O12 Citizens for Responsible Wind Energy and Doyle Mills

O12-1 This comment consists of a cover letter providing an introduction to the rest of the comment letter. No further response is required.

O12-2 The County of San Diego (County) acknowledges the comment as an introduction to comments that follow. Responses to the individual comments within the documents and exhibits mentioned in this comment are included below. No further response is required.

O12-3 The comment provides a brief summary of the Campo Wind Project with Boulder Brush Facilities (Project) description. No issues regarding the adequacy of the analysis contained in the Draft Environmental Impact Report (EIR) are raised by the comment. No further response is required.

O12-4 The comment states that the Draft EIR is inadequate because it fails to include a complete project description; it piecemeals the Campo Wind Project from the Torrey Wind Project; it fails to accurately describe the affected environment; it does not disclose, analyze, or discuss mitigation for the Project's significant impacts; and it defers identification of mitigation for the Project's significant impacts. The comment further states that the impacts and mitigation are not supported by substantial evidence. In response, these statements are meant to serve as a summary of the discussion topics provided within the remainder of the comment letter. Responses to each point are provided below in Responses to Comments O12-5 through O12-25. In addition, while this comment states that the Draft EIR is inadequate, and generally outlines the reasoning for the statement, the comment does not offer specific evidence to support the claim. Please also refer to Global Response GR-3, Piecemealing.

O12-5 This comment provides a concluding remark to the introductory paragraphs to the comment letter and states that recirculation of the Draft EIR is required. This comment does not raise a specific issue regarding the adequacy of the analysis within the Draft EIR; therefore, no further response is required.

O12-6 This comment states that the authors of the comment letter reviewed the Draft EIR and appendices with the assistance of a biologist, who, the comment notes, provided comments that are attached to this comment letter and are required to be addressed with a response. Refer to Responses to Comments O12-31 through O12-62, which respond to the comment letter submitted by the commenter's biologist.

O12-7 This comment provides a summary of the interest the Citizens for Responsible Wind Energy group has in relation to the Project. It provides information about the group, its

members, and provides general statements that suggest its members would be negatively impacted by the Project. The statements contained in this comment do not raise an issue regarding the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required.

O12-8 This comment provides information that details the commenter's view of certain California Environmental Quality Act (CEQA) requirements pertaining to the drafting of an EIR. The comment utilizes both statutory and CEQA case law text to outline the two primary purposes of CEQA, and then makes a general statement that the Draft EIR does not fulfill these two primary purposes. In response, the statements in this comment do not specifically address why the Draft EIR does not fulfill the two primary purposes of CEQA; therefore, no further response is required.

O12-9 This comment states that the Draft EIR fails to include a complete project description and fails to analyze potentially significant impacts from the whole of the Project. The comment utilizes both statutory and CEQA case law text to outline the commenter's view of the requirements of providing a complete project description and concludes the comment by stating that the County violates CEQA by omitting numerous aspects of the Project entirely, or by mentioning aspects of the Project while failing to analyze the potentially significant impacts within the Draft EIR. In response, the statements in this comment do not specifically address why the Project Description included within the Draft EIR does not fulfill the requirements of a complete project description under the CEQA statute or applicable case law; therefore, no further response is required.

O12-10 The comment states that the Draft EIR fails to include the Campo Lease Agreement, regulations, and land use plans as part of the Project Description, and therefore fails to disclose the whole of the Project by omitting changes in applicable Tribal regulations and plans. The comment further states that in response to a request for the lease, the regulations, and the land use plans, the County responded that all of the documents were privileged and withheld the records from the public. Thus, the Draft EIR fails to disclose the whole of the Project by omitting. The comment concludes by stating that the Draft EIR must be withdrawn, revised to include a discussion of which regulations and land use policies would be changed and provide an analysis thereof, and recirculated.

In response, CEQA requires that an EIR be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences (*Dry Creek Citizens Coalition v. County of Tulare* [1999] 70 Cal App. 4th 20, 26). However, the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact" (14 CCR 15124; see also *Save Round Valley*

Alliance v County of Inyo [2007] 157 Cal. App. 4th, 1437). Accordingly, an EIR's description of a project should identify the project's main features and other information needed for an assessment of the project's environmental impacts. The CEQA Guidelines set forth specific technical requirements for the project description in Section 15124. Under the principle that CEQA is not to be interpreted to add new requirements beyond the Statute and Guidelines (see California Public Resources Code, Section 21083.1), the courts have generally rejected arguments that additional information is required beyond the specific requirements of CEQA Guidelines Section 15124. Nothing in CEQA Guidelines Section 15124 requires that transactional documents and land use plans be included as part of the project description.

In addition, as noted within Chapter 1, Project Description, Location, and Environmental Setting, of the Draft EIR, the County has no permitting or land use jurisdiction over the Campo Wind Facilities. The Bureau of Indian Affairs (BIA) has jurisdiction over the Campo Wind Facilities and has prepared an Environmental Impact Statement (EIS) to evaluate Project effects under the National Environmental Policy Act (NEPA). The Campo Wind Facilities are subject to federal and Tribal law. The Campo Band of Diegueño Mission Indians Reservation (Reservation) is not under the jurisdiction of California or the County, and thus any changes to the Campo Land Use Code and the Campo Land Use Plan would be outside the control of the County and would not be subject to analysis under CEQA. Furthermore, as explained in Appendix C to the BIA's Final EIS for the Project, under the terms of the Campo Lease, the Campo Band of Diegueño Mission Indians (Tribe) would consent to development of the Project in accordance with the Resource Development Plan approved by BIA as part of the lease approval process.

The Draft EIR nevertheless analyzes and considers relevant Campo Land Use Code policies (see Table 3.1.6-6 of the Draft EIR), even though they will not regulate the Project. As demonstrated in Draft EIR Table 3.1.6-6, the Campo Wind Facilities would be consistent with Tribal land use policies. Furthermore, the physical environmental changes that would result from implementation of the Lease Agreement (Campo Wind Facilities) are described, disclosed, and evaluated in the Draft EIR.

O12-11 The comment states that there is inconsistent discussion of the Project's proposed roads and associated disturbance, specifically stating that in some areas, the Draft EIR mentions a 6-foot-wide vegetation management area around the access roads, whereas in other locations it mentions 20 feet of fuel modification. The comment concludes by stating that the Draft EIR does not disclose or mention road alterations outside of the Project boundary needed to transport wind turbine components.

In response, as discussed in Draft EIR Chapter 1, Section 1.2.1(A), Boulder Brush Facilities, new permanent access roads would incorporate applicable federal and local standards regarding internal road design and circulation, particularly those provisions related to emergency vehicle access. The proposed paved access road to the switchyard and high-voltage substation would be a minimum of 20 feet in width and maximum of 30 feet in width, with 20 feet of fuel modification on each side of the road. This road would be located within the Boulder Brush Boundary on private lands. Approximately 2.6 miles of this paved access road would run parallel and adjacent to a portion of the proposed Off-Reservation gen-tie line and would also serve as access to approximately 24 Off-Reservation gen-tie line pole structures. The approximately eight remaining Off-Reservation gen-tie line pole structures would be accessed by approximately 4 miles of improved decomposed granite roads. The decomposed granite roads would be constructed or widened to a width of 16 feet with 20 feet of fuel modification on each side. Fuel modification along roads within Boulder Brush Boundary are subject to the jurisdiction of the County and the requirements of the Boulder Brush Facilities Fire Protection Plan (FPP) included as Appendix I to the Draft EIR.

Within the Reservation, it is anticipated that approximately 15 miles of existing On-Reservation roads would need to be temporarily widened up to 40 feet during construction and reduced to approximately 24 feet after construction. Access roads to the gen-tie line pole structures would be approximately 16 feet. Upon completion of construction, new access roads more than 24 feet wide would be reduced to approximately 24 feet wide, the edges of the existing roads would be restored, and the existing widths would be returned to pre-construction widths. Along either side of new access roads, a 6-foot-wide vegetation management area would be maintained. These roads within the Reservation are not subject to the County's jurisdiction or the Boulder Brush Facilities FPP. The road width requirements and fuel modification differ within County jurisdiction and the Reservation. Thus, the Draft EIR distinguishes between the On-Reservation access road improvements and the Off-Reservation access road improvements.

In regard to off-site improvements, the Draft EIR discloses that an approximately 1-mile segment of Ribbonwood Road from Opalocka Road to the Boulder Brush Boundary entrance would be widened up to 30 feet and would be paved. No other off-site road improvements are proposed.

O12-12 The comment states that the Draft EIR does not depict the location of the proposed meteorological towers and that they are critical to the required analysis of potentially significant impacts from the Project. In response, as discussed in the Draft EIR, the Project would include the construction of three permanent meteorological towers (MET towers) within the Campo Corridor on the Reservation. Although final exact locations

have not been determined, the proposed MET towers would be located within the development footprint (Campo Corridor) analyzed in the Draft EIR. The impacts associated with the MET towers are analyzed in Chapter 2.1, Aesthetics; Chapter 2.3, Biological Resources; and Chapter 3.1.5, Hydrology and Water Quality. Visual impacts, including Federal Aviation Administration–approved lighting for the MET towers, are disclosed in Draft EIR Chapter 2.1. The MET towers would be located within the development footprint of the Campo Wind Facilities, which would include up to 60 wind turbines (total height 586 feet each). The MET towers would be equal to the hub height of a turbine and would overall be less visually prominent. The MET towers, regardless of their exact locations, would not substantially increase the visual impacts of the Campo Wind Facilities, which were determined to be significant and unavoidable (visual quality/character, community character, scenic vistas, and light and glare). Impacts to birds and bats resulting from the three MET towers were disclosed in Draft EIR Chapter 2.3. The environmental setting with respect to birds and bats is consistent throughout the development footprint; accordingly, the specific location of the MET towers within the development footprint would not increase impacts.

O12-13 The comment states that the Draft EIR fails to disclose the location of a water line to provide water to the operations and maintenance (O&M) facility. The comment further states the water line would presumably extend from the On-Reservation wells located at the southern end of the Reservation, and that water line is critical to the required analysis of potentially significant impacts from the Project. As discussed in Chapter 3.1.9, Utilities and Service Systems, of the Draft EIR, the O&M facility would require non-potable water services for wastewater use, and potable water services. It is anticipated that groundwater sourced from an existing, On-Reservation groundwater well would be used for Project operations; otherwise, water would be trucked in from Jacumba Community Services District or Padre Dam Municipal Water District.

The locations of the groundwater wells within the Reservation Boundary are confidential; however, of the 19 groundwater wells located on the Reservation, at least four supply wells have the potential to sufficiently serve as a source of groundwater for the Project's O&M demand of 0.25 acre-feet per year. As described in Chapter 1, Section 1.2.2.2, Construction of Campo Wind Facilities, of the Draft EIR, in the event that on-site well water is available, a water collection system would be constructed for operational purposes and would consist of incidental trenching and grading along areas to be disturbed for access or electrical collection and communications system purposes. All water facilities for O&M purposes would be located within the Campo Corridor (within the Reservation Boundary) and would not be subject to County jurisdiction.

O12-14 The comment states that the Project includes a retention pond, but does not discuss its functions, location, or dimensions. The comment further states the description is critical to the required analysis of potentially significant impacts from the Project. In response, as described in Chapter 1, Section 1.2.1(A), the switchyard would include a fenced development footprint of 6.9 acres and an additional disturbance of 9.5 acres. The additional disturbance outside of the fenced area includes the 0.6-acre detention basin, as described in Section 1.2.1(A). The impacts of the total development footprint (approximately 16 acres) are analyzed and discussed throughout the Draft EIR.

O12-15 The comment states that the Draft EIR describes Project decommissioning in vague terms, stating it is subject to the Campo Lease, which was withheld for the public. The comment offers examples of why this is so. The first statement suggests that the Draft EIR states that the disturbed areas around the turbines would be restored, which is inconsistent with the project description provided in the BIA's Draft EIS, which does not require restoration. Additionally, the comment states that revegetation with local seed sources would be implemented if feasible, but that there is no analysis in the Draft EIR or Draft EIS regarding the potentially significant impacts if revegetation efforts with local seed sources is not feasible. The further comment states that no mitigation measure is identified that requires revegetation. Finally, the comment provides a concluding remark to this section of the comment letter discussing inadequacies within the Project Description.

In response, text in Chapter 1, Section 1.2.2.3, Decommissioning, of the Final EIR has been revised to refer to "revegetation" efforts rather than "restoration" efforts for consistency with mitigation measure M-BI-C(e), which uses the term "revegetation." Additionally, the text in the Draft EIR stating "Local seed sources would be used where feasible" has been revised to state "Locally available seed will be used, and seed from species that are unavailable for collection would not be incorporated into the final seed palette." Please also refer to Response to Comment O12-34.

O12-16 The comment states the Draft EIR piecemeals the Project from the Torrey Wind Project. The comment also discusses various court cases. The comment then concludes that this Project and the Torrey Wind Project are extremely closely related as they are undergoing permitting at the same time, in the same physical location, and being proposed by the same Applicant, and the Boulder Brush Facilities are also partially necessary for the Torrey Wind Project. As such, the Boulder Brush Facilities, the Campo Wind Project, and the Torrey Wind Project should be considered in one EIR. Please refer to Global Response GR-3, Piecemealing.

O12-17 The comment states the Draft EIS fails to meet the requirements of CEQA and cannot be used for the Draft EIR. The comment also states CEQA allows the County to rely on an EIS only when the EIS has been prepared before the EIR would be completed. The comment states that the County relies on the Draft EIS for analysis in the Draft EIR for the portions of the Project that are located on Tribal land and incorporates by reference the Draft EIS. The comment concludes by stating that the County's reliance on the Draft EIS, rather than preparing its own Draft EIR, violates CEQA. In response, the County is not relying on an EIS to analyze the impacts of the Project and has prepared a Draft EIR for the Project as a whole in compliance with CEQA.

O12-18 The comment states that the County cannot rely on the Draft EIS prepared for the Project by the BIA, as the NEPA document is still in draft form and subject to further changes; thus, the reliance by the County on the Draft EIS for use in the Draft EIR is flawed.

The County is not relying on the Draft EIS to serve as the environmental compliance document for the Project, as allowed for under CEQA Section 15221; rather, the County has prepared a separate and distinct Draft EIR for the Project. The information contained within the Draft EIS is incorporated by reference into the Draft EIR. However, the conclusions reached in the Draft EIR are based on information that has been included in the Draft EIR and the County's independent review. Thus, the County could have relied on, but is not relying on, the Draft EIS to serve as its compliance document with CEQA.

O12-19 The comment states that the County cannot rely on the Draft EIS as a substitute for the County's required analysis under CEQA because the Draft EIS does not comply with CEQA in that the Draft EIS discussion was limited to analyzing impacts required by federal laws, and not those required by state or local laws. The commenter states that the Draft EIS analyzes only impacts to species listed under the federal Endangered Species Act, whereas CEQA requires the County to analyze whether the Project would have an adverse effect on state-listed species or whether it would interfere with a local resource protection ordinance. Additionally, the comment states that the Draft EIS cannot be relied upon because it does not require mitigation for impacts caused by the Project, and thus cannot be relied upon for use in CEQA compliance without a separate discussion of mitigation measures or growth-inducing impacts, which would need to be added, supplemented, or identified for the entire Project before the Draft EIS could be used as an EIR.

The analysis completed in Chapter 2.3 of the Draft EIR assesses biological resource impacts based on the County's Guidelines for Determining Significance and Report

Format and Content Requirements: Biological Resources. The analysis contained in Chapter 2.3 fully assesses biological resource impacts on federally and stated-listed species and provides an assessment of whether the Project would interfere with local resource protection ordinances, including the County's Resource Protection Ordinance. As stated above, the County is not relying on the Draft EIS as a substitute for CEQA compliance. The County has prepared a separate environmental analysis with the Draft EIR prepared for the Project as a whole. The Draft EIR provides a complete list of feasible mitigation measures to reduce significant impacts.

O12-20 The comment states that the Draft EIR fails to describe the existing environmental setting and provides a summary of language contained within the CEQA Guidelines regarding the details to be discussed and provided in the environmental setting discussion of an EIR. The comment concludes with the statement that some critical baseline information is incomplete, outdated, or was never provided. In response, the comment does not specify where the incomplete, outdated, or missing information is located within the Draft EIR; thus, no edits to the Draft EIR are warranted. Refer to Responses to Comment O12-21a through O12-21j.

O12-21a The comment states that the Draft EIR fails to adequately describe the affected environment for biological resources. The comment also states the Draft EIR must be revised to include accurate and complete descriptions of baseline conditions for biological resources. In response, an extensive description of the site's existing conditions and affected environment is provided in Chapter 2.3 and Appendix D, Biological Resources Technical Report (BTR), of the Draft EIR. Also please refer to Global Response GR-5, Biological Resources.

O12-21b The comment states that many of the surveys for special-status species were done at times when several species were not blooming or fruiting. The comment provides an example of the Tecate tarplant surveys, which were at the edge of the time when the plant blooms. The comment further states it was a drought year, limiting detection even more. The comment concludes the Draft EIR lacks substantial evidence to support the description of the environmental setting for special-status plants. In response, as shown in Table 3-1 of the BTR, rare plant surveys were performed in May and July 2017 and May, June, and August 2018. Rainfall in 2017 was approximately 123% of normal, while 2018 was a drought year. However, the rains leading to the spring growing seasons were approximately normal.

Dudek biologist performed plant reference checks prior to conducting surveys and found Tecate tarplant and Colorado Desert larkspur, among others. Based on the location of a survey, Dudek collects bloom reference timing data at the closest reference site. Where

applicable and depending on the species, surveys are not conducted unless reference populations are in full bloom at a nearby reference site. Therefore, even in a drought year, surveys are only conducted when reference populations are in bloom as applicable to the species of concern. Dudek biologists take extra concern to conduct surveys when local reference populations are in full bloom, and all surveys are conducted during the time of year the species is detectable. Expert botanists also derived species potential models for the Project Area. Additionally, all special-status and rare plant surveys conducted were completed during the appropriate timeframes in accordance with applicable County, state, and federal guidance. In regard to Tecate tarplant surveys and general adequacy of surveys, please see Response to Comment O12-35.

O12-21c The comment discusses Quino checkerspot butterfly and states that the Draft EIR fails to explain to the public the importance of the Project Site to Quino. The comment then explains the site is a core occurrences complex that can support a greater number of species than normal. The comment further states the drier nature of the area makes the Project Area more important as its populations are better able to adapt to changing climate conditions. The comment also states the Draft EIR misleads the public by stating the surveys followed U.S. Fish and Wildlife Service (USFWS) guidelines. The comment concludes by stating the Draft EIR fails to adequately assess the Quino's use of the site and underestimates the importance of the region to Quino. Please refer to Responses to Comments O12-36, O12-42 through O12-46, O12-55, O12-56, and O12-57; please also refer to Global Response GR-5.

O12-21d The comment states the Draft EIR fails to include a survey report to show the data collected during point counts and instead only provides a list of birds observed. The comment further states this prevents the public from being to assess the frequency of bird species sightings on the Project Site. In response, please refer to Response to Comment O12-37.

O12-21e The comment states the that compliance with USFWS guidance is necessary to avoid violations of the Bald and Golden Eagle Protection Act, and that this guidance requires site-specific surveys of golden eagles in order to properly ascertain population data. The comment then states the Draft EIR does not comply with this guidance because it did not rely on surveys conducted at all of the required times or for enough time, and instead attempts to count surveys for small birds as indicative of golden eagles. The comment also states that, without substantial evidence, the Draft EIR states there are no suitable trees for nesting in the Project's location, although the Draft EIR notes the site includes live oak woodland with trees tall enough to support golden eagle nests. In response, please refer to Responses to Comments O12-37, O12-51, O12-61, and O12-62. Also, please refer to Global Response GR-5.

O12-21f The comment states the Draft EIR relies on only one study for bats that was conducted for a separate wind project from 2011 and 2012. The comment further states this survey was insufficient to establish baseline information for the Project because it involved two acoustic monitors in a single location. The comment also notes the Draft EIR concludes there are only 13 bat species present on Project Site, whereas the neighboring Tule Wind Project documented 22 species. The comment also states the Draft EIR states there is only one species with potential to roost on site, yet other studies in the area have documented numerous bat roosts in the Campo Corridor. The comment concludes the County must obtain a survey following guidelines established by USFWS, the California Energy Commission, and the California Department of Fish and Wildlife (CDFW) and then the County must recirculate the Draft EIR with a revised description of the setting and potentially significant impacts. In response, please see Responses to Comments O12-38, O12-47, O12-53, and O12-61.

O12-21g The comment states the Draft EIR states that the California condor has a very low chance to occur, even though the condor has been documented on the Project Site in the past and is expected to expand in population within the life of the Project. In response, please see Response to Comment O12-37.

O12-21h The comment states the County notes in the Draft EIR that the wetlands within the Reservation could be impacted by the Project but does not bother to determine if any wetlands actually exist before declaring the impact significant and unavoidable. The comment then states CEQA requires the County to disclose impacts and the County failed to do so for wetlands. In response, the County clarifies that in Draft EIR Section 2.3.3.3, Riparian Habitat or Sensitive Natural Community, under Analysis, the Campo Wind Facilities' temporary and permanent direct impacts to jurisdictional aquatic resources, including wetlands, as defined by Section 404 of the Clean Water Act are identified (Impact BI-O through Impact BI-R). For additional information, refer to Table 2.3-6 of Chapter 2.3 of the Draft EIR.

O12-21i The comment states the County states in the Draft EIR that the Project Site is not a readily identifiable wildlife movement corridor because the Project does not constrain movement, but the statement is not supported by substantial evidence. The comment further states that the Project Site is an Essential Connectivity Area that provides connectivity between large natural habitat blocks. In response, there are a large number of corridor, connectivity, and wildlife movement maps that have been generated by various groups, non-governmental organizations, and agencies over the years. Almost none of these (other than those associated with Multiple Species Conservation Plans (MSCPs) or other habitat conservation plans) have policy or CEQA implications. They are available as tools for planning purposes only.

In this case, the Essential Connectivity Area mentioned in the comment and referenced by Figure 1 on Page 15 of the Cashen letter (Comment O12-28) shows a permeability heat map that does not cross the Boulder Brush Corridor, but does cross the southern part of the Reservation and the Campo Corridor. The Essential Connectivity Area flows along the In-Ko-Pa Mountains in the east, across Interstate 8, and west to managed open space. The updated CDFW California Terrestrial Habitat Connectivity Map from August 2019 (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=170744&inline) includes large hexagons as pixel units and includes five categories, including irreplaceable and essential corridors, conservation planning linkages, connections with implementation flexibility, large natural habitat areas, and limited connectivity opportunity. At best, "conservation planning linkages" might be present in limited areas, but largely, "connections with implementation flexibility" overlap the area. The highest quality "irreplaceable and essential corridors" (emphasis added) hexagons do not overlay this area.

These modeling efforts are done at a high-level, gross scale using large pixel units to analyze variables like road density, vegetation community, slope, and other factors to generate least-cost path models. Additionally, these models generally need to incorporate expert-based input regarding specific factors that affect species-specific use (or avoidance) of these variables. These outputs are at a gross scale and must be ground-truthed to determine their actual utility. For instance, Figure 1 from the Cashen letter (Comment O12-28) crosses over Interstate 8, which would be a major impediment to use, as there are few, if any, crossing structures available. Additionally, the paths can be biased depending on which large blocks of habitat are trying to be connected. Finally, the ground impacts resulting from Project implementation would be minimal and would still allow for abundant wildlife use and movement. The Project would not significantly affect wildlife movement through the area. Please refer to Response to Comment O12-50 regarding wildlife movement relative to development on the Project Site and within the biological cumulative study area.

O12-21j The comment provides a concluding statement for comments above. Please see Responses to Comments O12-21a through O12-21i.

O12-22a The comment states that the County must disclose, analyze, and mitigate all potentially significant Project impacts in the Draft EIR. In response, an extensive analysis of the Project's potentially significant impacts and mitigation is provided in Chapter 2.3 and the BTR (Appendix D) of the Draft EIR. Also please refer to Global Response GR-5.

O12-22b The comment states that there are flaws with the County's analysis of the Project's potentially significant impacts on special-status plants including population fragmentation, quantification of indirect impacts, the inclusion of unrealistic mitigation, and lack of plant surveys within the Campo Corridor. In response, please refer to Response to Comment O12-41.

O12-22c The comment states that the modeling used to determine impacts to Quino checkerspot butterfly conflicts with USFWS guidance. Additionally, the comment states that the assessment of impacts in the Draft EIR is unsupported and inconsistent with the Draft EIS. In response, please refer to Responses to Comments O12-36, O12-42 through O12-46, O12-55, O12-56, and O12-57; please also refer to Global Response GR-5.

O12-22d The comment states that the Draft EIR wrongly concludes that bat use is low on the Project Site. In response, please refer to Response to Comment O12-47 and also Global Response GR-5.

O12-22e The comment states that the Draft EIR does not discuss or analyze impact to the tricolored blackbird. In response, please refer to Response to Comment O12-48.

O12-22f The comment states that the Draft EIR contains unsupported conclusions with respect to habitat fragmentation and wildlife corridors. It also states that the Draft EIR incorrectly states that the Project will not impact terrestrial species. In response, please refer to Response to Comment O12-50.

O12-22g The comment states that the impact determination with respect to golden eagle is not supported by substantial evidence and that the Draft EIR did not conduct a proper cumulative impacts analysis for this species. In response, please refer to Responses to Comments O12-37 and O12-51.

O12-22h The comment states that the Draft EIR does not adequately analyze potential noise impacts on wildlife. In response, please refer to Response to Comment O12-54.

O12-22i The comment states that the Draft EIR provides no analysis of the Project's potential collision hazard impacts on birds. In response, please refer to Responses to Comments O12-53, O12-55, O12-61, and O12-62.

O12-22j This comment provides a concluding statement regarding the comments above. Please refer to Responses to Comments O12-22a through O12-22i.

O12-23 The comment states that the Groundwater Resources Evaluation (Appendix J-1 in the Draft EIR) contradicts the claim in the Draft EIR that impacts to groundwater resources would be less than significant, in that groundwater drawdown at off-site wells could exceed the County limit of 20 feet for fractured rock aquifers if unmonitored or unmitigated, and that the mitigation provided in the Draft EIR to address this impact is inadequate, since it cannot be formally adopted.

The Project includes Project Design Feature PDF-HY-1, which would ensure water level drawdown at the closest On-Reservation wells to pumping would remain at less than 20 feet, and consequently Off-Reservation wells that are further from pumping would not experience water level declines of 20 feet or greater. Because the Project would incorporate this Project Design Feature, mitigation would not be required. It was therefore determined in the Draft EIR that impacts to groundwater resources would be less than significant.

O12-24 This comment states that the Draft EIR fails to adequately disclose, analyze, and mitigate impacts to public health. Specifically, the comment states the EIR dismisses the Project's potentially significant public health impacts, including impacts to worker and sensitive receptors, from exposure to Valley Fever. The comment further states the Draft EIR includes no feasible mitigation measure to lessen this significant impact. The comment then discusses Valley Fever and lists common mitigation measures to protect the public from Valley Fever.

In response, confirmed cases of Valley Fever have not been recorded near the Project Site or during construction of other similar projects and earthmoving activities in the area. The Draft EIR identifies mitigation measure M-BI-2, which requires a Workers Environmental Awareness Program, which would include information on how to identify the symptoms of Valley Fever and require reporting when personnel express symptoms or general health concerns. In addition, mitigation measure M-BI-10 and project design feature PDF-AQ-3 include fugitive dust control measures that would regulate dust emissions during construction and blasting activities and would lower any potential risk for exposure if *Coccidioides* were present in the soils at the Project Site. In addition, PDF-AQ-2 establishes the development of a Health and Safety Plan, which would be amended, if appropriate, to include additional measures to protect construction workers from Valley Fever.

The comment suggests that five mitigation measures be imposed on the Project. These requested measures are either not necessary for the Project or will be implemented by the Project because equivalent mitigation measures and Project Design Features have already been included. Please also refer to the discussion of Valley Fever in Global Response GR-2, Public Health.

O12-25 The comment states that the Draft EIR improperly defers mitigation of significant impacts. The comment then discusses deferral of mitigation in general. Specifically, the comment states the Draft EIR defers mitigation measures for Quino to the Section 7 consultation process and that the County failed to discuss the potential measures that may be implemented through the Section 7 process. The comment further states there is no evidence the mitigation is feasible, since the County did not identify available land to compensate for impacts to Quino habitat. Please refer to the discussion of Quino checkerspot butterfly in Global Response GR-5. Please also refer to Response to Comment O12-56 for discussion on Quino checkerspot butterfly mitigation.

O12-26 The comment provides concluding remarks to the comment letter, summarizing the statements made in the letter and addressed in Responses to Comments O12-2 through O12-25. Please refer to Response to Comment O6-7 regarding recirculation.

O12-27 This comment encompasses the entire letter submitted by Adams Broadwell Joseph & Cardozo to the BIA on July 8, 2019. This letter is in regard to comments on the Draft EIS and does not raise an issue with the adequacy of the analysis contained within the Draft EIR. Please also see Responses to Comments G-1 through G-51 of Appendix T to the Final EIS. Refer also to Global Response GR-3, Global Response GR-5, and Responses to Comments O12-11 through O12-13, O12-15, O12-20, and O12-24.

O12-28 This comment encompasses the entire letter submitted by Scott Cashen on behalf of Adams Broadwell Joseph & Cardozo on July 3, 2019. This letter is in regard to comments on the Draft EIS and does not raise an issue with the adequacy of the analysis contained within the Draft EIR. Please also see Responses to Comments G-52 through G-211 of Appendix T to the Final EIS. Please refer also to Global Response GR-5 and Responses to Comments O12-32 through O12-62.

O12-29 This comment encompasses the entire letter submitted by Shawn Smallwood on behalf of Adams Broadwell Joseph & Cardozo on July 1, 2019. This letter is in regard to comments on the Draft EIS and does not raise an issue with the adequacy of the analysis contained within the Draft EIR. Please also see Responses to Comments G-212 through G-261 of Appendix T to the Final EIS. Please refer also to Global Response GR-5 and Responses to Comments O12-32 through O12-62.

O12-30 This comment encompasses the entire letter submitted by SWAPE Technical Consultation on behalf of Adams Broadwell Joseph & Cardozo on July 1, 2019. This letter is in regard to comments on the Draft EIS and does not raise an issue with the adequacy of the analysis contained within the Draft EIR. Please also see Response to Comment VF-1 of Appendix T to the Final EIS. Please refer also to Global Response GR-2.

O12-31 This is an introductory comment to the letter submitted by Scott Cashen M.S. – Independent Biological Resources Consultant, which contains comments on the Draft EIR for the Project. This comment also includes a summary of the Project Description. This comment does not raise an issue with the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.

O12-32 The comment is an introductory comment identifying the experience of the author. No further response is required.

O12-33a This comment states that the Project Description does not quantify impacts for all Project components. The comment also states the Draft EIR does not break down permanent and temporary impacts by Project component. This comment serves as an introduction to specific comments that follow. Please refer to Responses to Comments O12-33b through O12-33h.

O12-33b This comment states the Draft EIR fails to provide widths of existing roads, thus precluding knowledge of how much grading and vegetation removal would be required. The comment then reiterates text in Draft EIR Chapter 1 and states this information conflicts with the Fire Protection Plan (FPP). In response, the Draft EIR provides information regarding existing widths. In addition, the Figure 2.3.2 series in Chapter 2.3 shows the areas of temporary and permanent impacts for the Boulder Brush Facilities. Campo Wind Facilities impacts are shown in detail in Figure 5-2, Impacts to Biological Resources – Reservation Mapbook, in Appendix D to the Draft EIR. Please refer to Response to Comment O12-11 for further explanation of road widths. The FPP does not conflict with the information in the Project Description.

O12-33c This comment states that wind energy projects often require vegetation removal adjacent to roadways for clearance and may also require physical improvements to the roadway or construction of detours around overpasses. The comment further states the County needs to identify the transportation route for trucks carrying the wind turbine components and whether the Project entails any impacts along the transportation route to accommodate trucks. In response, as stated in Chapter 2.8, Traffic and Transportation, of the Draft EIR, specifically Section 2.8.4, during construction, large flatbed trucks or specialty transportation equipment could be used to transport large components. As such, access roads associated with the Project have been specifically designed to accommodate oversized trucks and construction equipment, including necessary clearance, turning radii, and roadway width. Additionally, all access roads have been designed in compliance with County private road standards and to allow safe passage of construction vehicles, including oversized trucks carrying turbine component parts. Additionally, the primary access road to the Boulder Brush Facilities would be a paved road up to 30 feet in width.

Moreover, to ensure that these trucks or any other construction equipment would not create a safety hazard and/or be a temporary inconvenience to travelers along regional and local roadways, the Boulder Brush Developer would, prior to construction, prepare a construction Traffic Control Plan (PDF-TR-1) and follow construction notification procedures in accordance with County requirements and in coordination with the California Department of Transportation (Caltrans). Further, California Vehicle Code Section 35250 suggests that the maximum height of a vehicle cannot exceed 14 feet. Per the Caltrans Encroachment Permit process, the Boulder Brush Facilities would be required to coordinate with Caltrans and obtain special permits for oversized vehicles that exceed 14 feet in height.

Therefore, Project access roads designed to accommodate oversized trucks carrying turbine component parts have been analyzed in the Draft EIR, including ground disturbance associated with the construction of these access roads and associated vegetation impacts. Implementation of a Traffic Control Plan for the Project would address freeway and local roadway traffic detours, if deemed necessary.

O12-33d This comment states the three permanent and six temporary MET towers have the potential to increase bird and bat collisions from the Project's wind turbines, especially if the towers are located near turbines. The comment also states none of the maps in the Draft EIR show the location of the permanent MET towers and this precludes the ability to evaluate whether the MET towers will increase bird and bat collisions. The comment further states a road would be provided to each permanent MET tower from the nearest Project road access point, and it is unclear if the impacts of these roads were accounted for because they are not depicted on any maps. In response, impacts to birds and bats resulting from the three MET towers were disclosed in Draft EIR Chapter 2.3. The environmental setting with respect to birds and bats is consistent throughout the development footprint; accordingly, the specific location of the MET towers within the development footprint would not increase impacts. Additionally, impacts associated with MET tower access roads have been analyzed in Chapter 2.3 because MET tower access roads would be located within the Project footprint as analyzed within the Campo Corridor; therefore, direct and indirect impacts associated with the MET towers and associated access roads have been analyzed and accounted for, and their respective locations within the Project footprint would not constitute new information, nor would their locations within the Project footprint change the conclusions disclosed in the Draft EIR.

O12-33e This comment states the description in the Draft EIR is too vague to understand the environmental impacts associated with installing a new water line between the nearby well and the O&M building. The comment further states the Draft EIR does not analyze or quantify impacts associated with the new water line, nor does it depict the water line on any maps. As described in Chapter 1, Section 1.2.2.2, of the Draft EIR, in the event

that on-site well water is available, a water collection system would be constructed for operational purposes and would consist of incidental trenching and grading along areas to be disturbed for access or electrical collection and communications system purposes. All water facilities for O&M purposes would be located within the Campo Corridor (within the Reservation Boundary) and would not be subject to County jurisdiction.

O12-33f This comment states the Draft EIR does not provide any additional information regarding the retention pond at the proposed switchyard, including the pond's function, substrate, dimensions (i.e., depth and slope of banks), and precise location. The comment further states this precludes the ability to evaluate the hazards the pond may pose to wildlife. In response, an on-site stormwater conveyance system, including a detention basin, would convey stormwater flows from the high-voltage substation/switchyard site and would be designed to control stormwater discharge rates to the pre-project condition for the 100-year storm event. The detention basin would be approximately 0.6 acres and would be located at the northwestern corner of the high-voltage substation/switchyard site. The basin would contain an earthen bottom and would have a maximum drawdown time of 9 hours.[1] This rapid drawdown rate would minimize wildlife being drawn to the stormwater conveyance facility because, as a stormwater management feature, this facility would not be a permanent source of on-site water. Therefore, it would not pose a risk to wildlife. In fact, the majority of the year, this facility would not contain water; it would only retain water during a storm event. Reference to the "retention pond" in Chapter 1 of the Draft EIR has been revised to "earthen bottom detention basin" in the Final EIR to clarify that this facility would be part of the high-voltage substation/switchyard's stormwater management system.

O12-33g The comment states the Draft EIR fails to assess potentially significant impacts associated with concrete wastewater. In response, Draft EIR Chapter 3.1.5, Hydrology and Water Quality, clearly states that construction must comply with the Clean Water Act, the National Pollutant Discharge Elimination System Permit(s) for the Project, and the Stormwater Pollution Prevention Plans prepared for the Project, as well as other applicable water quality and waste discharge regulations. Therefore, any concrete wash out would be required to comply with the Stormwater Pollution Prevention Plans and would not result in significant environmental impacts.

O12-33h The comment states the Draft EIR claims that temporarily disturbed areas around the Project's wind turbines would restored, which is inconsistent with the Draft EIS. Please refer to Response to Comment O12-15.

[1] Geosyntec. 2019. *Lost Valley Switchyard – Drainage Report*. Prepared for Beta Engineering. June 21, 2019.

O12-34 This comment includes an excerpt from the Draft EIR regarding decommissioning. The comment then states that the Draft EIR's statements are vague regarding decommissioning. Specifically, the comment (1) states the Draft EIR fails to identify the terms of the Campo Lease, (2) states the Draft EIR does not incorporate a mitigation measure (other than an enforcement mechanism) that requires revegetation of disturbed areas after decommissioning, (3) asks whether plants used for revegetation would be the same species as those that occur in adjacent habitats or simply plants that have same physical characteristics, (4) states the Draft EIR fails to discuss why use of local seed sources might be feasible, (5) states the Draft EIR fails to disclose what would occur if local seed sources are not available, and (6) states the Draft EIR fails to incorporate any performance standards for site conditions following decommissioning. In response, please refer to Response to Comment O12-10 regarding the requirements of a Project Description with respect to inclusion of the Campo Lease. With respect to revegetation, the Draft EIR includes mitigation measures that requires revegetation, including M-BI-7 which requires revegetation of temporarily impacted areas for the Boulder Brush Facilities, including after decommissioning. M-AE-D requires all graded roads and areas not required for ongoing operation, maintenance, or access to be revegetated and/or returned to preconstruction conditions, as feasible, for the Campo Wind Facilities. M-BI-C requires preparation and implementation of a decommissioning plan that shall include revegetation of the previously disturbed areas for the Campo Wind Facilities. In response to comments regarding plants used for revegetation, M-BI-C states that "soil would be revegetated with native plant species found within adjacent habitats," and therefore the mitigation measure specifies the plants would be directly sourced from adjacent habitats used for revegetation, and thus would be the same species as found in adjacent habitats. Seed collection from the Project Site is not necessary because the mitigation measure adequately addresses the source of seeds from adjacent habitats to contribute to a minimum of 40% cover of native plant species, which would achieve the same quality of native cover.

M-BI-C also specifically states that if seeds are not available for collection, that unavailable seeds would not be incorporated into the final seed palette. As explained in Response to Comment O12-15, the text in Chapter 1 of the Draft EIR stating local seed sources would be used where feasible has been corrected in Chapter 1 of the Final EIR. Additionally, the actual Project impacts would have occurred possibly 30 years prior to the revegetation; therefore, it would not be possible to collect and store seeds from the Project impact area (i.e., Project Site). Invasive or non-local seeds would not be used for revegetation.

M-BI-C also includes a clear performance standard, requiring that revegetation of disturbed areas shall provide a minimum of 40% cover of plant species native to adjacent habitats within 2 years of construction completion. If 40% cover of native species is not achieved within 2 years, adaptive management measures will be pursued until 40% cover of native species is achieved.

With respect to the Boulder Brush Facilities, M-BI-7 has been revised in the Final EIR as follows to clarify that revegetation of the Boulder Brush Facilities is required: "revegetation ~~of temporarily impacted areas~~" (strikeout [i.e., ~~strikeout~~] indicates deletion from the Final EIR). Disturbed areas that are not required to be clear for O&M activities (i.e., temporarily disturbed areas) shall be revegetated or stabilized using soil binders within 90 days of construction completion. The Boulder Brush Facilities would result in temporary impacts to sensitive upland and jurisdictional aquatic resources (ephemeral channels). Temporary impacts shall be revegetated to provide erosion control, slope stabilization, or other necessary function. Revegetation areas may incorporate salvaged materials, such as seed collection and translocation of plant materials, as determined to be appropriate. The Project Biologist shall review the plant materials prior to grading and determine if salvage is warranted. Ephemeral channels will be restored to pre-construction conditions, as feasible.

In response to comments received on the Draft EIR, mitigation measure M-BI-7 has been revised to include additional language regarding revegetation as part of decommissioning. The strikeout-underline text has been included in the language of the mitigation measure: <u>Prior to decommissioning of Boulder Brush Facilities, a decommissioning plan consistent with the terms of the Private Lease would be prepared and implemented. The decommissioning plan shall include revegetation of the previously disturbed areas. Soil would be revegetated with native plant species found within adjacent habitats. Locally available seed would be used, and seed from species that are unavailable for collection would not be incorporated into the final seed palette. Revegetation of disturbed areas shall provide a minimum of 40% cover of plant species native to adjacent habitats within 2 years of construction completion. If 40% cover of native species is not achieved within 2 years, adaptive management measures will be pursued until 40% cover of native species is achieved.</u>

O12-35 This comment provides a discussion of the surveys conducted by Dudek for special-status species. Specifically, the comment states that due to survey timing Dudek's survey results do not provide reliable information on the number of Tecate tarplant individuals that would be impacted by the Project. The comment further states that Dudek's survey results do not provide reliable information on the abundance and distribution of Colorado Desert larkspur due to survey timing.

In response, late-season rare plant surveys with a focus on Tecate tarplant (two seasons) were conducted within the Boulder Brush Corridor after the species was detected in full bloom during the same time at a reference site less than 1 mile from the Boulder Brush Boundary. Dudek has numerous reference locations for Tecate tarplant within Jacumba, Boulevard, and Potrero, California. Based on the location of a survey, Dudek collects bloom reference timing data at the closest reference site. For this study, all nearby reference locations were in full bloom at the time of the focused rare plant surveys for Tecate tarplant in late July and August, in 2017 and 2018. Surveys are not conducted unless reference populations are in full bloom at a nearby reference site. Tecate tarplant's vegetative growth and bloom time is extremely sensitive to the timing of rainfall. Therefore, biologists take extra concern to conduct surveys when local reference populations are in full bloom. The surveys were conducted during the time of year the species is detectable and the species was observed within the Boulder Brush Corridor. Within the Boulder Brush Corridor there were approximately 3,059 individuals of Tecate tarplant, based on the survey conducted in 2018.

Additionally, Colorado Desert larkspur was detected in full bloom at the reference site less than 1 mile from the Boulder Brush Boundary during the same time period as surveys conducted for the Project. Therefore, timing was optimal. Within the Boulder Brush corridor, 82 individuals of Colorado Desert larkspur were observed based on the survey conducted in 2018. The BTR (Appendix D to the Draft EIR) includes a description of the reference site locations and the species that were found.

O12-36 The comment states that contextual information regarding the importance of the Project Area to the persistence and recovery of the Quino checkerspot butterfly is not provided in the Draft EIR or BTR. The comment further states that contrary to the Draft EIR's claim, the Project Site coincides with the Campo Core Occurrence Complex and that most of the Quino checkerspot butterflies that make up the Campo Core are associated with the Project Site. The comment then further discusses the Campo and Jacumba Core Occurrence Complexes. The comment further states there are no maps in the Draft EIS or the Draft EIR that depict the 2010 and 2018 survey areas in relation to the Project footprint, which makes it impossible to understand whether all potential Quino habitat that may be affected has been surveyed and to evaluate indirect effects. Lastly, the comment expresses concern about the survey protocol.

Please refer to the discussion of Quino checkerspot butterfly in Global Response GR-5. With respect to survey protocols, as background, the December 2014 USFWS Quino checkerspot butterfly survey protocol allows for modifications to the survey based on coordination with the USFWS. On March 12, 2018, USFWS authorized Dudek to begin surveys late due to inclement weather conditions common in eastern San Diego County.

The USFWS reserves the right to not accept survey results based on drought conditions or other factors. In this case, the commenters stated that the entire survey effort did not strictly adhere to the survey protocol recommendations. The 2018 focused Quino checkerspot butterfly surveys followed the 2014 USFWS protocol with the addition of an amendment included in the 2018 notification.[2,3] The approved amendment allowed surveys to begin the week of March 12, 2018, to account for the location's higher elevation, generally colder conditions, and generally later start of Quino checkerspot butterfly emergence. The comment states there are inconsistences with the USFWS survey guidelines. Table 1, Schedule of Focused Quino Checkerspot Butterfly Surveys, in Attachment C-1 of the EIS has been updated to clarify these concerns. The following addresses the commenter's concerns regarding USFWS survey guidelines:

1. Survey pass 1 in Area 10 was terminated early due to non-protocol weather conditions, as noted in Table 1 in Attachment C-1. Survey passes 5 and 6 for Area 10 were conducted on the same day due to weather conditions, and the alteration to the guideline was approved by the USFWS.
2. Survey pass 9 in Area 1 ended early due to weather conditions, and the alteration to the guideline was approved by the USFWS.
3. The conditions shown in Table 1 in Attachment C-1 are a range for the survey day, and the surveys were conducted within the requirements.

Similarly, the 2019 focused Quino checkerspot butterfly surveys followed the 2014 USFWS protocol with the exception of an approved amendment discussed in the 2019 notification. The amendment allowed surveys to begin the week of March 11, 2019. As indicated in the 2018 Campo report, the 2018 Torrey report, and 2019 proposed wind energy facilities survey reports, surveys were conducted over 10 weeks in 2018 and 9 weeks in 2019 per USFWS protocol. Minor and rare deviations occurred during the course of the survey effort as a result of various weather and access constraints. Regardless, the USFWS concluded that the reports were sufficient for purposes of use in the Section 7 consultation for the Project. Comments received on the Draft EIR regarding the survey acreages and hours were noted and the survey report was revised to ensure reported survey hours match the survey data sheets. These revisions are included in Appendix C of the BTR (Appendix D to the Draft EIR).

---

2 Dudek 2018. Biological Resources Technical Report For the Campo Wind Project with Boulder Brush Facilities. December 2019. Appendix A-2 and Appendix B-1.

3 USFWS 2018a. Porter, E. 2018. QCB Survey Notification. Email from E. Porter (USFWS) to P. Schuyler (Dudek), B. Ortega (Dudek), D. Stadtlander (USFWS), and S. Love (USFWS). March 12, 2018. *Quino Checkerspot Butterfly Survey Guidelines*. USFWS, Carlsbad Field Office. Carlsbad, California: USFWS. December 15, 2014.

O12-37 The comment states that a survey report for the 30-minute point counts was not provided in the BTR (Appendix D to the Draft EIR) and the only data provided is a list of species detected during surveys. The comment also provides general information regarding golden eagles and the types of surveys to assess risk to eagles at proposed wind projects. The comment states the surveys conducted for the Project Site were insufficient to document golden eagle use of the area, evaluate the risk the Project poses to the golden eagle population, and properly micro-site turbines to minimize risk to eagles. The comment further states that the conclusion in the Draft EIR that there are no suitable large trees or cliffs present for eagle nesting is not supported by evidence. Lastly, the comment states the Draft EIR does not include discussion of the California condor, including the potential for a condor to collide with one of the Project's wind turbines. The comment then states it appears highly probable, based on information contained in the comment, that condors will pass through the Project Site during the life of the Project.

In regard to the 30-minute counts, no separate report was required or prepared, and the data was incorporated into the BTR (Appendix D of the EIR). In regard to eagle survey and data, please refer to Golden and Bald Eagles in Global Response GR-5.

In regard to eagle nests, all areas of suitable raptor nesting habitats, including woodlands, were surveyed, and methods were approved by the USFWS. The comment expressed concern regarding a lack of studies to determine the presence of additional eagle nests. For a response regarding nest surveys, refer to Global Response GR-5. As stated earlier, survey methods and methods of analysis were discussed with the USFWS on at least two occasions. Further, they were updated at least twice during the process regarding the data collected. The Eagle Conservation Plan Guidance allows for data collection and data analysis methods to be determined between the Project proponent and USFWS and need not strictly adhere to the recommendations in the voluntary document. From the start of the Project's development, it was determined in consultation with USFWS that the Project could rely on the substantial historical nest data from the vicinity and the USFWS would also review other data that flowed in through monitoring associated with the Tule and Ocotillo Wind Projects.

In addition to data provided to the proponent directly by the USFWS, a review of U.S. Geographical Survey eagle telemetered positional data was also completed. If there had been a nest that was used by any of these eagles, then there would have been a concentration of data points at that location. There was not. Although not all eagles were telemetered, in this case substantial eagle-specific point count data and weekly 30-minute point count data found very little eagle activity. Similar to other projects, if there would have been a nest within the substantial viewshed of any of the point count locations, then the concentrated activity would have been observed, noted, and timestamps collected.

In response to the comments regarding California condor, the following response is provided. The USFWS listed the California condor as an endangered species in 1967 under a precursor to the Endangered Species Act. Several experimental release populations of California condors have been established, including two in California (with the closest approximately 250 miles north of the Project Site in the Tehachapi Mountains) and one in Baja California, Mexico, approximately 100 miles south of the Project Site. As of 2017, there were 38 individual condors in the Baja California population.[4]

According to the recovery plan for the species,[5] paired condors generally tend to forage most frequently in areas relatively close to the nest and do not travel more than 30 to 45 miles from the nest site. However, condors have been known to travel greater distances during the nonbreeding season, with such flights typically undertaken by subadults.

Records of condors occurring in San Diego County are extremely rare. The sighting referenced in the comment is a single subadult female captive-born (from the San Diego Zoo) California condor observed in the region in 2007. The condor had been previously fitted with a satellite tracking device and was monitored in San Diego County, riding the thermals above Cuyamaca Rancho and Anza Borrego State Parks. It was seen on at least two occasions along Highway 79 and, based on radio telemetry, came within approximately 5 miles of the Project Site.[6] In total, the condor flew approximately 100 miles from its release site in Baja California and was tracked back to the release site 3 days later. This is the only record of a condor entering the United States from Baja California, and the first condor seen in San Diego County since 1910.[7] There have been no similar records since that time.

As described in the BTR (Appendix D to the EIR), California condors have a very low potential of occurring within or immediately adjacent to the Project Site. Condor use of the Project Site and immediate vicinity would be related to the availability of roost and foraging opportunities. According to the California Condor Recovery Plan,[8] it was estimated that over 95% of the condor's diet consists of the carcasses of large

4 USFWS 2019. California Condor Recovery Program 2017 Annual Population Status. 7pp. https://www.fws.gov/cno/es/CalCondor/PDF_files/2017-CA-condor-population-status.pdf.catalog/?community=California+Condor.

5 USFWS 1996. Recovery Plan for the California Condor. April 1996. https://www.fws.gov/cno/es/CalCondor/PDF_files/USFWS-1996-Recovery-Plan.pdf.

6 AECOM 2012. *Draft Environmental Impact Statement, Shu'luuk Wind Project.* December 27, 2012.

7 AECOM 2012.

8 USFWS 1996.

mammals, primarily that of cattle, domestic sheep, horses, and mule deer. Livestock grazing and concentrations of big game animals, two primary sources of food for condors, currently do not occur on the Project Site, thus substantially limiting the potential for condors to scavenge carcasses.

Other than the one observation in 2007 (see above), USFWS data indicate that the nearest documented occurrence records are at least 15 miles away from the Project Site, with occurrence records from other years being even further from the site.[9] Typically, California condors require mountainous areas in which they can more readily use updrafts to provide lift during foraging flights. Consequently, any future northward flights from the Mexican population are expected to take advantage of the consistent updrafts along the Sierra Juarez, which are located well to the east of the Project Site.

O12-38 The comment addresses bat survey methods and detection of bat roosts. The comment states that data that were collected 8 years ago from one sampling location along the eastern border of the Boulder Brush Corridor do not provide adequate information on the environmental setting. The comment further states that the surveys do not adhere to the USFWS or California Energy Commission and California Department of Fish and Game's guidelines with regards to bat surveys. The comment further states it is extremely unlikely only 13 bat species occur at the Project Site. The comment also expresses concern that Dudek compared the Project Site's total index of activity to index of activity values from studies in Clark County, Nevada, which is not located within the region of the Project Site. Lastly, the comment states that the conclusion that the western small-footed myotis is the only bat species with high potential to roost on the Project Site is not supported by survey data or other scientific evidence.

In response, the guidelines referenced in the comment state that there is no established protocol for sampling bat distribution and that the number of detectors are variable for each site. While it does refer to one method of placing detectors every 2 kilometers where turbines are to be sited, this is not the only method accepted for estimating bat use on a site. An extensive amount of data was collected from acoustical bat surveys conducted for the Jewell Valley Wind Project, which was used to determine the species identification and frequency for bats to occur within the local vicinity, as described in Appendix D of the Draft EIR, specifically Sections 3.2.1, 3.2.2, 3.3.1.6, 4.4.1, and 4.4.2. These data identified the suite of species that occurred in the area and those that would be expected to occur at and near the Project Site.

[9] USGS 2018. California Condor GPS Telemetry Data. ScienceBase-Catalog. Accessed November 2018. https://www.sciencebase.gov/catalog/?community=California+Condor

The level of bat study effort in California is highly variable and the majority of studies performed specific to bats are conducted over less than 1 year. In this case, the Project has nearly 2 consecutive years of extensive data from the vicinity to identify the likely suite of species that occur in the area. This suite of species is likely to remain consistent over a broader term as the vegetation communities did not change appreciably between the original studies and the Project baseline identified at the time the Notice of Preparation was released; therefore, the age of the data and extent of data acquired is appropriate for the Project's CEQA analysis. Bat data from a variety of acoustical bat studies in 2011–2012 for the Jewell Valley Wind Project within the vicinity were reviewed to establish a baseline and used to provide a conservative impact approach to assessing the effects on bats (see Global Response GR-5 for detailed information). In addition, consideration of data obtained from other areas where bat studies have been conducted is useful and appropriate. Specifically, Clark County index of activity values are relevant because bats in Clark County are also western bats and the area is dry and warm, similar to the Project Site.

In regard to bat roosts, large roosts are not expected within the Boulder Brush Corridor due to the smaller size of outcroppings.

O12-39 The comment states that the Draft EIR does not address that a portion of the Campo Corridor has been classified as an "Essential Connectivity Area."[10] In response, the Draft EIR adequately addresses wildlife corridors, linkages, and connectivity. The Essential Connectivity Area described by Spencer et al. (2010) references a Caltrans study from 10 years ago and provides only a course-scale map that does not elaborate on species needs, but rather identifies large blocks of land. The Draft EIR analyzes the same concept as the Caltrans study, using updated sources. The Caltrans 2010 study provides no additional information to inform the analysis.

O12-40 The comment states that the Draft EIR fails to demonstrate that the Developer has attempted to minimize impacts by utilizing the existing network of roads in the Boulder Brush Corridor. The comment further states that the Developer has not attempted to design the Project to avoid or minimize impacts to the Quino checkerspot butterfly (and its habitat) to the maximum practicable extent. Specifically, the comment states extensive grading and construction will occur in (or adjacent to) the area containing the highest concentration of butterfly occurrences associated with the Campo Core Occurrence Complex. Please refer to GR-5 for additional details regarding the Quino impacts, including the Campo Core area.

[10] Spencer et al. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. February 2010. https://conservationcorridor.org/cpb/Spencer_et_al_2010.pdf.

In response, prior use by off-road vehicles within the Boulder Brush Corridor has resulted in various disturbed areas. These existing disturbed linear features and informal access routes will be used or improved as feasible in most locations. Initially, the primary access road proposed for the Boulder Brush Facilities followed one such disturbed access route; however, sensitive resources were identified within that route, and thus the primary access was realigned to avoid those resources. Therefore, new access roads are required within the Boulder Brush Corridor to access the Boulder Brush Facilities. In addition, primary access to the Boulder Brush Facilities follows along the existing disturbed Ribbonwood Road alignment. As shown on Figure 1-9b of the Draft EIR, use of existing disturbed accessways includes minimizing jurisdictional waters crossing, the largest feature being the Tule Wash.

Additionally, please refer to GR-5 for additional details regarding the Quino impacts, including the Campo Core area.

O12-41 The comment addresses impacts to special-status plants, including impacts causing habitat fragmentation, and quantifying indirect impacts. Specifically, in regard to County List A and B species within the Boulder Brush Corridor, the comment states that impacts to 41% of the land within the Boulder Brush Corridor constitutes significant habitat fragmentation and demonstrates that fragmentation of habitat for special-status species is potentially significant. The comment also states the Draft EIR does not attempt to quantify the extent of indirect impacts and it is unrealistic to conclude that the proposed mitigation measures would prevent indirect impacts to special-status plants. The comment further states a minimum 200-foot setback distance is needed to protect a special-status plant species from potentially significant indirect impacts.

In regard to County List A and B species within the Campo Corridor, the comment states that the Draft EIR's statement that impacts cannot be quantified and thus would be significant and unavoidable is not supported by substantial evidence. The comment further states in the absence of site-specific data, the County could use Boulder Brush data to estimate impacts to List A and B species in the Campo Corridor and adjust compensation requirements in mitigation measure M-BI-5. In regard to County List D species within the Campo Corridor, the comment states County List D species are known to occur in the Campo Corridor, but their distribution and abundance were not recorded; therefore, the County has no ability to assess whether impacts within the Campo Corridor would affect the long-term survival of the species, which invalidates the less-than-significant conclusion. Lastly, the comment states the County has the ability to require surveys for List D species and adjust compensation requirements under M-BI-5.

In response to County List A and B species within the Boulder Brush Corridor, while the gen-tie line is linear, it is important to note that the permanent impacts associated with the gen-tie line would be relatively small (approximately 32 steel pole structures with an 8-foot-wide diameter footprint around each pole), with 16-foot-wide decomposed granite roads along the gen-tie line and a 20-foot-wide fuel modification zone on either side of the road. These components would contribute to the accurately reported 122.8 acres of disturbance to sensitive vegetation communities across the 320-acre Boulder Brush Corridor as disclosed in the BTR and Chapter 2.3 of the Draft EIR. These disturbances would not result in potentially significant habitat fragmentation because pollinators are likely to travel the relatively minimal distances across the roads after implementation of the Project, minimizing the extent to which habitat fragmentation affects pollination and in turn the gene flow between plant occurrences. Additionally, seed dispersal by wildlife is unlikely to be substantially affected by habitat fragmentation as a result of the Boulder Brush Facilities, given the limited width of disturbance required for the gen-tie line. Moreover, traffic along the access roads would be minimal and restricted by a speed limit; therefore, wildlife that could disperse plant seeds are likely to continue to use and move freely throughout the Boulder Brush Facilities, including across the access roads and around pole structures.

Further, the Project minimizes the negative effects of habitat fragmentation by prohibiting the use of invasive plants in revegetation areas and by maintaining large patch sizes of habitat on either side of the Project Site. One of the potential negative consequences of habitat fragmentation is an increase in non-native plants associated with areas immediately adjacent to habitat that has been fragmented by development.[11] However, mitigation measure M-BI-13 will prohibit the use of invasive plants in the revegetation areas within the Boulder Brush Corridor. The size of remaining habitat fragments also influences the extent to which a plant species is affected by habitat fragmentation. Patch size is correlated with a reduction in reproductive success, reduced colonization rates, and resources becoming increasingly scarce; ultimately, the maximum population size of a species becomes restricted with decreasing patch size.[12] However, the impacted areas will only be fragmented across a relatively narrow area of disturbance and there are extensive areas of land that remain undeveloped. In addition, for those native species that prefer edges or less dense areas, the disturbances would result in improved habitat conditions.

[11] Alberts et al. 1993. Effects of Habitat Fragmentation on Native and Exotic Plants in Southern California Coastal Scrub. Interface Between Ecology and Land Development in California Ed. J.E. Keeley.

[12] Rogan and Lacher 2018. Impacts of Habitat Loss and Fragmentation on Terrestrial Biodiversity. May 16, 2018. https://www.sciencedirect.com/science/article/pii/B9780124095489109133.

Regarding mitigation of indirect impacts to special-status plants within the Boulder Brush Corridor, temporary fencing/flagging and biological monitoring as required by M-BI-2 and M-BI-3 are effective and adequate measures to prevent impacts from extending beyond the approved footprint. In addition, standard measures in a Stormwater Pollution Prevention Plan conform to the State Water Resources Control Board 2009-0009-DWQ Construction General Permit or equivalent, apply the standards set forth in the County Stormwater Standards Manual, and have specific, enforceable measures to prevent or reduce impacts to water quality. These are commonly accepted measures used across the state on most projects to reduce impacts to less than significant. These impacts will reduce potential impacts to special-status plants within the Boulder Brush Corridor because there are such specific measures required to avoid impacts outside the footprint (as described above). Further, the recommended 200-foot buffer from impacted areas is specifically for an edge effect study for San Fernando Valley spineflower from 20 years ago. This reference is not relevant to the Boulder Brush Corridor because this species does not occur on site and this species has a different sensitivity than the species occurring on site. The San Fernando Valley spineflower is endangered, whereas all species observed within the Boulder Brush Corridor are not federally or state listed, not endemic, and not seriously threatened by development. All of the requirements provided in the mitigation measures are specifically designed to prevent impacts outside of the Boulder Brush Facilities footprint.

Regarding County List A and B species, as well as List D species, within the Campo Corridor, the Reservation is not subject to the County's guidelines, including impacts or mitigation requirements, and the presence or impacts to County-listed species are not applicable to the Campo Corridor.

Also, the Final EIR has been revised to clarify the significance determinations from impacts to County List D species in Chapter 2.3 as follows:

> There would be no direct impacts to County List C plant species resulting from implementation of the Boulder Brush Facilities. Potential impacts to County List D species, including Colorado Desert larkspur within the Boulder Brush Corridor~~, and Payson's jewelflower (Chorizanthe leptotheca), and pride of California (Lathyrus splendens) within the Campo Corridor,~~ are considered less than significant per the County Guidelines because the Project would not impact the long-term survival of these plants. Impacts to Payson's jewelflower, Peninsular spineflower (Chorizanthe leptotheca), and pride-of-California (Lathyrus splendens) within the Campo Corridor are considered significant and unavoidable.

O12-42 The comment states that Dudek's Quino checkerspot butterfly habitat model "does not provide an accurate estimate of Project impacts to Quino checkerspot butterfly habitat." Specifically, the comment states the four parameters incorporated into Dudek's model and describes areas excluded from the model. The comment then states that Dudek's model has numerous flaws and does not provide an accurate estimate of the Project's impacts to Quino checkerspot butterfly habitat.

In response, in addition to Quino checkerspot butterfly habitat modeling conducted as part of the BIA's Draft and Final EIS and consistent modeling conducted for the Draft EIR (and as described in Appendix D of the Draft EIR) for the Project, Dudek also modeled potentially occupied Quino checkerspot butterfly habitat as part of the Section 7 consultation process in accordance with USFWS direction pursuant to the Endangered Species Act. The modeling conducted as part of the Section 7 consultation process was included as part of the Biological Assessment (BA) prepared for the USFWS, which has been included in the Final EIR as Appendix P for disclosure.

As background, Quino checkerspot butterfly populations vary yearly based on a variety of factors, including rainfall, temperature, timing of rain events, and host plant growth patterns, among others. Low rainfall and other factors can cause larva to extend diapause and delay emergence. Lack of adult Quino checkerspot butterfly observations in one year may not be considered adequate evidence that a site is unoccupied. Therefore, potentially occupied habitat was originally modeled based on Quino checkerspot butterfly records and host plants observed in 2010 by AECOM. Since 2010, the USFWS has suggested a number of modeling methods (e.g., County of San Diego Quino Amendment, Santee Subarea Plan). Those parameters include the following:

- 200-meter buffer around Quino checkerspot butterfly locations
- 200-meter buffer around "significant" plant populations (i.e., >20 individuals)
- Hilltops
- Ridgelines (centerline with 100-foot [31.2-meter] buffer)

Plant population buffers, hilltops, and ridgelines were added to the Quino checkerspot butterfly detection polygon in the model or each other as they would connect. If the link was broken by distance or unsuitable habitat, then the potentially occupied patch would end. Based on the single Quino checkerspot butterfly positive identification within the Boulder Brush Corridor, Quino checkerspot butterfly habitat was also modeled within the Boulder Brush Corridor.

A habitat assessment model was calculated in 2018 based on the 2018 Quino checkerspot butterfly focused survey results. However, based on a July 2, 2019, meeting with the USFWS, Dudek revised the analysis methods to include all Project components that occurred within 1 kilometer of any Quino checkerspot butterfly observation where suitable habitat occurred. In order to generate this analysis, a 1-kilometer buffer was applied to all known (California Natural Diversity Database [CNDDB] or USFWS) data points from the Project Vicinity. Quino checkerspot butterfly suitable habitat was then identified where it overlapped the 1-kilometer buffer. The acreage of these resulting areas was then calculated. Areas that were excluded only included habitat that was either excluded by both AECOM in 2010 and Dudek in 2018 or unique habitat assessment areas that were excluded by either AECOM or Dudek. Areas excluded by one survey but not the other were included in the model as potentially suitable habitat. This model resulted in approximately 332.62 acres of suitable, potentially occupied habitat that would be impacted and mitigated. The USFWS approved the BA prepared by Dudek in August 2019 and the USFWS issued a Biological Opinion (BO) on January 16, 2020.

Additionally, exclusion areas that were not surveyed were determined based on the USFWS 2014 survey protocol and consisted of developed areas and densely vegetated chaparral with tall shrubs. A detailed description of the exclusions area analysis is included in the BA:

> Prior to performing focused surveys, Dudek biologists conducted host plant mapping as well as a habitat assessment within the Action Area in order to identify suitable habitat and exclude unsuitable habitat. Excluded areas consisted of developed areas and densely vegetated chaparral with tall shrubs forming closed canopies. AECOM utilized a similar method when excluding areas for their surveys. A review of the AECOM (Appendix C) exclusion areas versus Dudek (Appendices D and E) exclusion areas found a few differences (Figure 8, 2010, 2011, and 2018 Quino Checkerspot Butterfly Survey Areas). Table 5-1 depicts the various acreages for permutations of excluded versus surveyed habitat between the two survey efforts. Primary areas of difference occur in the vicinity of the C-19 to C-26 string, C-27 to C34 string, C-1, C-8, and C-9 turbines on the Dudek side, and C-4 to C-7 and C-10 to C-12 plus miscellaneous areas on the AECOM side. Within overlapping survey boundaries, these differences can be attributed to time between surveys and growth of plants and possibly observer bias. In no instances did the Dudek exclusion areas overlap with known QCB locations; however, some of the AECOM and Dudek exclusion areas came close to known QCB observations (i.e., vicinity of C-1, C-34, A-67).

Table 5-1
Exclusion Area Differences Between the AECOM 2010 and Dudek 2018 Survey Efforts

Permutation	Acres
Areas surveyed by Dudek but not addressed by AECOM	258.94
Areas surveyed by Dudek, but excluded by AECOM	54.27
Areas surveyed by AECOM, but excluded by Dudek	258.03
Areas surveyed by both	358.48
Areas excluded by both	61.49

> Mutual or exclusive exclusion areas are assumed to not be suitable for QCB presence for the purposes of this analysis. Areas that were determined by one entity to be excluded but not by the other, were included.

Impacts and Mitigation Per the Biological Opinion

Using the USFWS-directed revised modeling and impact analysis, it was determined that the Project would impact approximately 332.62 acres of potentially occupied Quino checkerspot butterfly habitat.

The conservation measures (CM) included in, and required by, the BO have been added to mitigation measure M-BI-1 in the Final EIR and will be required to be implemented by the Project. The conservation measures required by the BO include CM-1: Off-site Land Conservation, CM-2: Limiting Impacts to Occupied Habitat, CM-3 Avoidance of Vehicle Strikes, CM-4: Revegetation of Temporary Impacts, CM-5: Weed Control, CM-6: Trash Control, CM-7: Dust Control, and CM-8: Fire Prevention. Refer to Global Response GR-5 and M-BI-1 for details regarding the conservation measures included in, and required by, the BO.

Further, in the BO, the USFWS made the following conclusion:

> After reviewing the current status of the Quino, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's biological opinion that the proposed project is not likely to jeopardize the continued existence of the Quino. We base this conclusion on the following:
>
> 1. Although Quino distribution has declined throughout southern California, extant populations remain in Riverside and San Diego counties and northern Baja California, Mexico;
> 2. Loss or degradation of habitat within 332.6 acres within the 1,024 acres of occupied habitat within the action area will be generally diffuse and minor in any given area;

3. The highest known concentration of Quino within the vicinity of the action area will be avoided by the project;
4. Quino within and surrounding the action area will continue to function as part of a larger metapopulation(s) but at lower levels;
5. Conservation of a large block of occupied habitat with Quino-specific habitat management will likely augment the contribution of Quino within the conservation area to local metapopulation(s); and
6. With implementation of the conservation measures, the proposed action is not anticipated to result in an appreciable reduction in the numbers, reproduction, or distribution of Quino in the action area or range-wide.

O12-43 The comment states Dudek's Quino checkerspot butterfly habitat model incorporates four parameters that it claims are based on general industry guidance from USFWS for other projects; however, Dudek's claim is not supported by evidence and is inconsistent with information provided by the USFWS. The comment further states that the USFWS considers all suitable habitat within 1 kilometer of a Quino checkerspot butterfly sighting to be occupied habitat. The comment further states that there is no scientific basis for using significant plant populations as a model parameter and that USFWS has determined that it is not possible to determine habitat suitability based on standing host plant densities. Lastly, the comment states that Dudek's model failed to consider other local topographic features and the figure in the BTR does not depict local topography. The comment also raises concerns with Figures 4-6 and 5-3 in the BTR.

As explained in Global Response GR-5, as part of the Section 7 consultation process with the USFWS, model parameters were developed and preliminary results were prepared. The model and associated results were then presented to the USFWS on July 2, 2019 (it should be noted that USFWS 2019 feedback that this method was unfounded is in error, as it follows the 2009 Draft Quino Stakeholder Group Quino Amendment procedures[13] and procedures specifically requested by the USFWS related to the 2004 draft Santee Subarea Plan [also presented by the Independent Expert Panel] and Fanita Ranch Project). Based on the feedback received from the USFWS on July 2, 2019, Dudek revised the analysis methods to include all Project components that occurred within 1 kilometer of any Quino checkerspot butterfly observation where suitable habitat occurred.

[13] https://www.sandiegocounty.gov/pds/mscp/docs/Quino/July_23_2009_Policy_Paper_Stakeholders.pdf

As stated in Response to Comment O12-42, all Project components that occurred within 1 kilometer of any Quino checkerspot butterfly observation where suitable habitat occurred were included. In order to generate this analysis, a 1-kilometer buffer was applied to all known (CNDDB or USFWS) data points from the Project Vicinity. Quino checkerspot butterfly suitable habitat was then identified where it overlapped the 1-kilometer buffer. Dudek consulted with USFWS on its modeling effort for the Project as part of the Section 7 consultation process, and all modeling input parameters were vetted and approved by the USFWS. Additionally, the USFWS modeling methods include a 200-meter buffer around significant plant populations (i.e., >20 individuals). Therefore, because the updated modeling methods and input parameters employed were vetted by, and conducted under the guidance of, the USFWS, they are appropriate and adequate for purposes of the Project's analysis.

As stated in Response to Comment O12-42, as part of the modeling conducted under Section 7 consultation with the USFWS, plant population buffers, hilltops, and ridgelines were added to the Quino checkerspot butterfly detection polygon and were accounted for in the model. Therefore, local topography was considered in the model and the figure shows the aerial imagery with the modeled analysis that includes the local topography. Through coordination with the USFWS as part of the Section 7 consultation process, the model was revised and used to obtain a BO from the USFWS in January 2020. Dudek worked closely with the USFWS from July 2019 through January 2020 on the habitat modeling effort, and the model is consistent with USFWS guidance. Refer also to Response to Comment O12-42 for a complete description of Quino checkerspot butterfly modeling. It should also be noted that the Section 7 consultation process, including any habitat modeling as coordinated with, and ultimately approved by, the USFWS, was conducted independent of the analysis performed for purposes of Chapter 2.3 and Appendix D of the Draft EIR. The conclusion of the Section 7 consultation process resulted in the issuance of the BO. Mitigation measure M-BI-1 of the Final EIR defers to the conclusions and requirements of the BO. Please also refer to the Quino checkerspot butterfly discussion in Global Response GR-5.

In regard to Figures 4-6 and 5-3, these figures correctly show the Quino checkerspot butterfly habitat modeling as described in Appendix D of the Draft EIR. The comment expresses concern for "links" in the Quino checkerspot butterfly habitat modeling. As described in Appendix D and the comment, the habitat modeling, referred to as the link, would be broken by distance (200 meters) or unsuitable habitat, as defined by the 2014 USFWS survey protocol, which excludes orchards, developed areas, or small in-fill parcels (plots smaller than 1 acre completely surrounded by urban development) largely dominated by non-native vegetation; active/in-use agricultural fields without natural or

remnant inclusions of native vegetation or that are completely without any fallowed or unplowed areas; and closed-canopy woody vegetation including forests, riparian areas, shrub-lands, and chaparral.

"Closed-canopy woody vegetation" describes shrubs or trees growing closely together in which the upper portions of the vegetation converge (are touching) to the point that the open space between two or more plants is not significantly different than the open space within a single plant. Closed canopy shrub-land and chaparral are defined as vegetation so thick that it is inaccessible to humans except by destruction of woody vegetation (branches), and therefore the potentially occupied patch would end. This is referring to habitat modeling patches that are not connected as a continuous area due to the modeled distance between modeled attributes (as we analyzed at that time), including plant population butters, hilltops, and ridgelines, or unsuitable habitat for Quino checkerspot butterfly, and therefore there are isolated patches of modeled habitat.

As noted in the Response to Comment O12-42, the methods were later revised to adhere to evolving USFWS direction. The comment expresses concern that Figure 4-6 in Appendix D does not depict modeled habitat throughout the "link." The areas on the figure that are not colored as modeled habitat are not suitable Quino checkerspot butterfly habitat and are not included in the model. Therefore, the comment's reference to "the map does not depict modeled habitat throughout this link" is due to the suitable habitat being broken by distance or unsuitable habitat; therefore, there is not modeled habitat throughout the southwestern corner of the Campo Corridor.

Additionally, the comment states that Figure 5-3 of Appendix D suggests that "there is virtually no modeled habitat whatsoever in that area." However, Figure 5-3 shows the overlap of impacts and the Quino checkerspot butterfly modeling, and there are impacts to the habitat modeling in the southwestern corner of the Campo Corridor.

Moreover, the figures appropriately focus on direct impacts associated with the Project's impact footprint, and do not show or quantify indirect impacts outside of the impact footprint, which is appropriate for the Project's CEQA analysis. Direct and indirect impacts are analyzed in detail in Appendix D and Chapter 2.3 of the Draft EIR. Habitat fragmentation in relation to permanent indirect impacts to wildlife species is addressed in Chapter 2.3 and Appendix D as Impact W-F. The Draft EIR concludes that all special-status wildlife species at the edge of the development footprint could potentially be impacted by permanent direct impacts. However, implementation of general avoidance and minimization measures, included in M-BI-C, as identified in the Final EIR, would reduce the impacts to less than significant.

O12-44 The comment addresses the Quino checkerspot butterfly exclusion areas. The comment states that there is substantial evidence that Dudek underestimated habitat at the Project Site because it improperly excluded areas that provide potential habitat and satisfy the parameters of Dudek's model. The comment further states AECOM conducted Quino surveys for the Shu'luuk Wind Project in 2010 and that AECOM acknowledged numerous problems with their process for excluding habitat. The comment also includes text from the Draft EIS for the Project and the Biological Resources Report for the EIS. The comment further states that AECOM misinterpreted the protocol definition of dense chaparral, and despite an expanded survey area, the biologists determined that potentially suitable habitat was excluded that should have been included; they addressed this mistake in a 2012 assessment. The comment also states that in the subsequent habitat assessment conducted in 2012, AECOM concluded there were approximately 3,803 acres of suitable Quino habitat within the Biological Study Area. The comment then states there is a discrepancy between Dudek's conclusion that there are 674 acres (30.6%) of suitable habitat within the Campo Corridor and AECOM's conclusion that 3,803 acres (80%) of the 4,739-acre Biological Study Area are suitable habitat. Lastly, the comment further suggests that information presented in the BTR regarding the 2018 and 2019 exclusion areas conflict.

In response, during subsequent Section 7 consultation, the USFWS stated that the methods used by AECOM to evaluate survey areas were well thought out and appropriate. As described in the BTR (Appendix D to the Draft EIR), excluded areas consisted of developed areas and densely vegetated chaparral with tall shrubs forming closed canopies in accordance with the USFWS survey protocol. In 2018 and 2019, Dudek conducted focused Quino checkerspot butterfly surveys throughout all potential habitat within the survey area (i.e., all areas that are not excluded per the survey protocol). Areas that were excluded within the model ultimately approved by USFWS and used in the Section 7 consultation with USFWS culminating in the issuance of the BO only included habitat that was either excluded by both AECOM and Dudek or unique habitat assessment areas that were excluded by either AECOM or Dudek. Areas excluded by one entity but not the other were included in the model as potentially suitable habitat. Therefore, an analysis was conducted to exclude areas only pertaining to the survey protocols.

It should be noted that AECOM surveys were conducted prior to Dudek's focused surveys. Considering the overlapping survey boundaries, any discrepancies in survey work and exclusion areas can be attributed to time between surveys, growth of plants, and possibly observer bias. Further, as previously discussed, the USFWS stated during the Section 7 consultation for the Project that the methods used by AECOM to evaluate

survey areas were well thought out and appropriate. The Section 7 consultation process, including any habitat modeling as coordinated with, and ultimately approved by, the USFWS, was conducted independent of the analysis performed for purposes of the Draft EIR; however, conclusion of the Section 7 consultation process resulted in the issuance of the BO. Mitigation measure M-BI-1 of the Final EIR defers to the conclusions and requirements of the BO and has been edited as follows (underline [i.e., underline] indicates an addition to the Final EIR):

> All terms~~, and~~ conditions, and Conservation Measures developed as part of the Section 7 consultation process with the U.S. Fish and Wildlife Service (USFWS) and provided in the Project's Biological Opinion shall be implemented. Terms and conditions shall apply to federally listed species that may be impacted by the Project. Ratios for habitat-based mitigation shall be determined during the Section 7 consultation process.

The Conservation Measures as included in the Biological Opinion are as follows:

CM-1 Offsite Land Conservation

To offset loss of Quino habitat and protect the viability of Quino in the Project vicinity, the Applicant will acquire land at a minimum 1:1 ratio of conservation to direct and indirect impacts as defined in the biological assessment. The conservation site will be approved by the Service and will minimally be in escrow by the time operations commence (i.e., wind turbines are operational and sale of energy occurs per a power purchase agreement). Lands within the eastern San Diego County vicinity (specifically in and around the Southeast San Diego and eastern Southwest San Diego Recovery Units) will be prioritized, and lands will be considered occupied following the definition of occupied habitat used in this analysis (i.e., within a 1 kilometer buffer of known Quino locations) or within 2 kilometers between known Quino clusters will be prioritized. First priority will be given to land within the Campo Core Occurrence Complex defined in the draft Quino recovery plan amendment (Service 2019).

As described in section 7.3.1 of the Draft EIR, pre-construction surveys for Quino host plants will be conducted during the spring and summer of 2020 within an approximately 2.6-acre portion of the Boulder Brush development footprint that has not been surveyed. If any Quino host plants are found, the Quino habitat model will be updated, and consultation will be reinitiated under which additional habitat acquisition maybe required.

Upon acquisition of the conservation site, the Applicant will prepare a Land Management Plan (LMP) for Service approval. The LMP must be provided and approved within 6 months of securing the mitigation site (i.e., completion of escrow). The LMP will minimally include the following components: goals, objectives, and strategies; vegetation management (mapping, targets, non-native plants, weed control, enhancements if any); wildlife and sensitive plant surveys (general inventory and Quino surveys); property management (access controls, roads, fire plan, cultural resource management, trash removal); communications, public involvement, scientific uses, and data sharing; program administration and reporting (LMP implementation, LMP review/revision); a Property Analysis Record (PAR) including administrative costs, contingency funds, and 3-year start-up period funding. The proposed land manager will be given the opportunity to participate in development of the LMP, including the PAR. Funding of the LMP will include a long-term endowment intended to grow for 3 years prior to use and a short-term endowment intended to cover immediate management during the initial 3-year period.

CM-2 Limiting Impacts to Occupied Habitat

To prevent unnecessary intrusion into occupied Quino habitat, construction fencing and/or signage will be installed where impacts will occur immediately adjacent to Quino Focal Areas, defined as within a 200-meter radius around host plant concentrations or within 1 kilometer of known Quino observations.

Following construction, permanent visible markers will demarcate the border between Project facilities and Quino Focal Areas. Markers will be placed every 30 feet along the border, and signage will be placed every 300 feet or to the extent required, depending on the length of the border. A 5-foot buffer, cleared of vegetation, will be maintained between Project facilities and any Quino Focal Area. If operations and maintenance activities require disturbance in previously undisturbed areas within Quino Focal Areas, coordination with Service will be required prior to initiation of these activities.

A Project biologist(s) will be designated by the Applicant and approved by the Service for both sites, as well as the Tribe for work on the Reservation and by the County for work on Boulder Brush. The Campo Environmental Protection Agency will enforce the duties of the Project biologist for all work conducted on the Reservation. The Applicant will submit the names, documented experience, any relevant permit numbers, and resumes for the Project biologist(s) to Service and the Tribe for approval prior to initiation of construction. The Project biologist(s) will be responsible for the following:

1. Providing training to all construction workers;
2. Reviewing and/or designating the construction area in the field with the construction contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;

3. Conducting a field review of the staking to be set by the professional surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
4. Regularly monitoring construction activities to verify that construction is proceeding in compliance with all permit requirements specific to biological resources;
5. Maintaining communication with the appropriate personnel (i.e., construction Project manager, and resident engineer) so that issues relating to biological resources are appropriately and lawfully managed; and
6. Reporting any noncompliance issues to the BIA, resident engineer, the Service, and the Tribe.

CM-3 Avoidance of Vehicle Strikes

To minimize the potential for vehicle collisions, vehicle speeds during construction and operations will not exceed 15 miles per hour (mph) from February 15 through May 15, when Quino are most likely to be in the adult stage and in flight. New Project access roads in Quino habitat will have 15 mph speed limit, and signs will be posted indicating no off highway vehicle (OHV) use.

CM-4 Revegetation of Temporary Impacts

Disturbed areas that are not required to be clear for operations and maintenance activities will be revegetated or stabilized using soil binders within 90 days of construction completion.

Revegetated areas will use native plant species found within adjacent habitats. Locally available seed will be used. Use of native vegetation will minimize intrusion by non-native species that may displace Quino host and nectar plants as well as alter native vegetation structure.

Revegetation will provide a minimum of 40 percent cover of native species within a 2 year time frame. If 40 percent cover of native species is not achieved within 2 years, adaptive management measures will be pursued until 40 percent cover of native species is achieved. This is the only success criterion required for revegetation of temporary impacts. So, it is unclear whether temporarily impacted areas will be successfully restored to Quino habitat.

To maximize benefits of revegetation for the Quino within Quino Focal Areas, the Applicant will coordinate with the Service to determine the appropriate seed mix once

it is determined precisely where revegetation will occur. Seed mixes may include Quino host plants throughout revegetation area areas, Quino host plants beyond a predetermined buffer from ongoing Project impacts, or no Quino host plants to discourage Quino occupancy and minimize future impacts. The seed mix that most benefits Quino depends on the location of the restoration relative to specific Project operations (or non-Project related operations).

When the Campo Wind Facilities are decommissioned, a decommissioning plan will be prepared and implemented. The decommissioning plan will include revegetation of the previously-impacted areas. Soil will be revegetated with native plant species found within adjacent habitats and locally available seed will be used. By revegetating with native plants, suitable Quino habitat may be recovered within the Project Area following decommissioning. Revegetation shall provide a minimum of 40 percent cover of plant species native to adjacent habitats within 2 years. If 40 percent cover of native species is not achieved within 2 years, adaptive management measures will be pursued until 40 percent cover of native species is achieved.

When the Bolder Brush facilities are decommissioned, soil will be stabilized and revegetated with plant species characteristic of native species within adjacent habitats. Locally available seed will be used.

CM-5 Weed Control

To minimize spread of non-native invasive plant species, no planting or seeding of invasive plant species [per the most recent version of the California Invasive Plant Council's (CIPC) California Invasive Plant Inventory for the Project region] will be permitted. The County will provide a list of County-approved plants for revegetation within Boulder Brush that will minimally comply with CIPC standards.

A weed management plan will be developed and approved by the Tribe prior to the commencement of construction activities. The Service will be given the opportunity to review a draft of the weed management plan, but the Tribe has ultimate approval authority for the weed control plan. The plan will include the following: (1) weed inventory and risk assessment; (2) identification of problem areas and necessary preventative measures; (3) annual surveys within the temporary impact areas to document weed patches for two years post construction; (4) success standards, such as temporarily impacted areas have no more than a 10 percent increase in weed species; adaptive management measures; and (6) reporting.

CM-6 Trash Control

To avoid attracting wildlife to the site, including potential Quino predators, fully covered trash receptacles that are animal-proof and weather-proof will be installed and used by the construction contractor(s) to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Littering will be prohibited, and trash will be removed from construction areas daily.

CM-7 Dust Control

Dust can impact Quino by reducing digestibility of host plants and blocking spiracles (breathing organs). Therefore, dust control measures will reduce impacts to Quino. The Applicant will develop a fugitive dust control plan in compliance with San Diego County Air Pollution Control Regulations to reduce particulate matter less than 10 microns (PM10) and fine particulate matter less than 2.5 microns (PM2.5) emissions during construction and decommissioning. The following dust control measures will be implemented:

1. All onsite unpaved roads will be effectively stabilized using soil stabilizers that can be determined to be as efficient, or more efficient, for fugitive dust control than California Air Resources Board-approved soil stabilizers, and will not increase any other environmental impacts including loss of vegetation;
2. All material excavated or graded shall be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas;
3. All haul trucks hauling soil, sand, and other loose materials will be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions);
4. Soil loads will be kept below 18 inches of the freeboard of the truck;
5. Drop heights will be minimized when loaders dump soil into trucks; and
6. Traffic speeds on unpaved roads will be limited to 15 miles per hour.

CM-8 Fire Prevention

Although fire is a natural component of Quino habitat, artificially frequent fires can severely degrade habitat quality. Therefore, minimization of Project-related ignitions and spread of wildfires will benefit the Quino. In addition to fuel modification zones included

in the Project, a Campo Wind Project Fire Protection Plan will be prepared and implemented in conjunction with development of the Project.

As such, because mitigation identified in the Draft EIR for the Project is directly informed by the BO that was issued by the USFWS as the expert agency for this species, the habitat modeling conducted for, and resulting conclusions provided in, the BO does not change the County's conclusions reached in the Draft EIR.

In regard to the 2018 and 2019 exclusion areas, these areas were determined based on the methods described above, and as such, the area was adequately surveyed to map exclusion areas. Refer also to Response to Comment O12-42 and Global Response GR-5 for a complete description of the Quino checkerspot butterfly modeling.

O12-45 The comment addresses the calculation of modeled habitat and impacts for Quino checkerspot butterfly. The comment states that the model is flawed because the model output is dependent on the 2010 survey data, and 37% of the Project Site was not surveyed. Thus, if an area had not been surveyed in 2020, the input variables would be 0 acres and thus the output variable would be 0 acres. The comment further states data was not collected to update the model; specifically, Dudek did not map host plants within areas that were not surveyed in 2010. The comment also states the Draft EIR states the Project would directly impact 272.8 acres of Quino habitat within the Campo Corridor; however, the Draft EIR fails to explain why an additional 50 acres would be impacted beyond what was reported in the Draft EIS. The comment also states the modeled habitat map in the Draft EIR and the Draft EIS are different. Lastly, the comment raises concerns about areas within the Boulder Brush Corridor that were not surveyed.

As explained in Response to Comment O12-42, subsequent to public review of the Draft EIR, the modeling methods and input parameters for the Section 7 process were vetted and approved by the USFWS, and thus they follow the USFWS suggested methods. Additionally, the USFWS is the primary agency with oversight of Quino checkerspot butterfly as it is a listed species under the federal Endangered Species Act. Therefore, USFWS concurrence regarding modeling methodologies and impact calculations fulfills the federal evaluation requirements for this species. The County incorporates this analysis as well to satisfy the requirements under CEQA relative to impact analyses for biological resources for this species.

Thus, based on the modeling methods vetted by USFWS, a total of 332.6 acres of Quino habitat would be impacted by the entire Project. Of this total, 277.8 acres are located within the Campo Corridor and 54.8 acres are located within the Boulder Brush Corridor. As described in Response to Comment O12-42, the Quino checkerspot

habitat modeling and impact analysis is appropriate and adequate under CEQA. As a result, the input parameters and methodologies suggested by the commenter are not necessary and would not provide substantial value to the analysis or ultimate results of the surveys or modeling conducted for purposes of the analysis. It should also be clarified that host plants were mapped in 2019 and used in the model. Refer to Response to Comment O12-42 for details regarding Quino checkerspot butterfly habitat modeling and impact analysis.

O12-46 The comment states that the County improperly defers analysis to the EIS prepared by the BIA in regard to Quino checkerspot butterfly. The comment further states that the County cannot rely on the analysis and conclusions in the Draft EIS for three main reasons: (1) the analysis in the Draft EIS was based on the premature conclusion that Quino was not present in the Boulder Brush Corridor and thus assumed almost no Quino habitat in the Boulder Brush Corridor, (2) the Draft EIS concluded all indirect and temporary impacts to Quino would not be adverse (significant), and (3) detection of five Quino checkerspot butterflies in the Boulder Brush Corridor constitutes significant information that was not contemplated in the BIA's analysis.

In response, the Draft EIR provides a detailed analysis of impacts to Quino checkerspot butterfly, including the observations of Quino checkerspot butterfly in the Boulder Brush Corridor in 2019. The Draft EIS was released for public review in May 2019, which was prior to completion of the Draft EIR, which was released for public review in December 2019. Therefore, the Draft EIR has more updated information. Accordingly, it is not the case that the Draft EIR was based on outdated information with respect to the presence of the Quino checkerspot butterfly within the Boulder Brush Corridor. The Draft EIR takes advantage of the work and analysis already done in the EIS analysis by the BIA with respect to impacts within BIA jurisdiction; however, the County performed an independent analysis. The Draft EIR indicates the extent to which the Draft EIR reaches a different conclusion than the BIA did in the EIS, based on updated information. The final analyses and mitigation for Quino checkerspot are subject to the Section 7 Consultation process, and as described in Response to Comment O12-56, the USFWS issued a BO for Quino checkerspot butterfly on January 16, 2020, which is based on all of the information provided cumulatively for the Campo and Boulder Brush Corridors.

O12-47 The comment raises concern about impacts and data regarding bats. The comment states that the BTR fails to explain why the Tule Wind Project would result in a significant risk of collision to bats, while the risk associated with Campo Wind Project would be negligible and less than significant if both sites have "low" bat use. The comment also states that acoustic monitoring data was not collected within the Campo

Corridor. The comment further states acoustic monitoring does not measure individual bats and therefore it cannot be used to predict collision fatalities. The comment also suggests that post-construction monitoring data at the Tule Wind Project could be used for the analysis of Project impacts to bats.

In response, the analysis of impacts to bats provided in Chapter 2.3, Biological Resources, and the BTR (Appendix D) of the Draft EIR relied on extensive bat data, including consideration of data from the adjacent Tule Wind Project, the Shu'luuk Wind Project (the prior iteration of the now-approved Campo Project on the Reservation), the previously-analyzed Jewell Valley Project and other data within 10 miles of the Project. The conclusions made by the Tule Wind Project were based on different and separate supporting evidence at the time that Project was analyzed. There are many variables that could explain the different conclusions, including proximity of roosting habitat, improvements in monitoring equipment allowing for more precise identification of bats, unusual peaks in migration, and storm activity. The conclusions for the Project in the Chapter 2.3 and Appendix D of the Draft EIR are based on the low abundance data from site-specific acoustical bat surveys demonstrating a low use of the Project Site. Please refer also to discussion of bats in Global Response GR-5.

O12-48 The comment states that the Draft EIR provides no analysis of the Project impacts on tricolored blackbird. The comment further states AECOM detected tricolored blackbirds within the Campo Corridor and Dudek concluded the species has moderate potential to nest on the site. Lastly, the comment states tricolored blackbird is susceptible to collisions with the Project's turbine. In response, the BTR conservatively concludes that tricolored blackbird has moderate potential to occur within the Campo Corridor because there is suitable freshwater emergent wetland present and this species was recorded on site (Appendix D to the Draft EIR).[14] The closest California Natural Diversity Database (CNDDB) occurrence is 4.0 miles southeast of the Project Site east of Tule Lake. Most passerine birds were found to fly below the turbine blades so that would further reduce the chance of take. Regardless, Chapter 2.3 and Appendix D of the Draft EIR determined that impacts to birds (including special-status birds) was a potentially significant impact. Mitigation measure M-BI-B requires the development of a Bird and Bat Conservation Strategy (BBCS) to outline post-construction monitoring methods, triggers for adaptive management, and potential adaptive management measures that might be employed to reduce impacts if triggers are met. This plan, while voluntary, is needed to secure a federal Special Purpose Utility (SPUT) permit which allows for utilities to collect, transport, and temporarily possess migratory birds found dead on utility property, structures, and rights-of-way for mortality

[14] AECOM 2012.

monitoring purposes. This plan is reviewed and approved by the USFWS. With implementation of M-BI-B, the impact would be reduced to less than significant. Additionally, because the nesting location is 4 miles from the site, the impact risk is considered low.

O12-49 The comment states that the County's conclusion for loss of Group 2 species is not supported by scientific evidence or analysis. The comment states that the San Diego ringneck snake only has 13 CNDDB records and therefore the subspecies is neither widespread nor abundant. In response, Group 2 species are less frequently mapped and recorded by CNDDB and therefore there are fewer records available. Accordingly, the lack of records in the CNDDB for the San Diego ringneck snake is not definitive evidence that the species is rare. The Draft EIR considers multiple sources of information for making determinations on species' potential to occur or impacts to species that have potential to occur, including the San Diego Bird Atlas, the San Diego Mammal Atlas, and California Herps, in addition to the biologists' knowledge of the County Group 2 species and site-specific biological resources. The conclusions do not rely alone on CNDDB records; therefore, the County's conclusion is supported by scientific evidence.

O12-50 The comment addresses habitat fragmentation within the Boulder Brush Corridor and the Campo Corridor. The comment states that the Boulder Brush Facilities would eliminate 130.9 acres of native vegetation communities within the 320-acre Boulder Brush Corridor, which constitutes significant habitat loss and fragmentation. The comment further states that at the cumulative level, the Boulder Brush Facilities, Torrey Wind Project, and Sunrise Powerlink would result in severe habitat fragmentation that will undoubtedly affect wildlife habitat within the Boulder Brush Boundary. In regard to the Campo Corridor, the comment states the County needs to provide some actual analysis of habitat fragmentation. The comment also references prior comments on habitat fragmentation in the author's Draft EIS comment letter

In response to comments regarding the Boulder Brush Corridor, while the gen-tie line is linear, it is important to note that the permanent impacts associated with the gen-tie line pole structures (approximately 32 steel poles) would be an 8-foot wide diameter footprint around each pole. Sixteen-foot wide decomposed granite roads along the gen-tie line and a 20-foot fuel modification zone on either side of the road that would provide access to the pole structures. In addition, an up to 30-foot wide paved road would extend from the entrance to the switchyard high-voltage substation. The switchyard and high-voltage substation would be fenced; the pole structures and road would not be fenced. Given that the Project will not include fencing along the gen-tie line or access roads, or other barriers to movement, and that traffic along the access

roads will be minimal and restricted by a speed limit, wildlife that could disperse plant seeds are likely to continue to use and move freely throughout the Boulder Brush Corridor, including across the access roads/pole structures.

Further, the size of remaining habitat fragments also influences the extent to which a species is affected by habitat fragmentation. Patch size is correlated with a reduction in reproductive success, reduced colonization rates, and resources becoming increasingly scarce; ultimately, the maximum population size of a species becomes restricted with decreasing patch size.[15] However, the impacted areas on the Project Site will only be fragmented across a relatively narrow area of disturbance and there are extensive areas of land that remain undeveloped. In addition, for those native species that prefer edges or less dense areas, the disturbances result in improved habitat conditions. Therefore, the Project minimizes the negative effects of habitat fragmentation by maintaining large patch sizes of habitat on either side of the Project Site.

In regard to the cumulative analysis, the biological resources cumulative analysis study area includes an area within approximately 32 miles of the Project Site, is largely undeveloped, and wildlife movement through and around the reasonably foreseeable cumulative project sites would still be possible. Despite development of the reasonably foreseeable cumulative projects, the area would remain predominantly rural with significant undeveloped areas and wildlife movement opportunity. Additionally, the total acreage of vegetation communities analyzed in the biological cumulative analysis study area is approximately 499,048 acres, and the Project combined with reasonably foreseeable cumulative projects would only impact approximately 0.67% of the total acreage. Therefore, impacts from the Project combined with potential impacts from the reasonably foreseeable projects, would not be cumulatively considerable, and is discussed in the EIR. For additional information regarding the biological resources cumulative study area, please refer to response O12-55.

The commenter incorporated by reference his comments on the Draft EIS regarding habitat fragmentation. Please see Appendix T of the Final EIS for response to the comments on the EIS, including WMC-2, G-99, G-116 through G-120, and G-173.

O12-51 The comment addresses the County's analysis of golden eagles. Specifically, the comment states that the analysis ignores the functional loss of habitat and relies only on direct impacts to habitat. The comment also states that the Draft EIR fails to provide any spatial analysis to support the conclusion that the Project would not contribute to a significant cumulative impact to golden eagles. The comment further states eagle

[15] Rogan and Lacher 2018.

territories in the region were mapped to assess the Tule Wind Project, thus there is no need for the County to speculate on territory size and how the Project might impact (approximately 10) golden eagle territories. The comment then states the County has no basis for its conclusion the Project would not impact eagle nesting because Dudek did not conduct surveys for eagle nests and that the loss of habitat can impact eagle nesting. Lastly, the comment states the conclusions on impacts to golden eagle foraging habitat is illogical; if impacts to 69.8 acres in the Boulder Brush Corridor would be significant, then impacts to 785.5 acres in the Campo Corridor should also be significant.

In response, The EIR specifically addresses the County's threshold assessing the loss of functional foraging habitat for raptors (see Draft EIR Chapter 2.3, threshold letter "F"; Section 2.3.3.6; and Section 2.3.5). The loss of habitat for wildlife species is addressed in the EIR and Biological Resources Technical Report (Appendix D to the EIR). Disturbances associated with construction of the Boulder Brush Facilities within the Boulder Brush Corridor is more than 5% (130 acres; 6%) of the raptor foraging habitat within the Boulder Brush Boundary, and therefore impacts to raptor foraging habitat within the Boulder Brush Corridor would be potentially significant, per the County guidelines.

Regarding the cumulative analysis, it included a spatial-specific analysis to evaluate impacts to species, habitat, wildlife movement, and biological resource-related policies. The geographic scope and cumulative project list utilized for the spatial-specific analysis for biological resources provides a conservative (i.e., spatially expansive) geographic scope and area to ensure cumulative impacts to biological resources were adequately analyzed and evaluated. Therefore, the County's CEQA methodology for analyzing cumulative impacts was followed and the Draft EIR's adequately addresses cumulative biological resource impacts.

Regarding comments on nest surveys and eagle nesting, please refer to Global Response GR-5.

Regarding the comment on loss of foraging habitat within the Campo Corridor, as explained in the excerpted text in the comment, small home ranges are around 12,000 acres in size and impacts to 20% (2,400 acres) would be considered potentially significant. The loss of foraging habitat from the Campo Wind Facilities (or cumulatively in the cumulative Project Area) would not amount to 2,400 acres or more, as explained in the Draft EIR. The 5% criteria is a County-based criteria and is not applicable to the Reservation, and as such, impacts associated with the Campo Wind Facilities have been independently evaluated by the BIA under NEPA. Additionally, the assessment accurately concludes impacts would be less than significant based on USFWS and BLM findings through the Desert Renewable Energy Conservation Plan

process, as noted in the comment. "Take" of an eagle or pair could not be attributed to the loss of foraging habitat related to the Campo Wind Facilities because of the relatively low acreage of foraging habitat loss relative to potential foraging range/geographic expanse of foraging habitat. Therefore, Campo Wind Facilities would have a less-than-significant impact to golden eagle.

In conclusion, golden eagle impacts have been adequately addressed in the biological resources analysis, Chapter 2.3 of the Draft EIR. Further, please refer also to Response to Comment O5-8 and Global Response GR-5.

O12-52 The comment states that the Draft EIR does not describe the steps that went into making the calculation for impacts to raptor habitat. The comment then states if it was assumed all of the land within the 16,000-acre Reservation Boundary, then the calculation does not take into account the Kumeyaay Wind Project, development, and other areas where raptor foraging has been eliminated. In response, the comment is correct in that the calculation includes using the 16,000-acre Reservation Boundary. The calculation included acreages of impacts to suitable habitat for raptors. The impacts to foraging habitat from the Kumeyaay Wind Project is appropriately addressed in Chapter 2.3, Section 2.3.4, Cumulative Impacts Analysis, of the Draft EIR and Section 6.2.6 of Appendix D specific to analysis of County Guideline 4.1.F (Raptor Foraging Habitat) – please note that this guideline addresses raptor foraging habitat as a whole and is not specific to golden eagle.

O12-53 The comment states the Draft EIR's analysis of bats is not supported by substantial evidence. Specifically, the comment states acoustic monitoring data from pre-construction surveys is not evidence because it cannot be used to predict the number of fatalities at a wind energy facility. To provide credibility to the prediction that the Project would not result in a high number of bat collisions, the County needs to provide fatality monitoring data collected by Tule Wind (and Kumeyaay Wind if collected). The comment further states there is substantial evidence that the Project could have a substantial impact on bats in the region and that the fatalities increase exponentially with turbine capacity and height. Further the comment states there is no scientific explanation for why impacts from the Shu'luuk Project would be significant and unavoidable, while impacts from the proposed Project would be less than significant. In regard to birds, the comment states the Draft EIR provides virtually no analysis of the avian collision hazard associated with the Project and that conclusions regarding the impact varies throughout the Draft EIR. The comment also states that recommended risk assessments were not conducted for the Project. Lastly, the comment states the mitigation (i.e., fatality monitoring) does nothing to reduce fatality once the Project begins operating and does not support a finding of less than significant.

Regarding use of post-construction avian monitoring reports from the nearby Tule Wind Project, the Tule Wind Project Post-Construction Fatality Monitoring Study (Tule Wind PCM) provides results of the first year of operations monitoring (August 2018 to August 2019) and contains no unexpected or unusual findings about the project's impacts to birds and bats. The Tule Wind PCM generally concludes that bird and bat mortalities due to Tule Wind operations are average and consistent with fatality rates in the vicinity where landscape and land use are similar. In fact, actual bird and bat mortality was generally less than what was predicted for Tule Wind operations in the East County Substation, Tule Wind, and Energia Sierra Juarez Gen-Tie Projects EIR/EIS (Tule EIR/EIS). The Tule EIR/EIS found that predicted mortality to birds and bats would be less than significant with mitigation, except for golden eagles, for which impacts were found to be significant and unavoidable. Post-construction monitoring at the Tule Wind Project found fewer mortalities of raptors and bats than predicted and no mortalities of golden eagles. Therefore, monitoring results from the Tule Wind operations do not change any of the conclusions in the DEIR about this Project's bird and bat impacts.

Regarding the potential relative risk of collision for bats, a number of factors are important to consider. The abundance of bats within and adjacent to the biological study area is low when compared to other habitat types and regions. In addition, the Shu'luuk and Jewell Valley data sets showed the majority of the bat activity occurred around the lower microphone on the Met tower, which is placed 15 feet off the ground. Thus, most species of bats are at minimal risk of adverse encounters with wind turbines because their flight patterns are lower than the blades. The overall magnitude of bat usage within the biological study area is significantly less than any locations studied that contain attractant features. This suggests that the risk for bat collisions with Project turbines is low when taking into account the overall low abundance of bats in the area and lower abundance of high-flying bats. The acoustical bat results indicate that the activity at the higher microphone (which captures bats that tend to fly higher) was lower when compared to the lower microphone. Thus, the comment's claims that bat fatalities increase exponentially with turbine capacity and height is not applicable to the Project Site.

The conclusion in the Shu'luuk Wind Project Draft EIS that impacts to bats would be significant and unavoidable does not preclude a finding of a less than significant impact for the Project. It should be noted that the Shu'luuk Wind Project Draft EIS was never finalized or formally adopted. There are many variables that could explain the different conclusions, including proximity of roosting habitat, improvements in monitoring equipment allowing for more precise identification of bats, unusual peaks in migration,

and storm activity. Please refer to Response to Comment O12-47 regarding use of acoustical monitoring and post-construction monitoring data. Please also refer to the discussion regarding bats in the Global Response GR-5.

Regarding collision impacts to avian species, the methodologies utilized to conduct the analysis were developed in coordination with the USFWS and in consultation with the USFWS, it was determined risk assessments were not needed.

The Draft EIR analyzes avian collision hazards, as summarized below.

Based on weekly 30-minute avian point count surveys and 660 hours of total survey time (September 2017–July 2019), one juvenile golden eagle was observed for 2 minutes within the Boulder Brush Boundary. Using the Draft USFWS Collision Fatality Model, this results in a prediction of 1 eagle fatality occurring every 8 years (80% confidence interval) with a 60 turbine design and 1 eagle fatality every 10 years (80% confidence interval) with a 48 turbine design. These conclusions are consistent with the findings of the Draft EIR and there would be no additional impacts anticipated. Please refer to the table below.

Turbine Models and Eagle Take Estimates for 30-Minute Point Count Surveys (September 2017–July 2019)

Existing/ Proposed/ Hypothetical	Number of Turbines	Rotor Diameter (Meters)	Blade Ground Clearance (Meters)	Blade Tip Height (Meters)	CI80 (Priors)	CI80 (GOEA)
Proposed	60	140	40	179	13	0.12
Alternative	48	140	40	179	10	0.093

Note: GOEA = golden eagle

Overall, 85 identifiable species were observed during 30-minute point count surveys. The majority of individuals observed included crows and allies (42%), perching birds (41%), and raptors (12%). Of 7,999 individuals observed, approximately 25% (2,002 individuals) were detected flying within the rotor swept zone (40 meters to 179 meters above the ground). Of the observations within the rotor swept zone, raptors and crows and allies occurred with the most frequency. Red-tailed hawks, turkey vultures, and common ravens were the most numerous species of these groups. These results suggest that, due to their relative abundance and occurrence within the rotor swept zone, these three species have the greatest risk of collision with Project turbines. Of these three species, only the turkey vulture is a special-status species and has been identified for potential coverage under the proposed East County Multiple Species Conservation Program. It should be noted that although these three species were found to be at

greatest risk of collisions, many species were observed on site and collision is possible with any of the species traversing the Project Site. However, based on numbers and flight behavior, collision would be most likely with the species that typically fly within the rotor swept zone.

Spring and fall migration periods also showed high numbers of individual birds occurring throughout the Project Site. As a result, there is a possibility of a greater number of collisions with Project turbines during these periods, and post-construction monitoring should consider more survey efforts to identify any casualties during these periods. In addition, the data show that avian use and species richness was generally distributed throughout the Project Site and higher use values were not shown to be particular to any cluster or isolated group of Project turbine locations.

Regarding the commenters concern pertaining to fatality monitoring (Draft EIR mitigation measure M-BI-B), please refer to response I41-31 and O12-61, which provide details on how the Bird and Bat Conservation Strategy would be implemented to reduce impacts associated with turbine collisions.

O12-54 The comment states that the analysis in the Draft EIR do not support the conclusion that noise associated with the Project would have less than significant impact on wildlife. The comment also states according to the BTR (Appendix D), the data used to assess impacts to wildlife are in the Acoustical Analysis Report (Appendix G); however, Appendix G was designed to assess impacts to humans and cannot be applied to animal species. The comment also states the County needs to analyze how noise from the Project would affect species that do occur in the area. Lastly, the comment states the Draft EIR concludes noise impacts from wind turbines would be less than significant because they are widely spaced; however, this indicates impacts would extend across the landscape not that impacts would be less than significant.

In response, noise impacts to wildlife are addressed in Chapter 2.3, Biological Resources, and in the Biological Resources Technical Report (Appendix D) of the Draft EIR) under indirect impacts. With respect to construction, the Draft EIR concludes that noise disturbance to wildlife by construction activities would be during the day and would not result in an adverse effect because the noise from the generators is negligible, such as less than 10 dBA, while data shows that birds can tolerate certain levels of noise below 110 dBA without having permanent hearing damage. Regarding increased vibration which can collapse small mammal, reptile, or amphibian burrows if they are located close to the construction equipment, unless wildlife is deemed candidate, sensitive or special status, impacts would be considered less than significant, and no mitigation would be required. While there is a small chance of a California Species of Special Concern small

mammal or reptile that may occur within a burrow that is proximate to construction equipment, there are no federally or state listed, or candidate or fully protected species anticipated to occur. The chance that a burrow would collapse and its concurrent occupation by a California Species of Special Concern is very low and there are abundant other similar resources in the area. As such, no significant impacts would result. Additionally, mitigation measures M-BI-2 requires biological monitoring) for the Boulder Brush Facilities and M-BI-C includes General Avoidance and Minimization Measures including flushing wildlife species for the Campo Wind Facilities.

Appendix D also include an analysis of stationary noise sources and states that data shows that birds can tolerate certain levels of noise below 110 dBA without having permanent hearing damage or and permanent threshold shifts (hearing loss), and continuous noise levels below 93 dBA are unlikely to cause temporary threshold shifts in birds.[16] Therefore, based on the Caltrans findings and that noise levels generated from the Project would be well below 93 dBA, operational long-term noise effects on wildlife are considered less than significant.

Additionally, increased noise and vibration can affect breeding behaviors in birds, mammals, reptiles, amphibians, and other species that use vocal methods for communication. The Acoustical Analysis Report (Appendix G of the Draft EIR) identified stationary noise sources (aboveground electrical transmission lines) associated with the Boulder Brush Facilities that may produce corona during normal operation, but concluded that even under "foul" weather conditions that would moisten or wet the conductor surfaces, the resulting noise would only be audible at very close distances and thus not result in an adverse effect. With regard to the collector substation and switchyard on private lands, as stated in Draft EIR Chapter 2.6, Noise, at a source-to-receptor distance of at least 300 feet, the expected sound pressure level would be less than 48 dBA L_{eq}, which converted to an L_{dn} value would be less than 55 dBA (the EPA recommended exterior noise level for sensitive receptors). This noise level is below the level that operational long-term noise effects on wildlife would be considered significant. The Draft EIR's reliance on data in the Acoustical Analysis Report (Appendix G to the Draft EIR) is appropriate because the report includes an acoustical analysis that provides data for noise levels to be applied for wildlife thresholds. The Draft EIR correctly describes the information provided

[16] Caltrans 2016. Technical Guidance for Assessment and Mitigation of the Effects of Highway and Road Construction Noise on Birds. June. (Contract 43A0306.) Sacramento, CA. Prepared by ICF International, Sacramento, CA, Robert Dooling, Gaithersburg, MD, and Arthur Popper, Silver Spring, MD.

in Brattstrom and Bondello[17] and the amount of off-highway vehicle use in the Boulder Brush Corridor and the comment does not provide any information to indicate otherwise. The noise from the operations are addressed and concluded to not result in an adverse effect. Lastly, the Draft EIR's finding that the turbine spacing would lessen noise impacts to wildlife is supported by substantial evidence because Caltrans' model shows that distances from noise sources have little to no additional potential masking of communication sounds between birds, and therefore the further distance from noise sources reduces impacts to wildlife.

O12-55 This comment addresses the cumulative impact analysis. Specifically, the comment states that the list of cumulative projects do not encompass all projects within the Peninsular Ranges. The comment also states that inconsistent conclusions are made regarding the acreage of disturbance for cumulative projects. The comment then states that the Draft EIR fails to provide evidence that there is a large amount of remaining habitat in the region. The comment also states that the conclusion that there would be a less than significant cumulative impact because of all required minimization and mitigation measures is not supported by evidence. The comment further states that there is no analysis of cumulative impacts to Quino checkerspot butterfly and that the Draft EIR's statements pertaining to the Quino checkerspot butterfly are incorrect. Lastly, the comment states that the Draft EIR presents no discussion or analysis of cumulative impacts to bats and birds due to collision.

In response, the geographic scope and cumulative project list utilized for the spatial-specific analysis for biological resources provides a conservative (i.e. spatially expansive) geographic scope and area to ensure cumulative impacts to biological resources were adequately analyzed and evaluated. The cumulative study area for biological resources includes an area within approximately 32 miles from the Project Site. The Peninsular Ranges is a massive 930-mile stretch of mountain ranges extending from Southern California to the edge of the Baja Peninsula, and it would be impractical and infeasible for the County to compile a list and analyze every past, present and reasonably foreseeable project within such range. Nonetheless, the Draft EIR considered biological information and resources within the Peninsular Range for purposes of the cumulative analysis. For example, the Draft EIR identifies the maps, data, and literature reviewed for the cumulative impact analysis, including San Diego

[17] Brattstrom and Bondello 1983. "Effects of Off-Road Vehicle Noise on Desert Vertebrates." In *Environmental Effects of Off-Road Vehicles: Impacts and Management in Arid Regions,* ed. R.H. Webb and H.G. Wilshire. New York, New York: Springer-Verlag.

Plant Atlas ecoregion maps and data,[18] Calflora maps and data,[19] EPA watershed maps,[20] EPA ecoregion maps,[21] and Jepson bioregion maps,[22] all of which coincide with the Peninsular Range. The Peninsular Ranges of the California Floristic Province, as defined by the Jepson Flora Project,[23] was determined to be the boundary for biological resources within the biological cumulative analysis study area. The Peninsular Ranges eco-geographic extent was chosen because the geographic system developed by the Jepson Flora Project "combines features of natural landscapes and biota to delimit the units, as opposed to using the often arbitrary and unnatural boundaries of counties for that purpose. The Jepson geographic system most importantly reflects broad patterns of natural vegetation (and, at a finer scale, more specific plant assemblages), geology, topography, and climate."[24]

As stated in the Draft EIR, the cumulative projects list primarily includes transmission projects, large-scale renewable energy development (wind and solar), and residential and communications development in eastern San Diego County, which is within the Peninsular Ranges. The assemblage of plant and wildlife species, including special-status species, in the western and central portion of the biological cumulative analysis study area is largely the same as that identified for the Project.[25] Due to the larger cumulative study area for biological resources, projects from the past, projects that are reasonably foreseeable, projects already approved, and projects pending within approximately 32 miles from the Project Site are included. It should be noted that the biological cumulative study area encompassing past, present and reasonably foreseeable future projects is different than the "biological study area" which is limited to the survey limits on and within the Project Site. As such, the "biological study area" is smaller in geographic scope than the "biological cumulative study area." Additional cumulative project methodology is included in the Draft EIR (see Chapter 2.3, Section 2.3.4).

[18] SDNHM 2018. Data retrieved from Herbarium and Plant Atlas databases for grid squares S14 and T14. San Diego County Plant Atlas Project. Online ed. Accessed July 2018. http://www.sdplantatlas.org/publicsearch.aspx.

[19] Calflora 2018. Calflora Map Layers. Accessed October 2018. http://www.calflora.org/entry/help/layer-help.html.

[20] EPA 2018a. Planning Watershed Polygons, California. Accessed October 2018. https://edg.epa.gov/metadata/catalog/search/resource/details.page?uuid=%7BCE93EE98-7348-4253-978B-CDBBAEEAE6E8%7D.

[21] EPA 2018b. Ecoregion Maps. Accessed October 2018. https://geodata.epa.gov/arcgis/rest/services/ORD/USEPA_Ecoregions_Level_III_and_IV/MapServer/legend.

[22] Jepson Flora Project 2018. Jepson eFlora. Berkeley, California: University of California. Accessed August 2018. http://ucjeps.berkeley.edu/cgi-bin/get_JM_name_data.pl.

[23] Jepson Flora Project 2018.

[24] Jepson Flora Project 2018.

[25] Calflora 2018; EPA 2018a, 2018b; Jepson Flora Project 2018; SDNHM 2018.

In response to the comment regarding acreage of disturbance, the Draft EIR was revised to 2,367 acres as calculated in Table 2.3-7.

In regard to the amount of remaining habitat in the region, the Draft EIR provides this information in Table 2.3.7. Table 2.3-7 lists an inventory of vegetation communities in the Biological Cumulative Analysis Study Area that support or have potential to support species.

In accordance with CEQA thresholds, the Draft EIR follows a habitat-based approach to analyze potential cumulative impacts to wildlife species, which provides an overall view of suitable habitats within the biological cumulative analysis study area. This method adequately analyzes the impacts to habitat for wildlife species. The Draft EIR includes an inventory of vegetation communities within the biological cumulative study area in Table 2.3-7 to list the vegetation communities that support or have potential to support wildlife species.

The Draft EIR states that the total acreage of vegetation communities analyzed in the biological cumulative analysis study area is approximately 499,048 acres, and the Project combined with reasonably foreseeable cumulative projects would only impact approximately 0.67% of the total acreage. Therefore, impacts from the Project combined with potential impacts from the reasonably foreseeable projects, would not be cumulatively considerable. The Draft EIR provides this information in Table 2.3.7. The Draft EIR states that the Project, combined with the reasonably foreseeable cumulative projects, would have the potential to reduce the distribution and/or the overall population size of one or more special-status wildlife species. However, impacts to these County Group 1 and/or CDFW SSC species would be less than significant given the large amount of remaining habitat in the region, as well as implementation of all required minimization and mitigation measures during federal and state permitting (e.g., Quino checkerspot butterfly).

Mitigation measures as required under the EIR include MM-BIO-1(a) (provision of a Project biologist to review construction area, review protective staking, flush special-status species, monitor construction activities, and reporting), MM-BIO-1(b) (environmental training of personnel), MM-BIO-1(c) (Stormwater Pollution Prevention Plans implementation including restrictions on invasive species and wetland BMPs during construction), MM-BIO-1(d) (dust control program during construction), MM-BIO-1(e) (erosion and runoff controls during construction), MM-BIO-1(f) (weed management throughout life of Project including construction), MM-BIO-1(g) (fire protection throughout the life of the Project including construction), and MM-BIO-3 (implementation of USFWS-issued terms and conditions) would minimize the effects from the direct loss of the host plant for Quino checkerspot butterfly.

In addition, required minimization and mitigation measures in the USFWS BO for the Project include conservation measures (CM). These measures required by the BO include CM-1: Offsite Land Conservation, CM-2: Limiting Impacts to Occupied Habitat, CM-3: Avoidance of Vehicle Strikes, CM-4: Revegetation of Temporary Impacts, CM-5: Weed Control, CM-6: Trash Control, CM-7: Dust Control, and CM-8: Fire Prevention. Also, projects within the cumulative impact study area, identified in the Draft EIR Section 2.3.4, that have impacts to Quino checkerspot butterfly habitat would be required to mitigate for these impacts through habitat mitigation and other measures specified during the Endangered Species Act consultation process triggered by the County review and or federal permitting such as ACOE Section 404 permitting.

Therefore, the cumulative impacts would not be adverse with implementation of measures in the Section 7 process. The analysis accounted for the impacts of related projects on butterfly occurrence complexes in the Draft EIR by including mitigation for direct and direct impacts to Quino checkerspot butterfly that would minimize or eliminate specific effects to Quino checkerspot butterfly and determining the impact of cumulative projects on wildlife, including Quino checkerspot butterfly.

Given the large amount or remaining habitat in the region, as well as implementation of all required minimization and mitigation measures during federal and state permitting, impacts to County Group 1 and/or CNDF SSC species would be less than significant. While some projects within the cumulative study area would be located on tribal and federal land, those projects are anticipated to require mitigation for impacts to habitat, and therefore the Draft EIR's conclusion that the Project would not contribute to a cumulatively considerable significant impact is supported by evidence that there is a large amount of remaining habitat and vegetation community impacts would be adequately mitigated. Therefore, the Draft EIR adequately demonstrates feasible mitigation to offset impacts to the Quino checkerspot butterfly.

Additionally, since the Project Area is not located within a core occurrence complex identified in the Recovery Plan[26] or Recovery Plan Amendment,[27] and the Project contains several measures to minimize or eliminate specific effects to Quino checkerspot butterfly, the EIR accounts for impacts of related projects on butterfly occurrence complexes. An overlay map was not necessary to perform the analysis. The comment is incorrect in stating that the Campo core occurrence complex is located entirely within the Project Site. The Project Area is not located within a Quino

[26] USFWS 2003. Recovery Plan for the Quino Checkerspot Butterfly (*Euphydryas editha quino*). August 11, 2003

[27] USFWS 2019. Recovery Plan for Quino Checkerspot Butterfly (*Euphydryas editha quino*), Draft Amendment 1. March 2019. https://ecos.fws.gov/ecp0/.

checkerspot butterfly Recovery Unit nor is it within a core occurrence complex identified in the Recovery Plan[28] or Recovery Plan Amendment.[29] The Draft EIR references the federal and state permitting process for impacts to Quino checkerspot butterfly and therefore demonstrates that the protections to the species are afforded equally on Tribal land and lands under County jurisdiction.

Moreover, cumulative impacts to Quino checkerspot butterfly are extensively analyzed in the Biological Opinion (see Response to Comment O12-56). Further, five occurrences within the Project Site is considered a low number because there are a total of 68 core complexes identified in the USFWS Recovery Plan Amendment.[30]

Lastly, the Draft EIR in Section 2.3.4 of Chapter 2.3 identifies cumulative impacts due to avian collision with Campo turbines (Impact BI-G) as well as possible electrocution cumulative impacts from Boulder Brush Facilities (Impact BI-7) and Campo (Impact BI-F).

O12-56 The comment addresses Quino checkerspot butterfly mitigation measures M-BI-1 and M-BI-A. Specifically, the comment states the County "has no ability to conclude those terms and conditions would reduce Project impacts to less than significant levels." The comment also states that the Draft EIR defers mitigation to the Section 7 consultation process. The comment further states that the County must first demonstrate that the Project impacts would not compromise the resiliency of the Campo Core population and then must demonstrate that the habitat compensation provided by Mitigation Measures M-BI-1 and M-BI-A are feasible and would contribute to one or more of the recovery criteria established in the Recovery Plan before it can conclude that mitigation will reduce impacts to less than significant levels. The comment states that the USFWS is still developing a preliminary metapopulation model and therefore there is insufficient information to determine whether the Project's compensatory habitat would provide long-term conservation of metapopulation dynamics. The comment further states that the Draft EIR fails to demonstrate that sufficient suitable land is available for compensatory habitat.

In response, the Section 7 consultation process was completed with USFWS pursuant to the Endangered Species Act. The USFWS approved the BA prepared by Dudek in August 2019 and the USFWS issued a BO on January 16, 2020, as described in Response to Comment O12-42. These were developed and approved by the USFWS to reduce Project impacts to Quino checkerspot butterfly and are required as part of the Project. The conservation measures (CM) included in, and required by, the BO have been added

[28] USFWS 2003.
[29] USFWS 2019.
[30] USFWS 2019.

to mitigation measure M-BI-1 in the Final EIR and will be required to be implemented by the Project. Additionally, M-BI-A and M-BI-C have been updated to reflect the requirements and conservation measures provided in the BO. The conservation measures required by the BO include CM-1: Off-site Land Conservation, CM-2: Limiting Impacts to Occupied Habitat, CM-3 Avoidance of Vehicle Strikes, CM-4: Revegetation of Temporary Impacts, CM-5: Weed Control, CM-6: Trash Control, CM-7: Dust Control, and CM-8: Fire Prevention. Refer to Global Response GR-5 and M-BI-1 for details regarding the conservation measures included in, and required by, the BO.

Based on the area, the low potential for actual Quino checkerspot butterfly impacts resulting from the Project, and the fact that the Project will provide mitigation within or proximate to core quino areas, the USFWS agreed that a 1:1 mitigation ratio was adequate to mitigate for impact to potentially occupied quino habitat. The Project is not within a core occurrence complex identified in the Recovery Plan[31] or Recovery Plan Amendment.[32] Mitigation requirements outlined in the approved BO have been added to the Final EIR. The mitigation has been vetted and approved by the USFWS and provides adequate measures to mitigate for impacts.

In addition, mitigation requirements outlined in the approved BO considered metapopulation impacts and those requirements have been added to the Final EIR and will be implemented as part of the Project. The USFWS approved the mitigation requirements based on the best currently available information. Therefore, it is the County's understanding that the USFWS is does not have concerns with the mitigation included within the EIR, EIS, and the BO.

Further, an agency may defer identifying a mitigation site pending the results of further studies. *Preserve Wild Santee v City of Santee* (2012) 210 CA4th 260 (EIR need not identify exact location of off-site mitigation property); *California Native Plant Society v City of Rancho Cordova* (2009) 172 CA4th 603, 621 (mitigation measure requiring preservation and enhancement of replacement habitat did not have to identify specific mitigation site to be legally adequate). The County is aware of multiple suitable mitigation areas that could be available to the Project sponsor. "A mitigation measure is feasible if it is 'capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 622, 91 Cal.Rptr.3d 571, citing Section 21061.1. Generally, an agency does not need to

[31] USFWS 2003.
[32] USFWS 2019.

identify the exact location of off-site mitigation property for an EIR to comply with CEQA. *California Native Plant Society*, at pp. 621–622, 91 Cal.Rptr.3d 571.

Lastly, mitigation measure M-BI-A does not conflict with MM-BIO-3(b) because they both state "Per coordination with USFWS, seasonal avoidance of mapped suitable Quino checkerspot butterfly habitat during Project construction would not be required." The BO does not require seasonal avoidance. The BO for the Tule Wind Project is not applicable to this Project.

O12-57 The comment addresses mitigation measure M-BI-5, Pre-construction Surveys. The comment states that 27.1 acres within the Boulder Brush Corridor have not been surveyed. The comment further states M-BI-5a only requires surveys within the 2.6 acres that will be directly impacted and ignores the 24.5 acres that have not been surveyed and would be exposed to indirect impacts and the potential for the 24.5 acres to affect the output of the Quino checkerspot butterfly habitat model. In regard to M-BI-5(b), the comment states that it is unclear whether open space refers to habitat preserved under M-BI-5(b) at the Project Site or somewhere else. The comment also expresses concern regarding the success of plant relocation programs. Lastly, the comment states that the mitigation measure fails to identify the criteria that would be used to evaluate the value of mitigation land if Option 2 is chosen.

In response, these 24.5 acres support the same type of vegetation communities and species' habitat as analyzed in the Draft EIR. No Quino checkerspot butterfly individuals or host plants were observed near this area; therefore, it is not expected to support Quino checkerspot butterfly. Pre-construction surveys for special-status plants and Quino checkerspot butterfly host plants will be conducted within the Boulder Brush Facilities development footprint that has not been previously surveyed per M-BI-5(a). Pre-construction surveys in areas that are not located within the development footprint are not necessary because other mitigation measures (M-BI-2, M-BI-3, M-BI-4, M-BI-10, M-BI-11, and M-BI-12) adequately protect biological resources including indirect impacts to special-status plants.

The Final EIR has been updated to clarify in Mitigation Measure M-BI-5 that the mitigation plan for the off-site open space shall include a combination of relocation and/or plantings. M-BI-5 has been updated as follows:

> Pre-construction surveys for special-status plants and Quino checkerspot butterfly host plants will be conducted during the spring and summer within the portion of the Boulder Brush Facilities development footprint that has not been previously surveyed (approximately 2.6 acres). If any

> special-status species are found during the pre-construction surveys, the Applicant shall develop a plant ~~relocation~~ mitigation plan for the off-site open space. The mitigation plan shall be ~~(~~prepared by a biologist with at least 5 years of experience in rare plant relocation and/or mitigation~~)~~, and the plan shall include a combination of preservation, relocation and/or plantings with plant specimens grown on site or from local seed or cutting sources to achieve the mitigation ratios required by the County. The individuals shall be planted within the open space to secure a 2:1 mitigation ratio for any County List A species, and a 1:1 mitigation ratio for County list B species identified. If relocation and/or plantings is conducted as part of the mitigation plan, the plant ~~relocation~~ mitigation plan shall require the Applicant to submit a revegetation plan, including annual monitoring reports for at least 5 years after the replanting to demonstrate that the plants have been successfully established at the required mitigation ratio.

Mitigation measure M-BI-5 includes a mitigation plan to achieve the mitigation ratios required by the County. Mitigation measure M-BI-5 states that suitable mitigation land shall be located off-site. The measure requires that habitat of the same amount and type of land located in San Diego County as required per County Guidelines for Determining Significance and Report Format Content Requirements – Biological Resources[33] be preserved, as listed in Mitigation Measure M-BI-5(b). The specified criteria in the County guidelines would ensure the value of the lands preserved is adequate for mitigation purposes.

O12-58 The comment states that the County's proposed mitigation measure M-BI-13 is limited to the prohibition of invasive plant species in the hydroseed mix and does not mitigate the impact because it does not address the potential for the Project to introduce new weed species and facilitate the spread of existing weed species. The comment also states that the California Invasive Plant Council's guidelines for BMPs should be incorporated as required mitigation measures.

In response, mitigation measure M-BI-13 already includes the following language regarding the prevention of invasive species:

> A County of San Diego–approved plant list shall be used for the revegetation areas. A hydroseed mix that incorporates native species and is appropriate to the area, shall be used for slope stabilization in

[33] County of San Diego 2010. County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements. https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Biological_Guidelines.pdf.

> transitional areas. No invasive plant species as included on the most recent version of the California Invasive Plant Council's California Invasive Plant Inventory for the Project region shall be included in the seed mix, and the plant palette shall be composed of native species that do not require high irrigation rates. The hydroseed mix and a map of the seeded areas shall be submitted and approved by the County of San Diego prior to re-seeding.

The County agrees that the California Invasive Plant Council's guidelines for BMPs are feasible, and mitigation measure M-BI-13 has been updated in the Final EIR to reflect substantial conformance with California Invasive Plant Council's BMPs including a weed management plan to prevent the introduction of invasive plant species. M-BI-13 in the Final EIR has been updated as follows:

Additionally, a weed management plan shall be developed prior to commencement of construction activities. The plan will cover a Weed Management Area (WMA) which includes all Project disturbance areas, and a 50-foot buffer.

The plan shall include the following:

1. Baseline weed inventory and risk assessment, identifying species targeted for control that currently occur within, or that may invade, the WMA
2. Identification of baseline infestation areas and necessary containment/ preventive measures
3. Annual surveys within the WMA to document weed species during construction and for 2 years post construction
4. Success standards, including no more than a 10% increase over baseline conditions in target weed species within the WMA
5. Control techniques and adaptive management measures
6. Reporting

O12-59 The comment states that mitigation measure M-BI-C only requires a Weed Management Plan for the Campo Corridor portion of the Project. The comment also states that the standards do not ensure impacts associated with weeds would be mitigated to less than significant levels. The comment then states that the potential for weeds is not limited to restoration areas and the use of soil binders is allowed in lieu of restoration. The comment further states that surveys are not mitigation, two years of weed management is an insufficient amount of time, and that a 10% increase in a target

weed species is vague and not supported. Lastly, the comment suggests that the mitigation measure improperly defers mitigation to the weed management plan.

In response, mitigation measure M-BI-13 has been updated in the Final EIR to include a Weed Management Plan requirement. See response O12-58.

The M-BI-C(g) Weed Management mitigation measure has been updated as part of the BIA's Record of Decision process and reflected in the Final EIR for clarification. The mitigation measure includes a description of the Weed Management Area, description of the risk assessment, and redefined problem areas to baseline infestation areas. M-BI-C(g) has been updated in the Final EIR as follows:

- Baseline ~~W~~weed inventory and risk assessment, identifying species targeted for control that currently occur within, or that may invade, the WMA;
- Identification of baseline infestation ~~problem~~ areas and necessary containment/preventive measures;
- Annual surveys within the WMA~~restoration areas~~ to document weed species during construction and for ~~weed patches for~~ 2 years post construction;
- Success standards of~~, such as~~ no more than a 10% increase in target weed species within the WMA~~in restoration areas~~;
- Control techniques and ~~A~~adaptive management measures;

Also, the Weed Management Area (WMA) descriptions have been updated in the Final EIR to identify the restoration areas and the mitigation measure was updated to include additional measures to prevent invasive plant species (M-BI-13). The mitigation measure requires surveys so that the status of weed species are known, and subsequently requires control techniques and adaptive management measures to achieve a specified success criteria. Combined with surveys, the mitigation measure adequately assures that impacts are mitigated to less than significant levels.

The total amount of time required under the mitigation measure would be approximately three years, including starting during construction and for two years after construction is completed. The mitigation measure was updated in the Final EIR to clarify the success standards include "no more than a 10% increase over baseline conditions in target weed species within the WMA." The 10% threshold is a required component of the weed management plan, and it is an appropriate measure of success based on the baseline conditions and is an industry-used success standard.

Lastly, the mitigation measure does not improperly defer mitigation to the weed management plan. Deferral is appropriate where the mitigation measure sets out criteria and performance standards to gauge success. The mitigation measure outlines specific criteria to be included in the weed management plan and provides a performance standard of no more than a 10% increase over baseline conditions in any weed species success criteria. If the standard is not met, adaptive management is required to reach the performance standard. It is not necessary or advisable to identify specific weed species in the mitigation measure because annual surveys will identify all invasive plants from the most recent version of the California Invasive Plant Council's list. This list may change and new weeds may be established, which under the measure would need to be addressed in the weed management plan. The weed management plan is required to include a reporting program, which would be used for monitoring compliance. There is no need for performance security to secure this obligation because the mitigation measures adequately addresses and includes the necessary and appropriate management measures. The County does not have jurisdiction over the requirements in the BIA's EIS; however, the Draft EIR mitigation measure requires weed management that meets a success criteria to ensure that no more than a 10% increase in any weed species would occur. Additionally, mitigation measure M-BI-13 has been updated in the Final EIR to include a Weed Management Plan requirement. See response O12-58. Therefore, mitigation measures M-BI-13 and M-BI-C are adequate to ensure that no significant impacts from weeds would occur within the Project Site.

O12-60 The comment states that the Jurisdictional Aquatic Resources mitigation measure M-BI-16 constitutes improper deferral of the impact assessment. The comment also states that a functional assessment such as the California Rapid Assessment Method (CRAM) is necessary to establish Resource Protection Ordinance (RPO) buffer widths and that the Conceptual Wetlands Mitigation and Monitoring Plan does not have performance criteria. In response, an agency may defer committing to specific mitigation measures and rely on subsequent implementation plans if the measures that will be considered subsequently are described and performance criteria are identified (*Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011). Further, the Draft EIR states the RPO wetlands have been identified at three locations associated with Tule Creek within the Boulder Brush Corridor during a formal jurisdictional delineation conducted in June and July 2018. A CRAM is not required to establish buffers for RPO wetlands. Those are established per the RPO definition of a wetland buffer, which takes into consideration the overall "environmental and functional habitat values of the wetland"; these values were evaluated and appropriate buffers were established during

the CEQA process based on the type of vegetation, the habitat it provides for special-status species, and its overall function in the landscape.

With respect to the plan's performance criteria, Mitigation Measure M-BI-16 describes what the Conceptual Wetlands Mitigation and Monitoring Plan shall minimally include in order to ensure the plan adequately provides mitigation for the impacts. Additional minimum requirements, including performance criteria, has been added to Mitigation Measure M-BI-16 in the Final EIR to clarify the requirements for the Conceptual Wetlands Mitigation and Monitoring Plan, as follows:

> **Federal, ~~and~~ State and Local Agency Permits and Wetland Mitigation.** Prior to impacts occurring to U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) (collectively, the Resource Agencies) jurisdictional aquatic resources, the Boulder Brush Developer or its designee shall obtain the following permits: USACE 404 permit or authorization under a Nationwide Permit, RWQCB 401 Water Quality Certification, and California Fish and Game Code 1602 Streambed Alteration Agreement.
>
> To mitigate for impacts to jurisdictional waters, the Developer may either: (1) purchase mitigation bank credits at an Resource Agency-approved mitigation bank that inherently include all the necessary in-perpetuity management and preservation requirements; or, (2) select to implement mitigation at a suitable mitigation site and establish, re-establish, enhance, or rehabilitate wetlands and then manage and protect those in-perpetuity. The mitigation site shall be approved by the Resource Agencies during the permitting process. Either of these mitigation options would result in no net loss of jurisdictional aquatic resources. If option 2 is selected, then a functional assessment, such as the California Rapid Assessment Method (CRAM), of the jurisdictional areas proposed to be impacted and preserved at the mitigation site shall be conducted. The purpose of the functional assessment is to evaluate the existing functions and services within the jurisdictional drainages and ensure that the functions and values of the jurisdictional areas lost are replaced at the mitigation site. Impacts to non-wetland waters will be mitigated at a 1:1 ratio and impacts to riparian habitat will be mitigated at a 3:1 ratio. The precise mitigation ratio shall depend on Resource Agency input and the functions and values of the mitigation

site and any restoration activities that may be conducted to further increase the functions and values of the mitigation site.

Impacts to Resource Protection Ordinance wetlands (with the exception of the intermittent channel) shall be mitigated at a minimum of ratio 3:1, with a minimum of 1:1 impact-to-creation ratio; restoration/enhancement of existing wetlands may be used to make up the remaining requirements. This would result in no net loss of County RPO wetlands.

If mitigation is proposed to occur within the Boulder Brush Corridor or within an off-site mitigation area, then a Wetlands Mitigation and Monitoring Plan shall be prepared. Prior to issuance of land development permits, including clearing, grubbing, and grading permits for activities that would impact jurisdictional aquatic resources, the Boulder Brush Developer shall prepare a Conceptual Wetlands Mitigation and Monitoring Plan to the satisfaction of the Director of Planning & Development Services (or his/her designee) and the applicable Resource Agencies. The Conceptual Wetlands Mitigation and Monitoring Plan shall, at a minimum, describe the impacts that are being mitigated and the ratios, describe the site selection process and site, summarize the results of the CRAM, prescribe site preparation, planting, irrigation, and a 5-year maintenance and monitoring program with qualitative and quantitative evaluation of the revegetation effort and specific performance criteria to determine successful revegetation.

The performance standards for non-wetland waters establishment shall include at least three of the following along with a lack of significant erosion (i.e., rut or gully formation): Evidence of a bed and bank, signs of surface hydrology via active storm or post-storm flow, debris wracking, sediment deposition, leaf staining, and micro-channel formation. In addition, the channels shall have less than 10% cover by weeds species and be free of perennial invasive species.

The performance standards for riparian habitat shall be no less than is shown in the table below. In addition to the criteria in the Table below, the mitigation areas must prove to be self-sustaining by not having received irrigation for two years prior to final approval by the Resource Agencies and County.

Riparian Habitat Establishment and Enhancement Area Performance Standards

Year	Minimum Percent Container Plant Survival**	Maximum Percent Non-Native Plant Cover	Percent Native Plant Cover	Percent Invasive Species
1	90	25	25	10
2	80	20	30	8
3	75	15	40	5
4	70	10	50	3
5	70	7	70	0

Note:
** Natural recruitment and hydroseed germination, if present, may be counted to offset container plant mortality at the discretion of the Project Biologist.

Annual monitoring reports will be prepared and submitted to the Resource Agencies and County during the 5-year maintenance and monitoring period. The monitoring reports will describe the existing conditions of the mitigation areas referencing routine site observations and quantitative vegetation data collection. The reports will provide a comparison of annual performance standards with field conditions; identify any shortcomings of the mitigation; and recommend remedial measures, if necessary, to reach mitigation goals and performance standards. Each annual report will provide a trend summary of the accumulated data. Annual reports will also include the following:

- A list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities
- A copy of the Resource Agency permits
- Prints of monitoring photo points
- Maps identifying planting zones, transect locations, and weed removal areas as appropriate
- Quantitative data from transect measurements in Years 2 through 5 of the mitigation.
- Analysis of Project performance against performance standards.

The annual monitoring reports will be submitted to the Resource Agencies by January 10 of each year after conclusion of the prior years' maintenance and monitoring activities.

O12-61 The comment states that the Bird and Bat Conservation Strategy (BBCS) required by Mitigation Measure M-BI-B(c) would be formulated after the CEQA review process and is therefore not able to provide the public and decision makers with the information needed to decide whether the Project poses an unacceptable risk. The comment also states that the BBCS will include a risk assessment and that the Project sponsor would not be required to change the Project design to respond to the risk assessment. The comment further states that the Draft EIR must include a rigorous plan for collecting the data needed to obtain fatality estimates once the Project starts operations, specific fatality thresholds, and an explicit and enforceable strategy for reducing fatality levels should the thresholds be exceeded. Lastly, the comment states that the requirements of the BBCS are vague and there are no assurances that they will be included in the BBCS.

In response, a BBCS is not typically prepared during the NEPA/CEQA process. Mitigation measure M-BI-B(c) provides detailed information regarding the minimum requirements for the BBCS. These include methods and results of avian and bat surveys conducted in 2017, 2018, and 2019 at the Project Site; a risk assessment associated with potential collisions/barotrauma with Project turbines and meteorological towers and electrocution associated with overhead transmission lines; recommended avoidance, minimization, and mitigation measures to address this risk; methods and protocols associated with post-construction monitoring; and adaptive management actions that can be taken based on monitoring results. A component of the BBCS monitoring program is a reporting feedback loop that includes a Technical Advisory Committee. That committee is responsible for reviewing the provided monitoring data and issuing adaptive management recommendations if warranted. These requirements are based on the USFWS Land-Based Wind Energy Guidelines, and therefore are approved by USFWS and were appropriately followed in this analysis. In addition, these monitoring methods are part of the BBCS document development that is finalized in coordination with the USFWS and CDFW. During that process, the latest monitoring and analysis techniques are documented and spelled out. It would be premature to develop those at this time as part of the CEQA process as those methods may change.

The County disagrees that the mitigation measure must require Project design changes to respond to the risk assessment. There are no proximate eagle nests and eagle use is very low so the main driver for Project design changes is avoided. Typically, the types of measures that are employed to further reduce risk include curtailment, installation of bat deterrent and large bird detection/curtailment systems (e.g., IdentiFlight), attractive nuisance correction, and other operational measures and would not involve post-construction site design changes. These and other measures will all be included within the BBCS as potential options if the reviewing Technical Advisory Committee

determines that adaptive management is needed. In addition, the analysis in the Draft EIR demonstrates that shifting turbines within the Project Site would not reduce risk to birds and bats because impacts to birds and bats would be relatively the same regardless of the overall turbine configuration on the site due to avian flight patterns and presence whereby avian species could use any portion of the site at any time. Moreover, the Project design already accounts for a minimum setback or spacing between turbines to ensure maximum functionality and wind resource capture, which would also reduce potential impacts to avian species. Furthermore, the analysis is based on the presence of 76 turbines; however, only a maximum of 60 turbines would be constructed. Therefore, impacts would be even further reduced than those reported in the Draft EIR.

The County disagrees that specific fatality thresholds and an explicit and enforceable strategy to reduce fatality levels are necessary components of the mitigation measure because the methodology utilized in development of the mitigation measures is a standard and approved methodology vetted by industry and field experts. Additionally, as previously stated, these monitoring methods are part of the BBCS document development that is finalized in coordination with the USFWS and CDFW. During that process, the latest monitoring and analysis techniques are documented and spelled out. It would be premature to develop those at this time as part of CEQA process as those methods may change. The developer will need the BBCS to support obtaining a federal Special Purpose Utility permit, which will allow for monitoring and collection of dead or moribund birds.

Further, as stated above, the mitigation measure requires that the BBCS include certain minimum standards. Regarding the example provided by the comment, the County disagrees that the mitigation measure fails to establish standards for the methods and protocols associated with post-construction monitoring. The BBCS follows the methodology provided by the USFWS and therefore the standards and protocols are those that are required by the USFWS and will be identified in the BBCS plan. The actual methods and protocols employed will depend on the site, species of concern and feedback provided by the USFWS during BBCS development. The BBCS will be used by the USFWS to monitor detected and modeled take to inform adaptive management at and around the Project Site; therefore, as the expert wildlife agency overseeing its preparation, the USFWS will ensure the BBCS meets the post-construction monitoring needs to inform effective adaptive management. During development of the BBCS, monitoring methods and protocols will be thoroughly vetted by the USFWS and will be required to be developed based on the latest scientific understanding and available literature. These methods and protocols provided in the BBCS would be complimentary with other monitoring efforts to add overall statistical value of avian monitoring and

adaptive management in the region. Therefore, because the USFWS will require minimum standards to be included in the BBCS, and the USFWS would be the expert agency overseeing its preparation, the mitigation provided in the Draft EIR is sufficient for the purposes of analyzing the BBCS's effectiveness.

The commenter does not provide evidence that curtailment is the only proven method to reduce bird and bat fatalities. The mitigation measure utilizes approved methodology and adequately addresses impacts as a result of the Project. As stated above, the types of measures that are employed to further reduce risk include curtailment, but also installation of bat deterrent and large bird detection/curtailment systems (e.g., IdentiFlight), attractive nuisance correction, and other operational measures. These and other measures will all be included within the BBCS as potential options if the reviewing Technical Advisory Committee determines that adaptive management is needed.

O12-62 The comment addresses Draft EIR Chapter 2.3, Section 2.3.7, Conclusion. The comment raises concern that the conclusions are not consistent with the information and analysis provided in the Draft EIR and Draft EIS. Specifically, the comment states that the "EIS does not require a Bird and Bat Conservation Strategy." The comment further states that fatality thresholds triggering remedial actions are necessary to adequately mitigate impacts. The comment also states that mitigation measure M-BI-C(e) is inconsistent with the requirements of the EIS and expresses concern that the EIS mitigation measures may not be required by the BIA. The comment further states that the conclusion that Project impacts to special-status plant and wildlife species would be reduced to the less than significant level with mitigation may be confusing because some impacts in the Campo Corridor would remain significant. The comment further states the conclusion regarding RPO wetlands is inconsistent, the EIS does not incorporate any mitigation for avian collision with wind turbines, the Draft EIS does not require restoration of habitat temporarily impacts, and the conclusion regarding golden eagles is confusing. Lastly, this comment also describes the commenter's professional experience.

In response, the Final EIS recommends a BBCS (see MM-BIO-4 of the Final EIS), and the measure includes a BBCS, not just a Worker Response Reporting System. The BIA's Record of Decision requires the implementation of MM-BIO-4, including the preparation of a BBCS. In regard to the comment that fatality thresholds triggering remedial actions are necessary, please see Response to Comment O12-61. Also, M-BI-C(e) is not inconsistent with the Draft EIS; M-BI-C(e) is the same exact measure described in MM-BIO-1(e) of the Final EIS.

Under NEPA the EIS does not require mitigation but rather presents and evaluates their effectiveness. However, the EIS recommended mitigation measures and the County may rely on the BIA's commitment to the recommended measures as substantial evidence that they will be enforced. In addition, the BIA has approved the Record of Decision (ROD), which imposes required measures on the Project, including all mitigation measures identified in the Final EIS.

The County agrees that the conclusion regarding special status plant and wildlife species may be confusing. The Final EIR has been revised in Section 2.3.3.2 of Chapter 2.3 to clarify that some significant impacts within the Campo Wind Project remain significant. Additionally, the Final EIR has been revised to correct the inconsistency regarding the nesting raptor impact and mitigation pointed out by the comment.

In regard to the comment that the conclusion regarding RPO wetlands is inconsistent with statements in the Draft EIR regarding lack of knowledge of RPO resources within the Campo Corridor, the County disagrees. The commenter correctly quotes a portion of the Draft EIR, but not the additional sentence, which supports the preceding information "Impacts to such resources, <u>if they exist</u>, are considered to be significant and unavoidable (Impact BI-U)." (Emphasis added.)

This is not true. The Final EIS identifies mitigation for avian collisions with turbines (see MM-BIO-4 of the Final EIS) and for revegetation of habitat that is temporarily impacted (see MM-BIO-1(e) of the Final EIS). The commenter is incorrectly referencing the term "temporary" in its conclusion. The term "temporary" used in the quoted material is regarding those impacts associated specifically with construction referring to "Construction-related impacts to vegetation communities, such as clearing, trampling, or grading of vegetation outside designated construction zones, could occur in the absence of avoidance and mitigation measures, and thus could impede access to important resources" (see Chapter 2.3, Section 2.3.3.5, Impact BI-V, of the Final EIR). These impacts are not the same as the permanent impacts described for the Boulder Brush or Campo Wind Facilities, but rather is referring to accidental clearing outside of the designated footprint.

In regard to the golden eagle conclusion, the statement is simply concluding that a mitigation measure similar to M-BI-5 requiring habitat preservation would reduce the significant impact to golden eagle foraging; however, since the County cannot require this type of mitigation on the Campo Reservation, and the EIS did not recommend such a measure, the impact remains significant.

O12-63 This comment encompasses an email communication chain between Sheila Sannadan of Adams Broadwell Joseph & Cardozo, and Randall Sjoblom of County Counsel for the County of San Diego, regarding a Public Records Act request for the Project Draft EIR's referenced records. On December 31, 2019, Mr. Sjoblom provided Ms. Sannadan with the list of documents incorporated by reference in the Draft EIR, and the associated website links. Mr. Sjoblom confirmed the Draft EIR contained website links for the vast majority of all other referenced materials, and any remaining references without website links would be made available for review as requested shortly. The County provided Adams Broadwell all available Draft EIR references cited on January 30, 2020.

On January 3, 2020 Sheila Sannadan requested copies of the Campo Lease and tribal regulations, the Campo Land Use Code, and the Campo Land Use Plan. On January 17, 2020, Mr. Sjoblom replied to Ms. Sannadan's request confirming the County does not have access to the lease, and the lease exempts the Project from the Tribe's Land Use Code and Land Use Plan and therefore these documents are not applicable to the Project and not required to understand the Project's environmental impacts. Mr. Sjoblom also confirms the requested Tribal documents are confidential and cannot be released without the Tribe's consent under California Public Resources Code, Section 21082.3(c). This email correspondence does not raise specific concerns regarding the adequacy of the Draft EIR, and therefore no further response is required. Please refer to Response to Comment O12-10.

O12-64 This comment includes email correspondence between County staff Sharon Ippolito and Sheila Sannadan of Adams Broadwell on December 23, 2019. In this email correspondence, the County requests an extension letter regarding Adam Broadwell's Public Records Act request on documents referenced in the Draft EIR. Sheila Sannadan of Adams Broadwell follows up with a response to the County's email clarifying their request is not a Public Records Act request, but immediate access to any and all documents referenced in the Draft EIR. A response to this email was provided in later email correspondence addressed in Response to Comment O12-63. This comment does not include any specific comments regarding the adequacy of the Draft EIR, and therefore no further response is required. Please refer to Response to Comment O12-10.

O12-65 This comment includes email correspondence from Alisha Pember with Adams Broadwell to staff at the County of San Diego on December 13, 2019. This email correspondence does not raise specific concerns regarding the adequacy of the Draft EIR, and therefore no further response is required. Please refer to Response to Comment O12-10.