

**From:** [Harris, Susan](#)  
**To:** [Gerson, Terry@Parks](#)  
**Subject:** JVR Energy Park EIR (SCH #2019039044) - Responses to CA Dept of Parks and Recreation Comment Letter  
**Date:** Tuesday, June 29, 2021 10:25:27 AM  
**Attachments:** [A3 California Dept of Parks and Recreation Comment Letter - Final.pdf](#)  
[image001.png](#)  
[A3 California Dept of Parks and Recreation Response - Final.pdf](#)

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The California Department of Parks and Recreation comment letter on the JVR Energy Park Draft Environmental Impact Report and the responses to CDPR comments are attached.

Please note the Draft FINAL EIR is available on the County of San Diego's website at:  
<https://www.sandiegocounty.gov/content/sdc/pds/ceqa/MUP-18-022.html>

Sincerely,  
Susan Harris

Susan Harris  
Land Use/Environmental Planner

Planning & Development Services  
County of San Diego  
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[susan.harris@sdcounty.ca.gov](mailto:susan.harris@sdcounty.ca.gov)

For local information and daily updates on COVID-19, please visit [www.coronavirus-sd.com](http://www.coronavirus-sd.com). To receive updates via text, send **COSD COVID19** to 468-311.



**From:** [Gerson, Terry@Parks](mailto:Gerson, Terry@Parks)  
**To:** [Harris, Susan](mailto:Harris, Susan)  
**Cc:** [Lennox, Ray@Parks](mailto:Lennox, Ray@Parks); [McCamish, Danny@Parks](mailto:McCamish, Danny@Parks); [Elsken, Hayley@Parks](mailto:Elsken, Hayley@Parks); [Stephen, Dennis@Parks](mailto:Stephen, Dennis@Parks)  
**Subject:** JVR Energy Park DEIR Comment Letter from California State Parks  
**Date:** Monday, December 07, 2020 3:09:04 PM  
**Attachments:** [image001.png](#)  
[State Parks Comment Letter on DEIR JVR Energy Project Final signed.pdf](#)

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Hello Susan,

Please accept the attached letter for consideration by the County of San Diego and the JVR Energy Park project applicant as comments submitted on behalf of California State Parks' Colorado Desert District and Anza-Borrego Desert State Park for inclusion in the project's environmental impact report. Confirmation of receipt would be appreciated.

Please let me know what question you may have and if a Word document of the comment letter may be useful to you. I can also forward along the hard copy should that be helpful.

On behalf of the Colorado Desert District staff, I want to thank you for the opportunity to participate in this process. I personally appreciate the working relationships we've developed and have enjoyed our meetings, site visits, and phone conversations.

Sincerely,  
Terry

Terry Gerson  
District Services Manager  
California State Parks Colorado Desert District  
200 Palm Canyon Drive  
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760-767-4960





DEPARTMENT OF PARKS AND RECREATION  
COLORADO DESERT DISTRICT  
200 PALM CANYON DRIVE  
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Armando Quintero, Director

December 7, 2020

County of San Diego  
Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

PROJECT NAME: JVR ENERGY PARK  
PDS2018-MUP-18-022  
SCH No. 2019039044  
LOG NUMBER: PDS2018-ER-18-22-001

To County of San Diego Staff, Nicholas Koutoufidis, and Susan Harris:

The staff of the California Department of Parks and Recreation (CDPR) at Colorado Desert District that manages Anza-Borrego Desert State Park would like to extend our sincere thanks for the cooperation and inclusion provided by San Diego County planning and environmental staff and that of the Dudek staff throughout the analysis process. The site visits and meetings were open and informative and the work accomplished together was friendly and gratifying.

A3-2

What follows are the recommendations CDPR would like to offer the project applicant and the County of San Diego for solutions to some of the significant and non-mitigatable negative environmental impacts. These solutions would provide long term benefits to the residents of Jacumba Hot Springs, to San Diego County and people of California, and CDPR in its mission to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

A3-3

After those suggestions, CDPR would like to provide portions of our original comment letter dated April 22, 2019 for inclusion in the final record of the JVR Energy Park Environmental Impact Report (EIR).

A3-4

#### MITIGATION AND LONG TERM PLANNING RECOMMENDATIONS

A3-5

CDPR sees opportunity for beneficial long term planning and mitigation measures should the JVR Energy Park project move forward. Park access, especially to underserved and economically challenged communities such as Jacumba Hot Springs would benefit through planning by the project applicant to link with roads and trails

A3-6

public easements through their property and onto state park lands that are adjacent and potentially planned for the project as buffers.

A3-6  
contd.

Anza-Borrego Desert State Park (ABDSP) could benefit from financial endowments as part of the mitigation measures that JVR Energy Park project planners may need to incorporate into the final EIR. ABDSP or its partner, the Anza-Borrego Foundation could be considered for project owned land transfers in fee title for land CDPR determines is desirable and beneficial to the mission of CDPR to provide for the health, inspiration and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

A3-7

As the entire project area has been determined by the County of San Diego to be an interim land use designation, long term mitigation planning might include the transfer of the entire site for incorporation into county open space, regional park land, or ABDSP itself, once the planned 35-year project life span has ended and all surface and subsurface project infrastructure has been removed and the land restored to its original condition as required in the EIR. Inclusion into ABDSP could be facilitated by mitigation endowment funds for visitor services improvements, park staff, and long term operations and management.

A3-8

Wildlife corridors around and through the project footprint itself could be mitigation measures that benefit species of concern and federally listed endangered species like the big horn sheep. Another wildlife corridor mitigation measure could be an endowment fund set up to eventually fund construction of a wildlife overpass near the project area determined by wildlife biologists from California Department of Fish and Wildlife, the US Department of Fish and Wildlife, and CDPR to be beneficial to the safe movement of wildlife over Interstate 8.

A3-9

ABDSP, the people of California, San Diego County, and Jacumba Hot Springs would benefit from a visitor center in the area that interprets the natural, cultural, historic, and prehistoric elements of the region. Mitigation measures planned for the JVR Energy Park could include setting aside land determined to be a desirable location for such a building by CDPR or set aside an endowment fund for the eventual construction of such a building on state park lands.

A3-10

Through careful consideration of necessary mitigation measures required by the EIR for the JVR Energy Park, much state and local benefit could be realized by long term planning for preserving and protecting natural, cultural, and recreational resources in, adjacent, and around the project site. Although not identified in the DEIR, it is possible for Jacumba Hot Springs to once again be a port of entry and international gateway with Mexico. Should the federal government move forward with such planning in the near or distant future, consideration of the ramifications of this potential eventuality must not be ignored as it relates to the interim land use designation the project site has, especially once the planned 35-year lifespan ends.

A3-11

A3-12



BIOLOGICAL AND NATURAL RESOURCES:

Habitat, Biodiversity, and Wildlife Connectivity: In 2007, The Nature Conservancy purchased the 1,080 acres adjacent the proposed project area as an interim step in transferring ownership to California Department of Parks and Recreation. In 2012, title was transferred to the Anza-Borrego Foundation to hold until the State of California was ready to accept the transfer. The Nature Conservancy recognized this area as internationally significant in terms of biodiversity and as an important linkage between biologically rich Mediterranean habitat in Southern California and Northern Baja California plant and animal communities. Development such as this project in the San Diego border region fragments habitat and threatens wildlife corridors between these communities.

A3-13

A3-14

In a report released in June of 2007, The Conservation Biology Institute identified three objectives of the 2007 acquisition by the Nature Conservancy:

- 1) Conserve habitat designated as the Southeast San Diego recovery unit (Jacumba habitat complex) for the federally endangered Quino checkerspot butterfly (*Euphydryas editha quino*) (USFWS 2000):
- 2) Buffer the entrance to the Carrizo Gorge which provides a water source for the federally endangered and state threatened Peninsular bighorn sheep (*Ovis canadensis nelsoni*);
- 3) Build a connection between the Carrizo Gorge in ABDSP and the international border to maintain landscape-scale connectivity functions in this region of San Diego County and cross border connectivity with habitat in Baja California.

A3-15

In light of these objectives identified when the property was first acquired for preservation, the proposed could negatively affect the biological resources of the area.

A3-16

The environmental review of this project must include the wildlife connectivity through the Peninsular Ranges between Mexico and the United States.

Temperature: *The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures*, a 2016 article from the journal *Nature* describes effects of +3-4°C over wildlands temperature due to changing vegetative structure, reflective value, and may ultimately become a “heat island” in arid ecosystems.

A3-17

<https://www.nature.com/articles/srep35070#article-info>

Precipitation: Another 2016 article from the journal *Nature*, *Impact of solar panels on global climate*, indicated that in one study simulation, solar panels resulted in a 20 percent decrease in precipitation in the desert and arid environments.

A3-18

<https://www.nature.com/articles/nclimate2843>.

Water and Hydrology: Potential for reduced precipitation by the project and groundwater depletion by the project’s construction and ongoing maintenance should be evaluated in the larger context of potential watershed impacts to Carrizo Creek, Carrizo

A3-19

Canyon, and Carrizo Marsh in ABDSP. Analysis and restoration efforts in the Carrizo watershed and biologically important riparian areas may be significantly impacted by groundwater depletion. The project could potentially alter existing drainage patterns and absorption rates. The project could potentially degrade water quality in the basin.

A3-19  
contd.  
A3-20  
A3-21

Riparian areas: The area looks to be within natural southern drainage of the Jacumba and In-ko-pah Mountains, and Carrizo Gorge. The riparian drainage route could potentially affect both San Diego and Imperial counties, including the communities of Jacumba Hot Springs and Ocotillo. This project area could also potentially interrupt natural drainage flow lines through the area. The project could affect the amount of surface water or natural bajada areas, often used by wildlife and rare plant communities.

A3-22

Storm water runoff: The proposed project appears to be in a flood zone. Project area may create, increase, or contribute to runoff greater than the surface runoff, causing increased flooding on or off site. Evaluation of related impacts and drainage issues are of concern to ABDSP as they may impact park access points.

A3-23

Soil: Vegetative removal, project construction and road building during the project, to include ongoing infrastructure and road maintenance will create dust and potential erosion of already fragile soil types. Soil degradation including increased wind or water erosion, salinity, loss of organic matters, fertility decline, pH level, compaction, surface sealing, and mass movement or contamination, should all be evaluated for impact.

A3-24

Air Quality: This area is located within the San Diego Air Basin. The area is subject to frequent hazy conditions at sunrise, followed by rapid daytime dissipation as winds pick up and the temperature warms. Natural air flows could be interrupted by the proposed project. Dust potential throughout the life of the project needs to be evaluated for impact on air quality, ABDSP, its visitors, wildlife, and plant communities.

A3-25

Light: Impacts resulting from the vast area of reflective panels on ambient light levels should be evaluated for impacts to wildlife visitors, including birds and insects. Wildlife may mistake the large solar array as water, thereby diverting migrating birds and insects in search of water and rest.

A3-26

Biologic Resources – Although the area is fallowed agricultural fields, the area provides suitable habitat and nesting for approximately 60 migratory birds and other year round dwelling plant and animal residents or habitat types.

A3-27

Source: <https://apps.wildlife.ca.gov/bios/?tool=cnddbQuick>; List CNDBB Species for Jacumba Quad. April 2019).



ARCHAEOLOGICAL AND CULTURAL RESOURCES TOPICS:

Prehistoric Cultural Resources: Four recorded archaeological sites, including one rock art site, may overlook the project and could have their native setting impacted by the project.

A3-28

Setting is used to evaluate site integrity when determining eligibility for the National Register of Historic Places and is defined by National Parks Service as “the physical environment of a historic property that illustrates the character of the place. Integrity of setting remains when the surroundings of an aid to navigation have not been subjected to radical change. Integrity of setting of an isolated lighthouse would be compromised, for example, if it were now completely surrounded by modern development.”

These four sites have not been evaluated for the National Register of Historic Places, but if they are eligible this project could affect the setting and therefore their integrity.

It is important that a qualified archaeological survey team visit all the sites and see if they overlook the valley and proposed solar installation. If so, it is very important that these sites be evaluated for eligibility for the National Register of Historic Places to determine how the solar installation may affect that eligibility. Colorado Desert District archaeologists can assist a team of qualified archaeologists in this effort.

A3-29

RECREATION AND PARK TOPICS:

CDPR is tasked with expanding access to parks and making parks relevant to all Californians. CDPR is concerned that visual impacts to the view shed, sense of place, and setting of the ABDSP land adjacent to the project will negatively impact potential visitor use of that park land. The sheer magnitude of this large solar project may permanently negatively impact the visitor experience because the project will be so visible and present, even while in the park. Careful consideration and evaluation of those impacts on park land and park visitors is very important.

A3-30

Since the project is directly adjacent to the park, access issues need to be evaluated. The question as to whether the change in land use and the necessary general plan amendment is in the best interest of the citizens of Jacumba Hot Springs, San Diego County, and California needs to be fully addressed.

A3-31

A3-32

Wilderness: The California Wilderness Act begins with the following language: “In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas on state-owned lands within California, leaving no areas designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the State of California to secure for present and future generations the benefits of an enduring resource of wilderness.” The proposed project area sits directly adjacent to California State Parks designated Anza-Borrego Desert State Park Wilderness.

A3-33

HEALTH AND UNDERSERVED COMMUNITY TOPICS:

Access to parks, nature, and the outdoors is documented as necessary for the health of children and adults. In the February 2015 publication, *A New Vision for California State Parks, Recommendations of the Parks Forward Initiative*, recommended actions include expanding access to parks in underserved areas. The proposed project may negatively impact that access for the underserved in the community of Jacumba Hot Springs and should be evaluated.

A3-34

PROJECT INFRASTRUCTURE:

The proposed project size and proximity may negatively affect State Park land aesthetics, view shed, dark sky designation, and recreation potential. The infrastructure impact of a project this size in a rural setting should be carefully considered. How will people be impacted by the project and does it warrant the change in land use and general planning that the County of San Diego has already in place?

A3-35

A3-36

Please keep me informed as the environmental review and planning processes continue. If you have any questions, please contact Terry Gerson.

A3-37

Sincerely,



Ray Lennox  
District Superintendent I (Acting)  
Colorado Desert District



## **Response to Comment Letter A3**

### **California Department of Parks and Recreation**

- A3-1** The comment provides a cover email to the attached letter which provides comments on the JVR Energy Park project submitted on behalf of the California State Parks' Colorado Desert District and Anza-Borrego Desert State Park. The commenter requests confirmation of receipt of the letter and asks whether word documents or hard copies would be helpful to the County. In response, the County previously provided confirmation of the California State Park's comment letter on the Proposed Project and does not require hard copies or other letter formats. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- A3-2** The commenter states the staff of the Colorado Desert District that manages Anza-Borrego Desert State Park extends thanks for the cooperation and inclusion provided by County and Dudek staff throughout the analysis process. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- A3-3** The commenter states California Department of Parks and Recreation (CDPR) would like to offer recommendations to the project applicant and the County for solutions to some of the significant and non-mitigatable negative environmental effects. The commenter further states these solutions would provide long term benefits to the residents of Jacumba Hot Springs, the County and people of California, and the CDPR in its mission. In response, this comment provides an introduction to comments that follow. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- A3-4** The commenter states CDPR would like to provide portions of CDPR's original comment letter, dated April 22, 2019, for inclusion in the final record of the JVR Energy Park EIR. In response, the CDPR comment letter dated April 22, 2019, regarding the Notice of Preparation (NOP) for the EIR, is included in its entirety in Appendix A of the EIR.
- A3-5** The commenter states that CDPR sees opportunity for beneficial long-term planning and mitigation measures should the JVR Energy Park project move forward. In response, this comment provides an introduction to CDPR's mitigation and long-term planning recommendations. The comment does not raise an issue regarding the

adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.

**A3-6** The commenter states that park access, especially to underserved and economically challenged communities such as Jacumba Hot Springs would benefit through planning by the project applicant to link with roads and trail public easements through their property and onto state park lands that are adjacent and potentially planned for the project as buffers. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, as discussed in Section 3.15, Parks and Recreation, of the Draft EIR, the County's Community Trails Master Plan does not identify any regional trails in the Jacumba area. Also, the Proposed Project is an unstaffed solar facility which would not result in an increase in population and therefore would not contribute to an increase in demand for parks and recreation facilities. Thus, the County cannot require that the applicant provide trail public access links through their property. Any provision of trail easements would be dependent on the willingness of the Project applicant and property owner.

**A3-7** The commenter states that Anza-Borrego Desert State Park (ABDSP) could benefit from financial endowments as part of the mitigation measures that project planners may need to incorporate into the final EIR. The commenter further states ABDSP or its partner, the Anza-Borrego Foundation could be considered for project owned land transfers in fee title for land CDPR determines is desirable and beneficial to the mission of CDPR. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, as discussed in Section 2.3, Biological Resources, of the Draft EIR, impacts to biological resources will be mitigated in part by the dedication of a biological open space easement over up to 435 acres of sensitive vegetation communities and habitat for special-status species (mitigation measure **M-BI-3**). In order to provide for the long-term management of the biological open space, a Resource Management Plan (RMP) will be prepared and implemented (mitigation measure **M-BI-4**). As stated in **M-BI-4**, the open space easement will be dedicated to the County in perpetuity, unless conveyed to another public agency subject to approval by the Director of Planning & Development Services. A resource manager will also be selected and a funding mechanism to fund annual costs for basic stewardship shall also be approved by the County. The timing for dedication of the open space, selection of the resource manager, and funding mechanism shall occur prior to grading or clearing of the site. Thus, ABDSP and the Anza-Borrego Foundation staff could coordinate with the Project applicant regarding the open space easement, RMP, and endowment for management of the open space easement. As stated above, any agreement would be subject to County approval.

The County cannot require any financial endowments beyond the endowment for the biological open space required by the mitigation measures. Nor can the County require transfers of land in fee title.

**A3-8** The commenter states that as the entire project area has been determined by the County to be an interim land use designation, long term mitigation planning might include the transfer of the entire site for incorporation into county open space, regional park land, or ABDSP itself, once the planned 35-year project life span has ended and all surface and subsurface project infrastructure has been removed and the land restored to its original condition as required in the EIR. The commenter further states inclusion into ABDSP could be facilitated by mitigation endowment funds for visitor services improvements, park staff, and long-term operations and management. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, for clarification the entire Project site totals 1,356 acres, while the Proposed Project's development footprint totals approximately 626 acres. The commenter is correct that decommissioning will include removal of all project components; however, as stated in Chapter 1 of the Draft EIR, the use of the land would be consistent with the County's Zoning Ordinance at the time of dismantling, or if a new use is not proposed, the site would be treated with a compatible hydroseed mix after removal of all components. The County cannot speculate as to what future uses of the property will be. Future purchase of the site by the County, the State, or a conservancy could be considered by each of those entities consistent with their goals and funding and whether the owner is willing to sell.

**A3-9** The commenter states that wildlife corridors around and through the Project footprint could be mitigation measures that benefit species of concern and federally listed endangered species like the big horn sheep. The commenter further states another wildlife corridor mitigation measure could be an endowment fund set up to eventually fund construction of a wildlife overpass near the project area determined by wildlife biologists from CDFW, the USFWS, and CDPR to be beneficial to the safe movement of wildlife over Interstate 8. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, as discussed in Section 2.3.3.5, Wildlife Movement and Nursery Sites, in the Draft EIR, the riparian corridor along the western boundary of the development footprint is proposed to be placed in a biological open space easement. This corridor would expand upon existing conserved lands in the ABDSP and would protect the north/south movement corridor. Further, the SDG&E transmission corridor that runs east/west through the Project site provides wildlife movement between lands to the east and west of the Project site. Additionally, the Proposed Project is



designed to include a 50- to 100-foot opening in the fence north of the existing SDG&E easement to allow for wildlife movement from the northern portions of the Project site to the SDG&E easement. In regard to the commenter's reference to a wildlife overpass of Interstate 8, the County is not aware of any currently foreseeable public or private project to construct a wildlife overpass over I-8. The County cannot require the applicant to contribute to a non-existent project, and existing mitigation measures will reduce impacts to less than significant.

- A3-10** The commenter states there would be benefits from a visitor center in the area that interprets the natural, cultural, historic, and prehistoric elements of the region. The commenter further states mitigation measures for the Proposed Project could include setting aside land for such a building by CDPR or set aside an endowment fund for the eventual construction of such a building on state park lands. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, mitigation for impacts to natural resources include habitat preservation and other measures, as described in Section 2.3.6 of the Draft EIR. Mitigation for impacts to cultural resources are described in Section 2.4.6 of the Draft EIR.
- A3-11** The commenter states through careful consideration of mitigation measures required by the Draft EIR, much state and local benefit could be realized by long term planning for preserving and protecting natural, cultural, and recreational resources in, adjacent, and around the project site. Please refer to Responses to Comments A3-6 through A3-10. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- A3-12** The commenter states that although not identified in the Draft EIR, it is possible for Jacumba Hot Springs to once again be a port of entry and international gateway with Mexico. The commenter further states that should the federal government move forward with such planning in the near or distant future, consideration of the ramifications of this potential eventuality must not be ignored as it relates to the interim land use designation the Project site has, especially once the planned 35-year lifespan ends. In response, the Draft EIR discusses the California-Baja California Border Master Plan and the Jacumba-Jacume Port of Entry project in Section 3.1.4, Land Use and Planning (see Section 3.1.4.2 Regulatory Setting). As stated in the Draft EIR, the 2014 Master Plan Update explained there was insufficient data to prioritize the Jacumba-Jacume Port of Entry project as it is in early conceptual planning stages with no funding.

- A3-13** The commenter provides background information regarding the purchase of 1,080 acres by The Nature Conservancy adjacent to the Project area and the subsequent transfer of title to the Anza-Borrego Foundation. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- A3-14** The commenter states The Nature Conservancy recognized this area as internationally significant in terms of biodiversity and as an important linkage between biologically rich Mediterranean habitat in Southern California and Northern Baja California plant and animal communities. The commenter further states development such as this Project in the San Diego border region fragments habitat and threatens wildlife corridors between these communities. In response, Section 2.3, Biological Resources, of the Draft EIR analyzes the Proposed Project's impacts to plant and animal communities, wildlife movement and corridors. Please also refer to Response to Comment A3-9 and Global Response GR-3 Biological Resources.
- A3-15** The commenter states in a 2007 report the Conservation Biology Institute identified three objectives of the 2007 acquisition by the Nature Conservancy, which include conserve habitat for the Quino checkerspot butterfly, buffer the entrance to Carrizo Gorge which provides a water source for Peninsular big horn sheep, and build a connection between the Carrizo Gorge in ADBSP and the international border to maintain landscape-scale connectivity functions. In response, the comment addresses objectives for the acquisition of land to the west of the Project area. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required.
- A3-16** The commenter states in light of the objectives identified when the property (to the west of the Project area) was first acquired for preservation, the proposed project could negatively affect the biological resources of the area. The commenter further states the environmental review of this project must include the wildlife connectivity through the Peninsular Ranges between Mexico and the United States. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, the Proposed Project development footprint is concentrated in the fallow agriculture and disturbed habitat areas, and the portions of the Project site to the west and adjacent to State Park land is located within the proposed open space easement (see Figure 2.3-4 of the Draft EIR). This land will be preserved in an open space easement and managed in perpetuity. As described on pg. 2.3-33 of the Draft EIR, the Proposed Project site is located approximately 2.6 miles from the western slope of the Peninsular Ranges (Figure 2.3-2 of the Draft EIR). The border fence that runs along the southern boundary of the

Project site is currently impermeable to large mammals, such that wildlife movement between the United States and Mexico occurs only along breaks in the border fence east and west of the Project site. Birds, small mammals, reptiles and invertebrates are still able to travel between these areas. Given the undeveloped land to the north and east, the Project site does not currently serve as a local or regional wildlife corridor since wildlife is not constrained to travel through the area. However, because the Project site extends from I-8 to the border fence, it does serve as a linkage between open space to the east and west. Section 2.3, Biological Resources, of the Draft EIR describes the undeveloped SDG&E easement between the fence lines as approximately 700 to 1,100 feet wide and more than 4,000 feet long and would allow uninterrupted wildlife movement from Boundary Creek to currently undeveloped land to the east (Figure 2.3-4 of the Draft EIR). Additionally, as a result of Mitigation Measure M-BI-3, the Proposed Project is designed to include a 50- to 100-foot opening in the fence north of the easement to allow for wildlife moving within the SDG&E easement corridor or north of the easement to move in and out of the easement (Figure 2.3-4 and Figure 2.3-8, Potential Mitigation Areas). The opening in the fence would allow wildlife traveling along the fence line to find a break in the fencing leading them into the larger wildlife corridor in the Peninsular Ranges between Mexico and the United States. Please also refer to Global Response GR-3 Biological Resources.

**A3-17** The commenter refers to a 2016 article titled, “The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures,” in the journal *Nature*. The commenter further states the article describes effects of +3-4°C temperature over wildlands temperature due to changing vegetative structure, reflective value, and that may ultimately become a “heat island” in arid ecosystems. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, please refer to Global Response GR-2 Photovoltaic Heat Island Effect.

**A3-18** The commenter refers to a 2016 article from the journal *Nature*, “Impact of solar panels on global climate,” which indicated that in one study simulation, solar panels resulted in a 20 percent decrease in precipitation in the desert and arid environments. In response, please refer to Appendix J, Groundwater Resources Investigation Report, that presents historical precipitation at the Jacumba rain gauge for the period from 1963 through 2011; the average annual precipitation at the Jacumba rain gauge was approximately 9.64 inches, with 85% of the precipitation occurring between October and April. The precipitation that falls between October and April is stratiform (caused by large-scale frontal systems) with some orographic precipitation occurring due to higher elevation of the area relative to the coast. These frontal systems derive from storms that form over the Pacific Ocean and are not expected to be influenced locally. Precipitation



in the region can vary during the summer months when convective precipitation (thunderstorms) dominates. This precipitation is highly localized.

The 2016 Nature paper (Hu et al) uses a Climate System Model to investigate how the required large-scale solar panel installations might affect the global climate where all future energy is derived from solar power alone. Reduced absorption of solar radiation leads to a significant local cooling by more than - 2 degrees centigrade relative to Control averaged in the desert regions with installed solar panels in the modeling experiments. Under the experimental model where all future energy is derived from solar power alone, local cooling in desert regions generates significant climate responses. The paper notes that climate responses are considerably less in areas where fewer panels are installed.

Development of the Proposed Project is not at the scale contemplated in the experimental climate model scenario evaluated by the 2016 Nature paper. As such, localized impacts to convective precipitation as a result of the Proposed Project is expected to be negligible. Further, other articles and studies regarding solar project impacts on precipitation suggest there is some disagreement as to how solar projects may affect precipitation in the region of the project. (See, e.g., Climate model shows large-scale wind and solar farms in the Sahara increase rain and vegetation, *Science*, (Sep. 2018), <https://science.sciencemag.org/content/361/6406/1019>.) Considering the discussion above, any potential impact to precipitation patterns caused by the Proposed Project would be speculative.

- A3-19** The commenter states the potential for reduced precipitation by the Proposed Project and groundwater depletion by the Proposed Project's construction and ongoing maintenance should be evaluated in the larger context of potential watershed impacts to Carrizo Creek, Carrizo Canyon, and Carrizo Marsh in ABDSP. The commenter further states restoration efforts in the Carrizo watershed and biologically important riparian areas may be significantly impacted by groundwater depletion. In response, regarding reduced precipitation, please refer to Response to Comment A3-18. In regard to the comments pertaining to groundwater depletion, please to refer to Appendix J, Groundwater Resources Investigation Report, that describes the historical water budget for the Jacumba Valley Groundwater Basin. Conversion of historically irrigated farmland with a high water demand to a photovoltaic solar project results in a lower water demand on groundwater resources from the Project area. Impacts to groundwater resources including potential groundwater dependent ecosystems as a result of the Proposed Project were determined to be less than significant.

- A3-20** The commenter states the Proposed Project could potentially alter existing drainage patterns and absorption rates. In response, please refer to Appendix I, Drainage Study, and Section 2.7, Hydrology and Water Quality, of the Draft EIR, which conclude grading on the Project site would not change the overall drainage pattern. Stormwater runoff would flow overland across the Project site in a similar manner as it does in the pre-developed state. The only element of the Proposed Project that might locally alter drainage patterns and/or block or redirect flood flows is the perimeter fencing, which would cross ephemeral washes at a perpendicular angle, and potentially trap sediment and detritus during heavy rainfall. Sediment, detritus and/or other debris that becomes trapped on one side of the perimeter fencing during high flows could cause flow to back-up behind the impediment, potentially redirecting and/or concentrating flow outside the boundaries of currently mapped washes. It could result in additional scour and/or sedimentation that would not have otherwise occurred absent the perimeter fencing. For this reason, the impact of the Proposed Project (perimeter fencing element) with respect to alteration of drainage patterns would be potentially significant (**Impact HYD-1**). Implementation of mitigation measure **M-HYD-1** would reduce this impact to less than significant.
- A3-21** The commenter states the Proposed Project could potentially degrade water quality in the basin. In response, please refer to Section 2.7, Hydrology and Water Quality, which analyzes potential water quality impacts that may be caused by development of the Proposed Project. The Proposed Project would not violate applicable water quality objectives or waste discharge requirements, and would comply with all federal, state, and local laws addressing water quality in stormwater and non-stormwater discharges. Therefore, the Proposed Project would not exceed the significance thresholds identified in Section 2.7, and impacts would be less than significant.
- A3-22** The commenter states the area looks to be within natural southern drainage of the Jacumba and In-ko-pah Mountains, and Carrizo Gorge. The commenter also states the riparian drainage route could potentially affect both San Diego and Imperial counties, including the communities of Jacumba Hot Springs and Ocotillo. The commenter further states the project area could also potentially interrupt natural drainage flow lines through the area and the amount of surface water or natural bajada areas, often used by wildlife and rare plant communities. In response, please refer to Section 2.7, Hydrology and Water Quality, which analyzes the Proposed Project's potential impacts to drainage patterns. Also, please refer to Response to Comment A3-20.
- A3-23** The commenter states the Proposed Project appears to be in a flood zone and that the Project may create, increase, or contribute to runoff greater than the surface

runoff, causing increased flooding on or off site. The commenter further states evaluation of related impacts and drainage issues are of concern to ABDSP as they may impact park access points. In response, Section 2.7 Hydrology and Water Quality analyzes the Proposed Project's impacts regarding drainage patterns and flooding. Also, please refer to Response to Comment A3-20.

**A3-24** The commenter states vegetation removal and project construction, and ongoing infrastructure and road maintenance, will create dust and potential erosion of already fragile soil types. The commenter further states that soil erosion, compaction, and other soil degradation issues should be evaluated. In response, please refer to Section 2.2, Air Quality, which analyzes potential air quality impacts, including dust, that may be caused by construction and operation of the Proposed Project. In regard to dust during Project construction, mitigation measure **M-AQ-2** requires preparation of a Fugitive Dust Control Plan demonstrating compliance with San Diego Air Pollution Control District (SDAPCD) Rule 55 and County Code Section 87.428 (Grading Ordinance). During Project operation, vegetative cover would be required under the solar panels in accordance with PDF-HYD-3, as described in Section 2.7 in the Final EIR. Section 2.7 also describes development and implementation of a stormwater pollution prevention plan (SWPPP), which would include and specify best management practices (BMPs) designed to minimize erosion during construction. Section 2.7 indicates permanent stormwater BMPs including those to minimize erosion will be installed and maintained within the development footprint, per the County of San Diego's BMP Design Manual and as identified in the Project Standard Storm Water Quality Management Plan (SWQMP) (Appendix K).

**A3-25** The commenter states natural air flows could be interrupted by the proposed project. The commenter further states dust potential throughout the life of the project needs to be evaluated impact on air quality, ABDSP and visitors, wildlife, and plant communities. In response, the commenter provides no evidence that the Proposed Project will interrupt natural air flows; therefore, no specific response is required. In regard to dust, Section 2.2, Air Quality, of the Draft EIR analyzes potential air quality impacts, including dust, that may be caused by construction and operation of the Proposed Project. Please see Response to Comment A3-24 regarding dust control measures during construction and operation.

**A3-26** The commenter states that impacts resulting from the vast area of reflective panels on ambient light levels should be evaluated for impacts to wildlife visitors, including birds and insects. The commenter further states wildlife may mistake the large solar array as water, thereby diverting migrating birds and insects in search of water and rest. In response, Section 2.3, Biological Resources, analyzes the



“pseudo-lake effect” from the Proposed Project’s solar panels on avian wildlife. The Section concludes that any such effect is speculative, and the risk of avian collision with the Proposed Project is minimal given: “(1) the Project site is not located near bodies of water that would attract wetland-associated birds; (2) the locale is not considered to be a major contributor to the Pacific Flyway; and (3) the solar units would be uniformly dark in color, coated to be non-reflective, and designed to be highly absorptive of all light that strikes their glass surfaces, and may not appear like water from above, as water displays different properties by both reflecting and absorbing light waves.”

**A3-27** The commenter states that although the area is fallowed agricultural fields, the area provides suitable habitat and nesting for approximately 60 migratory birds and other year-round dwelling plant and animal residents or habitat types. In response, the comment does not raise a specific issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, please refer to Section 2.3, Biological Resources, which analyzes the Proposed Project’s potential impacts to plants and wildlife, including nesting birds.

**A3-28** The commenter states that four recorded archaeological sites, including one rock art site, may overlook the Proposed Project and could have their native setting impacted by the Project. The commenter also states that setting is used to evaluate site integrity when determining eligibility for the National Register of Historic Places and cites the National Parks Service’s definition of setting. The commenter further states these four sites have not been evaluated for the National Register of Historic Places, but if they are eligible this Project could affect the setting and therefore their integrity. In response, possible impacts to the setting of cultural resources located within the Jacumba Valley but not within the project’s area of direct impact were considered in the Draft EIR (see Chapter 6.3 of the Cultural Resources Report, Appendix E to the Draft EIR). The area of direct impact is contained largely within the footprint of previous agricultural development. The site records for all resources located along the foothills of the Jacumba Valley were also reviewed. The site records of resources within one mile of the project area showed that these resources largely consist of artifact scatters with only one feature, a trail segment. As these sites suggest utilitarian function, the changing viewshed from an undeveloped field (previously disturbed) to a solar farm is not a significant change of setting for purposes of cultural or tribal cultural resources, based on the cultural analysis and tribal consultation.

**A3-29** The commenter states it is important that a qualified archaeological survey team visit all of the four archaeological sites and see if they overlook the valley and

proposed solar installation. The commenter then states if they overlook the valley and solar facility it is very important that these sites be evaluated for eligibility for the National Register of Historic Places to determine how the solar installation may affect that eligibility. The commenter further states that Colorado Desert District archaeologists can assist a team of qualified archaeologists in this effort. In response, please refer to Response to Comment A3-28.

- A3-30** The commenter states that CDPR is tasked with expanding access to parks and making parks relevant to all Californians. CDPR is concerned that visual impacts to the viewshed, sense of place, and setting of the ABDSP land adjacent to the project will negatively impact potential visitor use of that park land. The commenter also states the sheer magnitude of this large solar project may permanently negatively impact the visitor experience because the project will be so visible and present, even while in the park. The commenter further states consideration and evaluation of those impacts on park land and park visitors is very important. In response, please refer to Section 2.1, Aesthetics, for an analysis of potential impacts to aesthetic and visual resources, including views of the Project site from State Park lands. As described in that Section, Key View 7 shows existing views from the mesa encompassing Anza-Borrego Desert SP lands to the immediate west of the Project site, and that Proposed Project's impacts on that view is analyzed in detail. Impacts to views from State Park lands were identified as potentially significant (**Impact AE-6**). Implementation of mitigation measures would reduce the impact, however not to a level of less than significant. **Impact AE-6** would remain significant and unavoidable.
- A3-31** The commenter states since the Proposed Project is directly adjacent to the park, access issues need to be evaluated. In response, shown on Figure 2.3-8 Potential Mitigation Areas in the Draft EIR, the development footprint of the Proposed Project would not be immediately adjacent to State Park lands. Biological mitigation areas are proposed along the western boundary of the Project site. A biological open space easement would be required for the mitigation areas. Further, there are currently no designated trails, points of interest, or campgrounds located on the State Parks lands nearest to the Project site. In regard to park access, please refer to Response to Comment A3-6.
- A3-32** The commenter states that whether the change in land use and the necessary general plan amendment is in the best interest of the citizens of Jacumba Hot Springs, San Diego County, and California needs to be fully addressed. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, subsequent to the Notice of

Preparation public review period it was determined that a General Plan Amendment would not be proposed by the applicant. The existing General Plan regional categories and land use designations will remain. Further, Section 3.1.4, Land Use, of the Draft EIR analyzes the Proposed Project's consistency with applicable land use plans, goals, and policies.

**A3-33** The commenter cites language from the California Wilderness Act. The commenter then states the proposed project area sits directly adjacent to California State Parks designated Anza-Borrego Desert State Park Wilderness. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, proposed biological mitigation areas would be located directly adjacent to State Park land as shown in Figure 2.3-8 of the Draft EIR. Please also refer to Response to Comment A3-31. In addition, the excerpted language of the California Wilderness Act specifically concerns "state-owned lands within California" and the development footprint of the Proposed Project would not encroach into State Parks lands including designated wilderness. Because the Proposed Project would not occupy or modify state-owned lands and would not directly inhibit State Parks preservation and protection of state-owned lands, and because the California Wilderness Act does not expressly consider non-state owned lands, conflicts with the Wilderness Act are not identified in the Draft EIR.

**A3-34** The commenter refers to a 2015 publication, *A New Vision for California State Parks, Recommendations of the Parks Forward Initiative*, which recommends actions include expanding access to parks in underserved areas. The commenter also states that the proposed project may negatively impact that access for the underserved in the community of Jacumba Hot Springs and should be evaluated. In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, Section 3.1.5, Parks and Recreation, analyzed the Proposed Project's potential impacts to neighborhood and regional parks and other recreational facilities and concluded the Proposed Project would not result in a substantial physical deterioration of regional recreational facilities. Moreover, regarding the 2015 publication *A New Vision for California State Parks, Recommendations of the Parks Forward Initiative*, developmental proposals on lands adjacent to state-owned lands are not addressed in recommended actions for expanded access to parks. Specifically, the provision of enhanced environmental education programs and park amenities that make park experiences "relevant to park visitors" is the primary identified means of addressing expansion of access. Further, please refer to Global Response GR-1, Socioeconomics and Environmental Justice, for a discussion of the relationship between socioeconomic considerations and CEQA.



- A3-35** The commenter states the Proposed Project size and proximity may negatively affect State Park land aesthetics, view shed, dark sky designation, and recreation potential. The commenter also states the infrastructure impact of a Project this size in a rural setting should be carefully considered. In response, Section 2.1 Aesthetics of the Draft EIR analyzes the Proposed Project’s potential impacts to panoramic vistas from State Park land. Please refer to Response to Comment A3-30. In regard to lighting, the Proposed Project only proposes minimal low impact lighting at Project gates and the substation, with bulbs that do not exceed 100 watts. The lighting would be shielded, directed downward, and would comply with the County of San Diego Light Pollution Code. As recommended by California Department of Fish and Wildlife, motion-detector lighting would not be installed. Low-level shielded lighting would be installed. Refer to Response to Comment A2-77.
- A3-36** The commenter asks how will people be impacted by the project and does it warrant the change in land use and general planning that the County of San Diego has already in place? In response, the comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. However, please refer to Section 3.1.4, Land Use and Planning, which analyzes the Proposed Project’s consistency with applicable land use plans, goals, and policies.
- A3-37** The commenter requests to be kept informed as the environmental review and planning processes continue. In response, the comment provides concluding remarks. The comment does not raise an issue regarding the adequacy of the analysis contained within the Draft EIR; therefore, no further response is required. The commenter will remain on the notification list for future public meetings before the Planning Commission and the County Board of Supervisors regarding the Proposed Project.

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