermore. All potable water would be delivered to the subject property approximately 80 times per year via a 10,000-gallon water truck; no connections to municipal water or sewer service are proposed. Seasonal grazing on the parcel would continue after the one-year construction period. The proposed Project would not require a change in General Plan land use designation or Zoning.

2.2 EIR SCOPE

This EIR identifies and analyzes site specific potential environmental impacts of the project. The analysis discloses the changes to the environment resulting from construction and operation of the Livermore Community Solar Farm project. For a complete listing of environmental topics covered in this EIR, see Chapter 4, Environmental Evaluation, of the Draft EIR.

2.3 ENVIRONMENTAL REVIEW PROCESS

2.3.1 DRAFT EIR

Pursuant to State CEQA Guidelines Section 15063, the County of Alameda determined that the project could result in potentially significant environmental impacts and that an EIR would be required. In compliance with Section 21080.4 of the California Public Resources Code, the County circulated the Notice of Preparation (NOP) of an EIR for the project to the Office of Planning and Research (OPR) State Clearinghouse and interested agencies and persons on January 11, 2019 for a 30-day review period. The NOP solicited comments regarding the scope of the Draft EIR from identified responsible and trustee agencies, as well as interested parties.

The Draft EIR was available for review by the public and interested parties, agencies, and organizations for a 45-day comment period from March 6, 2020 to April 21, 2020. During the comment period, the public and responsible agencies were invited to submit written or e-mail comments on the Draft EIR to the Alameda County Planning Department. Written and/or verbal comments on the Draft EIR were also accepted at a Public Hearing held on April 20, 2020.

2.3.2 FINAL EIR

Upon completion of the public review period, Alameda County reviewed all comments received on the Draft EIR. This Final EIR includes written responses for each comment received during the public review period. This Final EIR consists of the Draft EIR, the comments received on the Draft EIR, and the responses to those comments, and describes any changes to the Draft EIR that have resulted from the comments received.

The Final EIR will be presented to the Alameda County Board of Supervisors for certification as the environmental document for the project. All persons who commented on the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the Board of Supervisors on the project, and all responses to comments submitted on the Draft EIR by public agencies will be provided to those agencies at least 10 days prior to final action.

If the Board of Supervisors determines that the project may be approved, the Board of Supervisors will certify the Final EIR and adopt and incorporate into the project all feasible mitigation measures identified in the EIR and may also require other feasible mitigation measures as conditions of approval.

However, the Board of Supervisors may also find that the project does not satisfy the required findings for approval and decide to reject the project on that basis. In that case, the Board of Supervisors is not required to certify the Draft EIR. However, both the Draft EIR and project entitlements would be appealable to the Board of Supervisors, an elected body, who could then decide on both the EIR and project.

2.3.3 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that the lead agency adopt a monitoring or reporting program for any project for which it has made mitigation findings pursuant to Public Resources Code 21081. Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR. The Mitigation Monitoring and Reporting Program for the project will be completed and available to the public prior to certification of this EIR.

2.4 REPORT ORGANIZATION

This Final EIR is organized into the following chapters:

- Chapter 1: Executive Summary. Summarizes environmental consequences that would result from implementation of the project, describes recommended mitigation measures, and indicates the level of significance of environmental impacts before and after mitigation. Underline text in Table 1-1 represents language that has been added to the impacts and mitigation measures in the EIR; text in ~~strikethrough~~ has been deleted from the EIR.
- Chapter 2: Introduction. Provides an overview describing the use and organization of this Final EIR.
- Chapter 3: Revisions to the Draft EIR. Contains corrections to the text and graphics of the Draft EIR. Underline text represents language that has been added to the EIR; text in ~~strikethrough~~ has been deleted from the EIR.
- Chapter 4: List of Commenters. Lists the names of agencies and individuals who commented on the Draft EIR.
- Chapter 5: Comments and Responses. Presents comments received from agencies and the public on the Draft EIR alongside responses to each comment. Also contains "master responses" that provide comprehensive responses to key issues raised by several comments.
- Appendix: The appendix for this Final EIR contains the following:
  - Appendix E: Comment Letters. This appendix contains all comments received during the public review period for the Draft EIR in their original format.

The Draft EIR is available online and incorporated here by reference. It constitutes part of the Final EIR.

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3. *Revisions to the Draft EIR*

This chapter presents changes to the Draft EIR that resulted from preparation of responses to comments or were staff-directed changes including corrections and clarifications. In each case, the page and location on the page in the Draft EIR is presented, followed by the text or graphic revision. Underline text represents language that has been added to the EIR; text with ~~strikethrough~~ has been deleted from the EIR. The revisions in this chapter do not require recirculation of the Draft EIR because they do not constitute "significant new information" under Section 15088.5 of the CEQA Guidelines. All changes to Draft EIR Table 1-1, Summary of Impacts and Mitigation Measures, are included in Chapter 1 of this Final EIR.

CHAPTER 1 – EXECUTIVE SUMMARY

The bullet list on page 1-4 of the Draft EIR is hereby amended as follows:

- Perimeter swale with a maximum bottom width of 1-foot along the inside perimeter of the existing fence to retain rainwater for groundwater recharge
    - ~~2 water tanks (5,000 gallons each)~~
    - 2 subsurface water storage tanks (20,250 gallons each)

CHAPTER 3 PROJECT DESCRIPTION

The bullet list on the bottom of page 3-21 of the Draft EIR is hereby amended to include the following:

- Agreement to address timing, amounts, and costs to access City of Livermore hydrants – (City of Livermore)

CHAPTER 4.4 BIOLOGICAL RESOURCES

Mitigation Measure BIO-1.3 on page 4.4-19 of the Draft EIR is hereby amended as follows:

> Mitigation Measure M BIO-1.3 San Joaquin Kit Fox: Although not observed onsite, kit fox the site provides suiitable habitat for this species and the following measures will be implemented. A qualified biologist shall conduct a preconstruction survey no more than 14 days prior to the beginning of ground disturbance and/or construction/ decommissioning activities, or any other project activity likely to impact San Joaquin kit fox, to determine if potential San Joaquin kit fox dens are present in or within 500 feet of the project site (inaccessible areas outside of the project site can be surveyed using binoculars or spotting scopes from public roads). The surveys shall be

conducted in all areas of suitable habitat for San Joaquin kit fox. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to disturbance of any particular portion of the site. If potential dens are observed and avoidance of the dens is determined to be feasible, the following minimum buffer distances shall be established prior to construction/decommissioning activities (consistent with USFWS 2011): •

1. Potential den: 50 feet
2. • Atypical den: 50 feet
3. • Known den: 100 feet
4. • Natal/pupping den: at least 500 feet – USFWS must be contacted.

Buffer establishment shall follow the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) under "Exclusion Zones." o If San Joaquin kit fox or occupied San Joaquin kit fox dens are observed on the site, USFWS must be contacted.

Mitigation Measure BIO-1.~~3~~4: A qualified botanist shall conduct up to three appropriately timed rare plant surveys during late April and early May to confirm the status of special-status plant species not detectable on the parcel during the October 2017 survey. Exact timing of the surveys will depend on environmental conditions in the year of the survey. The surveys shall focus on the special-status plant species for which suitable habitat occurs on the subject property. The surveys shall be completed, and a report of findings submitted to the County before the onset of initial ground-disturbing activity or construction associated with Project implementation. If special-status plant species are found on the subject property, the plant populations will be avoided by establishing a buffer around the plant populations that will be maintained throughout Project implementation. The buffer shall be determined on a case by case basis and shall be adequate to prevent direct and indirect effects from construction and operation (e.g., dust, changes in hydrology, shading, weed abatement and wildfire fuel modification) on the avoided plant populations and will be determined by a qualified botanist. Project implementation means from the start of ground disturbance until the facility becomes operational. Once operational, avoided plant populations preserved onsite will have permanent avoidance areas established around the preserved plants. A qualified botanist will determine the preserved area with approval from CDFW. The preserved area shall at minimum preserve the plant population and a sufficient portion of its watershed to ensure long term viability of the plants. A Long-term Management Plan shall also define long-term vegetation management activities and performance criteria such as livestock grazing standards (season of use, livestock type, seasonal and residual cover requirements, etc.) required to promote the continued presence of the identified rare plants on the property. The Long-term Management Plan shall be approved by CDFW and Alameda County and implemented by the operator.

If special-status plants are found during the rare plant surveys and avoidance is not feasible, a qualified botanist/biologist or certified range manager will prepare a detailed rare plant mitigation and monitoring plan. The plan will recognize grazing as a management tool and will use grazing regimes to sustain rare plant populations and control of vegetation. The plan shall only be required if a listed species or those with a ranking of 1A, 1B, or 2 of the California Native Plant Society (CNPS) Inventory or locally rare species as listed in the CNPS East Bay database are found during the rare plant surveys. The site will be monitored for 5 years to ensure the continued presence of the special-status plant populations. Rare plant populations will be mapped. Plant populations will be monitored, and the population size and number will be recorded. Plant populations shall either be stable or increasing during the monitoring period as compared to pre-project condition. A monitoring report will be prepared and submitted by the end of the year to the County. The plan will include details on seed collection and propagation, techniques to avoid the introduction of plant pathogens to the preserved area, preparing the preserved area for planting, revegetation monitoring plan, success criteria, and reporting requirements. The planting area within the preserved area will be similar in size to the area occupied by the impacted plant on the subject property. After replanting, the preserved area will be monitored for a minimum of five years. Based on standard practices, minimum success criteria would be presence and continued reproductive success of the plant within the preserved area and with less than 80 percent areal coverage of the impacted rare plant at the end of the five-year monitoring period. Annual reports, with interim success criteria to ensure the plan is on track to meet the mitigation goals, will be prepared. At the end of each monitoring year, a report shall be prepared evaluating the success of the mitigation program and recommending remedial measures as necessary. If the success criteria have not been met at the conclusion of the five-year monitoring period, continued monitoring will be conducted until the success criteria have been achieved.

1. If the success criteria have not been met at the conclusion of the five-year monitoring period, monitoring may be extended for an additional period or another population of the affected special-status plant species may be preserved. The preserved population shall provide for permanent protection of an existing population in Alameda County, which is equal or larger than that impacted on the parcel (minimum 1:1 replacement). Preservation may occur through land acquisition or use of a conservation easement. Off-site mitigation lands shall include establishment of a management endowment as necessary to provide for long-term management of the preserved population. Offsite preserved mitigation land under MM BIO-1.3 may be "stacked" with other mitigation obligations identified in this chapter.

Mitigation Measure BIO-1.45

Cumulative Impact BIO-5 is hereby amended as follows:

The Livermore Valley provides ideal physical conditions for the development of solar photovoltaic (PV) facilities, having extensive level areas of undeveloped land and a climate with an abundance of sunny days. Based on these conditions and the increasing need for alternative energy sources in the area, such as the proposed Aramis solar farm project, it is likely that in the near future other solar PV projects such as the proposed Aramis solar farm project, will be proposed and built in the Livermore Valley, particularly if solar projects benefit from sharing infrastructure and personnel able to construct, operate, and repair such facilities. Based on the likelihood of additional solar PV projects in the Livermore Valley in the near

future, the proposed Project could result in a significant cumulative impact to biological resources where the presence of one project in the area may foster multiple other projects. In order to ~~The EACCS was developed to~~ address anticipated impacts to biological resources from projected future development in eastern Alameda County the EACCS was developed. By providing a regional strategy for mitigating impacts to sensitive species and habitats, the higher quality areas can be avoided and managed. Therefore, with implementation of the mitigation measures discussed above, which are based on the EACCS, development of the proposed Project would result in *less than significant* cumulative impacts to biological resources.

CHAPTER 4.2 AGRICULTURE AND FORESTRY RESOURCES

The last paragraph on page 4.2-4 of the Draft EIR is hereby amended as follows:

Outside of areas proposed as locations for access roads, equipment pad, and water detention basins, the proposed Project would not grade or remove topsoil. Panels would be supported by pile-driven post supports, with 10 supports per row. The solar panels, which are mounted on single-axis trackers supported by the posts, are in motion throughout the daylight hours; the height and pivoting movement of the panels throughout the day allow for sunlight, air circulation, and vegetation growth on all ground areas except the relatively small acreage occupied by the posts themselves, and allow for continued grazing use of these areas, such that the agricultural use of nearly the entire solar panel array area remains intact. After equipment installation, the existing vegetation would be retained, and where disturbed, would be reseeded. The total non-agricultural area ~~occupied by impervious surfaces~~ would be about 6.53 acres, and about 65 acres would remain in use for grazing, with the property continuing to provide some tangible gross annual revenue from agricultural production.

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4. List of Commenters

Comments on the Draft EIR were received from the following agencies, organizations, and individuals. Letters are arranged by category, date received, and name. Each comment letter has been assigned a number, as indicated below. These letters are included in and responded to in Table 5-1 of this Final EIR. Comments are presented in their original format in Appendix I, along with annotations that identify each individual comment number.

4.1 COMMENTS ON THE DRAFT EIR

4.1.1 GOVERNMENTAL AGENCIES

GOV1 Governor's Office of Planning and Research, State Clearinghouse Unit, Justin Le, Student Assistant, April 21, 2020
GOV2 City of Livermore, Stephen Riley, Principal Planner, April 22, 2020

4.1.2 NON-GOVERNMENTAL ORGANIZATIONS AND PRIVATE COMPANIES

ORG1 Sierra Club, San Francisco Bay Chapter, Tri-Valley Group, Dick Schneider, April 21, 2020
ORG2 Greenan, Peffer, Sallander & Lally LLP, Andy Sarkar, April 21, 2020
ORG3 Pacific Gas and Electric Company, Brandon Liddell, Senior Land Planner, Environmental Management- Transmission, April 21, 2020
ORG4 California Native Plant Society, Jim Hanson, Conservation Chair, April 21, 2020
ORG5 Friends of Livermore, Lee Younker, Chair, April 21, 2020

4.1.3 MEMBERS OF THE PUBLIC

PUB1 Lona Lee McCallister, April 3, 2020
PUB2 Merlin and Linda Newton, April 20, 2020
PUB3 Andrew Barker, April 21, 2020
PUB4 Maria De Luz, April 21, 2020

LIST OF COMMENTERS

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5. Comments and Responses

This chapter includes a reproduction of, and responses to, each comment letter received during the public review period on the Draft EIR. Comments are presented in their original format in Appendix E.

Responses to individual comments are provided in this chapter alongside the text of each corresponding comment. Letters are categorized by:

- Governmental Agencies
- Non-Governmental Organizations and Private Companies
- Members of the Public

Letters are arranged by category, date received, and name. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response requires revisions to the Draft EIR, these revisions are shown in Chapter 3 of this Final EIR. Responses to individual comments are presented in Table 5-1.

Table 5-1 presents comments received on the Draft EIR and responses to each of those comments.

In addition to the comment letters included in Table 5-1, the County received several letters that pertain only to the merits of the proposed project. These letters are listed in Chapter 4 of this Final EIR and are included in Appendix E.

Although comments related to the merits of the proposed project do not require responses in the Final EIR, they do provide important input to the decision-making process. All letters received during the public comment period will be forwarded to decision makers.

5.1 COMMENTS AND RESPONSES

TABLE 5-1 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

Comment	Comment	Response
A. Governmental Agencies		
GOV1	Governor's Office of Planning and Research, State Clearinghouse Unit	
GOV1-01	The State Clearinghouse would like to inform you that our office will be transitioning from providing a hard copy of acknowledging the close of review period on your project to electronic mail system. Please visit: httRs://ceganet.oRr,ca.gov/2018092012/4 for full details about your project and if any state agencies submitted comments by close of review period (note: any state agencies in bold, submitted comments and are available). This email acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please email the State Clearinghouse at state.clearinghouse@.QRr.ca.gov for any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.	The comment is noted. The comment does not address the adequacy of the Draft EIR.
GOV2	City of Livermore	
GOV2-01	Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the proposed Livermore Community Solar Farm project. The project would develop a 6-megawatt (MW) solar photovoltaic (PV) facility on a 58.7-acre portion of a 71.64-acre parcellocated at the northeast corner of North Livermore Avenue and May School Road. Construction would occur in two phases over a one-year period. The property owner would continue to lease the property to allow livestock grazing underneath and around the solar panels.	The comment serves as an introduction to the comments that follow, and provides a description of the proposed project. The comment does not address the adequacy of the Draft EIR.
GOV2-02	The city's response to the Notice of Preparation dated February 11, 2019 expressed concerns relating to visual impacts, agriculture and Williamson Act, and biological impacts (see attached letter).	The comment references a prior comment letter. The comment does not address the adequacy of the Draft EIR.
GOV2-03	The project description indicates that water for project operation and irrigation would be obtained from a fire hydrant located at the corner of Ames Street and Martingale Lane in the city of Livermore. The City of Livermore recommends the project proponents secure a reliable water source independent of City of Livermore sources. Access to water from the hydrant will require approval by city of Livermore through an agreement that will address timing, amounts and costs.	Subsequent to this comment, the project applicant obtained a permit to use potable water from the City of Livermore. No additional response required.
GOV2-04	The city continues to support the development of clean energy sources as well as agriculture and biological resources protection. The city looks forward to continued collaboration with the county on these important issues.	The comment provides a conclusion for the comments above. The comment does not address the adequacy of the Draft EIR.

Comment	Comment	Response
B. Private Companies & Organizations		
ORG1	Sierra Club	
ORG1-01	The Sierra Club appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed Livermore Community Solar Energy Facility. Sierra Club strongly supports solar energy facilities in appropriate locations in Alameda County consistent with applicable law, ordinances, regulations and standards (LORS). The Sierra Club also appreciates that an EIR has been prepared for this project. We requested preparation of an EIR in our October 25, 2018, comment letter on the Initial Study/Mitigated Negative Declaration (IS/MND) for this project.	The comment serves as an introduction to the comments that follow, and provides a description of the proposed project. The comment does not address the adequacy of the Draft EIR.
ORG1-02	In this comment letter, we wish to make three main points: (1) the DEIR does not adequately analyze potential impacts to special status species, including cumulative impacts; (2) the DEIR does not adequately analyze impacts to scenic views, including cumulative impacts; and (3) the DEIR does not adequately analyze the proposed change from cattle grazing to sheep grazing on the project site, including cumulative impacts to cattle grazing in north Livermore. The Sierra Club noted these deficiencies in our comment letter on the IS/MND mentioned above. That letter is attached hereto for reference. Many of the comments made in that letter are repeated here for the record.	The comment introduces the topics that are addressed in more detail in the remainder of the comment letter. Please see responses ORG1-03 through ORG1-12.
ORG1-03	(1)Biological Impacts to Special Status Species Although most special-status species that inhabit north Livermore have not been observed on the project site, dispersal habitat for the California Red-legged Frog (CRLF) and the California Tiger Salamander (CTS) has been noted and mitigations proposed to reduce potential impacts to less than a significant level. The mitigations, however, focus primarily on the construction phase of the project. Very little is said about impacts during operation of the facility. For example, to avoid harm to individual animals, an exclusion fence will be installed prior to the start of construction. The fence will prevent migrating amphibians from entering the site, and it will allow capture and removal of animals from inside the fence line without their being able to reenter the site. This will prevent harm to these amphibians during construction. The DEIR, however, does not say whether the exclusion fence will stay up after construction is completed or if it will come down. If the fence stays up, then a permanent loss of dispersal habitat will occur since CRLF and CTS will not be able to enter the site. If it is removed, then operational impacts to dispersing CRLF and CTS may occur, including from the sheep grazing operation. Neither case is analyzed in the DEIR, much less are potential impacts mitigated for.	Additional detail has been provided to inform the reader of the mitigation measures being implemented to protect CTS and CRLF that may move through or live on the site. For instance, the commenter focuses on how the exclusion fence will be constructed and used. The commenter is referred back to Mitigation Measure BIO-1.1, bullet #1, in which the fence is described as being installed "to enclose the subject property before the onset of fall/winter rains and to remain in place throughout one entire winter rainy season (October through April) after which it will be removed and will not remain a permanent feature. So, the duration of the fences is as follows: The fence stays in place between October and April, the period in which CTSSS and CRFL move from their burrows (rainy season). Operational impacts which may include vehicle collision and excavation during trenching are unlikely except when CTS or CRLF are exiting a breeding pond or moving between hydration habitat and upland refugia. Operations during the winter are also unlikely to impact CTS or CRLF as movements are typically made at night during rain showers or nighttime periods of high humidity. Maintenance and repair of the arrays will not take place at night thereby avoiding moving CTS and CRLF. Daytime maintenance

Comment	Comment	Response
		and repair activities will be limited to maintenance roads. Off-road activity day or night during rainy periods will be prohibited. In these ways CTS and CRLF will be avoided during operation. There are no breeding ponds on or adjacent to the site so impacts due to operation of the facility are unlikely to occur. Sheep and cattle are not considered threats to CTS and CRLF and numerous studies have documented the benefits of moderate to high levels of livestock grazing for both species.[1] Sheep may have a lesser impact on the ground due to their smaller size as compared to cattle, but stocking rates are also a consideration. Regardless, ground squirrel burrows are deep and resistant to caving in, especially during the dry months when grazing would occur.
ORG1-04	If the exclusion fence stays up resulting in a permanent loss of dispersal habitat, then the East Alameda County Conservation Strategy (EACCS) recommends either a 3:1 or 3.5:1 mitigation ratio for the CRLF depending on whether the mitigation habitat is located within the same or in a different CRLF mitigation area (EACCS, Chapter 3, Table 3-7 and Figure 3-9). For CTS, the mitigation ratio ranges from 3:1 to 4:1 depending on whether the mitigation habitat is located north or south of I-580 and east or west of I-680 (EACCS, Chapter 3, Table 3-8 and Figure 3-10). None of this is discussed in the DEIR.	See Response ORG1-03 above. The exclusion fence period of operation has been identified and the removal of the fence has been explicitly added to the measure The exclusion fence is "to enclose the subject property before the onset of fall/winter rains and to remain in place throughout one entire winter rainy season (October through April) after which it will be removed and will not remain a permanent feature.

[1] Bobzien, S. and J.E. DiDonato. 2007. The status of the California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylii*), and other aquatic herpetofauna in the East Bay Regional Park District, California. Annual report to U.S. Fish and Wildlife Service; DiDonato, J. 2006. Endangered Amphibian Research within Grazed Grasslands. CAL-PAC Society for Range Management Symposium – Grazing for Biological Conservation. June 23, 2006; Ford, L.D., P.A. Van Hoorn, D.R. Rao, N.J. Scott, P.C, Trenham, and J.W. Bartolome. 2013. Managing Rangelands to Benefit California Red-Legged Frogs & California Tiger Salamanders. Prepared for the Alameda County Resource Conservation District. Livermore, California. September 2013; United States Fish and Wildlife Service (USFWS) 2004. Endangered and threatened wildlife and plants; determination of threatened status for the California tiger Salamander; and special rule exemption for existing routine ranching activities; Final Rule. Federal Register 69: 47212.

Comment	Comment	Response
ORG1-05	If the exclusion fence comes down, which the EACCS calls for ("Barrier fencing will be removed within 72 hours of completion of work." Chapter 3, Table 3-3, Species Specific Avoidance and Mitigation Measure AMPH-2, third bullet), then amphibian dispersal onto the site is possible and operational impacts must be accounted for. Will maintenance and repair personnel be trained to identify and avoid impacts to CRLF, CTS, and to their burrows? Will a qualified biologist be retained to locate and mark for avoidance prior to commencement of work burrows inhabited by these amphibians? What about the grazing regime? Currently, the DEIR states, "15-30 cattle graze the site intermittently over 2 to 4 months per year." Once the facility is operational, the DEIR states the parcel "would support 500-600 sheep grazing on the property for up to 60 days per year, depending on the rainy season and vegetation growth." (DEIR, P. 4.2-5) To be blunt, 15-30 cattle translate into 60-120 hooves on the ground; 500-600 sheep translate into 2,000-2,400 hooves on the ground. It is hard to imagine no significant increased loss of amphibian life from trampling or burrow collapse owing to this huge increase in the number of animals grazing the site. This impact is neither discussed nor mitigated for.	Please see responses ORG1-03 and ORG1 -04 for a discussion of operational impacts and the issue of when CTS and CRLF are expected to be vulnerable to take especially during periods of aboveground activity. As discussed in Mitigation BIO-1.1, a qualified biologist will be present during initial ground disturbance, when it is most likely to encounter CTS or CRLF on a site without an adjacent breeding pond. This biologist will also conduct environmental awareness training for the workers. Operational personnel will also be given environmental awareness training prior to starting work onsite.
ORG1-06	The problem compounds when considering cumulative impacts. The DEIR states, "Based on the likelihood of additional solar PV projects in the Livermore Valley in the near future, the proposed Project could result in a significant cumulative impact to biological resources." (P. 4.4-23) But it then goes on to say, "The EACCS was developed to address anticipated impacts to biological resources from projected future development in eastern Alameda County. Therefore, with implementation of the proposed mitigation measures discussed above, which are based on the EACCS, development of the proposed Project would result in less than significant cumulative impacts to biological resources." (P. 4.4-23 – 4.4-24, emphasis in original)	Although impacts to sensitive species and habitats are inevitable with Development in the East County area, applying measures developed as part of a regional strategy is more likely to reduce cumulative impacts compared to analyzing individual projects. The EACCS addresses the need for appropriately managed livestock grazing on preserved lands for grassland communities that CTS and CRLF depend on (see Grassland Conservation Actions GRA-5 and GRA-6). These actions recognize the need for grazing management plans based on scientific evidence and onsite conditions. Requirements for a grazing or grassland management plan is discussed in the response to Comment ORG4-09.
ORG1-07	The problem is that the DEIR does not fully analyze potential impacts to CRLF and CTS as we describe above, much less does it implement all the proposed EACCS mitigation measures for those impacts. To the extent future solar PV projects potentially covering thousands of acres in habitat-rich north Livermore are designed, analyzed, and approved in the same way as this DEIR proposes, the cumulative impacts to protected species in Alameda County will be devastating, including by this project.	See ORG1-03 and ORG1-05 for a discussion of impacts and mitigation for listed CTS and CRLF. The commenter's opinion regarding the future of solar projects in the area is noted.
ORG1-08	The DEIR analysis of potential impacts to special status plants is incomplete and inadequate. The California Native Plant Society East Bay Chapter will be submitting comments on these deficiencies. The Sierra Club associates itself with the CNPS comments.	The comment introduces additional comments to be made by another organization which the Sierra Club associates itself. Please see responses ORG1-03 through ORG1-12.

COMMENTS AND RESPONSES

Comment	Comment	Response
ORG1-09	(2) Aesthetic Impacts to Scenic Vistas.The DEIR accurately describes the scenic character of the area surrounding the proposed project. There are unobstructed, virtually 360º views of open range lands, extending to the beautiful hills and mountains framing the entire Livermore Valley. The County has designated North Livermore Avenue as a Scenic Rural-Recreation Route attesting to this scenic beauty. In our opinion, the DEIR incorrectly concludes that with proposed mitigations (plantings at the perimeter of the project to conceal 23,316 iridescent blue solar modules), the impact on scenic views will be Less Than Significant. As commentators on the Initial Study/Mitigated Negative Declaration for this project pointed out and with which we agree, the 5-year planting simulations, DEIR Figures 4.1-12 and 4.1-14, show significant obstruction to and loss of views of the surrounding viewshed. Figure 4.1-12, just from the particular angle shown, shows a significant obstruction of Mount Diablo and the Collier Canyon ridgeline. Indeed, in Figure 4.1-12, if one imagines moving slightly west along May School Road, the simulated trees planted at the perimeter of the project would almost entirely obscure Mount Diablo. Similarly for the views south along N. Livermore Avenue to the southern Livermore hills (Figure 4.1-14), those hills are almost entirely obscured from various positions along this designated scenic corridor. Residents of Bel Roma Road have noted that the plantings designed to shield the solar modules from their direction will significantly obstruct the views to the west from their properties. While the plantings surrounding the project will screen views of the solar modules themselves, the long continuous lines of plants surrounding the project site, when fully grown on top of 5-foot berms to a height of 15 feet, will significantly degrade the open space views of the surrounding beautiful countryside from public rights-of-way.	Please refer to impact discussion AES-1 ON PAGE 4.1-14 of the draft EIR, which acknowledges that, "Drivers, bicyclists and pedestrians travelling on North Livermore Avenue and Bel Roma road would experience filtered views of the designated scenic ridgelines above Collier Canyon, Vasco Road, Brushy Peak, Doolan, and ridgelines above the vineyards south of Livermore, as the berm plantings reach maturity (within approximately 5-years). However, the filtered ridgeline views would not be considered a substantial adverse effect as the viewer travels through the corridors, as any obstruction of views that may occur would be intermittent, and would only be obstructed by native landscaping found along other portions of the corridor, and not by the solar array itself." In addition, obstruction of views from private property is not considered an impact under CEQA.
ORG1-10	Moreover, the cumulative impact of multiple additional solar projects will significantly change the visual character of the area. The DEIR states, “The Livermore Valley provides ideal physical conditions for the development of solar photovoltaic (PV) facilities, having extensive level areas of undeveloped land and a climate with an abundance of sunny days…[I]t is likely that in the near future other solar PV projects will be proposed and built in the Livermore Valley.” (DEIR, P. 4.4-23) Proximity to PG&E’s Cayetano substation appears to be an important siting criterion in north Livermore. If so, then it can be expected that additional solar facilities will fan out from the corner of N. Livermore Avenue and May School Road where the substation is located. Cumulatively, these additional facilities together with the current project will significantly change the visual character of the area. From open views of pastures, rolling hills, and distant mountains, views from public rights-of-way will be constrained by planted barriers that screen solar arrays. Wide, open space views will be converted to narrow view corridors just as if large private estates bordered by high hedges screening concrete walls occupied the area. While beauty may be in the eye of the beholder, this change in visual character of the area will be significant and unavoidable, and the current project will contribute significantly to this impact.	Please refer to impact discussion AES-5 on page 4.1-24 of the Draft EIR for a discussion of cumulative impacts, which included the nearby Aramis solar facility, and concluded that the cumulative aesthetics impacts of the two projects would be less than significant with compliance with ECAP policies 114 and 115 requiring landscaping to screen views of the solar arrays. With the low height of the solar facilities, proposed landscaped berms which are set back from the property lines, wire fencing (as opposed to tall concrete walls referenced in the comment), the proposed project would not result in narrow corridor views as described in the comment.

Comment	Comment	Response
ORG1-11	(3)Impacts to Agricultural Resources The DEIR concludes that there will be No Impact on agriculture because sheep grazing will occur among the solar modules for a portion of the year. In truth, the land will be converted from open pasture for cattle grazing to a solar electric power plant. The California Department of Conservation apparently recognizes this fact because in its scoping comments for this DEIR, it suggests that "the applicant file for non-renewal of the current Williamson Act contract, and wait until the contract's non-renewal status has ended and the contract has expired before moving forward with the proposed development of the land." Alternatively, the Department suggests the applicant "consider contract cancellation" should it wish to proceed before contract expiration occurs. The Department understands that this project is not a bona fide agricultural use.	Solar electric power generation is a compatible use under the adopted Uniform Rules for property under Williamson Act contract. Project equipment would remove from agricultural production an area amounting to less than 10% of the parcel area, with land around the solar modules available for grazing.
ORG1-12	In combination with presumably similar changes in grazing regimes by expected nearby solar energy facilities, cattle grazing in this area will be substantially reduced. At some point, ranchers will determine that the north Livermore area is no longer hospitable to cattle ranching, and they will move their herds elsewhere. This would be a significant change in the agricultural character of the area and could lead to further conversion of true farms to primarily non-agricultural uses. A critical mass of agriculture may be necessary for agricultural uses to survive in north Livermore. We would also note that according to state Department of Conservation statistics, between 1984 and 2016, over 16,000 acres of grazing land in Alameda County were converted to non-agricultural uses. This is already an alarming trend and the proposed project is likely to exacerbate the loss of agriculture in the county.	The conversion of one type of agricultural use to another is not an impact under the CEQA Guidelines. Almost all of the acreage used for grazing would remain and the long-term agricultural productivity of the property would continue.
ORG1-13	In closing, the Sierra Club appreciates the opportunity to comment on the Draft Environmental Impact Report for the Livermore Community Solar Energy Facility. We expect that the County will respond to these comments in the Final EIR.	The comment serves as a conclusion to the comment letter. The comment does not address the adequacy of the Draft EIR.
ORG2	**Greenan, Peffer, Sallander & Lally LLP**	
ORG2-01	This law firm represents Robert Howe and John Bowles, each owners of residences located on Bel Roma Road adjacent to the proposed Livermore Community Solar Farm project (the "Project'). Reference is made to the Alameda County Livermore Community Solar Farm DRAFT EIR dated March 2020 (the "DRAFT EIR" or "Reporf'). We note that the Draft EIR appears deficient in several aspects. We note the following:	The comment serves as an introduction to the comments that follow. Please see responses ORG2-01 through ORG2-08.
ORG2-02	1.Williamson Act Analysis On page 4.2-4 of the Draft EIR, the Report concludes that "The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract." The applicable Williamson Act rule is set forth in the Alameda County Uniform Rules and Procedures (the "Uniform Rules") The Uniform Rules specifically provide that commercial or private solar panels are deemed compatible with agricultural use, only if: "a. They are installed on roofs of permitted structures, or, they are installed on the ground by means of removable mountings such that there is no permanent alteration to the ground, e.g. by	Placement of impervious structures or objects would be limited to equipment pads, support poles and other project infrastructure, and would be limited to less than 10% of the parcel area. Array installation on temporary supports, enabling panels to rotate continuously, would allow for the growth and production of grazing forage on close to 90% of the parcel area, allowing the land under contract to remain agriculturally productive during the project

Comment	Comment	Response
	significant grading, paving, or removal of top soil. b.If installed on the ground, the area covered by the solar panels is calculated as part of the cumulative total of acreageallowed for compatible non-agricultural uses (see Section I.B.3.c. of this Rule)." (Emphasis added. Alameda County Uniform Rules and Procedures, Uniform Rule 2.11.E.3) Section I.B.3.c of the Uniform Rules provides that: "Compatible non-agricultural uses that do not qualify as buildings (for example, solar panels and uncovered horse training arenas) may be located outside the 2-acre building envelope but shall be cumulativelr restricted to no more than 10% of contracted property, or 10 acres, whichever is less." (Emphasis added. Alameda County Uniform Rules and Procedures, Uniform Rule 2.1.B.3.c)	lifetime. Based on past deliberation by the Alameda County Board of Supervisors, County Planning staff has determined that the scale of the proposal would be a compatible use under the Williamson Act uniform Rule 2.
ORG2-02 (cont'd)	The Report provides an analysis on page 4.2.-5, Section AG-2, that because solar panels on the Project are mounted on tracker posts, and rotate throughout the day. The Report appears to then conclude that the posts themselves occupy a relatively small acreage. The Report then concludes that the area occupied by "impervious surfaces" would be 6.53 acres, which would fall under the 10% maximum require under Uniform Rule 2.1.B.3.c (the "10% Rule")	The support poles for the array panels are screwed into the native soil without the use of concrete or other impervious materials. The remaining area is not permanently altered and remains available for agricultural production. As the solar panels rotate throughout the day there is a variation in both the coverage and actual areas shaded. Limiting analysis of coverage to the new area occupied by the support poles, rather than the moving panels, is appropriate under Rule 2.1.B.3.c. The 6.35 acres, referred in the comment and found on page 4.2-5 of the Draft EIR, was incorrectly described as *impervious surface area*, and should have been described as the *total area of non-agricultural land use* on the project site.
ORG2-03	The Draft EIR should clarify how it has arrived at the 6.53 acre figure. It is unclear what the term "impervious surface" refers to in the context of this analysis. The Report should clarify whether it is only counting the area occupied for the posts of the solar panels with respect to its calculation of qualification for the 10% Rule.	The term "impervious surfaces" refers to portions of the project that are covered with materials that would not allow water to penetrate through the ground. The total amount of impervious surfaces is 1,370 square feet for the four concrete electrical pads. (Draft EIR, page 1-4). As described on page 3-9 of the Draft EIR, ground screws would be used to support the metal frames holding he solar arrays. All of the area under the solar arrays are defined as pervious, allowing stormwater to drain through the soils. As noted in response ORG2-02, the 6.53 acre metric refers to the total amount on non-agricultural land use on the project site.

Comment	Comment	Response
ORG2-04	The Draft EIR should be revised to provide statutory or precedential support for its theory that the 10% Rule calculation should only consider "impervious surfaces" These appears to conflict with the specific interpretations of solar panel coverage shown in the Uniform Rules. Uniform Rule Section II.E.3.b provides that "If installed on the ground, the area covered by the solar panels is calculated as part of the cumulative total of acreage allowed for compatible non-agricultural uses (see Section I.B.3.c. of this Rule). (emphasis added). Accordingly, the DRAFT EIR should analyze the area covered by the Solar Panels, and not just the "impervious surface" which the Report currently uses. The Report should also specify that there does not appear to be an e ception under the Uniform Rules for rotating Solar Panels where daytime rotation exempts a panel from being deemed as "covering" a specific area of the property. Furthermore, the Report should specify whether the solar panels will rotate at nighttime -or whether they will cover the property. The Report should then analyze total solar panel coverage at day time and at nighttime, and provide authority for calculation of a solar panel coverage based analysis of the Project's qualification under the 10% Rule, and not use the "impervious surfaces" analysis unless the Report can provide support for such a standard. Since the standard for calculation under the 10% Rule appears to be solar panel coverage, the Report should calculate the proposed Project's solar panel coverage to analyze whether or not the Project violates the 10% Rule.	Please see response ORG2-02 above.
ORG2-05	2. Assumption Regarding Water Delivery; Other Water Issues Section 1.3 (Project Summary) and other portions of the Report refer to the use of 10,000 gallon water trucks to transport water to the Project 80 times per year. The Report should identify specific water transportation companies and service providers who own such vehicles. It is our understanding that most water transportation vehicles range from 500 to 5,000 gallons in capacity. The Report must analyze whether the assumptions of the 10,000 gallon water trucks is realistic and feasible. Estimates of only 80 trips should be revised to find that 160 trips or more may be necessary if 10,000 gallon water trucks are not readily available to water transportation companies likely to serve the Project's water needs. The revision of this estimate should be analyzed and updated in all other sections relying on the water transportation assumptions provided herein (eg. Noise, Traffic, Pollution, impact on roadways). We would like the Report to provide details regarding the storage of Water on the Project. Specifically we would like the Report to address standing or still water moats, ponds, or other open storage of water which may invite mosquitos.	The project intends to use larger sized water tanker trucks in order to minimize the number of annual truck trips. In general, projects that generate less than 100 trips per day are not evaluated for congestion related impacts, and given the relatively low traffic volumes on the roadways adjoining the project site, even with a doubling of trips, additional evaluation would not be warranted. Details about on-site water storage can be found in Section 3.3.5, on page 3-19, Project Description, of the Draft EIR. Stormwater collected on site would either be pumped into the 20,250 gallon water storage tanks, or left in the retention ponds to percolate into the ground.

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Comment	Comment	Response
ORG2-06	3.Aesthetics; Ridgeline View As noted in page 4.1-2 of the Report, East County Area Plan (ECAP) Policy 105 lists the ridgelines above the vineyards south of Livermore as a major visually-sensitive ridgeline (the "Ridgeline"). As noted on page 4.1-4, North Livermore Avenue, designated as a Scenic Rural-Recreation Route, lies immediately adjacent to the property (the "Scenic Route"). Figure 4.1-6 shows 1 angle of the view of the Ridgeline form the Scenic Route. It should be noted that such view is presently available along numerous points along the Scenic Route where the Scenic Route lies adjacent to the Project property. The Report concludes in Section AES-1 that the Project would not have a substantial adverse effect on a scenic vista, and in Section AES-2 that the Project would not substantially damage scenic resources. The Report's visual simulation of the Project (Figure 4.1-14) appears to show significant coverage of the Ridgeline view by the berm and vegetation to be installed on the Project after only 5 years. By comparison, approximately 5 0% of the Ridge line shown in Figure 4 .1-6 is visible on Figure 4 .1-14. It appears that the Report only included 1 simulation from 1 angle along the entire Property line in its analysis of this issue. Given that the view of the Ridgeline form the Scenic Route is already shown as substantially diminished in Figure 4.1-14, the Report should include a more thorough analysis of this issue. First, the Report should show simulations from multiple locations along the Scenic Route which lie adjacent to the Project, including locations on the east side of the Scenic Route and locations all along the Scenic Route as it lies adjacent to the Project.	Please see response ORG1-O9 above.
ORG2-06 (cont'd)	Furthermore, the Report should include an analysis of continued growth of vegetation beyond 5 years after planting. At a bare minimum, the Report should include simulations of the effects of the Ridgeline view from the Scenic Route, at multiple angles and locations along the Scenic Route, at 5, 8, 10, and 15 years from such plantings so that the Report accurately depicts the effects of the Project on the Ridgeline View from the Scenic Route.	The intent of showing vegetation growth at the five year period was to demonstrate the effectiveness of the landscaped berm in masking the solar arrays from public views. Please see response ORG1-09 for the response to scenic vistas and ridgeline views.
ORG2-07	4.Noise We would like to see a greater analysis of the on-going noise impacts in the Operational Section in page 4.8-8 of the Report with water transportation and delivery, including without limitation, a more reasonable assumption with respect to the number of trips per year (as identified above in item 2). We note that the Report identifies the possibility of 10 trips per day in some instances. We would like to see an analysis of the noise impacts of the distribution of water from such tanks onto the Project. Furthermore, we would like to see the noise impacts associated with the maintenance of the Project's plant-life and vegetative plantings.	Given the low volume of operational traffic on the project site additional evaluation of noise impacts is not warranted. The 10 trips per day figure was assessed for the temporary, short term construction period, and not associated with operational trips. Vegetation maintenance would include pruning activity as needed, and replanting of dead or moribund plants, and would not include use of equipment that would result in noise impacts that would exceed County thresholds.

Comment	Comment	Response
ORG2-08	5.Biological Resources and Related issues. The Report only appears to analyze the effects of the Project on 3 bird species (See Table 4.4.1). We do not see any analysis of the effects of the Project on many types of native raptors and other birds of prey. Specifically the Report does not seem to address the Project's effects on red tail hawks, golden eagles, or owls (except for burrowing owls). The Report should analyze the effects that solar panels will have on predatory birds who hunt from above which may be obstructed by solar panels.	The commenter is referred to the following sections of the Draft EIR, on p. 4.4-7 for a discussion of impacts to native birds: Special-status Animals (Golden eagle, bald eagle, Swainson's hawk), Burrowing Owls, and Nesting Birds (All native birds, their nests, eggs, and young). These sections discuss the occurrence, avoidance, and protection of birds on the site, including nesting birds.
ORG3	**Pacific Gas and Electric**	
ORG3-01	Thank you for the opportunity to comment on the DEIR for the Conditional Use Permit, 2016-00049. The project proponent should be aware of existing high voltage underground cables traversing along the north side of May School Road. The project proponent should coordinate with PG&E to ensure any access over the lines do not impact the integrity of our facilities.	The comment provides a description of the conditions near the project site. The comment does not address the adequacy of the Draft EIR.
ORG4	**California Native Plant Society**	
ORG4-01	The East Bay Chapter of the California Native Plant Society (CNPS) formally submits the following comments on the abovementioned project. This project has the potential to negatively impact special-status species plants because baseline surveys have not been completed. The DEIR does not contain adequate alternatives analysis, as it does not account for differences in project sizes.	The comment serves as an introduction to the comments that follow and states that the Draft EIR is not adequate in its analysis of alternatives. Please see Responses ORG4-02 through ORG4-14.
ORG4-02	The California Native Plant Society (CNPS) is a non-profit organization of nearly 10,000 laypersons and professional botanists organized into 34 chapters throughout California. Our local East Bay chapter (EBCNPS) covers Alameda and Contra Costa Counties, and represents about 1,000 members. The mission of CNPS is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation. Below are our comments:	The comment provides background on the commenter's organization. The comment does not address the adequacy of the Draft EIR.
ORG4-03	1.Mitigation measure Bio 1.3, one of the major measures for mitigating impacts to specialstatus plants is inadequate, as it does not contain special-status plant survey results, doesnot adequately describe how special-status plant species found on the subject propertywill be avoided or sustained, and does not contain adequate compensation for anyimpacts to these species.	Appendix D of this Draft EIR includes the Oct 2017 plant list. CEQA Guidelines recognize it is often not practical to develop and conduct complete surveys and precise mitigation measures at the early stages of project approval. Thus, CEQA permits some deferral of some studies and associated mitigation measures or elements of mitigation measures under certain circumstances. Deferred mitigation is allowed where the adopted mitigation measure commits the agency to a realistic performance standard or criterion that will ensure the significant effect is avoided or reduced to less-than-significant, or lists alternative means of mitigating an impact that must be considered, analyzed, and possibly adopted in the future. The

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Comment	Comment	Response
		State CEQA Guidelines section 15126.4(a)(1)(B) states that "measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." Measure BIO-1.3 is revised to better clarify the need for preparation of a long-term management plan to sustain avoided rare plant populations if present.
ORG4-04	1a. Comprehensive, appropriately-times plant surveys need to be done now and adequate analysis and mitigation measures (as necessary) need to be described in the FEIR. Mitigation measure Bio 1.3 states that "a qualified botanist shall conduct appropriately timed rare plant surveys during late April and early May to confirm the status of special-status plant species not detectable on the site during the October 2017 survey. The surveys shall focus on the special-status plant species for which suitable habitat occurs on the subject property. The surveys shall be completed, and a report of findings submitted to the County before the onset of initial ground-disturbing activity or construction associated with Project implementation" (italics added).	Please see response ORG4-03 above.
ORG4-05	Botanical field surveys provide information used to determine the potential environmental effects of proposed projects on special status plants and sensitive natural communities as required by law (e.g., CEQA, CESA, and federal Endangered Species Act (ESA)). The CDFW definition of special status plants for botanical surveys includes "locally significant plants, that is, plants that are not rare from a statewide perspective but are rare or uncommon in a local context such as within a county or region (CEQA Guidelines, § 15125, subd. (c)), or as designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include plants that are at the outer limits of their known geographic range or plants occurring on an atypical soil type."	Consistent with CEQA requirements, Mitigation Measure BIO-1-3 is revised to provide additional detail regarding plant mitigation for plants that are documented to occur onsite. Based on surveys of the site to date, possible management species include Congdon's tarplant and hispid bird's beak.
ORG4-06	The DEIR considers Federal, State, and CNPS statewide special status plants, but does not survey, analyze, or provide mitigation for locally rare plants. The CNPS East Bay Chapter Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties database lists over 100 locally rare "A1" and "A2" plants for the Livermore Valley area. The inventory of plant impacts and mitigations should be augmented to include appropriately-timed surveys for locally rare plants.	Mitigation Measure BIO-1.3 is revised to include locally rare species in the preconstruction surveys and will include them in the management plan for the site (See ORG4-10).
ORG4-07	avoiding special status plants that may be on site. 1b. Mitigation measure Bio 1.3 does not adequately describe how special-status plant species found on the subject property will be avoided or sustained long term. Mitigation measure Bio 1.3 states that "if special-status plant species are found on the subject property, the plant populations will be avoided by establishing a buffer around the plant populations that will be maintained throughout Project implementation."	Mitigation Measure BIO-1.3 is revised to better clarify how special-status plant species found on the project site will be avoided or sustained, as necessary.
ORG4-08	This mitigation measure does not provide specific enough information to describe the buffer set-back distance or how the buffer area is protected, such as from heavy equipment traffic during construction. It is unclear what maintenance "throughout Project implementation" means, in terms of the time-frame and the type of monitoring and specific maintenance that will be provided. The measure also fails to include mitigation for locally rare plants that may be potentially on site.	Please see responses ORG4-7 and ORG4-10

Comment	Comment	Response
ORG4-09	Furthermore, DEIR page 4.2-5 states that "a commercial livestock operator has been identified who will continue the commercial grazing use of the subject property. According to the operator, the current capacity of the parcel would support 500 to 600 sheep grazing on the property for up to 60 days per year, depending on the rainy season and vegetation growth. This future grazing use will provide the same or greater yield as the current agricultural productivity, where 15 to 30 cattle graze intermittently over 2 to 4 months per year." The grazing intensity, duration, and frequency as described here is likely effective to meet site vegetation control objectives. However, the DEIR does not adequately describe the development and implementation of a grazing management plan by a certified Range Manger to sustain on-site sensitive rare plant populations during construction and over the same long-term timeframe as described for off-site mitigation.	Standard methods of developing a grazing management plan will be employed in the preparation of the plan: The plan author must be a qualified range manager or botanist with range experience. The sampling program will be compatible with the site and species to be sampled. Sampling will be conducted at least once a year. Sampling results will be reported to the County by the end of each monitoring year. The Table of Contents for a sample grassland management plan is included in Appendix X of this FEIR to demonstrate the range of information to be included in the grassland management plan.
ORG4-10	This management approach can problematic as sheep and cows have different types of jaws and thus graze differently. A simple google search (e.g., seehttps://forages.oregonstate.edu/nfgc/eo/onlineforagecurriculum/instructormaterials/availabletopics/grazing/livestock)on the effectiveness of sheep vs. cow grazing shows that sheep graze closer to the ground than cows, and there is a concern that this type of grazing may hinder the development of special status native forbs. Please provide an analysis in the FEIR that determines if sheep grazing will impact special status and rare plants on the project site, and provide effective mitigation measures as appropriate.	As noted, sheep and cattle do graze differently, but in general sheep, due to their size have lesser impact on the soil than heavier cattle. Sheep also tend to avoid grazing in wet areas (wetlands, vernal pools), allowing wetland plants the opportunity to grow that they might not have with cattle grazing. Developing an appropriate grazing plan is key to making sure that the grazing is appropriate for the species that are being managed. To add clarity to the measure, Mitigation Measure BIO-1.3 is revised to include grazing as a management tool through grazing regimes to sustain rare plant populations and control vegetation.
ORG4-11	1c. Mitigation measure Bio 1.3 inadequately mitigates for impacts to special status plants Mitigation measure Bio 1.3 states that "if special-status plants are found during the rare plant surveys and avoidance is not feasible, a qualified botanist/biologist will prepare a detailed rare plant mitigation and monitoring plan. The plan shall only be required if a listed species or those with a ranking of 1A, 1B, or 2 of the California Native Plant Society (CNPS) Inventory are found during rare plant surveys." The measure fails to include mitigation for locally rare plants. Also, mitigation is proposed at the same size as the original population, or 1:1. The mitigation ratio by area, or by number of special status, plants should be at 2:1.	Please see response ORG4-10.

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Comment	Comment	Response
ORG4-12	2.The DEIR comparison of the proposed Project and Reduced Size Alternative is inadequate because it does not account for differences based on project sizes. The DEIR's discussion of alternatives states that, "as discussed in Chapter 4.4, Biological Resources, of this Draft EIR, the proposed (project) could result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS." The DEIR also states that "The Reduced Size Alternative would involve the same construction activity, with the same potential for significant biological resource impacts." This comparison of the proposed project and the reduced project is inadequate because it does not account nor discuss the following differences. a.The Reduced Size Alternative is smaller than the proposed project, and therefore couldresult in reduced impacts. The Reduced Size Alternative would have a 375-foot setback along the easternproperty line, and includes a 25-foot setback of the perimeter swale to avoid impacts to the 414 square foot wetland near the rural residential dwelling on the parcel. As such, it would reduce the area that would be impacted by development activity. This point needs to be thoroughly discussed in the FEIR.	The Draft EIR recognizes that the Reduced Size Alternative will have reduced impacts on biological resources largely as a result of the lower affected acreage and avoidance of the potential rare plant population cluster identified in the eastern portion of the property. However, the requirements for avoidance of rare plants as required under revised mitigation measure BIO-1.3 would accomplish the same protection of the potential rare plant population as the Proposed Project and only limited reductions in effects to other resources. With respect to the Reduced Alternative analysis, the Draft EIR noted that although the Reduced Alternative would result in a smaller footprint for the project, the portion of the site that would be avoided would be the south side of the parcel that was the less suitable habitat area for CTS and CRLF as there were fewer ground squirrel burrows in the south end of the site. Since the disturbance to the north end of the site was a similar in both the project and reduced project, the impacts to CTS and CRLF was determined to be similar under both scenarios.
ORG4-13	b. The DEIR notes the presence of native plants and potential presence of rare plants on the east side of the parcel, but does not adequately account for the differing impacts between the Proposed Project and the Reduced Size Project. The FEIR needs to include this analysis. A botanical survey reports that "one plant species was observed that may be hispid bird's-beak (Chloropyron molle subsp. hispidum), a CNPS 1B.1 species." The location of the observation is shown in Figure 3 of Appendix D (note: located at east side of parcel). All individuals encountered were in an advanced state of senescence, which reduced the number of diagnostic characters available to use for identification. The project site is within the known range of hispid bird's-beak, and there is documented occurrence of this species within 2 miles. The vegetation within the project site has been extensively disturbed, but the presence of saltgrass and other halophytic species (e.g. alkali mallow) indicate that the site is somewhat saline and could therefore provide suitable habitat for hispid bird's-beak" (Sunwalker Energy Livermore Community Solar Farm Congdon's Tarplant Survey, LSA, October 25, 2017). Similiarly, the Congdon's Tarplant Survey reports that "one small area on the eastern side of the site where yellow star thistle had not invaded supported a small patch of white hayfield tarplant (Hemizonia congesta subsp. luzulifolia)."	Mitigation Measure BIO-1.3 is revised in order to ensure that surveys for the special-status species and locally rare species are adequately surveyed for the appropriate time periods.

Comment	Comment	Response
	The location of currently known native and rare plant diversity is not considered in the analysis of alternatives. Furthermore, information that would describe minor site topographic, hydrologic, or soil variations of the east side of the property has not been provided to justify a claim that the characteristics of the proposed Project alternative and the smaller Reduced Size Alternative are indistinguishable.	
ORG4-14	Thank you for the opportunity to comment on the Livermore Community Solar Farm Draft Environmental Impact Report. We look forward to the resolution of these comments in the Final EIR.	The comment serves as a conclusion to the comment letter. The comment does not address the adequacy of the Draft EIR.
ORG5	**Friends of Livermore**	
ORG5-1	Thank you for the opportunity to submit comments on the Livermore Community Solar Facility Draft Environmental Impact Report (DEIR).	The comment serves as an introduction to the comment letter. The comment does not address the adequacy of the Draft EIR.
ORG5-2	The DEIR does not adequately address the cumulative effects,of solar operations in North Livermore. Before any facilities are approved, a study should evaluate the environmental impact of solar panels on the agriculture lands in all of North Livermore.	The DEIR's analysis of the cumulative impacts of the Livermore Community Solar project and the Aramis project also under review found no impact.
ORG5-3	Land is being converted from its present designation as Large Parcel Agriculture with cattle grazing to solar power plants. The California Department of Conservation recognizes that the Williamson Act would no longer apply to these lands as agriculture if they have solar panels.	The subject parcel would remain under the Large Parcel Agriculture land use designation. Solar electric power generation is a compatible use under the Williamson Act Uniform Rules, and the use of the property for grazing would continue with the operation of the solar electric power generation facility.
ORG5-4	North Livermore Avenue is designated by the County as a Scenic Rural-Recreational Route. These panels and the 15-foot berms and plantings will obstruct many views of Mount Diab lo, Collier Canyon ridges and the southern Livermore hills. This facility may be the first of many proposed facilities that will completely change the scenic character of North Livermore.	Please see response ORG1-9 above.
ORG5-5	The special biological diversity of the area must be considered also. California Red-legged Frog and the California Tiger Salamander are in the area and must be protected during construction and operation. Again, this project must not be considered by itself but how it fits into the area as a whole.	Biological diversity is not, in itself, a CEQA issue for which a significance threshold has been established. A site may have great biological diversity composed of all common species. Another site may have few species but most being rare or of limited distribution. The DEIR does analyze the potential impacts of the project on CTS and CRLF which are known to live in the vicinity of the project site. The project site however, does not support key habitat elements such as breeding ponds or creeks that can provide breeding and development habitat, corridors for movement in the wet season and hydration habitat in the dry season. Such features would make the site more valuable to CTS and CRLF, rather than mainly providing

Comment	Comment	Response
		grassland to move through between sites with better quality habitat.
ORG5-6	The Final EIR should consider the cumulative effects of these concerns for the total area in more detail.	The comment does not provide information on where the cumulative analyses are inadequate. No additional response is required.
C. Public Comments		
PUB1	**Lona Lee McCallister**	
PUB1-01	(1)I want more information about the recycled water being used from the hydrant located at Ames Street and Martingale Lane in the City of Livermore. I want information as to whether this water will have an impact on the groundwater basin in the area.	The water from this hydrant is not recycled.
PUB1-02	(2)The recycled water will be delivered 80 times a year and the delivery will be by 10,000 gallon water trucks. This continuous delivery of water will have an impact on the surrounding residential homes that will have to put up with the constant noise and traffic situation of the water trucks 2 times per week.	The comment does not address the adequacy of the Draft EIR. Information regarding noise and transportation impacts and mitigation measures is provided in Chapters 4.10, Noise and 4.13, Transportation and Traffic. The water from the hydrant is not recycled.
PUB1-03	(3)The project will receive as much water as 1 acre of land or 326,000 gallons and they will receive 800,000 gallons every year (67,000 gallons per month).All of this water will be for the project and I want to know the impact of irrigating the proposed landscape with the continuous application of the recycled water and how it will impact the groundwater basin.	The comment does not address the adequacy of the Draft EIR. Information regarding irrigation, water, and groundwater impacts and mitigation measures is provided in Chapter 4.8, Hydrology and Water Quality.
PUB1-04	(4)I want to know the impacts of the cadmium and lead in the panels upon the environment in the surrounding area.	The panels are sealed modules. No water would enter the modules, so there is minimal risk of contamination from the components inside the modules.
PUB1-05	(5)The proposed project states that there will be continuous agricultural uses such as sheep or cattle grazing in the area. I want to know, how can the project support the existence of cattle grazing in the project that will have immense conditions of solar panels?	Please see response ORG2-02 above.
PUB1-06	(6)The Urban Growth Boundary has policies that define uses that are limited infrastructure but the project, in my opinion, is not defined as limited infrastructure. The placement of thousands of solar panels on the project area and its impact upon surrounding areas is not limited infrastructure.	The comment states an opinion. The comment does not address the adequacy of the Draft EIR.
PUB1-07	(7)I want to know the impacts of the 20,250 gallon Raintanks will have on my property since one tank will be located adjacent to my property line.	There are no off-site impacts associated with installation of the rain tanks.
PUB1-08	(8)I want to know the impacts of the construction of this project will have on my property since we will have to endure both Phase 1 and Phase 2 continuously since our property is right in the middle of the area where Phase 1 ends and then Phase 2 begins. We will have to endure the impacts of the construction of the project through the whole process in comparison with other residents who will only be impacted by one Phase.	Construction period impacts for both phases of the project are addressed in each environmental topic section in Chapter 4 of the Draft EIR.

Comment	Comment	Response
PUB1-09	(9)The issue of the aesthetics of the project is that it is not compatible with the existing character of the surrounding land. The proposed berms are not compatible as well as the plan to put in a lot of vegetation, as well as the solar panels. The existing character of the land is grazing and open space, not complex shrubbery. This takes away the existing character of the area. It also interferes with the open space views that are characteristic of the North Livermore area.	The comment states an opinion. The comment does not address the adequacy of the Draft EIR. Please see response ORG1-9 above for a discussion of impacts on open space views.
PUB2	**Merlin and Linda Newton**	
PUB2-01	First, the DEIR failed to addres my concerns regarding the already "Compromised May School Groundwater Basin" in which the Solar Project will be built over. The May School Groundwater Basin had been designated by Alameda County and Zone 7 as “Area of Special Concern" due to high nitrate concentration, which is one purpose for the development of the Onsite Water System Ordinance and Regulations (OWTS) by Alameda County. Coincidentally, as I was preparing to write this letter in response to the (Full) DEIR, I was unable to find the AlamedaCounty website (https://www.acgov.org/aceh/landuse/areas_of_concern.htm) I had previously referenced in my letter dated January28, 2019 regarding the initial EIR which I noted the May School Groundwater as an area of concern. I conducted a search of Alameda County’s current website and I was unable to find any reference to the May School Groundwater Basin as an area of concern, although Zone 7 still lists the May School Groundwater as an area of special concern. I don’t understand why the May School Groundwater no longer appears on Alameda County’s website since the status of the concern for the May School Groundwater has not changed.	As described in Section 3.3.5 of Chapter 3, Project Description of the Draft EIR, the proposed project will not use the existing groundwater supply, including wells for construction or operation of the proposed project, and the only water stored in the proposed retention basin would be stormwater (page 3-19). The comment on the classification of groundwater resources on May School Road does not address the adequacy of the EIR, and no further response is required.
PUB2-02	The planned solar project will cover approximately 58.9 acres of land with solar panels which is equivalent to 44 football fields. The material used to build to solar project will consist of, but not limited to, large amounts of concrete materials, metal materials, electrical materials, and a variety of other materials which are used in the construction of the solar panels themselves such as aluminum, glass, silver, and other more dangerous materials such as lead, chromium and cadmium. There is nothing that separates the largescale above ground solar project from contaminating the groundwater basin used by the nearby residents other than the dirt itself.	Please see response PUB1-04 above.
PUB2-03	It makes no sense Alameda County and Zone7 Water would allow for such a large scale operation to move forward on an already designated and compromised water basin, however slight, the contaminants might be after mitigation. The Less Than Significant standard is not good enough when it comes to groundwater which is consumed by residents, their children, grand-children, animals, and other purposes such as vegetable gardens etc. It’s akin to setting aside the Clean Water Program to accommodate Green Solar Energy. This is not acceptable or environmentally prudent.	The comment states an opinion. The comment does not address the adequacy of the Draft EIR.
PUB2-04	The solar project goes against both the state and county’s Clean Water Program. For example, Alameda County’s Clean Water Program identifies stormwater washing off roofs, carries dirt and pollutants into the storm drains and into creeks, wetlands and eventually, the Bay. So I don’tunderstand why the County is willing to allow water to runoff the 44 football fields of solar panels and commercial electrical components which will drain directly into our already compromised May School Groundwater Basin when the County wouldn’t want this water running into the Bay. Alameda County promotes the Clean Water Program to protect our water ways and	Please see response PUB2-01 above.

COMMENTS AND RESPONSES

Comment	Comment	Response
	help plants, birds, fish and insects, but when it comes to the May School Groundwater Basin, the protection for our water is being ignored.	
PUB2-05	The groundwater is of great concern to me, my wife and others neighbors since the groundwater we rely on rests unprotected below the largescale 44 football field size solar project. We do not have city water and rely on the undergroundwater basin to be safe and free from any(zero)contaminates however slight they maybe. Yet not a single test or sample has been obtained to determine a baseline for any contaminants or program to monitor the water in the short-term,mid-termor long-term.	Please see response PUB2-01 above.
PUB2-06	Water is earth's most precious commodity! However, the effects of the solar facility and its impact on our drinking water has not been thoroughly addressed. A large scale operation of this nature should never be allowed to compromise the groundwater, however slight, without the means to protect the drinking water of nearby residents,when other land within the county is available and without conflict.The only safe method of mitigation would be to plumb water to each of the residents affected, as within the case of many"cities", which allows the water to be monitored for contaminants and/or regulated for its safe consumption.	The comment expresses an opinion. The comment does not address the adequacy of the Draft EIR.
PUB2-07	The DEIR is supposed to be the most comprehensive environmental documentation for thelead agency (Alameda County) to determine if the DEIR was properly prepared. It is clear the DEIR does not address the impacts on groundwater under the large scale solar facility and its impact on the water used by homeowners for a variety of purposes including drinking. I do not want my family, children, grandchildren or community to be used as Guinea Pigs.	The comment expresses an opinion. The comment does not address the adequacy of the Draft EIR.
PUB2-08	The proposed solar project located at 4871 North Livermore Ave. is located on a section of North Livermore Ave. which is designated as a Scenic Rural Route.	The comment does not address the adequacy of the Draft EIR.
PUB2-09	One of the considerations for the county when a solar project is proposed is its location. For example, solar structures may not be located on ridgelines or hilltops where they are visible from public view points.	The comment does not address the adequacy of the Draft EIR.
PUB2-10	In 1966 Alameda County adopted the Alameda County General Plan Scenic Route Element which serves as a guide for the Protection and Enhancement of SCENIC VALUES “along” designated routes and in other county areas visible from scenic routes.	The comment does not address the adequacy of the Draft EIR.
PUB2-11	With that being said, when it comes to the solar project, the ridgelines and hilltops are protected as described by the County Planning Department. However, when it comes to the North Livermore Avenue’s Scenic Rural Route, the DEIR appears to tailor its focus away from the importance of the scenic values “along” North Livermore Ave. or valley floor as established in the 1966 General Plan Scenic Route Element for the protection and enhancement of Scenic Values.	The comment expresses an opinion. The comment does not address the adequacy of the Draft EIR.
PUB2-12	Despite the solar projects mitigation efforts, it does nothing to protect or enhance the scenic values of the North Livermore Scenic Rural Route and in fact significantly reduces the scenic values alongside the designated route.	The comment expresses an opinion. The comment does not address the adequacy of the Draft EIR.

Comment	Comment	Response
PUB2-13	Additionally, County Supervisor Scott Haggerty was mentioned in an East Bay Times Article, dated September 14, 2012, where he and Supervisor Nate Miley both said the priority should be to save prime farmland and put such solar facilities on land that won't affect agriculture. Supervisor Haggerty also suggested looking North of Livermore and east of Vasco Road where there is little prime agriculture land, but where are no transmission lines.	The comment does not address the adequacy of the Draft EIR.
PUB2-14	County Supervisor Haggerty was also quoted stating the following, "We are trying to avoid 2,500 acres being covered up," at which he and Miley agreed more work must still be done before any amendment to the general plan begins. He said the county needs to explore ways to put more solar farms in urban areas, for instance, on rooftops.	The comment does not address the adequacy of the Draft EIR.
PUB2-15	Article attached titles "Alameda County is a hot commodity in the solar industry" publiched by the Bay Area News Group on September 14, 2012.	The comment does not address the adequacy of the Draft EIR.
PUB3	**Andrew Barker**	
PUB3-01	The draft environmental impact report for the Livermore Community Solar Farm (State Clearing House number 201809201) commits a serious error in its assessment of the energy impacts of the No Project Alternative, and as a result does not sufficiently record the environmental advantages of the proposed project in combatting climate change and contributing to California's greenhouse gas reduction goals. In particular, Section 5.5.1.6 of the draft EIR incorrectly states: The No Project Alternative would have similar energy impacts compared to the proposed Project. The energy impacts of the No Project Alternative are not similar to the project, but are in fact markedly worse, since without the project California's electricity mix would be more carbon-intensive. The No Project Alternative therefore has a significant impact as measured by the standards of significance outlined in Section 4.6.2 of the draft EIR: The proposed Project would result in significant energy impacts if it would [...] conflict with or obstruct a State or local plan for renewable energy or energy efficiency. The EIR should be corrected in Section 5.5.1.6 and in Table 5-1 to reflect a significant energy impact of the No Project Alternative.	The CEQA evaluation of energy focuses on whether or not a project would require significant amounts of energy for operation, and given that the energy used to operate the project would be generated on-site, no additional energy source would be required, which is similar to the small amounts of energy to operate the residence on site.
PUB4	**Maria De Luz**	
PUB4-01	We appreciate the opportunity to comment on the proposed Livermore Community Solar Farm facility in the northeast area of Alameda County, in the vacinity of our property and home. Our main concerns with the project are:	The comment serves as introduction to the letter. No additional response required.
PUB4-02	How will the grading and site preparation to convert the property from grazing and related agricultureuses to an industrial type facility to produce electrical power be achieved without negative consequences to neighboring properties.	The Draft EIR examined the potential for the proposed project to result in significant environmental impacts under a broad range of environmental topics, and identified potential impacts in the areas of, aesthetics, air quality, biological resources, and cultural resources,

Comment	Comment	Response
		and included mitigation measures intended to reduce these impacts to less than significant levels. All other environmental topics were found to result in no impacts, or less than significant impacts which do not require mitigation measures.
PUB4-03	The creation of this site that will involve the permanent installations of impermeable surface areas, i.e.all weather roads for vehicular and maintenance access, and solar panels that will speed storm water runoff, and the discharge of surface water off-site into the existing county system of culverts with impede driveway culverts for ingress and egress to all nearby properties in the vicinity of the project.	The amount of impervious surface resulting from the proposed project is 1,370 square feet, and all stormwater would be contained on site, and stored in the two underground rain tanks, or in the retention ponds, where it would percolate into the ground. (Draft EIR, page 3-19.)
PUB4-04	Accelerated runoff may affect ground water percolation and the recharging of area wells that residents rely on for domestic water and for irrigation.	Please see response PUB4-03.
PUB4-05	Accelerated runoff will also affect driveway access during heavy winter rains due to Alameda County road system maintenance crews inability to provide consistent culvert maintenance during the rainy season.	Please see response PUB4-03.
PUB4-06	The project will create a zone of light reflection during daylight hours that may be distracting to area residents of a county agriculturally zoned area.	Light and glare impacts are discussed in the Draft EIR, on page 4.1-23, which found that impacts would be less than significant, due to the design of the solar arrays with light absorbing materials.
PUB4-07	Solar "farms" on a large industrial scale do not reflect traditional agricultural activities as expressed inthe adoption of Alameda County Board of Supervisors Measure "D" (Urban Growth Boundary).	The East County Area Plan as amended by Measure D provides for utility corridors on lands within the LPA (Large Parcel Agriculture) Land Use Designation. Further, the Alameda County Planning Commission determined in 2008 that a solar electric power generation facility is consistent with the General Plan for lands in the LPA.
PUB4-08	Approval of the project may be precedent setting in that other large scale similar projects may beencouraged to "farm the sun" that are not consistent with existing agricultural uses in the North Livermore Valley, and not consistent with Measure D.	The comment expresses an opinion. The comment does not address the adequacy of the Draft EIR.

APPENDIX E:
COMMENT LETTERS RECEIVED ON THE DRAFT EIR

Damien Curry, Planner III
County of Alameda, Planning Department
224 W. Winton Avenue, Room 111
Hayward, CA 94544
damien.curry@acgov.org

To Whom It May Concern:

The draft environmental impact report for the Livermore Community Solar Farm (State Clearing House number 201809201) commits a serious error in its assessment of the energy impacts of the No Project Alternative, and as a result does not sufficiently record the environmental advantages of the proposed project in combatting climate change and contributing to California's greenhouse gas reduction goals.

In particular, Section 5.5.1.6 of the draft EIR incorrectly states:

> *The No Project Alternative would have similar energy impacts compared to the proposed Project.*

The energy impacts of the No Project Alternative are not similar to the project, but are in fact markedly worse, since without the project California's electricity mix would be more carbon-intensive. The No Project Alternative therefore has a significant impact as measured by the standards of significance outlined in Section 4.6.2 of the draft EIR:

> *The proposed Project would result in significant energy impacts if it would [...] conflict with or obstruct a State or local plan for renewable energy or energy efficiency.*

The EIR should be corrected in Section 5.5.1.6 and in Table 5-1 to reflect a significant energy impact of the No Project Alternative.

Sincerely,

Andrew Barker
979 S. Livermore Ave. Apt. 103
Livermore, CA 94550
abarker@gmail.com

CALIFORNIA
NATIVE PLANT SOCIETY
East Bay Chapter, www.ebcnps.org
PO Box 5597, Elmwood Station, Berkeley, CA 94705

April 21, 2020

Alameda County Planning Department
224 W. Winton Avenue, Room 111
Hayward, CA 94544
ATTN: Damien Curry, Planner III via email: damien.curry@acgov.org

RE: Livermore Community Solar Farm Draft Environmental Impact Report (DEIR)

Dear Mr. Curry:

The East Bay Chapter of the California Native Plant Society (CNPS) formally submits the following comments on the abovementioned project. This project has the potential to negatively impact special-status species plants because baseline surveys have not been completed. The DEIR does not contain adequate alternatives analysis, as it does not account for differences in project sizes.

The California Native Plant Society (CNPS) is a non-profit organization of nearly 10,000 laypersons and professional botanists organized into 34 chapters throughout California. Our local East Bay chapter (EBCNPS) covers Alameda and Contra Costa Counties, and represents about 1,000 members. The mission of CNPS is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

Below are our comments:

1. **Mitigation measure Bio 1.3, one of the major measures for mitigating impacts to special status plants is inadequate, as it does not contain special-status plant survey results, does not adequately describe how special-status plant species found on the subject property will be avoided or sustained, and does not contain adequate compensation for any impacts to these species.**

1a. Comprehensive, appropriately-times plant surveys need to be done now and adequate analysis and mitigation measures (as necessary) need to be described in the FEIR.

Mitigation measure Bio 1.3 states that "a qualified botanist shall conduct appropriately timed rare plant surveys during late April and early May to confirm the status of special-status plant species not detectable on the site during the October 2017 survey. The surveys shall focus on the special-status plant species for which suitable habitat occurs on the subject property. The surveys shall be completed, and a report of findings submitted to the County *before the onset of initial ground-disturbing activity or construction associated with Project implementation" (italics added)*.

Botanical field surveys provide information used to determine the potential environmental effects of proposed projects on special status plants and sensitive natural communities as required by law (e.g., CEQA, CESA, and federal Endangered Species Act (ESA)).
The CDFW definition of special status plants for botanical surveys includes "locally significant plants, that is, plants that are not rare from a statewide perspective but are rare or uncommon in a local context such as within a county or region (CEQA Guidelines, § 15125, subd. (c)), or as designated in local or regional plans, policies, or ordinances (CEQA Guidelines, Appendix G). Examples include plants that are at the outer limits of their known geographic range or plants occurring on an atypical soil type."

The DEIR considers Federal, State, and CNPS statewide special status plants, but does not survey, analyze, or provide mitigation for locally rare plants. The CNPS East Bay Chapter Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties database lists over 100 locally rare "A1" and "A2" plants for the Livermore Valley area. The inventory of plant impacts and mitigations should be augmented to include appropriately-timed surveys for locally rare plants.

Also, the DEIR's inadequate surveys for on-site special status plant forecloses the possibility of avoiding special status plants that may be on site.

<u>1b. Mitigation measure Bio 1.3 does not adequately describe how special-status plant species found on the subject property will be avoided or sustained long term.</u>

Mitigation measure Bio 1.3 states that "if special-status plant species are found on the subject property, the plant populations will be avoided by establishing a buffer around the plant populations that will be maintained throughout Project implementation."

This mitigation measure does not provide specific enough information to describe the buffer set-back distance or how the buffer area is protected, such as from heavy equipment traffic during construction. It is unclear what maintenance "throughout Project implementation" means, in terms of the time-frame and the type of monitoring and specific maintenance that will be provided. The measure also fails to include mitigation for locally rare plants that may be potentially on site.

Furthermore, DEIR page 4.2-5 states that "a commercial livestock operator has been identified who will continue the commercial grazing use of the subject property. According to the operator, the current capacity of the parcel would support 500 to 600 sheep grazing on the

property for up to 60 days per year, depending on the rainy season and vegetation growth. This future grazing use will provide the same or greater yield as the current agricultural productivity, where 15 to 30 cattle graze intermittently over 2 to 4 months per year." The grazing intensity, duration, and frequency as described here is likely effective to meet site vegetation control objectives. However, the DEIR does not adequately describe the development and implementation of a grazing management plan by a certified Range Manger to sustain on-site sensitive rare plant populations during construction and over the same long-term timeframe as described for off-site mitigation.

This management approach can problematic as sheep and cows have different types of jaws and thus graze differently. A simple google search (e.g., seehttps://forages.oregonstate.edu/nfgc/eo/onlineforagecurriculum/instructormaterials/availabletopics/grazing/livestock) on the effectiveness of sheep vs. cow grazing shows that sheep graze closer to the ground than cows, and there is a concern that this type of grazing may hinder the development of special status native forbs. Please provide an analysis in the FEIR that determines if sheep grazing will impact special status and rare plants on the project site, and provide effective mitigation measures as appropriate.

1c. Mitigation measure Bio 1.3 inadequately mitigates for impacts to special status plants

Mitigation measure Bio 1.3 states that "if special-status plants are found during the rare plant surveys and avoidance is not feasible, a qualified botanist/biologist will prepare a detailed rare plant mitigation and monitoring plan. The plan shall only be required if a listed species or those with a ranking of 1A, 1B, or 2 of the California Native Plant Society (CNPS) Inventory are found during rare plant surveys."

The measure fails to include mitigation for locally rare plants. Also, mitigation is proposed at the same size as the original population, or 1:1. The mitigation ratio by area, or by number of special status, plants should be at 2:1.

2. The DEIR comparison of the proposed Project and Reduced Size Alternative is inadequate because it does not account for differences based on project sizes.

The DEIR's discussion of alternatives states that, "as discussed in Chapter 4.4, Biological Resources, of this Draft EIR, the proposed (project) could result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS." The DEIR also states that "The Reduced Size Alternative would involve the same construction activity, with the same potential for significant biological resource impacts."

This comparison of the proposed project and the reduced project is inadequate because it does not account nor discuss the following differences.

a. The Reduced Size Alternative is smaller than the proposed project, and therefore could result in reduced impacts.

The Reduced Size Alternative would have a 375-foot setback along the easternproperty line, and includes a 25-foot setback of the perimeter swale to avoid impacts to the 414 square foot wetland near the rural residential dwelling on the parcel. As such, it would reduce the area that would be impacted by development activity. This point needs to be thoroughly discussed in the FEIR.

b. The DEIR notes the presence of native plants and potential presence of rare plants on the east side of the parcel, but does not adequately account for the differing impacts between the Proposed Project and the Reduced Size Project**.** The FEIR needs to include this analysis.

A botanical survey reports that "one plant species was observed that may be hispid bird's-beak (*Chloropyron molle* subsp. *hispidum*), a CNPS 1B.1 species." The location of the observation is shown in Figure 3 of Appendix D (note: *located at east side of parcel*). All individuals encountered were in an advanced state of senescence, which reduced the number of diagnostic characters available to use for identification. The project site is within the known range of hispid bird's-beak, and there is documented occurrence of this species within 2 miles. The vegetation within the project site has been extensively disturbed, but the presence of saltgrass and other halophytic species (e.g. alkali mallow) indicate that the site is somewhat saline and could therefore provide suitable habitat for hispid bird's-beak" (Sunwalker Energy Livermore Community Solar Farm Congdon's Tarplant Survey, LSA, October 25, 2017).

Similiarly, the Congdon's Tarplant Survey reports that "one small area on the eastern side of the site where yellow star thistle had not invaded supported a small patch of white hayfield tarplant (*Hemizonia congesta* subsp. *luzulifolia*)."

The location of currently known native and rare plant diversity is not considered in the analysis of alternatives. Furthermore, information that would describe minor site topographic, hydrologic, or soil variations of the east side of the property has not been provided to justify a claim that the characteristics of the proposed Project alternative and the smaller Reduced Size Alternative are indistinguishable.

Thank you for the opportunity to comment on the Livermore Community Solar Farm Draft Environmental Impact Report. We look forward to the resolution of these comments in the Final EIR.

Sincerely,

Jim Hanson

Jim Hanson
Conservation Chair

Reply Delete Junk Block ···

Concerns about Livermore Community Solar Farm Project

ML

Maria De Luz <mdeluz14@yahoo.com>
Tue 4/21/2020 3:43 PM
Curry, Damien, CDA; ffigg@yahoo.com

We appreciate the opportunity to comment on the proposed Livermore Community Solar Farm facility in the northeast area of Alameda County, in the vacinity of our property and home. Our main concerns with the project are:

-How will the grading and site preparation to convert the property from grazing and related agriculture uses to an industrial type facility to produce electrical power be achieved without negative consequences to neighboring properties.

-The creation of this site that will involve the permanent installations of impermeable surface areas, i.e. all weather roads for vehicular and maintenance access, and solar panels that will speed storm water run-off, and the discharge of surface water off-site into the existing county system of culverts with impede driveway culverts for ingress and egress to all nearby properties in the vicinity of the project.

-Accelerated runoff may affect ground water percolation and the recharging of area wells that residents rely on for domestic water and for irrigation.

-Accelerated runoff will also affect driveway access during heavy winter rains due to Alameda County road system maintenance crews inability to provide consistent culvert maintenance during the rainy season.

-The project will create a zone of light reflection during daylight hours that may be distracting to area residents of a county agriculturally zoned area.

-Solar "farms" on a large industrial scale do not reflect traditional agricultural activities as expressed in the adoption of Alameda County Board of Supervisors Measure "D" (Urban Growth Boundary).

-Approval of the project may be precedent setting in that other large scale similar projects may be encouraged to "farm the sun" that are not consistent with existing agricultural uses in the North Livermore Valley, and not consistent with Measure D.

Respectfully yours,

James & Maria De Luz
4270 N. Livermore Ave.
Livermore, CA 94551

April 21, 2020

Alameda County Planning Department
Room 111
224 W. Winton Ave
Hayward CA 94544
Attn: Damien Curry
Email: damien.curry@acgov.org

Re: Draft Environmental Impact Report
Livermore Community Solar energy Facility
CUP 2016-00049

Mr. Curry,

Thank you for the opportunity to submit comments on the Livermore Community Solar Facility Draft Environmental Impact Report (DEIR).

The DEIR does not adequately address the cumulative effects of solar operations in North Livermore. Before any facilities are approved, a study should evaluate the environmental impact of solar panels on the agriculture lands in all of North Livermore.

Land is being converted from its present designation as Large Parcel Agriculture with cattle grazing to solar power plants. The California Department of Conservation recognizes that the Williamson Act would no longer apply to these lands as agriculture if they have solar panels.

North Livermore Avenue is designated by the County as a Scenic Rural-Recreational Route. These panels and the 15-foot berms and plantings will obstruct many views of Mount Diablo, Collier Canyon ridges and the southern Livermore hills. This facility may be the first of many proposed facilities that will completely change the scenic character of North Livermore.

The special biological diversity of the area must be considered also. California Red-legged Frog and the California Tiger Salamander are in the area and must be protected during construction and operation. Again, this project must not be considered by itself but how it fits into the area as a whole.

The Final EIR should consider the cumulative effects of these concerns for the total area in more detail.

Thank you.

Lee Younker, Chair

LIVERMORE
CALIFORNIA

April 22, 2020

Damien Curry, Planner III
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

Dear Mr. Curry:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the proposed Livermore Community Solar Farm project. The project would develop a 6-megawatt (MW) solar photovoltaic (PV) facility on a 58.7-acre portion of a 71.64-acre parcel located at the northeast corner of North Livermore Avenue and May School Road. Construction would occur in two phases over a one-year period. The property owner would continue to lease the property to allow livestock grazing underneath and around the solar panels.

The city's response to the Notice of Preparation dated February 11, 2019 expressed concerns relating to visual impacts, agriculture and Williamson Act, and biological impacts (see attached letter). The project description indicates that water for project operation and irrigation would be obtained from a fire hydrant located at the corner of Ames Street and Martingale Lane in the city of Livermore. The City of Livermore recommends the project proponents secure a reliable water source independent of City of Livermore sources. Access to water from the hydrant will require approval by city of Livermore through an agreement that will address timing, amounts and costs.

The city continues to support the development of clean energy sources as well as agriculture and biological resources protection. The city looks forward to continued collaboration with the county on these important issues.

If you have any questions, please call me or Susan Frost, Special Projects Coordinator, at (925) 960-4434 or by e-mail at smfrost@cityoflivermore.net .

Sincerely,

Susan Frost for

Stephen Riley,
Principal Planner
Community Development Department
(925) 960-4461

cc: Paul Spence, Community Development Director
Steve Stewart, Planning Manager

Attachment: City NOP Response Letter dated February 11, 2019

April 3, 2020

Alameda County Planning Department
224 W. Winton Avenue, Room 111
Hayward, CA 94544

Attention: Damien Curry

Dear Sir:

Subject: DEIR-Solar Electric Power Generating Facility-4871 N. Livermore Avenue, Livermore, California

The following are my comments regarding the subject project:

(1) I want more information about the recycled water being used from the hydrant located at Ames Street and Martingale Lane in the City of Livermore. I want information as to whether this water will have an impact on the groundwater basin in the area.

(2) The recycled water will be delivered 80 times a year and the delivery will be by 10,000 gallon water trucks. This continuous delivery of water will have an impact on the surrounding residential homes that will have to put up with the constant noise and traffic situation of the water trucks 2 times per week.

(3) The project will receive as much water as 1 acre of land or 326,000 gallons and they will receive 800,000 gallons every year (67,000 gallons per month). All of this water will be for the project and I want to know the impact of irrigating the proposed landscape with the continuous application of the recycled water and how it will impact the groundwater basin.

(4) I want to know the impacts of the cadmium and lead in the panels upon the environment in the surrounding area.

(5) The proposed project states that there will be continuous agricultural uses such as sheep or cattle grazing in the area. I want to know, how can the

project support the existence of cattle grazing in the project that will have immense conditions of solar panels?

(6) The Urban Growth Boundary has policies that define uses that are limited infrastructure but the project, in my opinion, is not defined as limited infrastructure. The placement of thousands of solar panels on the project area and its impact upon surrounding areas is not limited infrastructure.

(7) I want to know the impacts of the 20,250 gallon Raintanks will have on my property since one tank will be located adjacent to my property line.

(8) I want to know the impacts of the construction of this project will have on my property since we will have to endure both Phase 1 and Phase 2 continuously since our property is right in the middle of the area where Phase 1 ends and then Phase 2 begins. We will have to endure the impacts of the construction of the project through the whole process in comparison with other residents who will only be impacted by one Phase.

(9) The issue of the aesthetics of the project is that it is not compatible with the existing character of the surrounding land. The proposed berms are not compatible as well as the plan to put in a lot of vegetation, as well as the solar panels. The existing character of the land is grazing and open space, not complex shrubbery. This takes away the existing character of the area. It also interferes with the open space views that are characteristic of the North Livermore area.

Please consider the above comments.

Yours truly,

Lona Lee McCallister

Lona Lee McCallister
4700 Bel Roma Road
Livermore, CA 94551-9196

To:
Damien Curry
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

From:
Merlin Newton Sr.
Linda Newton
4742 Bel Roma Road
Livermore, CA 94551

DATE: April 20, 2020

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for the LIVERMORE COMMUNITY SOLAR PROJECT

My wife and I live directly behind the proposed Solar project at 4871 North Livermore Ave. I have several areas of concern with the Draft Environmental Impact Report (DEIR) and will be addressing some of those concerns below.

Water/Hydrology

First, the DEIR failed to address my concerns regarding the already "Compromised May School Groundwater Basin" in which the Solar Project will be built over. The May School Groundwater Basin had been designated by Alameda County and Zone 7 as "Area of Special Concern" due to high nitrate concentration, which is one purpose for the development of the Onsite Water System Ordinance and Regulations (OWTS) by Alameda County. Coincidentally, as I was preparing to write this letter in response to the (Full) DEIR, I was unable to find the Alameda County website (https://www.acgov.org/aceh/landuse/areas_of_concern.htm) I had previously referenced in my letter dated January 28, 2019 regarding the initial EIR which I noted the May School Groundwater as an area of concern. I conducted a search of Alameda County's current website and I was unable to find any reference to the May School Groundwater Basin as an area of concern, although Zone 7 still lists the May School Groundwater as an area of special concern. I don't understand why the May School Groundwater no longer appears on Alameda County's website since the status of the concern for the May School Groundwater has not changed.

The planned solar project will cover approximately 58.9 acres of land with solar panels which is equivalent to 44 football fields. The material used to build to solar project will consist of, but not limited to, large amounts of concrete materials, metal materials, electrical materials, and a variety of other materials which are used in the construction of the solar panels themselves such as aluminum, glass, silver, and other more dangerous materials such as lead, chromium and cadmium. There is nothing that separates the large scale above ground solar project from contaminating the groundwater basin used by the nearby residents other than the dirt itself.

It makes no sense Alameda County and Zone 7 Water would allow for such a large scale operation to move forward on an already designated and compromised water basin, however slight, the contaminants might be after mitigation. The *Less Than Significant* standard is not good enough when it comes to groundwater which is consumed by residents, their children, grand-children, animals, and other purposes such as vegetable gardens etc. It's akin to setting aside the Clean Water Program to accommodate Green Solar Energy. This is not acceptable or environmentally prudent.

The solar project goes against both the state and county's Clean Water Program. For example, Alameda County's Clean Water Program identifies stormwater washing off roofs, carries dirt and pollutants into the storm drains and into creeks, wetlands and eventually, the Bay. So I don't understand why the County is willing to allow water to runoff the 44 football fields of solar panels and commercial electrical components which will drain directly into our already compromised May School Groundwater Basin when the County wouldn't want this water running into the Bay. Alameda County promotes the Clean Water Program to protect our water ways and help plants, birds, fish and insects, but when it comes to the May School Groundwater Basin, the protection for our water is being ignored.

The groundwater is of great concern to me, my wife and others neighbors since the groundwater we rely on rests unprotected below the large scale 44 football field size solar project. We do not have city water and rely on the underground water basin to be safe and free from any (zero) contaminates however slight they may be. Yet not a single test or sample has been obtained to determine a baseline for any contaminants or program to monitor the water in the short-term, mid-term or long-term.

Water is earth's most precious commodity! However, the effects of the solar facility and its impact on our drinking water has not been thoroughly addressed. A large scale operation of this nature should never be allowed to compromise the groundwater, however slight, without the means to protect the drinking water of nearby residents, when other land within the county is available and without conflict. The only safe method of mitigation would be to plumb water to each of the residents affected, as within the case of many "cities", which allows the water to be monitored for contaminants and/or regulated for its safe consumption.

The DEIR is supposed to be the most comprehensive environmental documentation for the lead agency (Alameda County) to determine if the DEIR was properly prepared. It is clear the DEIR does not address the impacts on groundwater under the large scale solar facility and its impact on the water used by homeowners for a variety of purposes including drinking. I do not want my family, children, grandchildren or community to be used as Guinea Pigs.

<u>Aesthetics</u>

The proposed solar project located at 4871 North Livermore Ave. is located on a section of North Livermore Ave. which is designated as a Scenic Rural Route.

One of the considerations for the county when a solar project is proposed is its location. For example, solar structures may not be located on ridgelines or hilltops where they are visible from public view points.

In 1966 Alameda County adopted the Alameda County General Plan Scenic Route Element which serves as a guide for the Protection and Enhancement of SCENIC VALUES "along" designated routes and in other county areas visible from scenic routes.

With that being said, when it comes to the solar project, the ridgelines and hilltops are protected as described by the County Planning Department. However, when it comes to the North Livermore Avenue's Scenic Rural Route, the DEIR appears to tailor its focus away from the importance of the scenic values "along" North Livermore Ave. or valley floor as established in the 1966 General Plan Scenic Route Element for the protection and enhancement of Scenic Values.

Despite the solar projects mitigation efforts, it does nothing to protect or enhance the scenic values of the North Livermore Scenic Rural Route and in fact significantly reduces the scenic values alongside the designated route.

Additionally, County Supervisor Scott Haggerty was mentioned in an East Bay Times Article, dated September 14, 2012, where he and Supervisor Nate Miley both said the priority should be to save prime farmland and put such solar facilities on land that won't affect agriculture. Supervisor Haggerty also suggested looking North of Livermore and east of Vasco Road where there is little prime agriculture land, but where are no transmission lines.

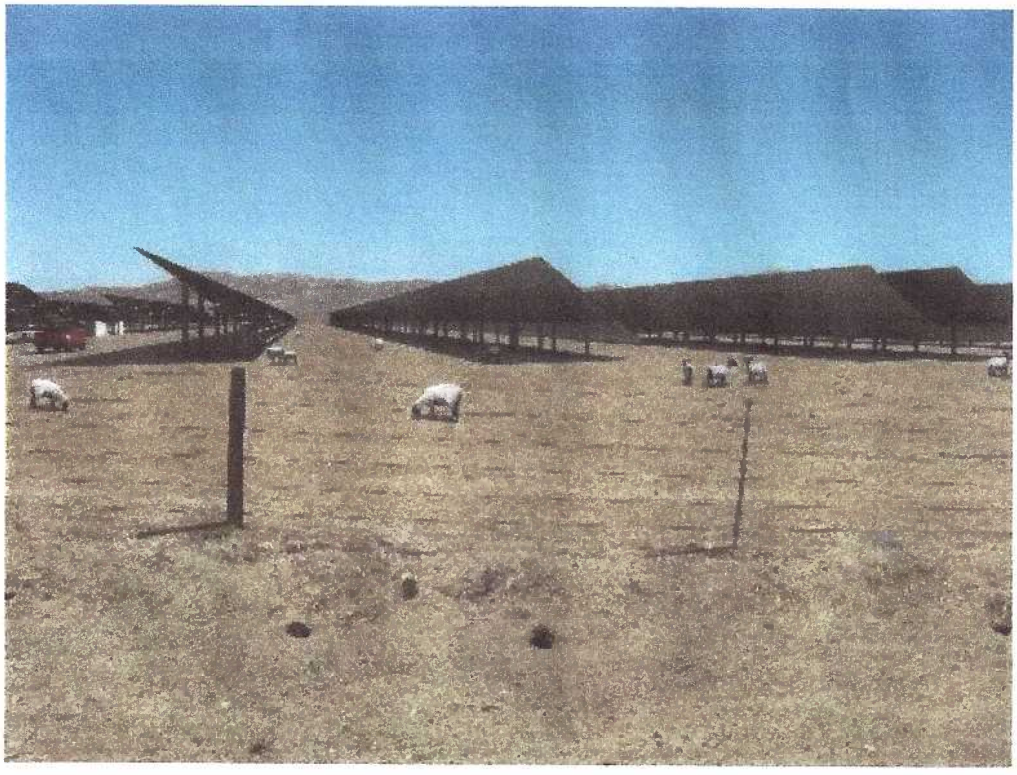
County Supervisor Haggerty was also quoted stating the following, "We are trying to avoid 2,500 acres being covered up," at which he and Miley agreed more work must still be done before any amendment to the general plan begins. He said the county needs to explore ways to put more solar farms in urban areas, for instance, on rooftops.

Merlin Newton Sr.

Attachment:
Article Dated September 14, 2012 (3 pages)

News

Alameda County is a hot commodity in the solar industry



Alameda County is a hot commodity in the solar industry

By **BAY AREA NEWS GROUP** |
PUBLISHED: September 14, 2012 at 6:48 p.m. | UPDATED: August 15, 2016 at 12:35 p.m.

ALAMEDA COUNTY — Even at the eastern edge of the Bay Area, where power lines crisscross a sprawl of nearby waterways and browning rural land, location is a hot commodity.

Spurred by California's mandate that all utilities produce 33 percent of electricity from renewable sources by 2020, solar companies hoping to harness the sun's energy have eyes on flat land just west of Mountain House near the San Joaquin County line. It is a prime location next to transmission lines and substations.

At least four applicants showed interest in that area of Alameda County last year. They proposed building solar energy facilities — ranging from 14 to 2,000 acres — on prime farmland, prompting members of the Alameda County Board of Supervisors to ask their planners to begin work on a policy to guide development.

"It seems to be the place to be if you want to be in the solar market," said Albert Lopez, planning director for Alameda County. "It is that part of the county that is fairly sunny and hot a good chunk of the year. It is also pretty flat."

PG&E predicts that its solar production will balloon from 1 percent of its renewable sources in 2010 to 40 percent by 2020, PG&E spokeswoman Lynsey Paulo said.

County supervisors did approve two facilities in the area before the policy planning began. Together, the two projects took up about 154 acres in the area and were considered capable of producing 13 megawatts.

But it was a proposed 2,000-acre facility by Pegasus last year that stirred supervisors to action. Pegasus has since canceled the project, according to the county.

The area of focus for the new policy is south of Byron Highway near Kelso and Mountain House roads and takes in about 2,000 acres of prime farmland.

After more than a year of the county's staff working with landowners, ranchers, environmentalists and solar facility developers, the policy is at least another year away.

Thursday, at a county supervisors' Transportation/Planning Committee meeting, a very rough draft was presented to committee members and Supervisors Nate Miley and Scott Haggerty. Both said the priority should be to save prime farmland and put such solar facilities on land that won't affect agriculture.

"We are trying to avoid 2,500 acres being covered up," Haggerty said at the meeting, at which he and Miley agreed more work must still be done before any amendment to the general plan begins. He said the county needs to explore ways to put more solar farms in urban areas, for instance, on rooftops.

Ranchers, farmers and environmentalists echoed similar feelings during four community meetings held since January.

Environmentalists are concerned about the loss of open space and the effect the facilities could have on the bird population, already hurt by Altamont wind farms just west of the popular solar site.

With solar panels covering so much land, ranchers and farmers fear a loss of workable acreage on which to produce food or agricultural products.

"It is interesting that when we talk about things like where to locate these (solar) facilities, where food comes from never really seems to get addressed," said Darrel Sweet, a fifth generation rancher with about 1,000 acres near Livermore and chairman of the Alameda County Agricultural Advisory Committee.

Most of the 2,000 acres attracting the attention is protected through the Williamson Act, a state law enacted in 1965 that preserves prime agricultural land and open space by offering landowners property tax relief if they leave the land as is for a minimum of 10 years.

Cool Earth Solar, the most recent and largest solar project approved by the county in the area, chose a plot of land not governed by the Williamson Act and is the process of building a 140-acre facility in two phases that will eventually produce 10 megawatts, enough energy for 7,000 homes.

"The density of existing power lines and substations (in the area) is useful because we can put the renewable power onto the grid without creating new transmission corridors," Tony Chen, director of business development for Cool Earth Solar, wrote in an email to this newspaper when the project was approved in March.

The rough draft of Alameda County's solar facilities policy presented to the Transportation and Planning Committee put a limit of 1,000 acres on a proposed solar farm area, and says the Altamont wind farm area should be off limits to solar.

Supervisor Haggerty suggested looking at land north of Livermore and east of Vasco Road, where there's little prime agricultural land, but where there are no transmission lines.

LIVERMORE
CALIFORNIA

February 11, 2019

Damien Curry, Planner
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544

Subject: Livermore Community Solar Farm Notice of Preparation

Dear Mr. Curry:

Thank you for the opportunity to review the Notice of Preparation (NOP) for the project-level Environmental Impact Report (EIR) for the Livermore Community Solar Farm project. The project would develop a 6.0 megawatt (MW) solar photovoltaic (PV) facility on 57.8 acres of a 71.64-acre site located at the northeast corner of North Livermore Avenue and May School Road. The City does generally support the use of clean energy alternatives such as solar facilities.

The NOP identifies ten topic areas to be addressed in the EIR. The City agrees that the project's potential impacts in these topic areas warrant analysis and identification of mitigation measures. In addition, the City remains concerned about the issues identified in our October 10, 2018 letter on the IS/MND, namely agriculture/Williamson Act and biological impacts.

If you have any further questions, please contact me at (925) 960-4450, or Susan Frost, Special Projects Coordinator, at (925) 960-4434.

Sincerely,

Steve Stewart
Planning Manager

cc: Steve Riley, Principal Planner
Susan Frost, Special Projects Coordinator

Reply Delete Junk Block ···

Fw: SCH# 2018092012

Curry, Damien, CDA
Tue 4/21/2020 2:02 PM
snoack@placeworks.com; Sean Anayah <sanayah@placeworks.com>

I checked the link in this message and didn't find any comments.

Damien Curry
Alameda County Planning Department
510.670.6684

From: Justin Le <Justin.Le@OPR.CA.GOV>
Sent: Tuesday, April 21, 2020 1:57 PM
To: Curry, Damien, CDA <damien.curry@acgov.org>
Subject: SCH# 2018092012

The State Clearinghouse would like to inform you that our office will be transitioning from providing a hard copy of acknowledging the close of review period on your project to electronic mail system.

Please visit: https://ceqanet.opr.ca.gov/2018092012/4 for full details about your project and if any state agencies submitted comments by close of review period (note: any state agencies in **bold**, submitted comments and are available).

This email acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please email the State Clearinghouse at state.clearinghouse@opr.ca.gov for any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Justin Le | Student Assistant
Governor's Office of Planning and Research
State Clearinghouse Unit
1400 10th Street, Room 113
Sacramento, CA 95814
(916) 445-0613

Reply Delete Junk Block ···

Conditional Use Permit, 2016-0049- PG&E Comment on DEIR

LB

Liddell, Brandon <BxLg@pge.com>
Tue 4/21/2020 1:10 PM
Curry, Damien, CDA

Mr. Curry,

Thank you for the opportunity to comment on the DEIR for the Conditional Use Permit, 2016-00049. The project proponent should be aware of existing high voltage underground cables traversing along the north side of May School Road. The project proponent should coordinate with PG&E to ensure any access over the lines do not impact the integrity of our facilities.

Best Regards,

Brandon Liddell, Senior Land Planner
Environmental Management- Transmission
Pacific Gas and Electric Company
245 Market Street, San Francisco, CA 94105
Office: 415.973.4893 / Mobile: 415.990.6001

San Francisco Bay Chapter
Serving Alameda, Contra Costa, Marin and San Francisco counties
2530 San Pablo Avenue, Suite I
Berkeley, CA 94702

October 25, 2018

East County Board of Zoning Adjustments
City of Pleasanton Council Chambers
200 Old Bernal Avenue, Pleasanton

Re.: Dunn/Livermore Community Solar/Sunwalker/White,
Conditional Use Permit, PLN2016-00049

Dear Members of the East County Board of Zoning Adjustments:

Sierra Club appreciates the opportunity to provide comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Livermore Community Solar Energy Facility. Sierra Club strongly supports solar energy facilities in appropriate locations in Alameda County consistent with applicable law, ordinances, regulations and standards (LORS). In this comment letter, we wish to make two main points: (1) an Environmental Impact Report should be prepared to evaluate the potential cumulative and indirect impacts of this project in conjunction with other proposed and reasonably foreseeable similar projects in the immediate area; (2) several of the interpretations of applicable county policies and rules are questionable, if not doubtful. They should be reconsidered. While Sierra Club agrees with many of the comments made by other individuals and organizations, they will not be repeated here unless they support these two main points.

(1) An Environmental Impact Report should be prepared to evaluate potential indirect and cumulative impacts of the proposed facility.

The Livermore Community Solar Energy Facility is the first solar project to reach the CUP stage for the north Livermore area, but there are others that will follow. The Aramis project, a 100 MW solar energy facility covering 400 acres, has been proposed directly west of the Livermore Community Solar Facility across N. Livermore Avenue. The Aramis project is now undergoing environmental review. Other, as-yet-unnamed projects are likely to follow. On April 18, 2018, Planning Director Albert Lopez delivered a staff report to the Board of Supervisors Transportation and Planning Subcommittee about draft solar energy policies that were in preparation. The staff report noted that north Livermore has become the preferred location for siting such facilities in the county and that "Planning has 3-4 active applications." Proximity to the Cayetano substation appears to be an important factor in locating these facilities in north Livermore. Therefore a concentration of additional projects is reasonably foreseeable for the immediate vicinity.

The California Environmental Quality Act (CEQA) mandates "If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare an EIR." (14 CCR § 15064(a)(1), emphasis added.)

CEQA further states, "In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." (14 CCR § 15064(d), emphasis added.)

With respect to potential cumulative effects, CEQA states, "When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if a cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (14 CCR § 15064 (h)(1), emphasis added.)

Given the likelihood of at least several other projects in the immediate vicinity, Sierra Club believes significant indirect and cumulative effects may occur to biological resources, visual resources, and agricultural resources. The whole record should include the numerous comments made by many residents who live in the nearby area as well as by organizations and agencies that have submitted comments.

Biological Resources. The East Alameda County Conservation Strategy (EACCS) analyzed 19 focal species that are known or likely to occur in eastern Alameda County. Focal species are sensitive species that would be adversely affected or their habitats adversely affected by activities or projects in the area. Of the 19 focal species in the entire east Alameda County study area, nine focal species, nearly half of all focal species analyzed, occur or have the potential to occur in or around the Livermore Community Solar Energy Facility project site based on mapping in the EACCS. These nine focal species are the Callippe silverspot butterfly, California red-legged frog, California tiger salamander, Foothill yellow-legged frog, Golden eagle, Tricolored blackbird, Western burrowing owl, American badger, and San Joaquin kit fox. The IS/MND points out even more species of concern that may inhabit the area.

The IS/MND proposes mitigations primarily for California tiger salamander (CTS) and California red-legged frog (CRLF) mainly during the construction phase. Very little is said about potential impacts during facility operation. In particular, nothing is mentioned about the impact of a grazing regime that involves 500-600 sheep for 30 to 60 days on dispersing CTS or CRLF, especially compared to the current grazing regime of 15-30 head of slow-moving cattle for 2 to 4 months. Moreover, the cumulative impact that these two species and other potentially present focal species might suffer if many hundreds of acres of habitat in the area are converted to industrial use is not analyzed at all.

Scenic Resources. The Initial Study/Mitigated Negative Declaration accurately describes the scenic character of the area surrounding the proposed project: there are unobstructed, virtually 360º views of open range lands, extending to the beautiful hills and mountains framing the Livermore Valley. In our opinion, the IS/MND incorrectly concludes that with proposed mitigations (plantings at the perimeter of the project to conceal 23,316 iridescent blue solar modules), the impact on scenic views will be Less Than Significant. As other commentators have pointed out and with which we agree, the 5-year planting simulations, Figures 5-8 and 5-10, show a significant obstruction of and loss of views of the surrounding

viewshed. Figure 5-8, just from the particular angle shown, shows a significant obstruction of Mount Diablo and the Collier Canyon ridgeline. Indeed, in Figure 5-8, one imagines moving slightly west along May School Road, the trees planted at the perimeter of the project would almost entirely obscure Mount Diablo. Similarly, for the views south along North Livermore Ave. to the southern Livermore hills (Figure 5-10), those hills are almost entirely obscured from various positions along this designated Scenic Rural-Recreation Route. Residents of Bel Roma Road have noted that the plantings designed to shield the solar modules from their direction will significantly obstruct the views to the west from their properties. They should know.

Moreover, the cumulative impact of several additional solar projects in the area has not been considered at all. Presumably, if these projects are built, similar plantings will be made to shield the view of their solar modules. The Aramis project, for example, is located due west of the Livermore Community project on the west side of N. Livermore Avenue. If similar plantings are made to shield its solar modules, this portion of N. Livermore Avenue will become a very narrow view corridor with only glimpses of the surrounding countryside for motorists and for the numerous bicyclists who frequent this route because of its scenic vistas. This cumulative impact must be considered in an EIR.

Agricultural Resources. The IS/MND concludes that the impact on agriculture will be less than significant because sheep grazing will occur among the solar modules for a portion of the year. In truth, the land will be converted from open pasture for cattle grazing to a solar electric power plant. In combination with presumably similar changes in grazing regimes by nearby solar energy facilities, cattle grazing in this area will be substantially reduced. At some point, ranchers will determine that the north Livermore area is no longer hospitable to cattle ranching, and they may move their herds elsewhere. This would be a significant change in the agricultural character of the area and could lead to further conversion of true farms to primarily non-agricultural uses. A critical mass of agriculture may be necessary for agricultural uses to survive in north Livermore. This potential indirect and cumulative impact should be considered in an EIR; it very well may be "cumulatively considerable." This issue should be referred to the county Agricultural Advisory Committee for its input and advice on this subject. They are the county body with expertise in this issue. (Measure D, the Save Agriculture and Open Space Lands Initiative, created the Agricultural Advisory Committee precisely to prevent this type of loss.) We would also note that according to state Department of Conservation statistics, between 1984 and 2016, over 16,000 acres of grazing land in Alameda County was converted to non-agricultural uses. This is already an alarming trend that should not be exacerbated.

2) Consistency with Laws, Ordinances, Regulations and Standards.

East County Area Plan -- Various interpretations of terms in the East County Area Plan (ECAP) have been put forth to indicate that utility-scale solar energy facilities are consistent with the provisions of the general plan. Some of these interpretations are questionable. For example,

Utility Corridors – Page 4 of the staff report, under East County Area Plan, reads "For lands within the LPA [Large Parcel Agriculture land use designation], the ECAP permits '…utility corridors, and similar uses compatible with agriculture'." While this is a correct quotation, the term utility corridor is being misapplied in the current situation. The term utility corridors was used by the drafters of Measure D because its clear meaning was to allow the conveyance of utility services (water, electric power, natural gas, sewage sludge, telephone and cable television signals, etc.) from one point in the county to another. It was not meant to indicate a location where such services were produced. Indeed, dictionary definitions of the word corridor are consistent on this point. The Oxford English Dictionary defines corridor as "A

long passage in a building from which doors lead into rooms," and "A belt of land linking two other areas or following a road or river." Other dictionary definitions are similar. The IS/MND itself on P. 5-41 uses the term wildlife corridor: "A wildlife corridor is a link of wildlife habitat, generally native vegetation, which joins two or more larger areas of similar wildlife habitat." This is the sense in which the term utility corridor is used in Measure D, as a relatively narrow passageway to move utility services from one place to another.

By contrast, ECAP uses the term "area" to describe larger places where power is generated. The ECAP Open Space Diagram (Figure 4) shows the Wind Resource Area in the Altamont hills. This is the place where wind electric energy is generated in the county. It is clearly an expansive zone for the purpose of producing renewable electric power, which is then transmitted via power lines in utility corridors to areas where the electricity is utilized. The area around the Cayetano substation in north Livermore is not a utility corridor for the purpose of transmitting electricity; it is being proposed as a generating area of solar electric power. The county should not try to twist a clear meaning into something it is not.

Further, neither the IS/MND nor staff report take notice of the fact that Measure D deleted a previous category of uses from the Large Parcel Agriculture designation. Prior to Measure D, the LPA permitted "other industrial uses appropriate for remote areas and determined to be compatible with agriculture." But this category of "other industrial uses," which much more closely describes the siting of solar power plants in north Livermore, was struck out.

(In passing, we will also note that the staff report on page 4, under East County Area Plan, last line, inaccurately states, "the ECAP allows '…development and expansion of public facilities, <u>including those of utility scale</u>, in appropriate locations inside and outside the Urban Growth Boundary…'." (emphasis added). We are unaware of any provision of ECAP that uses the term "utility scale." Policy 218, which immediately follows the quotation above and from which the excerpt presumably came, does not contain the phrase "including those of utility scale.")

<u>Williamson Act Uniform Rules</u> – Because there is a Williamson Act contract on the parcel, an analysis has been made to show that the project is consistent with the county's Uniform Rules governing Williamson Act contracts. We believe the analysis is questionable in two ways: the percentage of land used for non-agricultural activities is improperly calculated, and a contract for sheep grazing establishes that viable agriculture will continue to be conducted on the parcel.

As to the calculation of the percentage of the parcel that will contain compatible non-agricultural structures, the county does not include the square footage of the 23,316 impervious solar panels that will cover the land. The calculation only counts the area of access roads, equipment pads, and water detention basins. Although the panels will swivel to follow the sun and there will be soil beneath them, at all points in time a very large number of impervious surfaces will hover above the soil. (The coverage of impervious panels will be slightly less than the area of the panels themselves because they are tipped up at an angle to better capture incident solar radiation.) At a minimum, a qualified hydrologist or other expert should evaluate whether this large area of impervious surface raised above the soil changes significantly the flow and absorption of runoff from the panels and whether there will be significant hydrologic impacts perhaps to the groundwater subbasin. If the area of solar panels must be taken into account because of significant impact to area hydrology, then clearly the coverage by non-agricultural structures will exceed the 10% of the parcel that is permissible.

As for a contract for sheep grazing to qualify as continued agricultural use of the property, we observe two things: (1) the applicant's representative notes that agricultural production must yield "some "gross annual revenue (quotation marks in original) and that "the revenue requirement is minimal" to qualify under the Williamson Act. These comments appear to be an admission that the grazing operation is merely a contrivance to meet a legal requirement and not that a bona fide agricultural operation will take place. Is this what the Williamson Act is really about? (2) Is there actual experience of sheep grazing with this type of solar electric facility (e.g., collectors that swivel on wheels)? Are the two uses actually compatible in this setting? What if experience shows after the power plant is built that such a grazing regime is incompatible with the solar equipment, or that the land does not provide enough forage after installation of solar modules for the grazing contractor to profitably use the site, or that the grazing operation causes harm to species protected under the Endangered Species Act and must cease? In short, is this truly a likely on-going agricultural use or a fiction to allow a project to pass through the approval process after which it would be too late to do anything? More information is needed to answer this question.

In closing, Sierra Club appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration and trusts that the County will take these comments into consideration as it moves forward in the application process.

Respectfully submitted,

Dick Schneider, Sierra Club Tri-Valley Group
Richs59354@aol.com
(510) 926-0010

Curry, Damien, CDA

From: Andy Sarkar <ASarkar@gpsllp.com>
Sent: Tuesday, April 21, 2020 9:15 AM
To: Curry, Damien, CDA
Subject: Livermore Community Solar Farm EIR

ASARKAR@GPSLLP.COM

April 21, 2020

Via E-mail Only

Damien Curry
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
E-mail: Damien.Curry@acgov.org

Re: Livermore Community Solar Farm

Mr. Curry:

This law firm represents Robert Howe and John Bowles, each owners of residences located on Bel Roma Road adjacent to the proposed Livermore Community Solar Farm project (the "***Project***"). Reference is made to the Alameda County Livermore Community Solar Farm DRAFT EIR dated March 2020 (the "***DRAFT EIR***" or "***Report***").

We note that the Draft EIR appears deficient in several aspects. We note the following:

1. **Williamson Act Analysis**

On page 4.2-4 of the Draft EIR, the Report concludes that "The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract." The applicable Williamson Act rule is set forth in the Alameda County Uniform Rules and Procedures (the "***Uniform Rules***")

The Uniform Rules specifically provide that commercial or private solar panels are deemed compatible with agricultural use, only if:

"a. They are installed on roofs of permitted structures, or, they are installed on the ground by means of removable mountings such that ***there is no permanent alteration to the ground***, e.g. by significant grading, paving, or removal of top soil.

b. If installed on the ground, the area covered by the solar panels is calculated as part of the cumulative total of acreage allowed for compatible non-agricultural uses (see Section I.B.3.c. of this Rule)."

(Emphasis added. Alameda County Uniform Rules and Procedures, Uniform Rule 2.II.E.3)

Section I.B.3.c of the Uniform Rules provides that:

"Compatible non-agricultural uses that do not qualify as buildings (for example, solar panels and uncovered horse training arenas) may be located outside the 2-acre building envelope but shall be ***cumulatively restricted to no more than 10% of contracted property, or 10 acres, whichever is less***."

(Emphasis added. Alameda County Uniform Rules and Procedures, Uniform Rule 2.I.B.3.c)

The Report provides an analysis on page 4.2.-5, Section AG-2, that because solar panels on the Project are mounted on tracker posts, and rotate throughout the day. The Report appears to then conclude that the posts themselves occupy a relatively small acreage. The Report then concludes that the area occupied by "impervious surfaces" would be 6.53 acres, which would fall under the 10% maximum require under Uniform Rule 2.I.B.3.c (the "***10% Rule***").

The Draft EIR should clarify how it has arrived at the 6.53 acre figure. It is unclear what the term "impervious surface" refers to in the context of this analysis. The Report should clarify whether it is only counting the area occupied for the posts of the solar panels with respect to its calculation of qualification for the 10% Rule.

The Draft EIR should be revised to provide statutory or precedential support for its theory that the 10% Rule calculation should only consider "impervious surfaces" These appears to conflict with the specific interpretations of solar panel coverage shown in the Uniform Rules. Uniform Rule Section II.E.3.b provides that "If installed on the ground, ***the area covered by the solar panels is calculated as part of the cumulative total of acreage*** allowed for compatible non-agricultural uses (see Section I.B.3.c. of this Rule). (emphasis added).

Accordingly, the DRAFT EIR should analyze the area covered by the Solar Panels, and not just the "impervious surface" which the Report currently uses. The Report should also specify that there does not appear to be an exception under the Uniform Rules for rotating Solar Panels where daytime rotation exempts a panel from being deemed as "covering" a specific area of the property.

Furthermore, the Report should specify whether the solar panels will rotate at nighttime – or whether they will cover the property. The Report should then analyze total solar panel coverage at day time and at nighttime, and provide authority for calculation of a solar panel coverage based analysis of the Project's qualification under the 10% Rule, and not use the "impervious surfaces" analysis unless the Report can provide support for such a standard.

Since the standard for calculation under the 10% Rule appears to be solar panel coverage, the Report should calculate the proposed Project's solar panel coverage to analyze whether or not the Project violates the 10% Rule.

2. Assumptions Regarding Water Delivery; Other Water Issues

Section 1.3 (Project Summary) and other portions of the Report refer to the use of 10,000 gallon water trucks to transport water to the Project 80 times per year. The Report should identify specific water transportation companies and service providers who own such vehicles. It is our understanding that most water transportation vehicles range from 500 to 5,000 gallons in capacity. The Report must analyze whether the assumptions of the 10,000 gallon water trucks is realistic and feasible. Estimates of only 80 trips should be revised to find that 160 trips or more may be necessary if 10,000 gallon water trucks are not readily available to water transportation companies likely to serve the Project's water needs. The revision of this estimate should be analyzed and updated in all other sections relying on the water transportation assumptions provided herein (eg. Noise, Traffic, Pollution, impact on roadways).

We would like the Report to provide details regarding the storage of Water on the Project. Specifically we would like the Report to address standing or still water moats, ponds, or other open storage of water which may invite mosquitos.

3. Aesthetics: Ridgeline View

As noted in page 4.1-2 of the Report, East County Area Plan (ECAP) Policy 105 lists the ridgelines above the vineyards south of Livermore as a major visually-sensitive ridgeline (the "***Ridgeline***"). As noted on page 4.1-4, North Livermore Avenue, designated as a Scenic Rural-Recreation Route, lies immediately adjacent to the property (the "***Scenic Route***"). Figure 4.1-6 shows 1 angle of the view of the Ridgeline form the Scenic Route. It should be noted that such view is presently available along numerous points along the Scenic Route where the Scenic Route lies adjacent to the Project property.

The Report concludes in Section AES-1 that the Project would not have a substantial adverse effect on a scenic vista, and in Section AES-2 that the Project would not substantially damage scenic resources. The Report's visual simulation of the Project (Figure 4.1-14) appears to show significant coverage of the Ridgeline view by the berm and vegetation to be installed on the Project after only 5 years. By comparison, approximately 50% of the Ridgeline shown in Figure 4.1-6 is visible on Figure 4.1-14. It appears that the Report only included 1 simulation from 1 angle along the entire Property line in its analysis of this issue.

Given that the view of the Ridgeline form the Scenic Route is already shown as substantially diminished in Figure 4.1-14, the Report should include a more thorough analysis of this issue. First, the Report should show simulations from multiple locations along the Scenic Route which lie adjacent to the Project, including locations on the east side of the Scenic Route and locations all along the Scenic Route as it lies adjacent to the Project. Furthermore, the Report should include an analysis of continued growth of vegetation beyond 5 years after planting. At a bare minimum, the Report should include simulations of the effects of the Ridgeline view from the Scenic Route, at multiple angles and locations along the Scenic Route, at 5, 8, 10, and 15 years from such plantings so that the Report accurately depicts the effects of the Project on the Ridgeline View from the Scenic Route.

4. Noise

We would like to see a greater analysis of the on-going noise impacts in the Operational Section in page 4.8-8 of the Report with water transportation and delivery, including without limitation, a more reasonable assumption with respect to the number of trips per year (as identified above in item 2). We note that the Report identifies the possibility of 10 trips per day in some instances. We would like to see an analysis of the noise impacts of the distribution of water from such tanks onto the Project.

Furthermore, we would like to see the noise impacts associated with the maintenance of the Project's plant-life and vegetative plantings.

5. Biological Resources and Related issues.

The Report only appears to analyze the effects of the Project on 3 bird species (See Table 4.4.1). We do not see any analysis of the effects of the Project on many types of native raptors and other birds of prey. Specifically the Report does not seem to address the Project's effects on red tail hawks, golden eagles, or owls (except for burrowing owls). The Report should analyze the effects that solar panels will have on predatory birds who hunt from above which may be obstructed by solar panels.

Thank you for your attention to this matter.

Very truly yours,

/ANDY SARKAR/
Andy Sarkar

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April 21, 2020

Alameda County Planning Department
Attention: Damien Curry
224 W. Winton Ave., Room 111
Hayward, CA 94544

submitted via e-mail

Re.: Draft Environmental Impact Report
Dunn, Nadine Trust/Sunwalker/White, Kevin
Livermore Community Solar Energy Facility
Conditional Use Permit, 2016-00049

Dear Mr. Curry:

The Sierra Club appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed Livermore Community Solar Energy Facility. Sierra Club strongly supports solar energy facilities in appropriate locations in Alameda County consistent with applicable law, ordinances, regulations and standards (LORS). The Sierra Club also appreciates that an EIR has been prepared for this project. We requested preparation of an EIR in our October 25, 2018, comment letter on the Initial Study/Mitigated Negative Declaration (IS/MND) for this project.

In this comment letter, we wish to make three main points: (1) the DEIR does not adequately analyze potential impacts to special status species, including cumulative impacts; (2) the DEIR does not adequately analyze impacts to scenic views, including cumulative impacts; and (3) the DEIR does not adequately analyze the proposed change from cattle grazing to sheep grazing on the project site, including cumulative impacts to cattle grazing in north Livermore. The Sierra Club noted these deficiencies in our comment letter on the IS/MND mentioned above. That letter is attached hereto for reference. Many of the comments made in that letter are repeated here for the record.

(1) Biological Impacts to Special Status Species

Although most special-status species that inhabit north Livermore have not been observed on the project site, dispersal habitat for the California Red-legged Frog (CRLF) and the California Tiger Salamander (CTS) has been noted and mitigations proposed to reduce potential impacts to less than a significant level. The mitigations, however, focus primarily on the construction phase of the project. Very little is said about impacts during operation of the facility. For example, to avoid harm to individual animals, an exclusion fence will be installed prior to the start of construction. The fence will prevent migrating amphibians from entering the site, and it will allow capture and removal of animals from inside the fence line without their being able to reenter the site. This will prevent harm to these amphibians during

construction. The DEIR, however, does not say whether the exclusion fence will stay up after construction is completed or if it will come down. If the fence stays up, then a permanent loss of dispersal habitat will occur since CRLF and CTS will not be able to enter the site. If it is removed, then operational impacts to dispersing CRLF and CTS may occur, including from the sheep grazing operation. Neither case is analyzed in the DEIR, much less are potential impacts mitigated for.

If the exclusion fence stays up resulting in a permanent loss of dispersal habitat, then the East Alameda County Conservation Strategy (EACCS) recommends either a 3:1 or 3.5:1 mitigation ratio for the CRLF depending on whether the mitigation habitat is located within the same or in a different CRLF mitigation area (EACCS, Chapter 3, Table 3-7 and Figure 3-9). For CTS, the mitigation ratio ranges from 3:1 to 4:1 depending on whether the mitigation habitat is located north or south of I-580 and east or west of I-680 (EACCS, Chapter 3, Table 3-8 and Figure 3-10). None of this is discussed in the DEIR.

If the exclusion fence comes down, which the EACCS calls for ("Barrier fencing will be removed within 72 hours of completion of work." Chapter 3, Table 3-3, Species Specific Avoidance and Mitigation Measure AMPH-2, third bullet), then amphibian dispersal onto the site is possible and operational impacts must be accounted for. Will maintenance and repair personnel be trained to identify and avoid impacts to CRLF, CTS, and to their burrows? Will a qualified biologist be retained to locate and mark for avoidance prior to commencement of work burrows inhabited by these amphibians? What about the grazing regime? Currently, the DEIR states, "15-30 cattle graze the site intermittently over 2 to 4 months per year." Once the facility is operational, the DEIR states the parcel "would support 500-600 sheep grazing on the property for up to 60 days per year, depending on the rainy season and vegetation growth." (DEIR, P. 4.2-5) To be blunt, 15-30 cattle translate into 60-120 hooves on the ground; 500-600 sheep translate into 2,000-2,400 hooves on the ground. It is hard to imagine no significant increased loss of amphibian life from trampling or burrow collapse owing to this huge increase in the number of animals grazing the site. This impact is neither discussed nor mitigated for.

The problem compounds when considering cumulative impacts. The DEIR states, "Based on the likelihood of additional solar PV projects in the Livermore Valley in the near future, the proposed Project could result in a significant cumulative impact to biological resources." (P. 4.4-23) But it then goes on to say, "The EACCS was developed to address anticipated impacts to biological resources from projected future development in eastern Alameda County. Therefore, with implementation of the proposed mitigation measures discussed above, which are based on the EACCS, development of the proposed Project would result in *less than significant* cumulative impacts to biological resources." (P. 4.4-23 – 4.4-24, emphasis in original)

The problem is that the DEIR does not fully analyze potential impacts to CRLF and CTS as we describe above, much less does it implement all the proposed EACCS mitigation measures for those impacts. To the extent future solar PV projects potentially covering thousands of acres in habitat-rich north Livermore are designed, analyzed, and approved in the same way as this DEIR proposes, the cumulative impacts to protected species in Alameda County will be devastating, including by this project.

The DEIR analysis of potential impacts to special status plants is incomplete and inadequate. The California Native Plant Society East Bay Chapter will be submitting comments on these deficiencies. The Sierra Club associates itself with the CNPS comments.

(2) Aesthetic Impacts to Scenic Vistas.

The DEIR accurately describes the scenic character of the area surrounding the proposed project. There are unobstructed, virtually 360º views of open range lands, extending to the beautiful hills and mountains framing the entire Livermore Valley. The County has designated North Livermore Avenue as a Scenic Rural-Recreation Route attesting to this scenic beauty. In our opinion, the DEIR incorrectly concludes that with proposed mitigations (plantings at the perimeter of the project to conceal 23,316 iridescent blue solar modules), the impact on scenic views will be Less Than Significant. As commentators on the Initial Study/Mitigated Negative Declaration for this project pointed out and with which we agree, the 5-year planting simulations, DEIR Figures 4.1-12 and 4.1-14, show significant obstruction to and loss of views of the surrounding viewshed. Figure 4.1-12, just from the particular angle shown, shows a significant obstruction of Mount Diablo and the Collier Canyon ridgeline. Indeed, in Figure 4.1-12, if one imagines moving slightly west along May School Road, the simulated trees planted at the perimeter of the project would almost entirely obscure Mount Diablo. Similarly for the views south along N. Livermore Avenue to the southern Livermore hills (Figure 4.1-14), those hills are almost entirely obscured from various positions along this designated scenic corridor. Residents of Bel Roma Road have noted that the plantings designed to shield the solar modules from their direction will significantly obstruct the views to the west from their properties. While the plantings surrounding the project will screen views of the solar modules themselves, the long continuous lines of plants surrounding the project site, when fully grown on top of 5-foot berms to a height of 15 feet, will significantly degrade the open space views of the surrounding beautiful countryside from public rights-of-way.

Moreover, the cumulative impact of multiple additional solar projects will significantly change the visual character of the area. The DEIR states, “The Livermore Valley provides ideal physical conditions for the development of solar photovoltaic (PV) facilities, having extensive level areas of undeveloped land and a climate with an abundance of sunny days…[I]t is likely that in the near future other solar PV projects will be proposed and built in the Livermore Valley.” (DEIR, P. 4.4-23) Proximity to PG&E’s Cayetano substation appears to be an important siting criterion in north Livermore. If so, then it can be expected that additional solar facilities will fan out from the corner of N. Livermore Avenue and May School Road where the substation is located. Cumulatively, these additional facilities together with the current project will significantly change the visual character of the area. From open views of pastures, rolling hills, and distant mountains, views from public rights-of-way will be constrained by planted barriers that screen solar arrays. Wide, open space views will be converted to narrow view corridors just as if large private estates bordered by high hedges screening concrete walls occupied the area. While beauty may be in the eye of the beholder, this change in visual character of the area will be significant and unavoidable, and the current project will contribute significantly to this impact.

(3) Impacts to Agricultural Resources

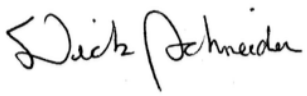
The DEIR concludes that there will be No Impact on agriculture because sheep grazing will occur among the solar modules for a portion of the year. In truth, the land will be converted from open pasture for cattle grazing to a solar electric power plant. The California Department of Conservation apparently recognizes this fact because in its scoping comments for this DEIR, it suggests that “the applicant file for non-renewal of the current Williamson Act contract, and wait until the contract’s non-renewal status has ended and the contract has expired before moving forward with the proposed development of the land.” Alternatively, the Department suggests the applicant “consider contract cancellation” should it

wish to proceed before contract expiration occurs. The Department understands that this project is not a bona fide agricultural use.

In combination with presumably similar changes in grazing regimes by expected nearby solar energy facilities, cattle grazing in this area will be substantially reduced. At some point, ranchers will determine that the north Livermore area is no longer hospitable to cattle ranching, and they will move their herds elsewhere. This would be a significant change in the agricultural character of the area and could lead to further conversion of true farms to primarily non-agricultural uses. A critical mass of agriculture may be necessary for agricultural uses to survive in north Livermore. We would also note that according to state Department of Conservation statistics, between 1984 and 2016, over 16,000 acres of grazing land in Alameda County were converted to non-agricultural uses. This is already an alarming trend and the proposed project is likely to exacerbate the loss of agriculture in the county.

In closing, the Sierra Club appreciates the opportunity to comment on the Draft Environmental Impact Report for the Livermore Community Solar Energy Facility. We expect that the County will respond to these comments in the Final EIR.

Respectfully submitted,



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Appendix F:
Sample Table of Contents for the Grassland Management Plan

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APPENDICES

FIGURES

All figures are located in the Figures Section at the end of the report.

TABLES


COUNTY OF ALAMEDA
CALIFORNIA