

Aramis Solar Energy Generation and Storage



FINAL ENVIRONMENTAL IMPACT REPORT

Volume I

SCH No. 2020059008

November 2020

Prepared for:

Alameda County Planning Department

224 West Winton Avenue

Hayward, CA 94544

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Alameda County Planning Department
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Hayward, CA 94544

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November 2020

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1.0 INTRODUCTION

This Final Environmental Impact Report (EIR) addresses the proposed Aramis Solar Energy Generation and Storage Project (proposed project) located in North Livermore in unincorporated Alameda County, California. This document has been prepared by the County of Alameda (County), as Lead Agency, in accordance with all criteria, standards and procedures of the California Environmental Quality Act (CEQA) of 1970 (California Public Resources Code, Section 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, Section 15000 et seq.) and the County implementing requirements. This document contains comments received on the Draft EIR and responses to those comments as Volume I of this Final EIR. The Final EIR and associated technical appendices are incorporated as Volume II of this Final EIR.

1.1 PURPOSE AND USE OF THE FINAL EIR

The principal objectives of CEQA are that: (1) the environmental review process provides for public participation; and (2) the EIR serves as an informational document to inform members of the general public, responsible and trustee agencies, and the decision-makers of the physical impacts associated with a proposed project. Therefore, the Lead Agency is responsible for providing opportunities for the general public, responsible and trustee agencies, and decision makers to comment on the Draft EIR prepared for a project, and for providing written responses to comments received. The Final EIR is the document that is prepared to address the comments, and to present corrections, revisions, and other clarifications to the Draft EIR. The Final EIR is used to support the Lead Agency's decision to approve or not approve the project and may be used by CEQA responsible and trustee agencies to meet their requirements under CEQA to approve permits or project elements within their jurisdiction.

1.2 CEQA PUBLIC REVIEW AND CERTIFICATION PROCESS

In accordance with State CEQA Guidelines Section 15105(a), the Draft EIR was released for a 45-day public review period which began on September 18, 2020 and concluded on November 2, 2020. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies along with the required Notice of Completion and summary form (SCH No. 2020059008), posted to the County's website, and hardcopies of the Draft EIR were available at the Alameda County Planning Department and Livermore Public Library – Civic Center (the County's website, Planning Department address, and library address are provided below). Notices of Availability (NOA) of the Draft EIR were published in the Valley Times on September 18, 2020, The Independent on September 24, 2020, on the County's website, with the Alameda County Clerk, and mailed to adjacent property owners and interested parties. The NOA and proof of publication from the Valley Times and The Independent are included in Appendix C of Volume I of this Final EIR.

Project webpage on the County's website:

<http://www.acgov.org/cda/planning/landuseprojects/currentprojects.htm>

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

Livermore Public Library – Civic Center
1188 S. Livermore Avenue
Livermore, CA 94550

The State Clearinghouse circulated the Draft EIR from September 18, 2020 through November 2, 2020, which provided all parties with at least 45 days to review the Draft EIR.

A public hearing was held before the East County Board of Zoning Adjustments on October 22, 2020 at 1:30 p.m. via teleconference and video conference. Notices of the public hearing were published along with the NOA in the Valley Times on September 18, 2020 and The Independent on September 24, 2020, on the County's website, with Alameda County Clerk, and mailed to adjacent property owners and interested parties. The purpose of the hearing was to provide an overview of the project and potential environmental issues, and to provide members of the public the opportunity to ask questions and to provide oral and written comments. The NOA, including the notice of the public hearing, and proof of publication from the Valley Times and The Independent are included in Appendix C of Volume I of this Final EIR. All responses to comments received during the public hearing are provided in Appendix B of Volume I of this Final EIR.

Notification of this Final EIR has been distributed to public agencies and individuals that provided comment on the Draft EIR, and the Final EIR, including both Volumes I and II, is available for review on the County's website.

The East County Board of Zoning Adjustments will hold a public hearing via teleconference and video conference to vote on the final determination on the adequacy of the Final EIR and whether to approve the Conditional Use Permit for the proposed Aramis Solar Energy Generation and Storage Project, at the following time and link:

Tuesday, November 24, 2020 at 1:30 p.m.

<https://us02web.zoom.us/j/92158285462>

Call-in Number: (669) 900-9128 or (253) 215-8782

WEBINAR ID# 921 5828 5462

As noted above, at the close of the public hearing and based on the information in the record, the East County Board of Zoning Adjustments will vote on the final determination on the adequacy of the Final EIR and whether to approve the Conditional Use Permit. The East County Board of Zoning Adjustments determination will consider written findings of fact for each significant environmental impact identified in the EIR, and a statement of overriding considerations for the unavoidable environmental impacts of the proposed project. Public input is allowed during the public hearings with the East County Board of Zoning Adjustments.

The findings of fact considers the following for each significant impact of the project: (1) determine if the proposed project has been changed to avoid or substantially lessen the magnitude of the impact; (2) find that changes to the proposed project are within another agency's jurisdiction, and such changes have been or should be adopted; and (3) find that specific economic, social, or other considerations make mitigation measures or proposed project alternatives infeasible. The findings of fact must be based on substantial evidence in the administrative record and the conclusions required by CEQA.

The statement of overriding considerations provides a written explanation for why the Lead Agency determines that the benefits of the project outweigh the unavoidable environmental impacts of the proposed project.

If the Final EIR is approved, a Notice of Determination will be filed by the County with the County Clerk and State Clearinghouse.

1.3 ORGANIZATION OF VOLUME I OF THE FINAL EIR

This document is organized as follows:

Section 1.0, Introduction, describes the purpose and use of the Final EIR, provides an overview of the CEQA public review and certification process, and describes the contents of the Final EIR.

Section 2.0, Responses to Comments, contains a list of all parties who submitted comments on the Draft EIR that were received during the 45-day public review period and the County's responses to each comment.

2.0 RESPONSES TO COMMENTS

This section contains responses to comment letters received during the public review period for the Draft EIR which ended on November 2, 2020. Responses to comments are provided pursuant to Section 15088 of the State CEQA Guidelines.

2.1 LIST OF COMMENTERS

Appendix A of Volume I of this Final EIR presents the list of commenters by name and organization (if applicable), including the comment letter number assigned for each comment letter received. The comments in their original form are also provided in Appendix A.

2.2 RESPONSES TO COMMENTS

The responses to written comments received are provided in Table 1 below, which presents the comment letter number, including comment number (if applicable), on the left side of the page, and the corresponding responses to each comment are provided on the right-hand side of the page. As noted above, all responses to comments received during the October 22, 2020 public hearing are provided in Appendix B of Volume I of this Final EIR.

The responses to comments are provided pursuant to Section 15088 of the State CEQA Guidelines. For comments that are outside the scope of the EIR or that are in regard to non-environmental issues, the comment is noted, and detailed response is not necessary. Where similar comments were received from multiple sources, the reader may be referred to another applicable response. Where responses to comments warrant modifications to the Draft EIR, the reader is referred to modifications to the text within the body of the Draft EIR, provided in the form of strikeout/underline to the Draft EIR and presented as Volume II of this Final EIR. Modifications to the Draft EIR occur where it is necessary to correct or clarify information in the Draft EIR.

**Table 1
Responses to Written Comments on Draft EIR**

Letter #	Cmmt #	Commenter	Comment	Response
001	01	Sophie Raskin	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
002	01	Rosemary Reilly	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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003	01	Mia Rosati	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
004	01	Thomas Parish	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
005	01	Suzy Forwood	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For</p>

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006	01	Jonathan Wong	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
007	01	Sean McGarry	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses,</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please</p>

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008	01	Waymon Howard	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
009	01	Patricia Garcia	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For</p>

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010	01	Robert Blaisdell	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
011	001	Jose Guillen	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For</p>

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012	001	Andy Samms	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
013	001	Kathy Pitcher	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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014	001	Adrian Simi	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
015	001	Julio Daniel Ochoa de Leon	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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016	001	Geno Guevara	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
017	001	Martin Espinoza Jr.	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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018	001	Paul Dahlen	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
019	001	Kyle Kowalski	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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020	001	Travis Alexander	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
021	001	Michael Jones	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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022	001	Oscar Sanchez	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
023	001	Norberto Aguilera	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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024	001	Augie Beltran, Northern California Carpenters Regional Council	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
025	001	Luis Sanchez	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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026	001	David Ortiz	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
027	001		<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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028	001		<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
029	001	Lewis Woolridge	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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030	001	Dave Lange	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
031		Daniel Gregg	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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032		Leonard J. Basoco	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
033		David Roberts	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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034		Tony Luckey	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
035	001	Tony Keller	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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036	001	Kenneth Carty	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
037	001	Manuel Rodriguez	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar energy and storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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038	001	Chris O'Brien, Save North Livermore Valley Steering Committee	<p>The Save North Livermore Valley Steering Committee requests a 14-day extension of time for providing comments to the Draft Environmental Impact Report (DEIR) for the Aramis Solar Energy Generation and Storage Project (Alameda County Planning Application PLN2018-00117).</p> <p>We are diligently reviewing the voluminous DEIR and its extensive appendices. It is clear that we will need additional time to prepare and submit our comments.</p> <p>Good cause exists for an extension of the comment period for the following reasons:</p> <ol style="list-style-type: none"> 1) The Aramis project is unprecedented. To our knowledge, no utility-scale solar power plant of 100MW has ever been the subject of an EIR in the Bay Area. It is vital that the review of this project be thorough and accurate given its impact on North Livermore Valley and the precedent it could set, if approved, for utility-scale solar facilities and other industrial-type uses on agricultural land in the County. 2) The DEIR and appendices constitute a massive document. The Aramis Draft EIR is 506 pages. The full set of documents exceeds 200 MB of data. 3) The DEIR raises a host of novel and complex issues unique to the project and we are still lining up experts to assist us. These individuals will not get started until next week and need more than 20 working days to complete their analysis. 4) The comment period of the Aramis DEIR overlaps with the anticipated publication of the Final EIR for the adjacent Sunwalker solar project and review of that project later this month by the East County Board of Zoning Adjustments. We must dedicate significant time and attention to the review of the Sunwalker Final EIR and preparation for the BZA hearing in October, undermining our ability to review 	<p>The public comment period began on September 18, 2020 when the Draft EIR was published and ended on November 2, 2020. The duration of the comment period was 45 days, which is consistent with CEQA guidelines for an EIR. Section 15105 (a) of the CEQA guidelines which states:</p> <p>“The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.”</p> <p>The public review period of 45 days for this draft EIR is consistent with the guidelines set forth by CEQA. The lead agency finds this to be sufficient review time for this EIR and has not elected to extend the public review period.</p> <p>The Sunwalker solar project referenced by the commenter is considered in the cumulative impacts analysis of the document but is not part of the project evaluated in this EIR.</p>

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			<p>and comment upon the Aramis DEIR within the 45-day comment period.</p> <p>5) Alameda County has never conducted a solar mapping project and only recently restarted work on a solar policy. The lack of these foundational documents by the County poses an obstacle to the review of the Aramis project. We must research and develop ourselves appropriate standards and guidelines that should be applied to solar facilities in unincorporated Alameda County, which we intend to reference in our comments on the project.</p> <p>In summary, and based on the preceding reasons, good cause exists to extend the comment period for the Aramis DEIR by 14 days.</p> <p>Finally, it is likely that the BZA hearing on the Sunwalker project will fall on the same date and time as the public comment hearing scheduled for the Aramis project. We naturally wish to attend and participate at both County hearings. To avoid this conflict, we request the County reschedule the hearing date for public comment on the Aramis project.</p>	
039	001	Tamara Reus, Friends of Open Space and Vineyards	<p>I am writing on behalf of Friends of Open Space and Vineyards to request an extension of the comment period for the Aramis Solar Energy Generation and Storage Project Draft Environmental Impact Report (Aramis DEIR) issued on September 18th.</p> <p>The Aramis DEIR is over 500 pages with numerous appendices. It is a voluminous document covering a large project which requires careful review. A solar project of this scale has never been under review in the county and would permanently change North Livermore, if approved. The 45-day comment period currently in effect is insufficient to allow for adequate analysis and preparation of comments in a timely fashion.</p> <p>The comment period for the Aramis DEIR also overlaps with the issuance of the Final EIR (FEIR) for the Sunwalker</p>	<p>The public comment period began on September 18, 2020 when the Draft EIR was published and ended on November 2, 2020. The duration of the comment period was 45 days, which is consistent with CEQA guidelines for an EIR. Section 15105 (a) of the CEQA guidelines which states:</p> <p>“The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.”</p> <p>The public review period of 45 days for this draft EIR is consistent with the guidelines set forth by CEQA. The four week extension requested by the commenter would extend the review period beyond the maximum of</p>

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			<p>Livermore Community Solar Farm which is expected this month. It is anticipated that the Sunwalker FEIR will come before the East County Board of Zoning Adjustments for a certification hearing this month as well. Our organization needs to devote considerable time to reviewing the Sunwalker FEIR and preparing for this hearing. It will be very difficult for our organization to simultaneously review and formulate comments on the Aramis DEIR by the current deadline given this overlap.</p> <p>FOV therefore respectfully requests a four-week extension of time, through Monday, November 30, 2020 to submit comments on the Aramis DEIR.</p>	<p>60 days allowed by CEQA. The lead agency finds this to be sufficient review time for this EIR and has not elected to extend the public review period.</p> <p>Although the Sunwalker solar project is within the scope of the Aramis EIR as it relates to cumulative impacts, the comment about the Sunwalker solar project in this letter is not related to cumulative impacts and is outside the scope of the project evaluated in this draft EIR.</p>
040	001	Barbara Ruvolo	<p>These past two months of dangerous wildfires and hazardous air quality is further proof that the climate crisis is here, today. It is no longer acceptable to delay projects that will help achieve the state's renewable energy goals by providing clean power alternatives right here in Alameda County. Livermore is known for pioneering enduring clean energy generation. We cannot continue to push these solar projects out to the desert, and rooftop solar simply cannot achieve the scale needed to meet our energy needs.</p> <p>It's time for us to seize the opportunity and bring the renewable energy we need closer to home. Reducing our reliance on imported natural energy increases our ability to manage our power demand while also reducing the cost to ratepayers and helping address the climate crisis.</p> <p>I urge approval of the Aramis Renewable Energy Project.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the analysis presented in the EIR. For more information about air quality, please see Section 4.3 Air Quality. For more information about wildfires, please see Section 4.18 Wildfire. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
041	001	Jason Bates, Net Zero Energy Center	<p>On behalf of the Zero Net Energy Center I am pleased to offer our endorsement of the Aramis Renewable Energy Project. The project would be one of northern California's largest solar projects, offering our students education and employment opportunities while offsetting many tons of local air pollution. Moreover, it will provide up to 400 living wage union jobs and support the local economy with millions of dollars of local procurement and other economic activity.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the analysis presented in the EIR. For more information about air quality, please see Section 4.3 Air Quality. For additional information about employment related to the project, please see Section 3.3 Project Objectives. No further response is required.</p>

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			<p>Local job creation is an enormously important benefit of procuring large-scale renewable energy. The Aramis project and its developer, Intersect Power, have demonstrated their commitment to ensuring local labor will benefit from the project by entering into a project labor agreement ensuring 100% union labor with five local trades. The five construction crafts represent thousands of members living in Alameda County, who will benefit from local employment, reduced commute time, and utility-scale solar construction experience. This includes IBEW Local 595, who co-created the ZNEC apprenticeship training center alongside the Northern California Chapter of NECA. At the Zero Net Energy Center, we train over 200 apprentices each year and provide continuing education to 2,000 journey level electricians. We are confident that our students will be valuable contributors to the Aramis project.</p> <p>The Zero Net Energy Center proudly endorses this project, and urges the County to approve this important, local resource for the benefit of our community. Thank you for your service to the current and future citizens of Alameda County.</p>	
042	001	Randy Adams	<p>I am requesting a complete and comprehensive solar policy for the Alameda County before reviewing any massive, individual solar projects in the rural areas of the county. This project sacrifices Agricultural land for Industrial use, there are plenty of areas in Alameda Co that are already zoned for industrial use. Don't destroy the North Livermore Valley, this is an extremely unpopular use of our dwindling Agricultural space.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. For more information about the proposed project's potential impacts on land use and zoning, please see Section 4.11 Land Use and Planning. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
043	001	Heather J. Boyd	<p>I live in Livermore and have for over 13 years. We have seen it grow, a little too quickly, and now things need to slow down - we do not have enough space to add more buildings and people let alone space in our schools. If a solar power plant comes to our town now of almost 100k people, how will that affect our health? Batteries are dangerous and not likely anyone wants to look at that from near or far. With that said, please read below.</p>	<p>For more information about the proposed project's battery storage, please see Section 4.9 Hazards and Hazardous Materials. For more information about the proposed project's potential impacts to the visual environment, please see Section 4.1 Aesthetics. The comment does not raise any issues with the environmental analysis presented in the EIR.</p>

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043	002	Heather J. Boyd	I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner. Until Alameda County establishes clear rules, developed after public input, for the appropriate siting, scale and operations of solar power plants, if any, on agricultural land, all pending projects must be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.	The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.
043	003	Heather J. Boyd	Livermore needs to stop growing and remain rural in the areas that still are. I come from a rural town in PA and we did not like it when too much was being built on open space. Leave OPEN space as is and know it is an asset to our city, town, Country and most importantly, Mother Earth. I will be very disappointed if this ever comes to Livermore, there are many other areas that are further from towns and people, let alone farms and interstates that could be developed to harness solar power for our city. No one wants to look at that off 580 or in North Livermore. It is beautiful to drive there and ride bikes and the imminent danger a solar power plant will bring to our wildfire season is irreprehensible to think this is even being considered. The liability will be on your hands if anything catastrophic ever would happen. Please protect our hills and view and nature. There is so little of that left.	The commenter expresses an opinion about development in the vicinity of the project. For more information about the proposed project's aesthetic impacts, please see Section 4.1 Aesthetics. For more information about wildfires, please see Section 4.18 Wildfire. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.
044	001	Dorothy Finney-Slade	<p>DO NOT BUILD INDUSTRIAL SOLAR PLANTS IN THE NORTH LIVERMORE VALLEY!!</p> <p>In the Bay Area, the regional government authority, ABAG, has designated Priority Conservation Areas. These are areas that are regionally significant open spaces that are vital to the SF Bay Area's natural systems, rural economy, and the health of all residents. One of the largest PCA's in the Bay Area is in North Livermore Valley. See https://abag.ca.gov/our-work/land-use/pca-priority-conservation-areas</p>	The commenter expresses an opinion about the need for Alameda County to develop policies to preserve open space. Development of a solar policy is a matter of County process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.

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			<p>It is past time for Alameda County to catch up with nearby Contra Costa and Santa Clara Counties and adopt plans that preserve open space, wildlife habitats, environmentally important agricultural land AND expand renewable energy.</p>	
044	002	Dorothy Finney-Slade	<p>I urge Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed BEFORE the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed after public input, for the appropriate siting, scale, and operations of solar power plants, if any, on agricultural land, ALL PENDING PROJECTS MUST BE PUT ON HOLD. The scenic beauty, natural habitat, and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
044	003	Dorothy Finney-Slade	<p>Also, please consider that the Livermore Valley is one of the oldest wine regions in California with over 50 wineries. The Livermore Valley relies on the tourism economy generated by its viticulture and wineries. The proposed Industrial Solar Plants, will blanket the valley with 350,000 solar panels mounted on metal poles and frames eight feet high, scores of transformers resting on concrete foundations, tracking and mounting systems, and large-scale lithium ion battery storage buildings. Overhead transmission lines and towers, some equivalent to buildings ten stories tall, will be built to convey electricity from the solar plants to a PG&E power substation.</p> <p>The North Livermore Valley is a designated scenic corridor.</p> <p>No method exists to hide or obscure the visual assault on the valley of 350,000 solar panels, multiple large battery station buildings, and overhead electrical transmission lines and poles reaching ten stories high.</p>	<p>As discussed in Section 4.1 Aesthetics of the EIR, impacts to the County-designated scenic corridor would be significant and unavoidable. Mitigation Measure AES-1 Long-Term Landscape Maintenance would maintain the landscaping proposed as part of the project in order to reduce the visual impact as much as possible, but the overall aesthetic impact would remain significant. Please see Section 4.1 Aesthetics for additional information.</p>

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045	001	Dorothy Finney-Slade	<p>DO NOT BUILD INDUSTRIAL SOLAR PLANTS IN THE NORTH LIVERMORE VALLEY!!</p> <p>In the Bay Area, the regional government authority, ABAG, has designated Priority Conservation Areas. These are areas that are regionally significant open spaces that are vital to the SF Bay Area's natural systems, rural economy, and the health of all residents. One of the largest PCA's in the Bay Area is in North Livermore Valley. See https://abag.ca.gov/our-work/land-use/pca-priority-conservation-areas</p> <p>It is past time for Alameda County to catch up with nearby Contra Costa and Santa Clara Counties and adopt plans that preserve open space, wildlife habitats, environmentally important agricultural land AND expand renewable energy.</p>	<p>The commenter expresses an opinion about the need for Alameda County to develop policies to preserve open space. Development of a solar policy is a matter of County process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
045	002	Dorothy Finney-Slade	<p>I urge Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed BEFORE the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed after public input, for the appropriate siting, scale, and operations of solar power plants, if any, on agricultural land, ALL PENDING PROJECTS MUST BE PUT ON HOLD. The scenic beauty, natural habitat, and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
045	003	Dorothy Finney-Slade	<p>Also, please consider that the Livermore Valley is one of the oldest wine regions in California with over 50 wineries. The Livermore Valley relies on the tourism economy generated by its viticulture and wineries. The proposed Industrial Solar Plants, will blanket the valley with 350,000 solar panels mounted on metal poles and frames eight feet high, scores of transformers resting on concrete foundations, tracking and mounting systems, and large-scale lithium ion battery storage buildings. Overhead transmission lines and towers, some</p>	<p>As discussed in Section 4.1 Aesthetics of the EIR, impacts to the County-designated scenic corridor would be significant and unavoidable. Mitigation Measure AES-1 Long-Term Landscape Maintenance would maintain the landscaping proposed as part of the project in order to reduce the visual impact as much as possible, but the overall aesthetic impact would remain significant. Please see Section 4.1 Aesthetics for additional information.</p>

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			<p>equivalent to buildings ten stories tall, will be built to convey electricity from the solar plants to a PG&E power substation.</p> <p>The North Livermore Valley is a designated scenic corridor.</p> <p>No method exists to hide or obscure the visual assault on the valley of 350,000 solar panels, multiple large battery station buildings, and overhead electrical transmission lines and poles reaching ten stories high.</p>	
046	001	Cate Sarraille	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed after public input, for the appropriate siting, scale and operations of solar power plants, if any, on agricultural land, all pending projects must be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
047	001	Susan Cabotage-Eichenberger	<p>I am a concerned longstanding resident of Livermore and voted for Measure D. I am an advocate for green energy and have personally added solar power to our home and drive an electric car. However, I am very worried about the future of the open space our community has voted for.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the analysis presented in the EIR. For more information about Measure D please see Section 4.11 Land Use and Planning.</p>
047	002	Susan Cabotage-Eichenberger	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed after public input, for the appropriate siting, scale and operations of solar power plants, if any, on agricultural land, all pending projects must be put on hold. The scenic beauty, natural</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>

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			habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.	
048	001	Kimberly Jackson	<p>I want Livermore agricultural land to stay agricultural. I want it protected like other counties in California and am very angry that our county does not protect our farm land.</p> <p>We don't want a solar plant or anything else put in our farmland. We want and expect you to protect it.</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the analysis presented in the EIR. For more information about the proposed project's potential effects on agriculture please see Section 4.2 Agriculture and Forestry.
049	001	Brian Newman	Hello. This is not okay. We need to save and preserve the land.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the analysis presented in the EIR. For more information about land use please see Section 4.11 Land Use and Planning.
049	002	Brian Newman	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until the County establishes clear rules, developed with public input, for the appropriate siting, scale and operations of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.
050	001	Brandi Foscalina	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until the County establishes clear rules, developed with public input, for the appropriate siting, scale and operations of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.

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051	001	Kim Vardanega-Kent	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until the County establishes clear rules, developed with public input, for the appropriate siting, scale and operations of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR.</p>
051	002	Kim Vardanega-Kent	<p>Livermore & surrounding citizens have fought hard over the decades to preserve this beautiful valley. Once open space is lost, it is lost forever.</p>	<p>For more information about land uses in the area of the proposed project, please see Section 4.11 Land Use and Planning of the EIR. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
052	001	Alan Burnham	<p>The world is facing an existential crisis due to global temperature rise and climate change associated with CO2 emitted by burning fossil fuels. California is committed to eliminating those emissions by requiring heat pumps and electric vehicles going forward. But where will the electricity come from? Delaying the installation of renewable energy will exacerbate the negative climate effects we are already experiencing. 100 MW is not going to change the course of the world, but if everyone decides someone else needs to solve the problem, no one will. Solar could be installed on all the large flat warehouses in Alameda County, but who is going to make that happen? It probably won't be economic for most building owners, and it won't be enough. There is a legend that Nero fiddled while Rome burned. Are you going to study while California burns?</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the analysis presented in the EIR. For more information about climate change please see Section 4.8 Greenhouse Gas Emissions.</p>
053	001	Diane Clouse	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The</p>

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054	001	Julie Bertoli	<p>I would like to request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed BEFORE the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed with public input, for the appropriate siting, scale and operation of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issue with the environmental analysis presented in the EIR. No further response is required.</p>
055	001	Richard Lescalleet II	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed with public input, for the appropriate siting, scale and operation of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issue with the environmental analysis presented in the EIR.</p>

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055	002	Richard Lescaleet II	<p>Though I currently live in Oakland, I also manage hundreds of acres of conservation land in North Livermore Valley, right around the corner from these proposed projects. I am very familiar with the natural habitats of the area and all the wildlife and special-status plants that occur in the area. Greenlighting any individual large-scale solar plants without a comprehensive county-wide policy would, in my opinion, not be the way to do things. Solar should be concentrated amongst already established infrastructure like industrial rooftops and parking lots. There is no reason to spoil the relatively undisturbed open space and agricultural lands in the county when there are other, better options.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. For more information about the wildlife and special-status species in the vicinity of the proposed project, please see Section 4.4 Biological Resources. The comment does not raise any issue with the environmental analysis presented in the EIR. No further response is required.</p>
056	001	Joe Pascual	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed with public input, for the appropriate siting, scale and operation of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
057	001	David Weiss	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed with public input, for the appropriate siting, scale and operation of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>

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058	001	Sherrie Theriault	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed with public input, for the appropriate siting, scale and operation of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
059	001	John Burke	<p>I'm a resident and home owner in Livermore since 2003. I writing to you because I'm concerned and ABSOLUTELY OPPOSED to an Industrial solar panel power plant in North Livermore Valley. I'm truly surprised that it would even be considered, without Alameda county doing its homework first. I'm requesting Alameda County develop a comprehensive solar policy, prior to giving it any thought or consideration to a Industrial solar panel power plant.</p> <p>I hope you realize the environment, the agricultural land, the wild life, natural habitat and our open space "Measure D" are vitally Important to all of us. Also why voters approved Measure D.</p> <p>I believe North Livermore Valley is more valuable to our environment in its current state. Then it could be, in any other possibility. I'm NOT talking about money. North Livermore Valley is valuable to the people, agriculture, animals, farming, our heritage and future generations. Please let's NOT DESTROY North Livermore valley with solar panels. Especially when other locations make more sense.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. For more information about Measure D please see Section 4.11 Land Use and Planning. For more information about wildlife and habitat please see Section 4.4 Biological Resources. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>

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060	001	Gregory Mullins	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
061	001	William Lee	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
062	001	Daniel Chivello	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
063	001	James Abreu	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
064	001	Linda Porter	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until the County establishes clear rules, developed with public input, for the appropriate siting, scale and operations of solar</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR.</p> <p>The comment does not raise any issues with the environmental analysis presented in the EIR. For additional information about potential effects to scenic areas, please see Section 4.1 Aesthetic Resources. For more information about habitat please see Section 4.4 Biological Resources. No further response is required.</p>

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			<p>power plants, if any, on agricultural land, all pending projects should be put on hold.</p> <p>Alameda County started the process of creating a solar policy in 2011, but suspended the effort in 2013. In the meantime, Santa Clara County adopted a countywide solar policy ordinance covering agricultural land in 2010. Earlier this year, Contra Costa County adopted a similar ordinance. There is no reason why Alameda County cannot do the same.</p> <p>The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	
065	001	Erik Sommargren	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed with public input, for the appropriate siting, scale and operation of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
066	001	James Abreu	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	
067	001	Dustin Baker	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
068	001	Waymon Howard	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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069	001	Innocent Bassey	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
070	001		<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
071	001	Greg Botano	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more</p>

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072	001	Adrian Simi	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
073	001	Sean Lavelle	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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074	001	Diane Rapport	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until the County establishes clear rules, developed with public input, for the appropriate siting, scale and operations of solar power plants, if any, on agricultural land, all pending projects should be put on hold. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>
075	001	Lisa Meakin	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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076	001	T	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
077	001	Taylor Russell	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
078	001	David Galdamez	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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079	001	Patrick D. Quinn	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
080	001	Marvin Vides	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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081	001	Jose Guillen	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
082	001		<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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083	001	Charlie	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
084	0001	Leonard Ancona	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
085	001		<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
086	001	Jennifer Choi	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
087	001	Sue McCubbin	<p>I request that Alameda County develop a thorough and comprehensive policy for large-scale solar facilities in its rural areas and that this work be completed before the County reviews the two industrial solar plants proposed for North Livermore Valley. While it is important to address climate change through the development of more solar power, we must proceed in a thoughtful, environmentally sound manner.</p> <p>Until Alameda County establishes clear rules, developed after public input, for the appropriate siting, scale and operations of solar power plants, if any, on agricultural land, all pending projects must be put on hold. The scenic beauty, natural</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>

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			<p>habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	
088	001	Mark Ybarreta	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
089	001	Erik Nunes	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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090	001	Camille Wasinger	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
091	001	Dorothy Kyle	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar and energy storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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092	001	Will Taylor	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state’s renewable energy goals through a large-scale solar and energy storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
093	001	Robin Tracy	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
094	001	Dave Lange	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about</p>

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			<p>offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
095	001	Steven Hale	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
096	001	Matt Weidner	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	
097	001	Fernando Estrada	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
098	001	J.D. Chilton	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			change and do not unfairly hold this project up while a solar policy is debated over months, if not years.	
099	001	Alan Burnham	I am pleased to be able to supply comments to the draft EIR of the Aramis project. I previously sent a very general letter supporting the development of solar energy resources and expressing my concern that the process for approval of such projects not be so cumbersome that we cannot meet the goals set out by California law. However, that general support is not directly relevant to issues about a specific project or the Aramis draft EIR. The following comments address issues directly related to wording and content of the draft EIR.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR.
099	002	Alan Burnham	1. A challenge for integrating solar energy into the grid is the mismatch between the timing of solar energy generation and the electrical demand curve. This mismatch becomes more important as solar provides an increasing share of the supplied power. This project mitigates that mismatch with a combination of single-axis tracking and battery storage, but the details could be clearer. In section 3.3, the DEIR mentions tracking but does not say which axis. Section 3.4.2 mentions the east-west axis, presumably to capture more of the morning and evening peaks in the winter. I suggest that the words "east-west" be added before "single-axis" in section 3.3. The question then arises, however, whether this is a requirement for the project. All projects are a tradeoff of costs and benefits. Single-axis tracking significantly (~25%?) improves the supplied power per acre, and given the controversy about taking up open space, perhaps it should be as well as mentioning that it reduces the areal impact by 25%, or whatever the correct number is. That should be noted in the appropriate mitigation section.	Mitigation measures are required when feasible to reduce potentially significant impacts to less than significant levels. Single-axis tracking is an integral part of the project design and was not intended as a mitigation measure, and it does not bring any potentially significant impacts to less than significant levels. Section 3.3 describes the project objectives, not the specific features of the project. Section 3.4.2 is part of the project description, which provides additional detail about the features that will be part of the proposed project.
099	003	Alan Burnham	2. Section 3.3 mentions 4-hour battery storage, and more details are given in sections 3.4.4 and 5.5.2.19. However, the information is not adequate for the public to understand the true beneficial impact and how effectively this magnitude of storage is for matching the local electrical demand curve. For example, is this amount of storage sufficient to shift the peak delivery time to 6 pm or so in the summer 50% of the time or 80% of the time or all of the time? This also raises the question of whether the storage is a requirement for approval of the project. If so, it should be listed as a mitigation aspect	The battery storage of the proposed project would be constructed as described in the EIR in Section 3.0 Project Description. Battery storage is not a Condition of Approval as it is an intrinsic element of the project design. Mitigation measures are only required when feasible to reduce potentially significant impacts to less than significant levels, and battery storage does not directly address any potential land use impacts identified in the EIR.

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			of the land use, because it maximizes the delivered power from the facility. In contrast, some solar farms simply overbuild capacity on more land and simply don't deliver electricity to the grid at times when the production and demand are out of sync.	
099	004	Alan Burnham	3. The project description says the facility will be for at least 50 years. Is it a requirement that the facility be operational for that long? For example, if the operators decide after 25 years that the equipment is no longer profitable, could the land owner apply to convert the location to a housing development? Should approval of this project be contingent upon the 50-year (or longer) lifetime, i.e., that the land cannot be converted during that timeframe to some other use, other than reclamation and reversion to dry farming?	The acceptable land use on site is currently restricted by a number of factors including Measure D, the East County Area Plan, and Alameda County's zoning. Any proposed changes in land use other than reversion to grazing, especially conversion to a high-impact use like a housing development, would be constrained by the above factors. See sections 3.0 Project Description, 4.2 Agricultural and Forestry Resources, and 4.11 Land Use and Planning of the EIR for discussion of these issues.
099	005	Alan Burnham	4. There are legitimate concerns about cumulative impacts on habitat and views. What total amount of solar acreage can or should be developed in the North Livermore area, and is this the best location? Although the County has not yet addressed this issue formally, it should be addressed here and in any other project EIR until the County does so.	For a discussion of cumulative impacts on aesthetics and biological resources, see sections 4.1 Aesthetics and 4.4 Biological Resources of the EIR. Discussion of total acreages of development allowed and consideration of the siting of any development other than the proposed project are the responsibilities of the County and the Board of Zoning Adjustments and are not within the scope of this EIR.
099	006	Alan Burnham	5. I think the wording about the no project alternative assessment is too weak in the following sense. While no project by itself achieves our renewable energy goals, if all projects are evaluated in the sense that they don't solve the entire problem, we will never solve the problem. We will be dealing with sealevel rise, water supply, and fires than cannot be ignored. There will be environmental impacts from this project, but are there alternative sites that can provide renewable energy in an acceptable manner with less environmental impact? What about the environmental impact of additional long-distance transmissions lines if they were needed to supply the same amount of energy?	As described in Section 15126.6 of the CEQA Guidelines, an EIR shall evaluate a range of alternatives including a no project alternative. The no project analysis is required to discuss existing conditions at the time of the notice of preparation is published as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved. The no project alternative described in Section 5.0 Project Alternatives of this EIR meets these requirements. Issues such as potential alternative sites and long-distance transmission lines are not within the scope of this EIR.
100	001	Brian Wines, San Francisco Bay Regional Water Quality Control Board	San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the Draft Environmental Impact Report, Aramis Solar Energy Generation and Storage Project (DEIR). The DEIR evaluates the potential environmental impacts associated with implementing the Aramis Solar Energy Generation and Storage Project (Project).	The commenter has provided a summary of the proposed project as an introduction to their comments. This comment does not raise any environmental issues related to the EIR.

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			<p>Project Summary. The proposed Project would construct, operate, and maintain a solar photovoltaic (PV) and electric storage facility for at least 50 years. The solar facility would generate 100 megawatts (MW) of PV power on about 410 acres of privately-owned land in unincorporated Alameda County in the North Livermore area. The project would provide solar power to utility customers by interconnecting to the regional electrical grid at Pacific Gas and Electric Company's (PG&E) existing Cayetano 230 kilovolt (kV) substation located adjacent to the project site. The project would serve East Bay Community Energy (EBCE), Clean Power San Francisco (CPSF), and/or PG&E customers by providing local generation capacity under a long-term contract.</p>	
100	002	Brian Wines, San Francisco Bay Regional Water Quality Control Board	<p>Summary. As is discussed below, it is not clear whether or not the DEIR identifies the full extent of wetlands at the Project site that may be regulated as waters of the State. In addition, we encourage the Project proponent to incorporate measures into the design of two new stormwater detention basins to prevent California red-legged frogs and California tiger salamanders from attempting to breed in these ponds.</p>	<p>Please see responses to comments #100-03, #100-04, and #100-05 for a response to the comments summarized in this paragraph.</p>
100	003	Brian Wines, San Francisco Bay Regional Water Quality Control Board	<p>Comment 1. The DEIR may not have identified the full extent of seasonal wetlands at the Project site that are regulated as waters of the State.</p> <p>The procedures used to delineate wetlands at the Project site are described in Section 4.4, Biological Resources, of the DEIR. In Section 4.4.2.2, Biological Surveys, of the DEIR, the subsection entitled, Assessment of Wetlands and Other Waters, on page 4.4-14 includes the following text:</p> <p>An assessment of potential wetlands and other waters of the U.S. and State on the project site was conducted on July 31 and August 1, 2018 by Dr. Aldridge and Patrick Martin. On February 6, 2020 an additional assessment of potential wetlands and other waters of the U.S. was completed by Mr. Martin and HELIX biologist Halie Goeman. The presence of wetlands and other waters were determined based on the USACE three parameter method described in the Corps of Engineers Wetlands Delineation Manual (USACE 1987) and the Regional Supplement to the Corps of Engineers Wetland</p>	<p>HELIX conducted a routine assessment of wetlands and "other waters" of the U.S. and State on July 31, 2018, August 1, 2018 and February 6, 2020, in accordance with the USACE <i>Wetlands Delineation Manual</i>, the <i>Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)</i>, <i>A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States</i>, and SWRCB policies and guidelines. HELIX collected 10 data points, which documented upland areas in streams and swales. HELIX delineated five aquatic features: one ephemeral stream, one intermittent stream (Cayetano Creek), and three ephemeral tributaries to Cayetano Creek totaling 5.13 acres. With the exception of one ephemeral stream in the northwest corner of the northern parcel (north of Manning Road) that totals approximately 0.08 acre in size, the project boundaries have been modified to exclude aquatic features from within the project site.</p> <p>If impacts to waters of the State are to occur, MM BIO-8 would require the project applicant to secure the necessary State permits.</p>

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			<p>Delineation Manual: Arid West Region (Version 2.0; USACE 2008). A total of 10 data points were taken in and adjacent to the project site. Aquatic resources in the project site were also evaluated for their potential to qualify as waters of the State subject to RWQCB jurisdiction and/or CDFW jurisdiction.</p> <p>The text of the DEIR does not explain how it was determined that 10 sampling points were sufficient to characterize the full extent of wetlands subject to jurisdiction as waters of the State at a 410-acre site. Please revise the DEIR to provide a detailed rationale for using only 10 sample points to assess the extent of wetlands.</p> <p>Also, seven of the 10 sampling points were assessed on July 31 and August 1, which is well into the dry season at the Project site. Section IV.A.2.a of the State Wetland Definition and Procedures for Discharges of Dredged and Fill Material to Waters of the State states that Water Board staff may require, on a case-by-case basis, supplemental field data from the wet season to substantiate dry season delineations.</p> <p>2. Additional Information Required for a Complete Application</p> <p>a. If required by the permitting authority on a case-by-case basis, supplemental field data from the wet season to substantiate dry season delineations, as is consistent with the 1987 Manual and Supplements.</p> <p>Generally, wet season delineations are more likely to be necessary in areas where wetland indicators are difficult to resolve. The ideal time to delineate a wetland is during the wet portion of the growing season of a normal climatic period. Otherwise, indicators provided in the Corps' delineation manuals must be relied on to identify wetland boundaries. Collection of supplemental information in certain situations is an accepted practice and is consistent with recommendations presented in the Corps regional supplements for wetland delineation, which recommends that practitioners return to the delineation site, if possible, during the "normal wet</p>	<p>MM BIO-8: Jurisdictional Waters</p> <p>MM BIO-8a: The project shall be designed to avoid impacts to jurisdictional waters on and adjacent to the site. If jurisdictional waters cannot be avoided, prior to the start of construction, the project applicant shall secure any required aquatic resources permits for impacts to jurisdictional waters of the State from the San Francisco Bay RWQCB and CDFW, and shall comply with all conditions of such permits including providing compensatory mitigation as required to achieve no net loss of wetlands or other waters.</p> <p>MM BIO-8b: For those waters of the State and CDFW jurisdictional areas that are not avoided by project construction, compensatory mitigation shall be provided. As approved by the San Francisco Bay RWQCB and CDFW, the project applicant may purchase mitigation credits from an approved mitigation bank at a minimum 1:1 ratio or implement another method of mitigation satisfactory to the San Francisco Bay RWQCB and CDFW.</p> <p>MM BIO-8c: Impacts shall also be minimized by the use of Best Management Practices (BMPs) to protect preserved waters of the U.S./State adjacent to the site and to ensure that water quality standards are not compromised in preserved wetlands and other waters within the watershed. These practices can include installing orange construction fencing buffers, straw wattles to keep fill from entering preserved/avoided wetlands and other waters, and other protective measures.</p> <p>The project site was surveyed a total of 22 times by biologists assessing the site for biological habitats, including wetlands, conducting botanical surveys, and focused surveys for CRLF and burrowing owl. As noted above, HELIX collected 10 data points, which documented upland areas in streams and swales. Seven of those data points were collected in the dry season between July and August of 2018 and the final three data points were collected in the wet season in February 2020. In addition, the site was assessed for the presence of wetlands on December 6, 2017 (biological reconnaissance survey, CRLF and CTS habitat assessment) and then the site was surveyed on six separate dates between January and</p>

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			<p>portion of the growing season” (Arid West Regional Supplement, pp. 58, 87, 104; Western Mountains, Valleys, and Coast Regional Supplement, pp. 66, 100) to resolve wetland indicators that were unresolved during the dry-season delineation. To avoid the risk of unanticipated project delays, applicants may consult with the appropriate Water Board regarding whether supplemental data may be necessary prior to submitting an application.</p> <p>In addition to re-evaluating the sufficiency of 10 sample points to assess the full extent of wetlands at a 410-acre Project site, the wetland delineation should be repeated late in the wet season of a year with typical rainfall to ensure that the full extent of wetlands subject to regulation as waters of the State have been identified. Without a wet-season delineation with a sufficient number of data points, it is not possible to establish with sufficient certainty that the Project will avoid impacts to waters of the State.</p>	<p>May of 2018 during the wet season during protocol surveys for CRLF, during which time the biologists searched for the presence of wetlands or other aquatic features. The site was assessed again during the wet season specifically for the presence of wetlands or other aquatic resources on February 6, 2020. On February 25 and 26, 2020 transects were walked of the entire site during burrowing owl surveys. The site was surveyed on six more dates between March and May 2020 for CRLF and burrowing owl.</p> <p>There is no need to revisit the site during later wet seasons to verify/resolve wetland boundaries and take additional data points as there are no wetlands on the site as determined through 22 biological surveys, including 15 site visits during the wet season.</p>
100	004	<p>Brian Wines, San Francisco Bay Regional Water Quality Control Board</p>	<p>Comment 2. Please provide more information about the design and operation of the two proposed stormwater basins at the Project site.</p> <p>Text on page 4.10-15, of Section 4.10, discusses potential impacts in Section 4.10.3, Impact Analysis. The discussion of impact HYD-3 includes the following text:</p> <p>The proposed project, as designed, would avoid all areas of high flow and FEMA floodplains, and the study determined that the project site is suitable for the planned development. However, the project area is located in a valley downslope of a series of ridges, which could cause localized flooding on portions of the project area. Therefore, the proposed project would include the construction of two stormwater detention basins strategically located based on the results of the preliminary hydrology study to prevent off site stormwater runoff and protect downstream properties. A narrow, linear approximately 0.4-acre stormwater detention basin is proposed in the southeastern corner of the central section of the project site along Hartman Road and terminating at North Livermore Avenue. An additional, approximately 0.5-acre</p>	<p>As noted by the commenter, the proposed project would include the construction of two stormwater detention basins to prevent the discharge of off-site stormwater runoff and to protect downstream properties. A narrow, linear stormwater detention basin totaling approximately 0.4-acre in size is proposed in the southeastern corner of the central section of the project site along Hartman Road and terminating at North Livermore Avenue. An additional, approximately 0.5-acre stormwater detention basin is proposed along the southern boundary of the southwestern section of the project site (see Figure 3-1).</p> <p>Because the site is generally flat with slopes up to 3 percent, stormwater runoff sheet flows through the site to the southeast where it ultimately discharges. The proposed detention basins would have surface areas of 0.4-acre and 0.5-acre as noted above and a depth of five feet. The basins would also have three feet of dead storage below the bottom of the detention basins. Because infiltration of the stormwater runoff would be delayed due to the clay soils on-site, collected stormwater would be discharged from the basins through an outlet to discharge water across the rest of the site (away from Cayetano Creek and its tributaries) to avoid water ponding in the detention basins and allow for infiltration within 48 hours. The detention basins would be routinely maintained to remove any vegetative growth. Outlet drainage of collected stormwater</p>

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			<p>stormwater detention basin is proposed along the southern boundary of the southwestern section of the project site.</p> <p>Cayetano Creek runs through, and adjacent to, portions of the Project site. The San Francisco Bay Basin Water Quality Control Plan (Basin Plan) defines the beneficial uses of waters of the State. The beneficial uses listed in the Basin Plan for Cayetano Creek include the preservation of rare and endangered species and wildlife habitat. As the discussion of Biological Resources in Section 4.4 of the DEIR acknowledges, Cayetano Creek provides dispersal habitat for the California red-legged frog (CRLF), a species listed as threatened under the federal Endangered Species Act and a California species of special concern, and the California Tiger Salamander (CTS), a species listed as threatened under the federal Endangered Species Act and the California Endangered Species Act. CRLF and CTS have been documented to attempt breeding in stormwater detention basins east of Dublin and north of Livermore.</p> <p>Please provide more information about the design and functioning of the two proposed stormwater basins at the Project site. In particular, please clarify if collected stormwater will be discharged from the basins through outlets or allowed to infiltrate into the native soils. CRLF and CTS may attempt to breed in stormwater basins, which do not remain inundated long enough to support successful breeding by these special status species. Please consider modifying the design of the stormwater basins to include measures to prevent CRLF and CTS from entering these ponds.</p>	<p>to prevent water ponding and routine maintenance of vegetative growth in the detention basins would keep the detention basins devoid of cover for CRLF and CTS and inundation would only persist for short periods of time after precipitation events, which would further deter these species from attempting to use the basins for breeding habitat.</p>
100	005	Brian Wines, San Francisco Bay Regional Water Quality Control Board	<p>Conclusion. The DEIR does not yet support the conclusion that Project implementation will not impact any waters of the State, since most of the delineation field work was conducted well into the dry season. Dry season delineations in Mediterranean climates are likely to miss the full extent of seasonal wetlands. Therefore, we encourage the Project proponent to conduct additional field work for wetland delineation late in the 2020 through 2021 wet season, and to</p>	<p>See response to comment #100-03 above.</p> <p>As stated above, although 7 of the 10 wetland data points were collected during the dry season between August and July 2018, the other three wetland data points were collected during the wet season in February 2020, and the site was surveyed a total of 15 times during the wet season and a total of 22 times overall. Additional surveys in the wet season are not needed.</p>

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			<p>design the field work to accurately assess the full extent of wetlands at the 410-acre site.</p> <p>We also encourage the Project proponent to incorporate measures into the proposed stormwater basins to prevent CRLF and CTS from attempting to breed in them.</p>	
101	001	Bob Howe	I request that Alameda County adopt a comprehensive policy for large-scale solar facilities in rural areas. Until the policy is completed, the County should place on hold the review of the solar power plants proposed for North Livermore Valley.	The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR.
101	002	Bob Howe	<p>Utility-scale solar power plants are not a proper use of the agricultural land in North Livermore Valley. Under voter-approved Measure D, the agricultural lands of Alameda County, including North Livermore, are to be preserved and protected from “excessive, badly located and harmful development.” The proposed solar facilities are badly located and harmful to the the valley. On agricultural land, we grow food and raise animals. That is impossible if the land is blanketed by solar arrays.</p> <p>North Livermore Valley is an agricultural area and should remain one. Approval of the proposed solar power plants could create the precedent for the conversion of the valley into an industrial zone. The scenic beauty, natural habitat and open space of North Livermore Valley belong to all of us and must be preserved for future generations.</p>	The EIR found that the proposed project was mostly consistent with Measure D. The proposed project would be consistent with lands designated for LPA (large parcel agricultural) and WM (water management) in the ECAP. However, the proposed project would not be consistent with the long-term preservation of open space intent of the RM (resource management) ECAP land use designation. For more information about the proposed project’s consistency with Measure D, please see Section 4.11 Land Use and Planning.
102	001	Jiten Parbhoo	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state’s renewable energy goals through a large-scale solar and energy storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.

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			<p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	
103	001	Sahil Dagli	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state’s renewable energy goals through a large-scale solar and energy storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
104	001	Sujay Shetty	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state’s renewable energy goals through a large-scale solar and energy storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	
105	001	Chaganti Radhakrishna	<p>I request that Alameda County adopt a comprehensive policy for large-scale solar facilities in rural areas. Until the policy is completed, the County should place on hold the review of the solar power plants proposed for North Livermore Valley.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR.</p>
105	002	Chaganti Radhakrishna	<p>Utility-scale solar power plants are not a proper use of the agricultural land in North Livermore Valley. Under voter-approved Measure D, the agricultural lands of Alameda County, including North Livermore, are to be preserved and protected from “excessive, badly located and harmful development.” The proposed solar facilities are badly located and harmful to the the valley. On agricultural land, we grow food and raise animals. That is impossible if the land is blanketed by solar arrays.</p> <p>North Livermore Valley is an agricultural area and should remain one. Approval of the proposed solar power plants could create the precedent for the conversion of the valley into an industrial zone. The scenic beauty, natural habitat and open space of North Livermore Valley being to all of us and must be preserved for future generations.</p>	<p>The EIR found that the proposed project was mostly consistent with Measure D. The proposed project would be consistent with lands designated for LPA (large parcel agricultural) and WM (water management) in the ECAP. However, the proposed project would not be consistent with the long-term preservation of open space intent of the RM (resource management) ECAP land use designation. For more information about the proposed project’s consistency with Measure D, please see Section 4.11 Land Use and Planning.</p>
106	001	Dylan Rushton	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state’s renewable energy goals through a large-scale solar and energy storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	
107	001	Beth Vuolo Gousman	<p>I'm very concerned about Alameda County's limited storage of renewable power capacity. As has been seen over the past few summers, extreme temperatures coupled with a variety of enormous fires are rapidly becoming a fact of life for Bay Area residents and has proven that action must happen now. Climate change is an obvious cause and the County needs to be taking steps to mitigate it. As East Bay Clean Energy customers, we installed solar panels and a battery, but we need to see leadership at the county level to provide grid stability against rolling blackouts rather than expecting residents to bare the brunt of power loss on a regular basis. Intersect Power's project provides power at substantial savings. Ranching lands are a more sensible choice for locating renewable energy projects, as gas power plants are a significant cause of pollution for low income households already burdened by a variety of other challenges. Thank you for your consideration.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
108	001	David Co	<p>As an Alameda county resident, I am supporting this project.</p> <ul style="list-style-type: none"> - Alameda County needs local renewable power with storage to provide grid stability against rolling blackouts - At 100MW scale, Intersect Power's project provides power at 1/4 of the cost of rooftop solar - With temps hitting 110+ and the state on fire, now is not the time to hesitate on renewable deployment. County leadership must accelerate Climate Change mitigation - Low value ranching lands are the right place to locate renewable energy projects, rather than gas power plants polluting our low income neighborhoods - those least prepared to oppose the public health impacts. 	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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109	001	Haideh Chew	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state’s renewable energy goals through a large-scale solar and energy storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
110	001	Jahan C. Sagafi	<p>The following is a comment I just submitted to the East Bay Community Energy website regarding the Board of Directors meeting tomorrow (Wed 21 Oct), re item #21:</p> <p>I would like to state my support for Intersect Power’s project to provide renewable power in Alameda County with storage. This will enhance grid stability against rolling blackouts. At 100MW scale, IP’s project will provide power at 25% the cost of rooftop solar.</p> <p>Given the growing climate change crisis, we must act now to improve our renewable energy efforts. Alameda County can be a leader.</p> <p>This solution is better than harmful gas power plants, which pollute low income areas and exacerbate health disparities. No solution is free, but locating these efforts on low-value ranching lands is the best option (and less ranching in the long run is good for the Earth too, given the huge inefficiency of meat production).</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			Thank you for your attention, and for your leadership in protecting Alameda County’s beautiful, diverse array of communities from pollution, and for your wisdom in helping us all together do our part to protect the Earth we share, for the benefit of all Americans and all people, and for the generations to come.	
111	001	Greg Neidiger	I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation. As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today. Delaying a project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.
112	001	Matt Evans	As a homeowner in Oakland, I've submitted a comment for the Board meeting tomorrow but also wanted to follow up to emphasize my support for the development of larger scale renewables, and the implementation of storage, within Alameda County. As I know you know, the current climate crisis has created a moral mandate to accelerate our transition to renewables. Large scale renewables combined with storage are crucial to achieving that goal without overburdening ratepayers like myself. Further, the benefits of clean generation should be realized in Alameda country, rather than be realized only in the Central Valley. I hope you'll support the permit for this project!	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.
113	001	Sue Stendebach	<p>In support of Intersect Power’s permit for its 100 MW project, I respectfully submit the following comments:</p> <ul style="list-style-type: none"> - Grid stability to provide energy to Alameda County during threats of rolling blackouts can and should be met by local renewable power. - Each year becomes hotter and drier, significantly straining the grid. Intersect Power's 100 MW project provides the necessary power at one quarter the cost of rooftop solar, 	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.

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			<p>while avoiding greenhouse gases and a variety of emissions responsible for serious health impacts.</p> <ul style="list-style-type: none"> - These health impacts from natural gas and other fossil fuel combustion disproportionately affect low income populations, due to poor siting factors. - Alternatively, renewable energy projects can be sited on low-value ranch lands. - In the face of our changing climate and the consequent impacts, including an increasingly strained grid, the time is now to bring on the 100 MWs that Intersect Power's project would provide. - Furthermore, County leadership must accelerate climate change mitigation. 	
114	001	Robert Lee	<p>I am a longtime resident of San Ramon, having lived there for over 15 years. As an owner of an electric vehicle and a home with a solar power system, I am a big proponent of clean renewable energy, especially in the Bay Area. I believe we owe it to our planet, children, and future generations that we do our absolute best to protect our planet and environment, move away from dirty air polluting energy sources like coal, gas, and fossil fuels, and move towards clean renewable energy sources like solar power as much as possible. As we have learned from the recent bad air quality resulting from California wildfires, the air we breath is critical to our daily lives and affects our health and ability to go outdoors. We must no longer take it for granted. Climate change is real and happening as a result of polluting coal and gas factories and fossil fuel burning vehicles, as evidenced by record rising average temperatures throughout the world. We must continue the push towards clean renewable energy. We must not slow down. Our future depends on it.</p> <p>Here are some key points why this Aramis solar project is so important:</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>1) Alameda County needs local renewable power with storage to provide grid stability against rolling blackouts.</p> <p>2) At 100MW scale, Intersect Power's project provides power at 1/4 of the cost of rooftop solar.</p> <p>3) With temperatures hitting over 110 degrees and the state having many wildfires, now is not the time to hesitate on renewable deployment. County leadership must accelerate Climate Change mitigation.</p> <p>4) Low value ranching lands are the right place to locate renewable energy projects, rather than gas power plants polluting out low income neighborhoods - those least prepared to oppose the public health impacts.</p>	
115	001	Saman Alikhani	<p>I hope this email finds you well. I am Saman, a senior from Head-Royce School in Oakland. I am writing to you to express my support for the Aramis Renewable Energy Project. Alameda County needs local renewable power with storage to provide grid stability against rolling blackouts. At 100MW scale, Intersect Power's project provides power at 1/4 of the cost of rooftop solar. With temperatures hitting 110+ and the state on fire, now is not the time to hesitate on renewable deployment. County leadership must accelerate Climate Change mitigation. Low value ranching lands are the right place to locate renewable energy projects, rather than gas power plants polluting our low income neighborhoods - those least prepared to oppose the public health impacts. This proposal will contribute to the invariably necessary movement towards a safer and more sustainable future not only for existing communities, but for me and my generation.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
116	001	Mark Buck	<p>1. I am a long-time, <i>Bay Area</i> resident and I support the Aramis Renewable Energy Project.</p> <p>2. Intersect Power has made a commitment to planting pollinator friendly landscaping and low growing plants within the solar arrays. They committed to the Alameda County Beekeepers Association to installing a 1-acre apiary facility at the project to serve as a community educational beekeeping workshop space, where community members can learn about</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>managing hives and producing honey. There is currently no such opportunity in the Livermore area, and it will be a great asset for the comity.</p> <p>3. The Aramis Project moves California, and the Bay Area, closer to achieving a decarbonized economy and a healthier environment, and I urge you to approve the project without delay.</p>	
117	001	Dustin Baker	<p>I am a long-time Pleasanton, Alameda county resident and I support the Aramis Renewable Energy Project.</p> <p>Air-quality-associated health conditions rank among Alameda County’s leading causes of death, and these negative health impacts are particularly acute in its lower income areas. Decarbonizing our electrical grid is crucial to improve air quality and these attendant health outcomes. This decarbonization is achievable through well-designed solar projects sited with the environment and local community in mind. To achieve these local air quality goals and attain California’s 100% renewable energy objectives, the CPUC estimates we’ll need at least 158 additional gigawatts of solar power by 2050, 123 gigawatts of which must come from ground-mounted, utility-scale solar.</p> <p>This Aramis project has been carefully sited and designed with local community priorities and values in mind and to minimize environmental impacts. It will protect floodplains, enhance local wildlife habitat, and employ honeybee friendly plantings. Abundant new landscaping, visually appealing fencing, and generous setbacks will soften and enhance the view for cyclists and motorists traveling the nearby roads. Through these environmental enhancements and by offsetting 188,000 metric tons of CO2, the Aramis Project moves California closer to achieving a decarbonized economy and a healthier environment.</p> <p>The project developer has made a significant community benefits commitment to further local economic, environmental, and social justice issues. These benefits include:</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about air quality, please see Section 4.3 Air Quality. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. For more information about aesthetics, please see Section 4.1 Aesthetics. No further response is required.</p>

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			<p>☑ Partnering with Tipping Point, a local non-profit focused on poverty alleviation, to fund and install solar systems on the rooftops of ten local non-profit organizations, reducing energy costs for the organizations serving the Bay Area’s most vulnerable populations</p> <p>☑ Committing to provide 100% living wage union jobs during project construction, which will create up to 400 individual opportunities for Bay Area workers</p> <p>☑ Making additional contributions to local charities serving families and those in need in the Tri-Valley region and throughout the Bay Area, including Open Heart Kitchen, East Bay Regional Parks Foundation, CityServe of the Tri-Valley, Zero Net Energy Center, Quest Science Center, and Vineyard 2.0</p> <p>☑ Enhancing the aesthetics of the Aramis project site, ensuring it blends with the natural and agricultural environment, by installing extensive vegetation landscaping along the public road frontages adjacent to the project</p> <p>☑ Dedicating an educational solar hiking trail for the use and enjoyment of all, especially Bay Area students and educators, which would wind through the interior of the solar facility and along Cayetano Creek, and which would include interpretive signage for students to learn about the engineering, ecological, and climate attributes of solar energy generation</p> <p>☑ Enhancement of on-site habitat for raptors by improving the composition and forage quality of on-site vegetation, protection of the Cayetano Creek floodplain, its riparian vegetation, and its water quality by setting the facility well back from the waterway and preserving habitat</p> <p>☑ Continuing agricultural practices on-site by committing to sheep grazing for vegetation management, and by planting pollinator-friendly plant species between the arrays and within landscaped hedgerows, and providing unlimited</p>	

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			<p>opportunities for managed beekeepers to forage their hives within the arrays</p> <p>I don't think this project should be denied, and especially not based on an argument of aesthetics. First, the fencing and panels will be set back from public roadways. The closest panels will be over 70 feet from the property line. Second, the fencing design would use an agricultural style instead of standard chain link fencing. No barbed wire will be used. Third, vegetation screening along North Livermore Road and Manning Avenue would screen the facility from public views. I've reviewed the video and photo simulations of the site, and it will continue to be beautiful even after the project is built.</p> <p>The Aramis Project moves California, and the Bay Area, closer to achieving a decarbonized economy and a healthier environment, and I urge you to approve the project without delay.</p>	
118	001	Mike Brodsky	<p>I just found out about this project yesterday. I ride my bicycle in undeveloped areas around Livermore, especially on Morgan Territory Road, and I pass by the proposed site for this facility often.</p> <p>It would be a shame to destroy the pastoral quality of this area with an industrial facility.</p> <p>What about using rooftops in developed areas for solar panels instead of gobbling up virgin land? Could you study an alternative that would have a decentralized focus, with solar panels on rooftops in various areas? That way no big visual impact would be imparted to any one area. Isn't this consistent with Livermore's "urban infill" rather than "suburban sprawl" approach to development in general?</p> <p>I am also concerned with the battery storage facility included in the project. Batteries are an outdated and very dirty technology. Disposal of used batteries is an environmental consequence mounting in potential as more and more batteries are used. Also the use of toxic materials and rare earth elements in solar equipment causes environmental</p>	<p>The proposed project maintains agricultural activities on the site of the proposed project, including forage crop production, sheep grazing, and apiculture which would be ongoing throughout the life of the project. The project applicant outlines a detailed plan for decommissioning the site and returning it to pre-construction conditions at the end of the project's anticipated 50 year life if necessary. For more information about the decommissioning process and site restoration, please see Section 3.7 Decommissioning and Site Reclamation and Section 3.8 Applicant-Proposed Measures.</p> <p>To characterize this land as "virgin" is inaccurate. The project site has been grazed and otherwise used for agricultural production for between 100 and 150 years, and is currently vegetated largely with non-native forage grasses. For a discussion of site vegetation communities see Section 4.4.3.2 General Biological Resources of the EIR. For a discussion of the history of site use see Section 4.5.1.2 Cultural Setting of the EIR.</p> <p>Regarding rooftop solar, this topic is discussed in Section 5.3.2 Alternative Location: East Bay Community Energy Solar Sites. This section concludes that on a per MW basis, commercial and industrial rooftop solar is substantially more expensive than utility-scale solar such as the proposed project.</p>

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			<p>degradation in many ways. Have you seen Michael Moore's film, "Planet of the Humans" ?</p> <p>What about better conservation as an alternative to more solar projects? How much would each household in Livermore have to conserve energy to make up the same amount of energy that will be produced by this project?</p> <p>I know there are many people who would want to comment on this project if they knew about. So far it seems only the locals are aware of it. I think this kind of thing has regional and statewide significance. Could you extend the comment period for another 60 days?</p>	<p>The comment on batteries does not refer to specific inadequacies with the analysis presented in the EIR. Please see Section 4.9 Hazards and Hazardous Materials for a discussion potential hazards related to battery storage. Discussion of Michael Moore's film, "Planet of the Humans" is not within the scope of this EIR.</p> <p>The project would supply renewable energy to existing utilities and customers in the Bay Area to increase the proportion of available power that is generated from renewable resources and help meet clean energy goals. Discussions of household energy conservation are not within the scope of this EIR.</p> <p>The public comment period began on September 18, 2020 when the Draft EIR was published and ended on November 2, 2020. The duration of the comment period was 45 days, which is consistent with CEQA guidelines for an EIR. Section 15105 (a) of the CEQA guidelines which states:</p> <p>"The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse."</p> <p>The public review period of 45 days for this draft EIR is consistent with the guidelines set forth by CEQA. The 60 day extension requested by the commenter would extend the review period beyond the maximum of 60 days allowed by CEQA. The lead agency finds this to be sufficient review time for this EIR and has not elected to extend the public review period.</p>
119	001	Tom Felter	<p>I am writing in support of the Aramis solar array project (North Livermore) by Intersect. My wife and I have lived in Livermore since 1980 and raised our family here. I am a retired scientist from LLNL and from Sandia National Laboratories and most recently was the Department Manager of the Energy Innovation Department. This project nicely addresses CO2 induced climate change which is a grave threat at scales from local to worldwide. The Aramis project delivers clean, renewable energy, while adding hiking trail, better</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			habitat for native species including desperately needed bee populations and a shift away from beef. All good! Please permit the Aramis project	
120	001	Brad Gunkel	I am an Alameda County resident and am writing in support of the Aramis Renewable Energy Project The proposal provides much-needed local renewable power and storage in a manner that is responsible to environmental concerns and that mitigates impacts on views. The project is necessary to help address the big issues that confront us today including climate change and the associated need for a stable power grid during record-setting heat waves. The project provides renewable power at a fraction of the cost of rooftop solar and takes advantage of damaged land, restoring it back to health. This is the type of project that we need and I strongly urge your support.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.
121	001	David Nelson	<p>I am a long-time Livermore resident for over 30 years, and I support the Aramis Renewable Energy Project.</p> <p>Alameda County’s efforts toward creating a sustainable energy future must start with the approval of the 100-megawatt Aramis solar and battery storage project, which will be northern California’s most significant solar and storage project ever built.</p> <p>I urge you to do the right thing by Alameda County residents, current and future, by approving the Aramis project without delay.</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.
122	001	Brian R Gross	<p>I am writing to urge support for Intersect Power's solar project in Livermore, and more like this. Our county needs local renewable power with storage to provide grid stability against rolling blackouts. With climate change driving temperatures regularly into 110+ and the state dealing with increasing fires, now is the time for action and bold leadership.</p> <p>While doing the right thing will not always be popular, low value ranching lands are the best place to locate renewable energy projects. And, it is far better than a path of choosing more gas power plants that too often pollute low income neighborhoods and those most vulnerable to the negative impacts. What you do in this moment, with the power you</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.

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			<p>have, will help shape your legacy - this project will make future generations proud.</p>	
123	001	Dustin Baker	<p>I am a long-time Pleasanton, Alameda county resident and I support the Aramis Renewable Energy Project.</p> <p>Air-quality-associated health conditions rank among Alameda County’s leading causes of death, and these negative health impacts are particularly acute in its lower income areas. Decarbonizing our electrical grid is crucial to improve air quality and these attendant health outcomes. This decarbonization is achievable through well-designed solar projects sited with the environment and local community in mind. To achieve these local air quality goals and attain California’s 100% renewable energy objectives, the CPUC estimates we’ll need at least 158 additional gigawatts of solar power by 2050, 123 gigawatts of which must come from ground-mounted, utility-scale solar.</p> <p>This Aramis project has been carefully sited and designed with local community priorities and values in mind and to minimize environmental impacts. It will protect floodplains, enhance local wildlife habitat, and employ honeybee friendly plantings. Abundant new landscaping, visually appealing fencing, and generous setbacks will soften and enhance the view for cyclists and motorists traveling the nearby roads. Through these environmental enhancements and by offsetting 188,000 metric tons of CO2, the Aramis Project moves California closer to achieving a decarbonized economy and a healthier environment.</p> <p>The project developer has made a significant community benefits commitment to further local economic, environmental, and social justice issues. These benefits include:</p> <ul style="list-style-type: none"> ☑ Partnering with Tipping Point, a local non-profit focused on poverty alleviation, to fund and install solar systems on the rooftops of ten local non-profit organizations, reducing energy costs for the organizations serving the Bay Area’s most vulnerable populations 	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about air quality, please see Section 4.3 Air Quality. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. For more information about aesthetics, please see Section 4.1 Aesthetics. No further response is required.</p>

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			<p>☑ Committing to provide 100% living wage union jobs during project construction, which will create up to 400 individual opportunities for Bay Area workers</p> <p>☑ Making additional contributions to local charities serving families and those in need in the Tri-Valley region and throughout the Bay Area, including Open Heart Kitchen, East Bay Regional Parks Foundation, CityServe of the Tri-Valley, Zero Net Energy Center, Quest Science Center, and Vineyard 2.0</p> <p>☑ Enhancing the aesthetics of the Aramis project site, ensuring it blends with the natural and agricultural environment, by installing extensive vegetation landscaping along the public road frontages adjacent to the project</p> <p>☑ Dedicating an educational solar hiking trail for the use and enjoyment of all, especially Bay Area students and educators, which would wind through the interior of the solar facility and along Cayetano Creek, and which would include interpretive signage for students to learn about the engineering, ecological, and climate attributes of solar energy generation</p> <p>☑ Enhancement of on-site habitat for raptors by improving the composition and forage quality of on-site vegetation, protection of the Cayetano Creek floodplain, its riparian vegetation, and its water quality by setting the facility well back from the waterway and preserving habitat</p> <p>☑ Continuing agricultural practices on-site by committing to sheep grazing for vegetation management, and by planting pollinator-friendly plant species between the arrays and within landscaped hedgerows, and providing unlimited opportunities for managed beekeepers to forage their hives within the arrays</p> <p>I don't think this project should be denied, and especially not based on an argument of aesthetics. First, the fencing and panels will be set back from public roadways. The closest</p>	

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			<p>panels will be over 70 feet from the property line. Second, the fencing design would use an agricultural style instead of standard chain link fencing. No barbed wire will be used. Third, vegetation screening along North Livermore Road and Manning Avenue would screen the facility from public views. I've reviewed the video and photo simulations of the site, and it will continue to be beautiful even after the project is built.</p> <p>The Aramis Project moves California, and the Bay Area, closer to achieving a decarbonized economy and a healthier environment, and I urge you to approve the project without delay.</p>	
124	001	Pierre Gousseland	<p>I write in support of the Aramis Renewable Energy Project in Livermore. I am a Berkeley resident, a father of two and a co-founder of a solar start-up. As someone who is passionate about energy and natural resources, I am proud that California has some of the most ambitious renewable energy and climate goals in the country. The California Energy Commission (CEC), California Public Utilities Commission (CPUC), and California Independent Systems Operator (CAISO) have all extensively studied how California can best meet its 100% renewable energy goals. While rooftop and commercial-scale solar is certainly a piece of the puzzle, our state cannot achieve its clean energy targets without utility-scale solar, wind, and battery storage.</p> <p>Beyond the need for large-scale renewables to meet California's power demand, the constraints of the transmission system mean we cannot build all the necessary utility scale facilities in rural parts of the state. As recent power outages have shown, local sources of renewables are crucial to maintain reliability across the CA grid. Alameda County chose to form and be a part of East Bay Community Energy (EBCE) in large part because we want local renewable energy. From my perspective, the Aramis solar project helps us to fulfill both California's state-wide renewable energy goals, while also meeting these needs and desires for local power. The fact that the project will include a battery makes it an even better resource for the grid, as it will help to alleviate California's infamous duck curve whereby natural gas peaker</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. For more information about the land dedicated for a public hiking trail, please see Section 4.15 Recreation. No further response is required.</p>

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			<p>plants must ramp up in the evening to meet load when the sun goes down and the state’s solar fleet goes offline.</p> <p>In the reading and research I’ve done about the project, I am also excited by the local opportunities it will provide. The company developing Aramis plans to build a public hiking trail near the project, opening up formerly private lands to the public. I think this hiking trail provides a fantastic education opportunity for the community - I myself am excited to hike this trail, instead of traveling far away to the Central Valley or Mojave Desert to get a close look at similar, utility scale solar facilities.</p> <p>I support the Aramis Renewable Energy Project, and hope the Board of Zoning Adjustments and Board of Supervisors vote in favor of the project. It will provide valuable benefits to the Alameda County community, of which I am a part, and will help California as a whole achieve its climate goals.</p>	
125	001	Steve Stewart, City of Livermore	<p>At its August 10, 2020 meeting, the Livermore City Council requested Alameda County expeditiously develop and adopt comprehensive solar plans and policies through an open public process. This comprehensive set of policies should be adopted prior to the County taking action on any utility-scale solar facilities, including the two East County solar projects being considered by the Board of Zoning Adjustments on October 22, 2020: PLN2016-00049 Dunn/Sunwalker/White and PLN2018-00117 Aramis Solar Energy Generation and Storage Project. Please see the August 27, 2020 letter from Livermore Mayor John Marchand reiterating the City’s position (attached).</p> <p>We acknowledge and appreciate the County’s efforts to move the draft solar policies forward since August. County staff introduced a Draft Solar Policy Matrix to the Board of Supervisors Transportation/Planning Committee on October 19 with future hearings to be scheduled before final consideration. We look forward to collaborating with County staff on the draft solar policies, and City staff will be ready to provide constructive input during the public review process.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The commenter is encouraged to consult the EIR for an evaluation of potential environmental effects related to the proposed project. The comment does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>

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			<p>Furthermore, the City continues to fully support renewable energy policies and projects that are necessary to adapt to Climate Change and that create sustainable, clean energy sources. In addition, renewable energy projects, including solar, help meet State renewable energy targets and support the City's adopted Climate Action Plan implementation strategies, such as reducing greenhouse gas emissions.</p> <p>However, the draft solar policies must carefully balance development of renewable, utility-scale solar facilities with crucial City and County shared open space and agriculture preservation policies and objectives (including Measure D and City's North Livermore Urban Growth Boundary Initiative). Any new solar policies need to provide a clear basis for decision makers, and clarity to the public and renewable energy providers for the appropriate siting, scale and operations of large-scale solar power facilities.</p> <p>For these reasons, the City of Livermore respectfully requests that the Board of Zoning Adjustments continue both North Livermore solar projects to a future date after County solar policies are adopted and the two projects can be analyzed for consistency with the new solar policies.</p> <p>The City will be providing comments on the Draft Environmental Impact Report for the Aramis project before the close of the public comment period on November 2. Initial review of the document raises concerns regarding potential impacts to aesthetics, biological resources, water resources, land use and planning.</p>	
126	001	Greg Botano, IBEW Local Union 595	<p>I am a long-time Dublin resident, and I support the Aramis Renewable Energy Project. The project will cover only 400 acres of severely impaired agricultural lands with no access to water and extremely limited potential to be productive, demonstrating that this is an excellent site for a solar project that won't displace important or productive farmland.</p> <p>The project, located immediately adjacent to a substation to access the grid, will power 22,500 Alameda County homes</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about air quality, please see Section 4.3 Air Quality. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. For more information about aesthetics, please see Section 4.1 Aesthetics. No further response is required.</p>

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			<p>with clean, local, renewable energy each year and provide up to 400 living-wage union jobs.</p> <p>This Aramis project has been carefully sited and designed with local community priorities and values in mind and to minimize environmental impacts. It will protect floodplains, enhance local wildlife habitat, and employ honeybee friendly plantings. Abundant new landscaping, visually appealing fencing, and generous setbacks will soften and enhance the view for cyclists and motorists traveling the nearby roads. Through these environmental enhancements and by offsetting 188,000 metric tons of CO2, the Aramis Project moves California closer to achieving a decarbonized economy and a healthier environment.</p> <p>Alameda County’s efforts toward creating a sustainable energy future must start with the approval of Intersect Power’s 100 megawatt Aramis solar and battery storage project, which will be northern California’s most significant solar and storage project ever built.</p> <p>The Aramis project is not only a solar project, but incorporates 100 megawatts of 4-hour duration battery storage as well. Battery storage is transforming the global electric grid and is an increasingly important element of the world’s transition to sustainable energy. Batteries act as a sustainable alternative to natural gas “Peaker” power plants. Peaker power plants fire up whenever the local utility grid can’t provide enough power to meet peak demand. They cost millions of dollars per day to operate and are some of the least efficient and dirtiest plants on the grid. Instead, the battery installation at the Aramis solar system will use stored solar energy to support the grid’s peak loads.</p> <p>California and Alameda County are already well on their way to maximizing rooftop solar penetration, but rooftop solar alone is not sufficient to meet our ambitious renewable energy and greenhouse gas reduction goals. The CPUC estimates that over 100 gigawatts of utility scale solar is needed by 2050. East Bay Community Energy studied the</p>	

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			<p>potential for rooftop solar installation, both residential and commercial, and it would take aggregating multiple identified locations to match the electricity that will be generated from the Aramis project. This would result in a dramatic loss in economies of scale that the Aramis project is able to capture. Rooftop systems cost 4 to 6 times as much as utility-scale systems. The Aramis project will deliver clean, affordable, wholesale electricity to the Bay Area.</p> <p>The Aramis Project moves California, and the Bay Area, closer to achieving a decarbonized economy and a healthier environment, and I urge you to approve the project without delay.</p>	
127	001	Jason Lindsay	<p>I support the Aramis Renewable Energy Project. It's time for us to bring the renewable energy we need closer to home. This project has undergone years of significant environmental scrutiny, is well suited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>The County has undergone a fair and lengthy review process and time is due to move the Aramis Renewable Energy Project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. No further response is required.</p>
128	001	Jason Lindsay	<p>We have an opportunity right here in Livermore Valley to make a significant contribution to the state's renewable energy goals through a large-scale solar and energy storage project that would power 25,000 residences and businesses, offset 188,000 metric tons of carbon dioxide, provide 400 living-wage union jobs, and help put an end to rolling blackouts in the Bay Area.</p> <p>The Aramis Renewable Energy Project avoids impacts to sensitive wildlife and habitats, continues agricultural uses of the land through sheep grazing and honeybee foraging, and dedicates a public hiking trail for all to enjoy!</p> <p>As temperatures continue to rise and wildfires come closer and earlier each season, we have an obligation to transition our economy away from fossil fuels. The Aramis Renewable</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about sensitive wildlife and habitats, please see section 4.4 Biological Resources. For more information about agriculture, please see Section 4.2 Agriculture and Forestry Resources. For more information about hiking trails and recreation, please see Section 4.15 Recreation. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>Energy Project meets all of the zoning and land use requirements and has offered mitigation to all impacts. I encourage the County to move this project forward.</p>	
129	001	Leonard Ancona	<p>I support the Aramis Renewable Energy Project. It's time for us to bring the renewable energy we need closer to home. This project has undergone years of significant environmental scrutiny, is well suited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>The County has undergone a fair and lengthy review process and time is due to move the Aramis Renewable Energy Project forward.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. No further response is required.</p>
130	001	Karen Lee	<p>I am a long term Bay Area resident and current resident of City of Emeryville and I support the Aramis Renewable Energy Project. Alameda County's efforts toward creating a sustainable energy future must start with the approval of Intersect Power's 100 megawatt Aramis solar and battery storage project, which will be northern California's most significant solar and storage project ever built. I urge you to approve this project to support a decarbonized economy and healthier environment in the Bay Area.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
131	001	Elaine Ito	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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132	001	Igor Tregub, Sierra Club	<p>The Sierra Club requests a 10-day extension to November 12 for the comment period on the Draft Environmental Impact Report for the Aramis Solar Project in the Livermore Valley.</p> <p>The Chapter has authorized an Ad Hoc Committee to review and submit a complete set of comments consistent with National Policy while also addressing environmental and land use concerns specific to this project.</p> <p>The Sierra Club is a member of the East Bay Clean Power Alliance and supported the formation of East Bay Community Energy and support the goal of transitioning to renewable energy. We also are committed to the preservation of agriculture in the East County consistent with Measure D.</p> <p>We would appreciate having a very short, 10-day extension to the 45-day comment period for the DEIR to submit our comments.</p>	<p>The public comment period began on September 18, 2020 when the Draft EIR was published and ended on November 2, 2020. The duration of the comment period was 45 days, which is consistent with CEQA guidelines for an EIR. Section 15105 (a) of the CEQA guidelines which states:</p> <p>“The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.”</p> <p>The public review period of 45 days for this draft EIR is consistent with the guidelines set forth by CEQA. The lead agency finds this to be sufficient review time for this EIR and has not elected to extend the public review period.</p>
133	001	Charlene Wardlow, CalGEM	<p>Construction Site Well Review (CSWR) ID: 1012163</p> <p>Assessor Parcel Number(s): 903000600102, 903000600307, 903000700201, 902000100500</p> <p>Project Location Address: North Livermore Avenue/Manning Road, Livermore, California, 94551</p> <p>Project Title: CEQA Review of Aramis Solar Project- SCH # 2020059008</p> <p>Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.</p> <p>The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project</p>	<p>Section 4.9.1.1 Regulatory Framework of the EIR has been updated to include a discussion of The California Department of Conservation well reabandonment requirements under Section 3208.1 of the Public Resources Code as described by the commenter. Section 4.9.1.2 Existing Conditions has been updated to include the existing well described by the commenter. The discussion of potential hazards under Impact HAZ-2 has been updated to include a discussion of the existing abandoned well. As suggested by the commenter, the project applicant will obtain any rights necessary and ensure that the well is abandoned in accordance with current Division standards. Section 4.9.5, References, was also updated to include this comment letter as one of the references cited.</p> <p>The map included as an attachment to this comment letter showing the location of the well on the property has been added to the EIR as Figure 4.9-1.</p>

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			<p>dated 10/14/2020. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.</p> <p>The project is located in Alameda County, within the boundaries of the following fields:</p> <p>Any Field</p> <p>Our records indicate there are 1 known oil or gas wells located within the project boundary as identified in the application.</p> <p>“ Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 1</p> <p>“ Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0</p> <p>“ Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0</p> <p>“ Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0</p> <p>The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability</p>	

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			<p>for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.</p> <p>There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandonments will not leak.</p> <p>The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.</p> <p>Failure to plug and reabandon the well may result in enforcement action, including an order to perform reabandonment well work, pursuant to PRC § 3208.1, and 3224.</p> <p>PRC § 3208.1 give the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this</p>	

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			<p>letter. The PRC continues to define the person or entity responsible for reabandonment as:</p> <ol style="list-style-type: none"> 1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment. 2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment. 3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment. 	

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			<p>No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.</p> <p>The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:</p> <ol style="list-style-type: none"> 1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. 2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development. <p>As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic</p>	

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			<p>purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.</p> <p>If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Northern district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.</p>	
133	002	Charlene Wardlow, CalGEM	[Attachment 1: Map showing location of the 1 well not abandoned to current division requirements located near the project area]	The attached map shows the location of the well described by the commenter. This figure has been added to the EIR as Figure 4.9-1.
134	001	Patrick Fossland	<p>I support moving the Aramis Renewable Energy Project forward on schedule. This project has undergone years of significant environmental scrutiny, is well sited on poor agricultural lands next to an existing PG&E substation, and offers sound solutions to improve and enhance local habitat, landscaping and viewsheds.</p> <p>As our planet continues to warm and we experience ongoing rolling blackouts and poor air quality, we should embrace a proposal to bring clean power and green, living wage jobs to Livermore today.</p> <p>Delaying an exemplary project like Aramis is not an option. We don't know if we'll have opportunities like this one again. Please demonstrate your leadership towards fighting climate change and do not unfairly hold this project up while a solar policy is debated over months, if not years.</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife and habitats, please see Section 4.4 Biological Resources. For more information about landscaping and viewsheds, please see Section 4.1 Aesthetics. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.
135	001	Harlan L. Kelly, Jr., SFPUC	The San Francisco Public Utilities Commission (SFPUC) is a department of the City and County of San Francisco and provides three essential utility services: Water, Power, and Sewer. We are the third largest public utility in California, with infrastructure in seven counties and a combined annual	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. For more information about wildfires, please see Section 4.18 Wildfire.

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			<p>operating budget of over \$1 billion. The SFPUC’s Power Enterprise is San Francisco’s clean power provider and operates CleanPowerSF, San Francisco’s Community Choice Aggregation (CCA) program, which exceeds state goals for renewable energy and GHG free electricity resource commitments. CleanPowerSF serves 380,000 customers in San Francisco and offers our customers the ability to opt up to 100% renewable energy. We are committed to sourcing power from renewable energy sources within California and the Bay Area.</p> <p>I am writing today to express support for the Aramis Renewable Energy Project (Aramis Project), which includes solar and energy storage technologies, vital for achieving our state’s goals for clean and reliable power. In 2019, CleanPowerSF released a Request for Offers (RFO) for local renewable resources from the Bay Area. The Aramis Project was bid into this RFO, and CleanPowerSF is interested in procuring a significant portion of the 100 megawatts of solar and energy storage to be produced from the Project.</p> <p>This year’s climate crisis-driven wildfires and recent grid reliability issues across the state have demonstrated that we must continue to prioritize the transition to renewable energy supported by energy storage technology, which will help integrate the variable energy produced by solar resources into the grid. Integrating energy storage into the Aramis Project will allow the solar energy produced by the facility during the day to be stored and then discharged during the evening, when solar plants stop producing power and the grid needs it the most. The Aramis Project is well-aligned with San Francisco’s broader climate and electricity reliability goals and will supply at least 40,000 households in San Francisco with clean, reliable, and affordable energy.</p> <p>The SFPUC works hard to be a good neighbor and environmental steward in the communities where our projects are located and has a robust Community Benefits program and policy. We are pleased to see that the Aramis</p>	

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			<p>Project includes a comprehensive community benefits proposal, including:</p> <ul style="list-style-type: none"> •A partnership with Tipping Point, to fund and install solar systems on the roofs of local non-profit organizations, helping reduce energy costs for organizations serving the Bay Area’s most vulnerable populations; •Committing to provide 100% living-wage union jobs during project construction, creating 400 job opportunities for local Bay Area residents; •Additional contributions to local charities serving families and those in need in the Tri-Valley region and throughout the Bay Area; •Enhanced aesthetics for the project site, ensuring it blends in with the natural and agricultural environment; •Dedication of land for an educational solar hiking trail as part of the facility, along with enhanced on-site habitat for raptors and a commitment to continuing agricultural practices on-site, including sheep-grazing, planting of pollinator-friendly plant species, and a community bee-keeping project. <p>Given these commitments and the significant value this project will provide in supporting the Bay Area’s transition to greenhouse gas free renewable energy, we are proud to lend our full support to the Aramis Project and look forward to our potential partnership with Alameda County and Intersect Power.</p>	
135	002	Harlan L. Kelly, Jr., SFPUC	Additionally, we would like to note our support specifically for the Resource Management Avoidance Alternative the County identified in the project’s Draft Environmental Impact Report (EIR), which is both feasible for the project developers while fully complying with the County’s General Plan.	The commenter has expressed their support for the Resource Management Avoidance Alternative described in the EIR. The project applicant is actively considering implementation of the Resource Management Avoidance Alternative.
136	001	Amine Berrada	I write in support of the Aramis Renewable Energy Project in Livermore. I am a resident in Oakland, CA and Co-Founder of Terabase, a start up in the solar energy industry. As someone who has dedicated his career to renewable energy and natural resources, I am proud that California has some of the most ambitious renewable energy and climate goals in the country.	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.

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			<p>The California Energy Commission (CEC), California Public Utilities Commission (CPUC), and California Independent Systems Operator (CAISO) have all extensively studied how California can best meet its 100% renewable energy goals. While rooftop and commercial-scale solar is certainly a piece of the puzzle, our state cannot achieve its clean energy targets without utility-scale solar, wind, and battery storage.</p> <p>Beyond the need for large-scale renewables to meet California’s power demand, the constraints of the transmission system mean we cannot build all the necessary utility-scale facilities in rural parts of the state. As recent power outages have shown, local sources of renewables are crucial to maintain reliability across the CA grid. Alameda County chose to form and be a part of East Bay Community Energy (EBCE) in large part because we want local renewable energy. From my perspective, the Aramis solar project helps us to fulfill both California’s state-wide renewable energy goals, while also meeting these needs and desires for local power. The fact that the project will include a battery makes it an even better resource for the grid, as it will help to alleviate California’s infamous duck curve whereby natural gas peaker plants must ramp up in the evening to meet load when the sun goes down and the state’s solar fleet goes offline.</p> <p>In the reading and research I’ve done about the project, I am also excited by the local opportunities it will provide. The company developing Aramis plans to build a public hiking trail near the project, opening up formerly private lands to the public. I think this hiking trail provides a fantastic education opportunity for the community - I myself am excited to hike this trail, instead of traveling far away to the Central Valley or Mojave Desert to get a close look at similar, utility-scale solar facilities.</p> <p>I support the Aramis Renewable Energy Project, and hope the Board of Zoning Adjustments and Board of Supervisors vote in favor of the project. It will provide valuable benefits to the Alameda County community, of which I am a part, and will help California as a whole achieve its climate goals.</p>	

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137	001	Nick Chaset, East Bay Community Energy	<p>I write to you on behalf of East Bay Community Energy. Our agency was formed in order to provide cost competitive renewable energy to customers throughout Alameda County, with a particular emphasis around building projects locally in order to create good local jobs and offset local pollutants from traditional fossil fuel generation. EBCE was formed in 2017 and began serving Alameda County in June 2018 and since that time has signed approximately 650MWs of new renewable generation and storage projects. This includes over 100MWs of projects located within Alameda County.</p> <p>EBCE has been in discussions with Intersect Solar since 2018 on the Aramis Solar project located in North Livermore and is currently completing negotiations to procure 20MWs of local Resource Adequacy from the project. The contract has been discussed with the agency's board of directors, most recently at the October 21, 2020 board meeting and will be seeking formal approval at the November board meeting. The Aramis project is unique because it is one of the largest renewable energy projects in Alameda County and Northern California and due to the significant battery storage that the project includes. The California Public Utilities Commission (CPUC) and the California Independent System Operator (CAISO) are forecasting capacity constraints over the coming years and decade. The Aramis project can provide local Resource Adequacy to support these capacity needs and solar generation to support California's path to 100% clean energy.</p> <p>I understand that the zoning board is currently reviewing the Aramis Solar Project in consideration for a Conditional Use Permit that would allow the project to move forward. I deeply appreciate the Zoning Commission's diligent review of the project to evaluate the environmental impacts of this project along with the economic and clean energy benefits. We hope that you will take into account EBCE's proposed involvement with the project.</p> <p>If you have any questions, please do not hesitate to reach out.</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. No further response is required.

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138	001	Gregg Erickson, CDFW	<p>The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) for Aramis Solar Energy Generation and Storage Project (Project). The Project is an application for a Conditional Use Permit (CUP) to allow construction of a solar energy production (up to 100 megawatts, or MW) facility with associated battery storage using photovoltaic panels over a mostly contiguous 533-acre site (of which 350 acres would be developed as part of the Project). The purpose of the draft EIR will be to evaluate the specific environmental effects of the Project as proposed by IP Aramis, LLC, a subsidiary of Intersect Power, LLC (Aramis).</p> <p>CDFW previously submitted comments, in a letter dated May 27, 2020, on the Notice of Preparation (NOP) to inform Alameda County (County), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these additional comments and recommendations on the draft EIR regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and Game Code, § 1802), and/or which are required to be approved by CDFW (California Environmental Quality Act (CEQA) Guidelines, §§ 15086, 15096 and 15204).</p>	The commenter has provided a summary of the proposed project as an introduction to their comments along with a note that they have previously provided comments in response to the County's NOP. These comments do not raise any environmental issue related to the specific contents of the EIR.
138	002	Gregg Erickson, CDFW	<p>CDFW ROLE</p> <p>CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.</p>	Comment noted. This comment does not raise any environmental issue related to the specific contents of the EIR.

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138	003	Gregg Erickson, CDFW	<p>REGULATORY REQUIREMENTS</p> <p>California Endangered Species Act</p> <p>Please be advised that a CESA Permit must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.</p> <p>CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code section 2080.</p> <p>Lake and Streambed Alteration CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue a LSA Agreement. CDFW may not execute the final LSA Agreement (or Incidental Take Permit) until it has complied with CEQA as a Responsible Agency.</p>	<p>Comment noted. This comment does not raise any environmental issue related to the specific contents of the EIR.</p>

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138	004	Gregg Erickson, CDFW	<p>PROJECT DESCRIPTION SUMMARY</p> <p>Proponent: IP Aramis, LLC, a subsidiary of Intersect Power, LLC.</p> <p>Description and Location: The Project includes construction and operation of a mixed-use renewable energy project using photovoltaic (PV) panels capable of generating, storing, and dispatching clean energy on up to 410 acres located in unincorporated Alameda County in the North Livermore area, approximately 2.25 miles north of the Livermore city limits and Interstate 580. The site is composed of large portions of four privately-owned parcels.</p> <p>According to the draft EIR, Aramis has designed the facility such that all structures are proposed to be placed outside of the 100-year floodplain of Cayetano Creek as determined through hydrologic modeling, outside areas designated Water Management in the East County Area Plan, and no closer than 50 feet from the banks of Cayetano Creek or its tributaries as determined by a qualified biologist.</p> <p>The draft EIR also states that Aramis proposes, as a part of the large parcel subdivision, to offer dedication of an easement to Alameda County (or the Livermore Parks and Recreation District, which manages open space and trail development in conjunction with the East Bay Regional Parks District) for use as a public hiking trail along Cayetano Creek outside of the Project's development footprint.</p> <p>The draft EIR states the individual PV modules would be arranged in rows onto a single-axis tracker racking system, which would in turn be affixed to steel piles. Each row (or array) would track the sun during the day, from east to west, to optimize power generation of the facility. The arrays would be connected by low-voltage underground or above-ground electrical wiring to a central inverter station or to string inverters located throughout the facility.</p>	<p>The commenter has provided a summary of the proposed project as an introduction to their comments. This comment does not raise any environmental issue related to the specific contents of the EIR.</p>

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138	005	Gregg Erickson, CDFW	<p>COMMENTS AND RECOMMENDATIONS</p> <p>CDFW offers the below comments and recommendations to assist the County in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.</p> <p>Project Description</p> <p>The draft EIR, section 3.4, describes Project components which include access roads, parking lots, staging areas, detention basins, fencing, water storage tanks, and building structure foundations that would exist for the life of the Project (approximately 50 years). Section 3.5 briefly describes Project construction including site preparation, installation of interconnection facilities and battery storage system, cable installation, pile and skid installation, tracker and module installation, and lastly, site cleanup. Project construction also includes excavation activities, trenching, and boring.</p> <p>CDFW considers impacts resulting from the Project facility components as permanent because they are direct impacts that permanently affect the land cover for more than one year. Temporary impacts, such as initial site grading, are associated with activities that allow for restoration of the site to pre-Project conditions or better within the same year. The EIR should therefore describe both permanent and temporary impacts to habitat used by special-status species such as the federally threatened and State Species of Special Concern California red legged frog (<i>Rana draytonii</i>), the federally and State threatened California tiger salamander (<i>Ambystoma californiense</i>); grassland birds such as State Species of Special Concern western burrowing owl (<i>Athene cunicularia</i>), State Species of Special Concern northern harrier (<i>Circus cyaneus</i>), western meadowlark (<i>Sturnella neglecta</i>), and horned lark (<i>Eremophila alpestris praticola</i>); and mammals such as the federally endangered and State threatened San Joaquin kit fox (<i>Vulpes macrotis mutica</i>), and the State Species of Special Concern American badger (<i>Taxidea taxus</i>).</p>	<p>A discussion of temporary and permanent impacts to existing habitat types on-site, including habitat used by special-status species, has been added. Impacts to special-status species resulting from conversion of grassland habitat to a solar facility is discussed in detail under the evaluation of each special-status species, including an evaluation of impacts to foraging habitat for raptors, in Section 4.4, Biological Resources.</p> <p>Although the County encourages the project applicant to coordinate with CDFW, because a CESA Permit is applied for at the discretion of the project applicant/proponent, who can choose to obtain take coverage if take authorization is determined necessary by the applicant/proponent, a requirement for the project applicant to obtain a state and federal incidental take permit is not warranted. Based on years of biological surveys, including protocol surveys, the site is not known to be used by CRLF or CTS though the site could potentially be used for dispersal and upland refugia. In addition, with implementation of the mitigation measures identified in Section 4.4, Biological Resources, the proposed project is not anticipated to result in take of a protected species. Therefore, take coverage is not currently sought for implementation of the proposed project, and compensatory mitigation is not required. Moreover, the project has the potential to enhance the habitat value of the site by eliminating annual disking of the site associated with the long-time agricultural use, planting and maintaining vegetation with higher habitat value (including maintaining the height of vegetation for ideal raptor foraging), and eliminating the use of pesticides/rodenticides. These habitat management strategies to be employed by the project have the potential to improve habitat quality for CRLF, CTS and any special-status raptors foraging in the area by enhancing habitat and reducing fragmentation. The project therefore has the potential to create an overall net benefit for CESA-listed species in the surrounding region.</p> <p>Several comments received referred to the potential “take” of species following Project implementation. “Take” under the federal Endangered Species Act refers to the potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct, and “take” under the state Endangered Species Act refers to the potential to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Take authorization is provided by the U.S. Fish & Wildlife Service (USFWS) and by the California Department of Fish</p>

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			<p>Section 3.9, Required Permits and Approvals, should include a requirement for the Project proponent to obtain state and federal incidental take permits prior to the start of construction.</p> <p>As discussed in the CDFW comment letter for the NOP, the Project site is located within the Conservation Zone 4 of the Eastern Alameda Conservation Strategy (EACCS). The EACCS mitigation guidance sections (Chapter 3) for grassland, California tiger salamander, western burrowing owl, California red-legged frog, San Joaquin kit fox, and American badger all include mitigation in the form of habitat conservation for the loss of species habitat when it cannot be avoided. To be consistent with the EACCS and to offset permanent habitat loss or conversion, the EIR should include permanent habitat conservation as an enforceable mitigation measure. The draft EIR acknowledges that the site provides upland habitat for both California red-legged frog and California tiger salamander but does not analyze the permanent and temporary impacts associated with the Project and concludes, incorrectly, on p. 4.4-50 and throughout the document, that because grassland would be “preserved” on site under the panels that no compensatory mitigation is necessary. Since the draft EIR does not provide sufficient details on the distance between PV panels, it is very difficult for CDFW to determine whether the gaps between panels could provide any wildlife habitat value.</p> <p>The draft EIR also states no compensatory mitigation is required for loss of foraging habitat for birds due to the abundance of more suitable and higher quality foraging habitat in the region and continued availability of foraging habitat at the site between the solar panels. As stated above, the draft EIR does not provide any details on the distance between PV panels and does not provide sufficient information to assess the quantity or quality of foraging habitat for birds and other wildlife that would remain as a result of implementation of the Project.</p> <p>CDFW, therefore, recommends that the EIR include an accurate and thorough description of the solar facility’s</p>	<p>and Wildlife. In the context of biological resources, the purpose of the California Environmental Quality Act (CEQA) is not to analyze take of an endangered species; instead, the analysis under CEQA addresses whether a project will have a significant adverse impact to a species on a population basis and that all mitigation for those impacts are analyzed. The impact analysis by the County and the evaluation of effects on biological resources reflects this approach.</p> <p>The project will temporarily impact low quality grassland habitat next to heavily travelled roads and other development; this low-quality grassland is not considered suitable habitat for CRLF or CTS. As described in Section 4.4, Biological Resources, of the EIR, the low-quality grassland could be used by dispersing individuals, which would be temporarily disrupted during construction while the area is fenced. The site will be revegetated following construction of the solar arrays, which will return the site to being potential dispersal habitat for these species. No compensatory mitigation for potential impacts to CRLF or CTS upland habitat is considered necessary because grassland habitat would be re-established on site under the panels following project construction, and the project, once operational, would not eliminate the potential for CRLF or CTS to use the site for dispersal and upland refugia. Foraging habitat for bird species will be impacted as a result of converting grassland to a solar generation facility, however, foraging habitat for birds will be available among the panels and in open undeveloped areas on the facility. HELIX biologists have observed bird species perching on solar panels searching for small mammal prey. The Draft EIR concludes that impacts to foraging habitat for bird species will be less than significant due to the abundance of more suitable and higher quality foraging habitat in the region and the continued presence of foraging habitat within the project site. No mitigation is proposed for loss of potential foraging habitat.</p> <p>The individual PV modules would be arranged in rows above ground onto a single-axis tracker racking system, which would in turn be affixed to steel piles. Each row (or array) would track the sun during the day, from east to west, to optimize power generation of the facility. The edge to edge distance between the panels at horizontal (noon) position is 6.4 feet, and at their most vertical position (early morning, late afternoon, all night long) the distance between the panels is 9.2 feet. The area under the panels would be accessible at all times as the PV panels would be mounted on steel piles and is expected to provide suitable foraging</p>

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			<p>infrastructure, including the distance between PV panels and other pertinent information in order to accurately assess the potential impacts of the Project on special-status species and their habitats. Please be advised that even if fairly large gaps existed between panels, any wildlife habitat remaining post-Project construction would be severely compromised and likely of marginal value to special-status species and other species expected or known to occupy or forage within the Project area (DeVault, et.al. 2014). Therefore, the EIR should fully and accurately evaluate the Project’s permanent or temporary impacts to foraging habitat for birds and other wildlife and include sufficient compensatory mitigation to offset all impacts that cannot be completely avoided.</p>	<p>habitat for birds and upland grassland habitat for CRLF and CTS because the areas under the PV panels would be expansive and support annual grassland.</p> <p>Foraging habitat for birds and other wildlife will be impacted as a result of converting grassland to a solar generation facility, however, foraging habitat will be available among the panels and in open undeveloped areas on the facility after project construction and site revegetation. The Draft EIR concludes that impacts to foraging habitat for birds and other wildlife will be less than significant due to the abundance of more suitable and higher quality foraging habitat in the region and the continued presence of foraging habitat within the project site. No mitigation is proposed for loss of potential foraging habitat.</p>
138	006	Gregg Erickson, CDFW	<p>Section 4.4 Biological Resources</p> <p>The draft EIR, p. 4.4-1, acknowledges that the Project involves substantial changes to the site conditions that would adversely affect its habitat characteristics and, therefore, a broad range of environmental and species and habitat protection laws, policies, programs and regulations apply to the Project, yet the draft EIR provides very little, if any, compensatory mitigation. CDFW provides more specific comments below:</p> <p>Native Pollinators</p> <p>As noted in our CDFW NOP comment letter, the California Fish and Game Commission accepted a petition to list the western bumble bee (<i>Bombus occidentalis occidentalis</i>) as endangered under CESA, determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. Due to the scale of the proposed Project and the environmental setting, CDFW believes that the Project has potential to substantially reduce and adversely modify habitat for the western bumble bee, reduce and potentially seriously impair the viability of populations of the western bumble bee, and reduce the number and range of the species. Implementation of the Project will also likely result in impacts to the bumblebee and other special-status species found on</p>	<p>Biological surveys conducted on-site included surveying for the potential for insects, including bee species, to occur within the project site. The yellow-faced bumblebee (<i>Bombus vosnesenskii</i>) was observed on-site as noted in Appendix D of the Biological Resources Technical Report (Appendix E of the Draft EIR). The Biological Resources Technical Report also evaluated the potential for the Western bumble bee to occur on-site (Appendix C of Appendix E of the Draft EIR), and concluded that although habitat is present for western bumble bee and some select food plants are present on site, this species is currently rare across its range and in California it is currently limited to high elevation meadows in the Sierra Nevada and small coastal populations (CDFW 2019). The nearest CNDDDB occurrence for this species is located approximately 6.4 miles southwest of the project site near Pleasanton (CDFW 2020). However, this record is from 1932 and there are no other nearby current records that document this species near the project site. Western bumble bee was not observed in the project site during surveys, many of which were completed during the species’ flying season between February 1 and November 30. However, the Western bumble bee will be considered and searched for during the preconstruction surveys that are already required in the mitigation measures identified in Section 4.4, Biological Resources and Appendix E, Biological Resources Technical Report.</p> <p>The permanent perimeter fencing proposed would be 7 feet high with wood posts and 4-square-inch wire mesh. Appendix C has been revised to accurately reflect the proposed fencing. Existing fencing along North Livermore Avenue, both sides of Manning Road, and interior to the project site is approximately 4 feet high with wood or steel posts and</p>

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			<p>adjacent and nearby natural lands that rely upon the habitat that occurs on the proposed Project site.</p> <p>CDFW recommends that, due to suitable habitat present within the Project area, within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of the western bumble bee. Surveys should be conducted during the flying season when the species is most likely to be detected above ground which is between February 1 to November 30 (Thorp et al. 1983). Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities. If “take” or adverse impacts to western bumble bee cannot be completely avoided either during Project activities or over the life of the Project, the Project proponent must consult with CDFW to determine if a CESA Incidental Take Permit is required (pursuant to Fish and Game Code, § 2080 et seq.).</p> <p>Permanent Fencing</p> <p>Please be advised that the proposed permanent fencing described as 7 feet high with wood posts and 4-square-inch wire mesh (note: the plans in Appendix C show 6-foot high wire mesh with one-foot high barbed-wire above the wire mesh) will exclude mammals such as the federally endangered and State threatened San Joaquin kit fox, and the State Species of Special Concern American badger unless the fencing plan includes raised areas or gaps as described on page 4.4-65. In addition, fences can have negative long-term impacts on a variety of other wildlife. For example, a fence can obstruct the natural migration and daily movements of wildlife such as deer and the consequences of disrupting these movements should be considered in fencing design (VerCauteren et al. 2006). In addition, deer occasionally become entangled in fences or collide with them when attempting to pass over, through, or under (Goddard et al. 2001). Some fences, especially wire mesh, can be a complete barrier to fawns, even if adults can still jump over. This can lead to fawns becoming separated from their mothers and the</p>	<p>barbed wire. Existing fencing around the adjacent PG&E Cayetano substation is an approximately 7-foot high masonry wall. The proposed project would result in taller perimeter fencing where existing fencing occurs, which would be enhanced to allow for wildlife movement, and include new installation of fencing along the western boundary of the central section and around both the southwestern and southeastern sections of the project site. As discussed in Section 4.4, Biological Resources, wildlife friendly fencing has been incorporated into the proposed project to allow for dispersal of small to medium sized species. Fencing plans may use one of several potential designs that would allow small to medium sized species to pass through the fence while still providing for project security and exclusion of other unwanted species (i.e., domestic dogs and coyotes). Raised fences or fences with entry/exit points of at least 6 inches in diameter spaced along the bottom of the fence to allow for small to medium sized species through the project site would be appropriate designs. Additionally, the proposed 7-foot high fence would not block wildlife access to Cayetano Creek or its tributaries located near the central section of the project site. Recommended heights for deer fence ranges between 6 to 10 feet high. The proposed project includes the installation of a 7-foot high fence, which is considered adequate, and fawn separation from mothers is not anticipated because the fence would prevent mothers from jumping over the fence and fawns would be too large to pass through the wildlife friendly fence intended for small to medium sized species, including San Joaquin kit fox and American badger.</p> <p>MM BIO-7f requires that the project applicant implement measures to reduce the risk of bird collisions with PV panels, including the installation of avian deterrent materials. The measure requires that the deterrents be made of a material that is both reflective and highly visible, such that the material reflects ambient light and is stimulated by air movement. The effect of installation will create the visual impression of continuous and varied movement, which has been shown to be an avian deterrent in agricultural applications. Examples of the types of material that could be used include plastic compact discs and reflective tape. The mitigation measure has been revised to incorporate the installation of avian deterrent measures on the proposed fencing, in addition to the PV panels, in response to the request from CDFW.</p>

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			<p>herd resulting in the fawns killed by predators, vehicle collisions, or starvation (Hanophy 2009).</p> <p>Birds can also collide with fences, breaking wings and tangling in wires. Large, low-flying birds such as ducks, geese, hawks, and owls are especially vulnerable to collisions with fencing. For example, the American kestrel (<i>Falco sparverius</i>) and low-flying hawks and owls may collide with fences when swooping in on prey (Bryant et al. 1993). Fencing can be made more visible to birds by attaching reflective or colorful weather-resistant flagging materials (e.g., aluminum or plastic strips) to the wire.</p> <p>The EIR should analyze the potential impacts to birds and mammals caused by the proposed fencing and describe alternative wildlife-friendly designs that will be implemented. The EIR should also include effective minimization and mitigation measures to offset any impacts of fencing to wildlife species that cannot feasibly be completely avoided.</p> <p>Bio-retention basins</p> <p>The draft EIR on p. 3-5 states the proposed Project includes the construction of two stormwater detention basins to prevent the discharge of off-site stormwater runoff and to protect downstream properties. A narrow, linear stormwater detention basin totaling approximately 0.4-acre in size is proposed in the southeastern corner of the central section of the Project site along Hartman Road and terminating at North Livermore Avenue. An additional approximately 0.5-acre stormwater detention basin is proposed along the southern boundary of the southwestern section of the Project site.</p> <p>Please be advised that artificial water bodies such as lakes, reservoirs, ornamental ponds, and bioretention basins can create an attractive nuisance for both California tiger salamanders and California red-legged frogs. California tiger salamanders and California red-legged frogs have been documented to breed, or attempt to breed, in these aquatic features. This can result in amphibians becoming trapped or</p>	<p>As noted by the commenter, the proposed project would include the construction of two stormwater detention basins to prevent the discharge of off-site stormwater runoff and to protect downstream properties. A narrow, linear stormwater detention basin totaling approximately 0.4-acre in size is proposed in the southeastern corner of the central section of the project site along Hartman Road and terminating at North Livermore Avenue. An additional, approximately 0.5-acre stormwater detention basin is proposed along the southern boundary of the southwestern section of the project site (see Figure 3-1).</p> <p>Because the site is generally flat with slopes up to 3 percent, stormwater runoff sheet flows through the site to the southeast where it ultimately discharges. The proposed detention basins would have surface areas of 0.4-acre and 0.5-acre as noted above and a depth of five feet. The basins would also have three feet of dead storage below the bottom of the detention basins. Because infiltration of the stormwater runoff would be delayed due to the clay soils on-site, collected stormwater would be discharged from the basins through an outlet to discharge water across the rest of the site (away from Cayetano Creek and its tributaries) to avoid water ponding in the detention basins and allow for infiltration within 48 hours. The detention basins would be routinely maintained to remove any vegetative growth. Outlet drainage of collected stormwater to prevent water ponding and routine maintenance of vegetative growth in the detention basins would keep the detention basins devoid of cover for CRLF and CTS and inundation would only persist for short periods of time after precipitation events, which would further deter these species from attempting to use the basins for breeding habitat.</p>

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			<p>cause desiccation of eggs, larvae or adults and can be considered a form of “take.” The EIR should analyze the potential impacts to amphibians caused by the proposed bio-retention basins and describe and implement bio-retention designs that avoid amphibian entrapment. The EIR should also include effective minimization and mitigation measures to offset any impacts of any newly constructed hydrological features to amphibian species that cannot feasibly be completely avoided.</p>	
138	006	Gregg Erickson, CDFW	<p>Plants</p> <p>Botanical surveys described on p. 4.4-13 were conducted in compliance with the Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities, dated May 8, 2000. These guidelines have been superseded twice since 2000. The current protocol, Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (March 2018), replaces both the May 8, 2000 guidelines and the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (November 24, 2009). While use of the protocols is not mandated under code or regulation, the purpose of the protocols is to facilitate a consistent and systematic approach to botanical field surveys and assessments of special-status plants and sensitive natural communities so that reliable information is produced and the potential for locating special-status plants and sensitive natural communities is maximized; therefore, CDFW highly recommends using the most recent version.</p>	<p>The commenter noted that the current protocol guidelines for conducting botanical surveys is Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (March 2018). This comment does not raise an environmental issue that requires a change to the EIR because utilization of the more recent survey protocols would not result in changes to the EIR’s conclusions.</p>
138	007	Gregg Erickson, CDFW	<p>Mitigation Measures</p> <p>BIO-2 California tiger salamander</p> <p>The draft EIR BIO-2a requires pre-construction surveys for California tiger salamander and California red-legged frog “if construction commences during the wet season and active dispersal period for these species (between approximately October 16 and May 14, depending on the precipitation year).” The pre-construction surveys would “cover all aquatic</p>	<p>The County is knowledgeable of CTS biology, life history, and dispersal capabilities. Based on the results of numerous biological surveys on site including thorough habitat assessments by CTS permitted biologists, there is minimal upland habitat for CTS and CTS use of the site is expected to primarily be limited to the proximity of Cayetano Creek. Mammal burrows are scarce on the central portion of the site and burrows are limited to cracks in the clay soil or in California ground squirrel burrows primarily located in the area north of Manning Road or adjacent to the site along Cayetano Creek. Pre-construction MM BIO-2a, in conjunction with the other measures for CTS including biological</p>

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			<p>habitat on and immediately adjacent to the Project site” that is suitable for dispersal.</p> <p>CDFW considers BIO-2a to be highly inadequate to detect California tiger salamander for several reasons. First, California tiger salamanders spend much of their lives in underground retreats, often in burrowing mammal (ground squirrel, pocket gopher, and other burrowing mammal) burrows (U.S. Fish and Wildlife Service (USFWS) 2004). California tiger salamanders are only known to be active on the surface of the terrestrial habitat 1) during juvenile dispersal into the uplands and adult breeding during fall and winter rain events and 2) when metamorphs emerge from the pond in the spring and summer (Searcy and Shaffer 2011). Salamanders migrate and disperse over land (there is no evidence that they rely on aquatic habitat for dispersal) to and from breeding habitat. This is not a mass “one night” migration event but occurs over several months during both movement periods described above. Based on their life history, it is highly unlikely any salamanders would be found during this type of pre-construction surveys unless the surveys included actions such as, burrow excavation, pitfall traps and drift fencing over multiple seasons, as authorized under CESA. Further, immature salamanders may not migrate to a breeding pond and instead remain in the upland until they are sexually mature, which could be between 3-5 years, so they would be undetected in a pre-construction survey. Searcy and Shaffer 2011 used 15,212 capture events to estimate that 95% of California tiger salamanders are within 1867 meters (6125 feet) of their breeding pond. The Project site is within 1867 meters from at least six known or potential breeding ponds, so it is highly likely that California tiger salamanders are dispersed throughout the entire Project site. The EIR should therefore assume presence of California tiger salamander over the entire Project site and should require that the Project proponent obtain both federal and state take permits and provide compensatory mitigation for impacts to this species.</p>	<p>monitoring, are considered adequate to detect presence of CTS on the site.</p> <p>No CTS were observed on or adjacent to the project site during any biological surveys, including two full seasons (16 surveys) of protocol surveys for CRLF, which were conducted by individuals with federal recovery permits for CTS (Stephen Stringer, Jennifer Gonterman, Patrick Martin). None of the streams in or adjacent to the project site, including Cayetano Creek and its tributaries adjacent to the central and southern parcels and the ephemeral drainage adjacent to the northern parcel, meet the habitat requirements for CTS breeding because they are too shallow (if they have water at all) and do not provide water of sufficient depth for a long enough duration to support larval development of CTS. Potential dispersal by CTS could occur on or adjacent to the site, primarily within and adjacent to Cayetano Creek and its tributaries. However, no CTS were observed during protocol surveys for CRLF, several of which were conducted during light rain events to target amphibians moving through uplands. With implementation of the mitigation measures prescribed in the Draft EIR, the proposed project is not anticipated to result in take of a protected species or require authorization under federal or state incidental take permit or require compensatory mitigation.</p> <p>The Draft EIR concludes that the project site does not provide suitable breeding habitat for CTS or CRLS and is not being used by CTS or CRLS for breeding based on the results of a variety of biological surveys including 16 protocol surveys for CRLF within aquatic habitats on and adjacent to the site over two wet seasons. Therefore, concerns regarding eggs and tadpoles remaining within breeding habitat on-site for several months are not warranted. The project site provides potential dispersal habitat for CTS and CRLF since the project site is within the current range of CTS and CRLF. Potential dispersal by CTS could occur on or adjacent to the site, primarily within and adjacent to Cayetano Creek and its tributaries, although no CTS or CRLF were observed during protocol surveys for CRLF, several of which were conducted during light rain events to target amphibians moving through uplands. For the foregoing reasons, BIO-2b is considered to be feasible. With implementation of the mitigation measures prescribed in the Draft EIR, the proposed project is not anticipated to result in take of a protected species or require</p>

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			<p>BIO-2b requires that CDFW and USFWS be notified within 48 hours if any life stages of California red-legged frog or California tiger salamander are found during surveys or construction monitoring. Biologists are required to monitor the amphibians to make sure they leave the site on their own. CDFW does not consider BIO-2b to be feasible. The Project site encompasses 410 acres over which a majority, if not all, is considered suitable habitat for these species. It is not likely a California tiger salamander or California red-legged frog would leave the site on its own unless they are migrating to a breeding site. Eggs and tadpoles would remain within breeding habitat for several months. BIO-2b, and other measures, note that handling of a listed species without a take permit pursuant to the federal ESA is not allowed, but fail to acknowledge that take, including moving out of harm's way, of a state-listed species, such as California tiger salamander, is also prohibited without a take permit pursuant to CESA.</p> <p>BIO 2c limits construction and decommissioning within 200 feet of the stream channels to between May 15 and October 15. CDFW does not consider allowing work within 200 feet of a stream channel during the "dry season" as an adequate minimization or avoidance measure for either California tiger salamander or California red-legged frog since both species are known to disperse beyond 200 feet of aquatic habitat. As stated above, the EIR should assume presence of California tiger salamander (and California red-legged frog) over the entire Project site and should require, as a condition of approval in the EIR, that the Project proponent obtain federal and state take permits and provide compensatory mitigation for impacts to special-status species.</p> <p>BIO-2d requires work within 200 feet of a stream channel to be limited to daylight hours to avoid impacts to California tiger salamander or California red-legged frog. California tiger salamander habitat is not limited to within 200 feet of a stream channel. California tiger salamanders have been documented breeding in slow-moving streams on rare occasions, but more commonly breed in vernal pools and stock ponds such as those found on adjacent sites. Since</p>	<p>authorization under a federal or state incidental take permit or require compensatory mitigation.</p> <p>Based on the results of numerous biological surveys including thorough habitat assessments by CTS and CRLF permitted biologists, there is minimal upland habitat for CTS and CRLF on the site and CTS and CRLF use of the site is expected to primarily be limited to the proximity of Cayetano Creek. Mammal burrows are scarce on the central parcel on the project site being limited to cracks in the clay soil or in California ground squirrel burrows primarily located in the northern parcel north of Manning Road or adjacent to the site along Cayetano Creek. For the foregoing reasons, this work window recommended in BIO-2c, in conjunction with the other measures for CTS and CRLF, are considered adequate to avoid take of CTS and CRLF. In addition, limiting activities within 200 feet of the creek, as required by BIO-2c and 2d is adequate to protect CTS and CRLF because the species is not known to occur on-site following two years of protocol level surveys for CRLF, and the site does not contain suitable breeding habitat for CRLF or CTS.</p> <p>As noted in the comment, MM BIO-2f does prescribe the installation of temporary exclusion fencing along the boundary of the project site by October 15th of the year prior to commencement of construction and decommissioning. The proposed temporary exclusion fencing is designed to allow any CRLF or CTS potentially using the project site for upland refugia to leave the project site to access breeding habitat, but not return. The fence will be made of a material that does not allow amphibians to pass through but provides one-way exit holes to avoid inadvertent trapping of any amphibians, and the bottom will be buried to a depth of two inches so that frogs cannot crawl under the fence. To avoid entanglement of amphibians and other wildlife, the use of plastic monofilament netting is prohibited. Exclusion fencing shall be removed within 72 hours of the completion of work. Installation of the temporary exclusion fencing is not anticipated to result in take of a protected species or require authorization under federal and state permits.</p> <p>MM BIO-2g requires a biologist meeting the qualifications of an authorized biologist as defined by USFWS or designee to survey the project site immediately prior to installation of temporary exclusion fencing to ensure that CRLF or CTS are not present within the site. Once the temporary exclusion fencing is installed, the work area within the</p>

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			<p>California tiger salamanders are known to be able to travel 1.3 miles from upland habitat to breeding ponds (and as described in our NOP comment letter), a more appropriate measure to minimize impacts would be limiting work within 1.3 miles of a potential breeding pond to daylight hours.</p> <p>BIO-2f requires temporary exclusion fencing to be installed prior to October 15 to prevent any California tiger salamander or California red-legged frog from entering the Project site. Please be advised that installing fencing around the Project site could be a form of “take” if California tiger salamanders are present on-site. Improperly designed or installed exclusion fencing can result in tiger salamanders or red-legged frogs becoming trapped along the either side of the fence-line causing desiccation or predation. Any action that could cause take of California tiger salamander (such as trapping within an exclusion fence) must be authorized under appropriate federal and state permits. Any similar action that could cause take of California red-legged frogs must be authorized under appropriate federal permits.</p> <p>BIO-2g requires a qualified biologist as defined by USFWS to survey the Project site prior to installation of temporary exclusion fencing and prior to construction. BIO-2g is inadequate as explained in BIO-2a and BIO-2b above.</p> <p>BIO-2h requires a biologist to be on-site daily; however, daily monitoring can be reduced to weekly inspections at the discretion of the biological monitor once site grading has been completed “and no habitat/refugia is present for CRLF or CTS on the site.” This measure implies the entire 410 acres of potential habitat will be removed during construction, which should be considered a significant impact and compensatory mitigation should be required. BIO-2h also requires scoping of burrows, which can be considered a form of “take” and should only be conducted under authorization from the proper permits. The last bullet under BIO-2h requires that, “[A] permitted biologist...be contracted to trap and move CRLF and CTS to nearby suitable habitat if they are found inside the project area and do not leave the project site of their own</p>	<p>exclusion fence shall be surveyed again immediately prior to the onset of construction activities. If listed species are found in the project site during preconstruction surveys, construction activities shall not start within a 100-foot radius until the species has left the area of its own volition. Handling of CRLF or CTS without a take permit pursuant to the FESA and CESA is not allowed, which also includes moving out of harm’s way. With implementation of the prescribed mitigation measures in the Draft EIR, the proposed project is not anticipated to result in take of a protected species or require authorization under a federal or state incidental take permit or require compensatory mitigation.</p> <p>The project site is located adjacent to Critical Habitat Unit CCS-2B, Mount Diablo, which is in Alameda County and Contra Costa County, north of Interstate 580. This Critical Habitat was considered occupied at the time of the April 16, 2010 ruling, and is in the San Francisco Bay watershed. The western portion of APN 903-0006-001-02, which is being split off as a separate parcel and is not part of the project site, is within designated Critical Habitat Unit CSS-2B. The project site was chosen in part because it is not located within the designated Critical Habitat and does not support breeding habitat surrounded by high quality upland habitat. Based on the results of the site assessment and two years of protocol surveys for CRLF, the project site lacks suitable breeding habitat for CRLF. It does, however, provide potential upland dispersal habitat for CRLF since the project site is within the current range of CRLF, plus federally designated Critical Habitat occurs adjacent to the project site to the north, east, and west. This species is documented in the CNDDDB as breeding within one mile of the project site, and there are other pools within one mile of the project site that provide potential breeding habitat for CRLF. Potential dispersal by CRLF could occur through the uplands on the site as well as through segments of Cayetano Creek and its tributaries adjacent to the site. However, no CRLF were observed in or adjacent to the site during two seasons of CRLF protocol surveys or any other biological surveys. The project site does not provide suitable breeding habitat and is not being used by CRLF for breeding. With implementation of the mitigation measures prescribed in the Draft EIR, the proposed project is not anticipated to result in take of a protected species or require authorization under a federal or state incidental take permit or require compensatory mitigation.</p>

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			<p>accord.” CDFW is very concerned with such statements in the draft EIR especially given overall guidance on CESA was provided in the NOP letter for this Project. CDFW is also available to provide in-depth guidance on the CESA process on a pre-consultation basis. Moving state and federally listed species out of harm’s way is considered a form of “take” and can only be authorized by an Incidental Take Permit. An Incidental Take Permit issued by CDFW allows an exception to the take prohibition in CESA if a permittee implements certain conditions of approval specified by CDFW that meet the standards for issuance. A “permitted biologist” can only use their state and federal permits for take as part of activities intended to foster the recovery of listed species (i.e., scientific research).</p> <p>BIO-2j and BIO-2o require use of erosion control such as hay bales. Hay bales should not be used because hay can introduce non-indigenous seeds. Straw, made up of grassy stems, is usually the second cutting after the seed heads have been harvested for hay. Straw bales should be used in conjunction with other erosion control material.</p> <p>BIO-2q requires steep walled holes or trenches more than one foot deep to be covered at the close of each working day to prevent entrapment of animals. It is unlikely that California tiger salamanders can climb a steep wall more than 8 inches deep. Salamanders trapped in holes or trenches are susceptible to predation, desiccation, exposure, exhaustion, and death. Escape ramps alone should not be relied upon to prevent take of listed species because they may not have the energy or ability to use the ramp. Incidental Take Permits, issued by CDFW and USFWS, typically require the on-site biologist to immediately relocate any listed species covered under the Incidental Take Permits out of harm’s way.</p>	<p>Site preparation during project construction includes vegetation clearing and grubbing. Due to the relatively flat project site, minimal grading is needed. Cut and fill would not be necessary. As discussed above, the project site lacks suitable breeding habitat for CRLF and CTS but provides potential upland dispersal habitat for the two species. However, no CTS and CRLF were observed in or adjacent to the site during two seasons of CRLF protocol surveys or during any other biological surveys. With implementation of the mitigation measures prescribed in the Draft EIR, the proposed project is not anticipated to result in take of a protected species or require authorization under a federal or state incidental take permit or require compensatory mitigation. Furthermore, with implementation of the mitigation measures, the project will result in less-than-significant impacts to biological resources under CEQA.</p> <p>The following language has been removed from MM BIO-2h:</p> <ul style="list-style-type: none"> ● A permitted biologist shall be contracted to trap and move CRLF and CTS to nearby suitable habitat if they are found inside the project area and do not leave the project site of their own accord. <p>BIO-2j and BIO-2o have been revised to replace “hay” with “straw” as recommended.</p> <p>Comment noted on MM BIO-2q. The measure has been modified to require measures for trenches more than 8 inches deep. The measure requires inspection of trenches at the beginning of each workday and includes measures to allow the animal to escape or to contact USFWS for guidance. Additionally, implementation of MMs BIO-2f and BIO-2h would prevent CTS from entering the work area, and they are not anticipated to be present during construction or decommissioning activities.</p>
138	008	Gregg Erickson, CDFW	<p>BIO-3 Burrowing Owl</p> <p>BIO-3a recommends maintaining the construction area in a manner that is inhospitable to burrowing owl such as keeping the site free of vegetation, ground squirrel control in a manner that would not harm San Joaquin kit fox, and</p>	<p>Burrowing owls may be attracted to sites with little or no vegetation in certain circumstances, but MM BIO-3a as written is very effective at discouraging burrowing owl from using a site due to the vegetation control in conjunction with the ground squirrel control and maintaining regular site disturbance. This is only one of several measures for burrowing owl.</p>

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			<p>maintaining regular site disturbance by construction equipment and personnel. Since ground squirrels and burrowing owls are attracted to sites with little or no vegetation, this is not an effective measure. Planting non viable barley or other high growing grassy plants would discourage ground squirrels from establishing burrows; therefore, this measure should be revised to be more effective.</p> <p>BIO-3b through 3e recommend pre-construction surveys, passive relocation, and compensatory mitigation of six acres per breeding pair. Since burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Depending on the proximity and availability of alternate habitat, loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG 2012).</p> <p>The Project may therefore adversely impact burrowing owl by resulting in nest abandonment, loss of young and reduced health and vigor of chicks (resulting in reduced survival rates), permanent and/or temporary loss of nesting and foraging habitat, and breeding and foraging disturbance through Project activities. To ensure impacts to burrowing owl are mitigated to less-than-significant levels, CDFW recommends inclusion of compensatory mitigation at a minimum of a 3:1 mitigation ratio (conservation to loss) for permanent impacts to habitat, and a 1:1 ratio for temporary impacts to burrowing owl habitats. Conservation lands should be placed under a conservation easement, an endowment should be funded for managing the lands for the benefit of the conserved species in perpetuity, and a long-term management plan should be prepared and implemented by a land manager. The Grantee of the conservation easement should be an entity that has gone through the due diligence process for approval by CDFW to hold or manage conservation lands.</p>	<p>The project site provides potential foraging habitat for burrowing owl primarily in the dryland grain crop in the northern and southern parcels; much of the central parcel is comprised of tall grass, which is typically avoided by burrowing owl. Mammal burrows are present adjacent to the project site along Cayetano Creek, along the fence line of the northern parcel north of Manning Road, and in the dryland grain crop north of Manning Road providing potential nesting habitat for burrowing owl. Annual grassland habitat in the central parcel south of Manning Road is nearly devoid of burrowing mammals and the grassland consists of tall grass which is typically avoided by burrowing owl. No burrows showing sign of occupancy by burrowing owl were detected anywhere inside the project site boundaries, although suitable burrows are present. Dispersing juvenile burrowing owls were observed using burrows approximately 200 feet east of the eastern boundary of the northern parcel. With implementation of the mitigation measures prescribed in the Draft EIR, the proposed project is not anticipated to result in the take of burrowing owl or require authorization under a state permit or result in significant impacts under CEQA. Compensatory mitigation would be required under MM BIO-3d if a burrowing owl pair is passively relocated.</p> <p>Burrowing owl nesting was not observed in the project site and there are no known occupied burrowing owl nesting locations in the project site (reported in the CNDDDB or other sources). Foraging habitat will be impacted as a result of converting grassland to a solar generation facility, however, foraging habitat for burrowing owl will be available among the panels and in open undeveloped areas on the facility. HELIX biologists have observed other species of owls, such as great horned owls, perching on solar panels and searching for small mammal prey. The Draft EIR concludes that impacts to foraging habitat for burrowing owl will be less than significant due to the abundance of more suitable and higher quality foraging habitat in the region and the continued presence of foraging habitat within the project site. No mitigation is proposed for loss of potential foraging habitat.</p>

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138	009	Gregg Erickson, CDFW	<p>BIO-5 San Joaquin kit fox</p> <p>BIO-5 measures require consultation with and notification for USFWS. San Joaquin kit fox are state listed as well, so CDFW must also be contacted.</p> <p>BIO-5c(b) and (c) require inspection of trenches, holes or pipes for trapped animals prior and notification to USFWS and CDFW if a San Joaquin kit fox is trapped or injured. Trapping or injuring a state and federal listed species could be considered a form of take and can only be authorized by Incidental Take Permits. An Incidental Take Permit issued by CDFW allows an exception to the take prohibition in CESA if a permittee implements certain conditions of approval specified by CDFW that meet the standards for issuance. BIO-5b(b) refers to measure (l) but should be measure (j). As stated elsewhere in this letter, CDFW strongly recommends that the Project proponent obtain take coverage for CESA-listed species.</p> <p>BIO-5c(g) restricts the use of rodenticides, herbicides, poison baits or other substances potentially harmful to San Joaquin kit fox but later recommends the use of zinc phosphide due to a “proven” lower risk to kit fox. Neither the measure nor the Biological Resources Technical Report (Appendix E) provide a reference for this assertion. Measure BIO-7b states rodenticides shall not be used on the Project site and only raptors and non-chemical control will be used. According to University of California, Pest Notes, Publication 74106, zinc phosphide is considered a rodenticide. CDFW recommends revising BIO 5c(g) to prohibit the use of rodenticides and using non-chemical control to encourage the use of raptors or non-chemical control if necessary.</p> <p>BIO-5c(j) provides phone numbers for CDFW and USFWS. The CDFW contact information should be for the CDFW Bay Delta Region staff from the Regional Office located in Fairfield, California.</p> <p>BIO-5d requires food-related trash to be disposed of in closed containers and removed from the site weekly. BIO-7c requires</p>	<p>CDFW has been added as a contact agency for MM BIO-5 measures. With implementation of MM BIO-5 in the Draft EIR and as revised, the proposed project is not anticipated to result in the take, trapping, or injury of San Joaquin kit fox or require authorization under federal and state permits.</p> <p>MM BIO-5b has been revised to refer to measure (j) instead of (l) as noted.</p> <p>MM BIO-5c(g) has been updated to remove the reference to zinc phosphide and to ensure consistency with BIO-7b. No rodenticides shall be used.</p> <p>Comment on MM BIO-5c(j) noted. CDFW contact information has been updated to the Bay Delta Region office.</p> <p>MMs BIO-5d and BIO-7c have been revised to add collection of plastic trash daily as recommended.</p> <p>MM BIO-5j requires USFWS and CDFW to be notified immediately in the case of a dead, injured, or entrapped kit fox. MM BIO-5k requires written notification within 3 days. MM BIO-5k has been revised to clarify that notification is required immediately and that written notification must be provided within 3 days if the immediate notification is not in writing.</p>

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			<p>trash, including “micro-trash” to be removed “regularly” during operations. CDFW recommends revising BIO-5d and BIO-7c to include daily collection of all plastic trash, including water bottles and plastic bags.</p> <p>BIO-5k requires USFWS and CDFW to be notified within three working days of a San Joaquin kit fox being killed or injured as a result of Project-related activities. USFWS and CDFW should be notified immediately if a San Joaquin kit fox is found dead or injured on the Project site or as a result of Project related activities. Specific notification requirements would also be included in Incidental Take Permits.</p>	
138	010	Gregg Erickson, CDFW	<p>BIO-7 Avian</p> <p>BIO-7f requires an Avian Monitoring Plan (AMP) to assess and monitor the potential for avian collisions with solar panels on the site. The AMP would include methods to install visual deterrents or cues to encourage bird avoidance of the Project site. The associated monitoring is only required for 12 consecutive weeks for three consecutive years. CDFW recommends reviewing AMPs or Bird and Bat Conservation Strategies from similar PV solar projects to develop an AMP with the best available information. For example, Walston 2016, et.al. recommend the following be considered when developing standardized inventory and monitoring protocols at utility-scale solar energy facilities:</p> <ul style="list-style-type: none"> • Distribution of habitat, species, and resources on the site and in adjacent areas • Importance of • Project area relative to local, landscape, and region • Resident and migrant use of site and surroundings • Seasonal patterns of use • Daytime versus nighttime effects • Effects of Project on resident and migratory species • Direct, indirect, and cumulative effects • Role of predators in carcass persistence and transport (on and off the facility) • Use of indicator species to represent different categories of species 	<p>Example provided and recommended protocols for inclusion in the Avian Monitoring Plan (AMP) are acknowledged and will be considered in the development of the AMP. The AMP will be made available to CDFW and USFWS to review and provide comment.</p>

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			<ul style="list-style-type: none"> • Focus on statistically robust data collection rather than incidental or ad hoc reporting <p>CDFW recommends the AMP be provided to USFWS and CDFW for review, comment, and approval.</p>	
138	011	Gregg Erickson, CDFW	<p>BIO-8 Streambed Alteration</p> <p>Appendix C, Sheet 7, of the draft EIR shows an underground electrical crossing at Crossing 2. Any underground crossing, including trenching or Horizontal Directional Drill will require notification under of an LSA Agreement under Fish and Game Code section 1600 et seq.</p> <p>BIO-8b requires compensatory mitigation for impacts to State and CDFW jurisdictional waters that cannot be avoided. One type of compensatory mitigation suggested is purchasing mitigation credits from an approved mitigation bank at a 1:1 ratio. Please be advised that there are currently no banks with credits available for stream impacts. Furthermore, permanent impacts to a stream require compensatory in-kind mitigation closer to 3:1 ratio in most cases.</p>	<p>The ephemeral tributary to Cayetano Creek is shallow (less than 1 foot in average depth) with an average width of approximately 6 feet. It generally lacks wetland vegetation and is vegetated with upland species or bare for nearly all of its length, including the section where the proposed crossing is located. This ephemeral tributary only carries water for a short duration during and immediately after significant rainfall events. The underground electrical crossing is designed to avoid impacts to CDFW jurisdictional areas and would be trenched and drilled outside of the riparian corridor of the tributary to Cayetano Creek and would not divert or obstruct; change the bed, channel or bank; use material from the tributary; or deposit or dispose of material into the tributary. The Horizontal Directional Drill will occur well below the bottom of the ephemeral tributary. Therefore, notification under an LSA Agreement under Fish and Game Code section 1600 et seq. would not be required for the underground electrical crossing.</p> <p>Comment acknowledged. MM BIO-8b states that compensatory mitigation for potential impacts to waters of the State and CDFW jurisdictional areas may be satisfied through the purchase of mitigation credits from an approved mitigation bank at a <u>minimum</u> 1:1 ratio or implement another method of mitigation satisfactory to the San Francisco Bay RWQCB and CDFW.</p>
138	012	Gregg Erickson, CDFW	<p>Incidental Take Permit</p> <p>As stated in this letter, due to the potential presence of CESA-listed species within and surrounding the Project area and the potential for Project-related take, including but not limited to, installation of exclusion fencing, grading, trenching, construction and operation of sediment basins and use of water trucks, CDFW advises that the Project proponent obtain a CESA Permit (pursuant to Fish and Game Code Section 2080 et seq.) in advance of Project implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the EIR should specify impacts, mitigation measures, and fully describe a mitigation, monitoring and reporting program.</p>	<p>The proposed project has been designed to avoid the most suitable habitat for CESA-listed species and is not anticipated to result in take of a CESA-listed species, as explained in detail in Response to Comment 138-007. Section 4.4, Biological Resources, of the EIR discusses the proposed project's potential impacts to numerous special-status species and identifies mitigation measures to mitigate potential impacts to special-status species and to prevent take of CESA-listed species. Mitigation measures including pre-construction surveys, biological monitoring, and installation of exclusion fencing are included as mitigation measures in the EIR because of the low potential for dispersing individuals to enter the construction area. With the implementation of the mitigation measures listed in the EIR, impacts to CESA-listed species are not anticipated and no take permit would be required. As a condition of project approval, the County will encourage the project applicant to</p>

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			<p>Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. More information on the CESA permitting process can be found on the CDFW website at https://www.wildlife.ca.gov/Conservation/CESA.</p>	<p>consult with resource agencies regarding their permitting requirements and processes for potential project impacts or net benefits to state- or federally-listed species or waters of the State.</p>
138	013	Gregg Erickson, CDFW	<p>FILING FEES</p> <p>The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).</p> <p>CONCLUSION</p> <p>CDFW appreciates the opportunity to comment on the draft EIR to assist the County in identifying and mitigating Project impacts on biological resources.</p>	<p>Comment regarding requirement to pay CDFW filing fee is noted. This comment does not raise any environmental issue related to the specific contents of the EIR.</p>
139	001	Terry Walsh	<p>I am a long-time Bay Area resident and I am writing today to express my support for the two solar projects proposed for the North Livermore Valley. These well-designed projects will provide electricity for over 25,000 local homes and businesses</p> <p>California and Alameda County are already well on their way to maximizing rooftop solar penetration, but rooftop solar alone is not sufficient to meet our ambitious renewable energy and greenhouse gas reduction goals. The CPUC estimates that over 100 gigawatts of utility scale solar is needed for California to become carbon neutral. In addition, rooftop systems cost 4 to 6 times as much as utility-scale systems.</p> <p>So please, please, please allow these projects to be built. Our time to address the Climate Crisis is rapidly running out.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>
140	001	Pat Walsh	<p>I am writing you today to ask for your support for the proposed solar projects in North Livermore. The truth is, our world is warming very rapidly, and unless we stop polluting</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see</p>

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			<p>the atmosphere with green house gases, primarily carbon dioxide and methane with in the next decade, it will be too late to stop it.</p> <p>Large local solar projects with storage capabilities are currently one of the best solutions for providing reliable, cost effective, and emissions free electricity. With the increase in utility outages due to the increase in state wide wild fires, it is increasing important to have locally produced, reliable clean energy for our community.</p> <p>I realize that there is some opposition to these projects, primarily from a few north valley landowners. And it may not be a popular stance to come out in support of them. But frankly if these folks truly understood the danger we, and every living thing on this planet is in from a warming atmosphere, there would be no opposition to these projects.</p> <p>Will it alter the view for some people living in the north valley? To some extent, but the developers of these projects have expressed a strong desire to work with local landowners to minimize any visual impacts. Will local wildlife be impacted? Not really, most of this land has been used for cattle grazing for decades. The question that we should be asking is what will our valley look like and what will happen to wildlife as temperatures continue to rise?</p> <p>It will require wide-ranging actions and collaboration to have a meaningful impact on Climate Change. Approval and completion of these well thought out projects is one action we can take right here and right now. Will you please use your voice to build the collaborations and take the actions needed to get these projects approved and built?</p> <p>Thank you for your help on this issue.</p>	<p>Section 4.8 Greenhouse Gas Emissions. For more information about views in the area surrounding the project, please see Section 4.1 Aesthetics. For more information about potential impacts to wildlife, please see Section 4.4 Biological Resources. No further response is required.</p>
141	001	Robert Selna, Save North Livermore Valley	<p>On behalf of our client Save North Livermore Valley, we respectfully submit these comments to ensure that the Alameda County Planning Department ("County") fully complies with the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the</p>	<p>The commenter states their intent to provide comments on the Draft EIR. The commenter next provides a summary of when document recirculation is required in accordance with CEQA, however, this comment does not raise any issues with the analysis presented in the EIR. The County disagrees that recirculation is required. The Final EIR includes</p>

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			<p>CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("CEQA Guidelines") with respect to the County's draft environmental impact report ("DEIR") for the utility-scale Aramis Solar Energy Generation and Storage Project ("Project") (PLN2017-00174) a 410-acre industrial facility proposed outside of the County's urban growth boundary in violation of Measure D ("Project"). After carefully reviewing the DEIR, we have provided numerous substantive comments and concluded that, for multiple reasons, the DEIR fails to comply with CEQA and must be recirculated.</p> <p>CEQA requires recirculation "[w]hen significant new information is added to an environmental impact report" following the comment period. Pub. Res. Code § 21092.1. The County may not rely on a draft report "that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review." Mountain Lion Coalition v. California Fish and Game Comm'n (1989) 214 Cal.App.3d 1043, 1052. Given the CEQA errors noted above, the DEIR requires significant revision and recirculation to allow the public a fair opportunity "to test, assess, and evaluate the data and make an informed judgement as to the validity of the conclusions to be drawn therefrom." Sutter Sensible Planning, Inc. v. Board of Supervisors of Sutter County (1981) 122 Cal.App.3d 813, 822. Failure to recirculate will necessarily expose the County to clear and avoidable CEQA liability.</p>	<p>clarifications and refinements; no significant new information implicating a new or greater significant impact is being added to the EIR.</p>
141	001	Robert Selna, Save North Livermore Valley	<p>On behalf of our client Save North Livermore Valley, we respectfully submit these comments to ensure that the Alameda County Planning Department ("County") fully complies with the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("CEQA Guidelines") with respect to the County's draft environmental impact report ("DEIR") for the utility-scale Aramis Solar Energy Generation and Storage Project ("Project") (PLN2017-00174) a 410-acre industrial facility proposed outside of the County's urban growth boundary in violation of Measure D ("Project"). After carefully reviewing the DEIR, we have provided numerous substantive</p>	<p>The commenter states their intent to provide comments on the Draft EIR. The commenter next provides a summary of when document recirculation is required in accordance with CEQA, however, this comment does not raise any issues with the analysis presented in the EIR. The County disagrees that recirculation is required. The Final EIR includes clarifications and refinements; no significant new information implicating a new or greater significant impact is being added to the EIR.</p>

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			<p>comments and concluded that, for multiple reasons, the DEIR fails to comply with CEQA and must be recirculated.</p> <p>CEQA requires recirculation "[w]hen significant new information is added to an environmental impact report" following the comment period. Pub. Res. Code § 21092.1. The County may not rely on a draft report "that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review." <i>Mountain Lion Coalition v. California Fish and Game Commission</i> (1989) 214 Cal.App.3d 1043, 1052. Given the CEQA errors noted above, the DEIR requires significant revision and recirculation to allow the public a fair opportunity "to test, assess, and evaluate the data and make an informed judgement as to the validity of the conclusions to be drawn therefrom." <i>Sutter Sensible Planning, Inc. v. Board of Supervisors of Sutter County</i> (1981) 122 Cal.App.3d 813, 822. Failure to recirculate will necessarily expose the County to clear and avoidable CEQA liability.</p>	
141	002	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails to Adequately Analyze the Project's Conflicts with Measure D.</p> <p>In 2000, the Alameda County electorate approved Measure D, the Save Agricultural and Open Space Lands initiative, which established an urban growth boundary "to preserve and enhance agriculture and agricultural lands" in unincorporated eastern Alameda County and to "focus urban-type development in and near existing cities where it will be efficiently served by public facilities." The stated purpose of Measure D was "to remove the County government from urban development outside the Growth Boundary." The Project, which proposes to industrialize agricultural land outside of the Measure D growth boundary violates Measure D in many respects. These conflicts, however, are obscured by the DEIR, which only reviews Measure D and its urban growth boundary in passing and fails to undertake any meaningful analysis of the Project's consistency with Measure D or its many revisions to the to the goals, policies, and programs set forth in the East County Area Plan ("ECAP") that serves as the general plan governing future use of the Project site. As such,</p>	<p>Measure D was a voter initiative primarily focused on reducing sprawl – housing, commercial, retail, etc. Measure D amended the County's General Plan, including various portions of the East County Area Plan ("ECAP"). The portions of the County General Plan revised or enacted under Measure D may not be amended except by voter approval, with the exception that the Board of Supervisors can impose more stringent restrictions on development and land use. Portions of the ECAP and other planning documents that were not amended or enacted by Measure D may still be modified without voter approval provided the modifications are consistent with the provisions of Measure D. Measure D provides that, in areas outside the County Urban Growth Boundary designated Large Parcel Agriculture, Resource Management or Water Management Lands, the number of parcels that may be created, the residential units permitted on each parcel, the size of the development envelope, the maximum floor areas and floor area ratios, and the uses permitted by the ECAP, whichever is less, may not be increased.</p> <p>There is not an independent consistency requirement for Measure D; consistency with the General Plan and Zoning Ordinance, including the ECAP and those changes made by Measure D, is required and was demonstrated in the Draft EIR, principally in the Land Use and</p>

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			<p>the DEIR fails as an informational document because it omits analysis necessary to permit those who did not participate in the preparation of the DEIR to fully understand the full scope of the Project's environmental effects.</p> <p>The EIR is "the heart of CEQA." and provides an "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal. (1998) 47 Cal.3rd 376, 392 ("Laurel Heights"). An EIR is intended to demonstrate that the lead agency "has, in fact, analyzed and considered the ecological implications of its action." Id. The DEIR, however, fails to fully and accurately inform the public and decision makers of the Project's environmental consequences and ways to mitigate those consequences and thus fails to achieve CEQA's fundamental purpose. To comply with the law, the County must revise the DEIR to cure the CEQA errors identified below, and it must recirculate the revised draft so that the public and decision makers have a fair opportunity to assess the full scope of the Project's environmental harms.</p>	<p>Agricultural and Forestry Resources sections. Measure D did not amend the General Plan to prohibit solar projects. In fact, one policy inserted into the ECAP by Measure D promotes the "production of natural resources (e.g., agriculture, wind power, and mineral extraction)." Solar developments produce natural resources, promote the policy, and are comparable to the types of projects specifically listed.</p> <p>Measure D and ECAP Policy 13 provide that the County shall not provide nor authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with Measure D. However, this Policy shall not bar 1) new expanded or replacement infrastructure necessary to create adequate service for the East County, 2) maintenance, repair or improvements of public facilities which do not increase capacity, and 3) infrastructure such as pipelines, canals, and power transmission lines which have no excessive growth inducing effect on the East County area and have permit conditions to ensure that no service can be provided beyond that consistent with development allowed by Measure D. "Infrastructure" shall include public facilities, community facilities, and all structures and development necessary for the provision of public services and utilities. The project is a solar development that provides a source of renewable energy for existing development; the project is not growth-inducing as described in the Section 7.0 of the Draft EIR. The project would not cause population growth. No residential uses are proposed and the jobs created would be short-term, temporary, and the workforce would likely be drawn from the region. The project would not include the extension of utility infrastructure or construction of new roadways that could induce development in the area. The project would assist California in meeting its air quality and GHG emissions reduction goals. As such, the project would not directly induce growth related to provision of additional electric power. Rather, energy demand, as determined by the CPUC with input from the CEC, drives generation procurement; procurement does not drive an increase in either utility customers or energy consumption. Furthermore, implementation of the project would not permit any investor-owned utility to expand its service territory.</p> <p>As described in the Draft EIR, solar development allows for the continued agricultural use of the project site, including sheep grazing under and between the solar panels, and is generally compatible with various</p>

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				agricultural uses and consistent with key ECAP policies and Measure D. Refer also to Response to Comment No. 141-005.
141	003	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails to Adequately Analyze the Project's Impact on Agricultural Resources.</p> <p>One-hundred and one (101) acres of the 410-acre Project site are restricted to agricultural use by contract entered into pursuant to the California Land Conservation Act, Government Code § 51200 et seq., commonly known as the "Williamson Act." Nevertheless, the DEIR determines that the Project would not conflict with this Williamson Act contract despite covering part of the Project site with solar panels and related industrial uses. In making this determination, however, the DEIR ignores key requirements of the County's Williamson Act Uniform Rules and Procedures ("Uniform Rules") that preclude development on contracted land at the scale proposed by the Project. As such, the DEIR's determinations under Impact AG-2 are not supported by substantial evidence.</p> <p>Williamson Act</p> <p>The Williamson Act was adopted as a legislative response to the rapid development of agricultural land and disorderly development patterns throughout the state, the same concerns that motivated the County's electorate to approve Measure D. The Williamson Act authorizes cities and counties to enter into land conservation contracts with private landowners for the purpose of restricting parcels to commercial agricultural or open space in exchange for a guaranteed reduced property tax assessment. As recognized by the Supreme Court in <i>Sierra Club v. City of Hayward</i> (1981) 28 Cal.3d 840, 850 ("Hayward"), the Williamson Act's preferential property tax treatment is constitutionally permissible only because agricultural land under contract is "enforceably restricted, in a manner specified by the Legislature," as required by Article III, Section 8, of the California Constitution. <i>Id.</i> However, "[i]n order to deny the tax benefits of the act to short term speculators and developers of urban fringe land and to ensure that the constitutional requirement of an 'enforceable restriction' is</p>	<p>Williamson Act compliance is not an issue for the proposed project. Since the publication of the Draft EIR, the County has learned that the Draft EIR incorrectly assumed that the Stanley parcel is subject to a Williamson Act contract. In fact, the owners filed a Notice of Non-Renewal in 1991, meaning that the contract expired under its terms in 2001. As such, no portion of the project is on Williamson Act contracted land and the approval of the Project will not directly or indirectly conflict with a Williamson Act contract.</p>

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			<p>met ... judicial vigilance is needed to prevent frustration of the land preservation goals of the Williamson Act." Hayward at 851, 860.</p> <p>Consistent with the Williamson Act's legislative purpose, the Alameda County Uniform Rules and Procedures ("Uniform Rules") provide that non-agricultural uses, such as solar panels, are authorized as a compatible use of contracted agricultural land only in very limited circumstances. Specifically, Uniform Rule 2(II)(E)(3)(a) provides that solar panels may be placed on contracted land only when installed on the roofs of otherwise compatible buildings or when installed on the ground by means of removable mountings. Furthermore, per Uniform Rule 2(1)(B)(3)(c), solar panels - whether roof mounted or ground mounted - are only permitted on contracted land if they are "cumulatively restricted to no more than 10% of the contracted property, or 10 acres, whichever is less." Uniform Rule 2(II)(E)(3)(b) further clarifies that, when making the Uniform Rule 2(1)(8)(3) acreage calculation for ground-mounted solar improvements, "the area covered by the solar panels is calculated as part of the cumulative total acreage allowed for compatible non-agriculture uses."</p>	
141	004	Robert Selna, Save North Livermore Valley	<p>Project Does Not Count the Actual Solar Panels</p> <p>In undertaking the Uniform Rule 2(I)(B)(3)(c) acreage calculation for the Project, the DEIR does not take into account the area covered by the actual solar panels (as opposed to their related supports and infrastructure) as is required by Uniform Rule 2(II)(E)(3)(b). Had the DEIR faithfully applied Rule 2(II)(E)(3)(b), it would have determined that the Project's 38 acres that are subject to the Williamson Act would cover approximately 38 percent (38%) of the contracted parcel, far exceeding the 10% or 1 Oacre coverage limitation imposed by Uniform Rule 2(I)(B)(3)(c). Instead, the DEIR ludicrously concludes that the Project's "non-agricultural uses" would "amount to approximately about 2.60 acres" (DEIR, P. 4.2-9).</p>	<p>The commenter states that the Draft EIR failed to properly calculate the acreage of coverage of the solar panels in accordance with Uniform Rule 2, section II.E.3.a. Since the publication of the Draft EIR, the County has learned that the Draft EIR incorrectly assumed that the Stanley parcel is subject to a Williamson Act contract. In fact, the owners filed a Notice of Non-Renewal in 1991, meaning that the contract expired under its terms in 2001. As such, no portion of the project is on Williamson Act contracted land and the approval of the Project will not directly or indirectly conflict with a Williamson Act contract. Because the land is not in fact subject to a Williamson Act contract, it is not necessary to respond to the commenter's claim that the proposed agricultural activities on the property (sheep grazing and bee keeping) will fail to generate "some" gross annual revenue as required by the Uniform Rules. Nor is it necessary to respond to claims that, early in the review process, a member of the planning staff expressed doubt about the consistency of the project with the Uniform Rules.</p>

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			<p>Again, the disingenuous method used by the DEIR to arrive at the 2.60 acres is to exclude from the Project's non-agricultural use category, the area covered by the solar panels themselves as follows: "the ground below the modules remains undeveloped and allows for concomitant grazing" (DEIR P. 4.2-6). As a result of the DEIR's use of this disingenuous method, the DEIR's determination that the Project will not directly or cumulatively conflict with a Williamson Act contract, fails to proceed in a manner required by law and is not supported by substantial evidence. Moreover, if the Project is approved as contemplated by the DEIR, the owner of the contracted parcel will take advantage of the Williamson Act's preferential tax treatment while simultaneously reaping lease revenues for an industrial solar facility that covers nearly 40% of the contracted parcel, an economic windfall that runs afoul of the Williamson Act and its constitutional underpinnings.</p> <p>The DEIR's claim that the ground below the solar panels allows for grazing is a cynical attempt to justify its non-compliance with the Uniform Rules on the basis that agricultural production will occur on the Project site during Project operations. There is no substantial evidence in the record to support this conclusion and, if it were supported, it would not excuse the Project's noncompliance with Uniform Rule 2(I)(B)(3)(c). Uniform Rule I(II)(C)(3) specifically provides that, to maintain eligibility under a Williamson Act contract, "the contracted land must meet minimum annual revenue requirements."</p> <p>We do not concede to the DEIR's determination that the Project site is non-prime farmland, but for non-prime land that is at least 40 acres in size, like the Project site, the land must be used for dryland farming, grazing of livestock or livestock production, and "must yield 'some' gross annual revenue as substantiated by Schedule F ... of the federal tax returns or other relevant tax form filed in 3 of the past 5 years" and "at least 60% of the property must be used for commercial agriculture." Uniform Rule I(II)(C)(I) defines the term "commercial agriculture" to mean "the production and sale of agriculture commodities" and defines the term</p>	<p>The County disagrees with the assertion that completion of the project would constitute a reduction in agricultural use or a conversion of open pasture to a non-agricultural industrial facility. Section 3.0, Project Description, and Section 4.2, Agriculture and Forestry Resources, have been updated to provide additional grazing information, including more details about the grazing plan for the proposed project site and the differences between cattle and sheep grazing. Grazing would likely be confined to a 2-month period in the late spring and early summer, after the primary blooming period of onsite vegetation. This would allow for pollinator foraging prior to removal of vegetation by the sheep. The site is expected to support up to 820 head of sheep annually, though the exact number and the exact window of grazing would vary from year to year based on weather conditions and forage productivity. Sheep grazing would cease once vegetative growth stops for the year towards the end of the wet season. Sheep tend to graze closer to the ground than cows (which can generally only graze down to about two inches), are more selective in what they eat, and do not damage pastures as much given their smaller size and lower weight. The project is not expected to have cumulative impacts because the Livermore Community Solar Farm would also implement concomitant agricultural activities with the solar development, and the Oasis Fund project is a proposed agricultural operation.</p> <p>According to Appendix G of the State CEQA Guidelines, discussion of impacts in Section 4.2, Agriculture and Forestry Resources, include the project's potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; conflict with existing zoning for agricultural use, or a Williamson Act contract; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. Policies in a General Plan reflect a range of competing interests, and the County must be allowed to weigh and balance the General Plan's policies when applying them. As stated above, Williamson Act compliance is not an issue for the proposed project and Uniform Rule 1 compliance is not a project-related issue.</p>

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			<p>"agricultural commodities" to mean "unprocessed plant and animal products of farms, ranches, production nurseries and forests." The DEIR avers that the Project proposes to contract with an unnamed third-party sheep grazing outfit for landscape and weed management, as follows: "Throughout project operation, the project site would remain in agricultural use through sheep grazing and planting and maintaining honeybee forage" (DEIR, P. 4.2-6). The DEIR also claims that "the project operator would work with commercial beekeepers to promote pollination services in the surrounding area and honey production on-site" (DEIR, P. 4.2-10). The DEIR implies that the sheep weed abatement and potential honey production satisfy the requirements of Uniform Rule I(II)(C)(3). But there is no evidence demonstrating that the proposed sheep landscaping contract, the bee pollination, or honey production (none of which is an enforceable condition of Project approval and thus illusory) will result in "the production and sale of agricultural commodities" that will generate "some" gross annual revenue for the Project site landowner, as required by Uniform Rule 1. Without such evidence, the DEIR's determination that the Project will not conflict with a Williamson Act contract is entirely unsupported and in violation of CEQA.</p> <p>It is telling that all the way back in April, 2020, the Alameda County planner assigned to the Project communicated to the project applicant's representative, Marisa Mitchell, a Principal at Intersect Power ("Intersect"), that he did not believe that the Project would be considered consistent with the Williamson Act.</p> <p>"[t]he biggest concern though with a proportionally modest portion of the site - the Williamson Act Contract with the Stanley Ranch. I strongly suspect that it (the Project) will not be deemed a 'compatible use' with the WAC, but it might be left as it stands for now"¹</p> <p>In June 2020, County Planning staff was still expressing serious doubt about the Project making a credible argument that the sheep weed abatement and beekeeping around the industrial</p>	

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			<p>solar infrastructure would an agricultural use consistent with Uniform Rule 1.</p> <p>"I've never hear of an example of being keeping being considered an agricultural use, perhaps if a commodity such as honey was produced, but it seems unlikely that production could be at a level that would meet one of those thresholds."2</p> <p>Elizabeth McElligott, the County planner quoted above, notes that there is, in fact, a "production" requirement under Uniform Rule 1. So, it's clear that the County, which wrote the DEIR, understands that agriculture production information must be included in order to prove conformity Uniform Rule 1. Once again, without such evidence, the DEIR's determination that the Project will not conflict with a Williamson Act contract is entirely unsupported and in violation of CEQA. County staff knows this.</p> <p>The DEIR also fails to analyze the impact of the reduction of agricultural use inherent in the conversion of open pasture and cattle grazing agricultural land to non-agricultural solar utility use and sheep grazing, including the different impacts between sheep grazing and cattle grazing, and the loss of open pastures for cattle grazing. Furthermore, the DEIR fails to analyze the cumulative impact of converting open pasture and cattle grazing agricultural land to non-agricultural solar utility use and the impact of sheep grazing on the proposed Project's 410 acres, and the adjacent proposed Sunwalker project's 71 acres.</p> <p>Finally, the regulatory setting discussion of DEIR Chapter 4.2, Agriculture and Forestry Resources, lists 13 EACP policies that apply to the Agriculture and Forestry Resources elements of the Project and are relevant to the DEIR's analysis of the Project's agricultural impacts. But the DEIR fails to analyze the Project's consistency with any of these policies. The Project is inconsistent with all of the listed EACP policies and the DEIR's failure to consider this impact denies the public a fair opportunity to meaningfully consider the full scope of the Project's potential agricultural impacts in violation of CEQA.</p>	

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			<p>The DEIR must be revised to accurately describe the Project (including the size of the proposed solar panels and the amount of land they cover), to calculate the Project acreage in accordance with Uniform Rule 2, and to reassess the Project's potential to conflict with a Williamson Act contract. This analysis should also meaningfully analyze Project compliance with Uniform Rule 1 and its eligibility rules. The project description should also be supplemented to include required information about the status of the Williamson Act contract at issue (i.e., who are the parties, when it was executed, whether it includes any site-specific use restrictions or other relevant conditions, whether a notice of non-renewal has been filed by any contracting parties) and the status, area, and boundaries of the agricultural preserve in which the Project Site is located, all of which information is required to fully assess the Project's direct, indirect, and cumulative impacts related to the Williamson Act. The DEIR must then be recirculated for additional public review in accordance with Public Resources Code section 21092.1.</p>	
141	005	Robert Selna, Save North Livermore Valley	<p>The DEIR's Determination that the Project is Consistent with the East County Area Plan and Applicable Zoning Is Not Supported by Substantial Evidence.</p> <p>The proposed Project would be located in the North Livermore Intensive Agriculture Area ("Area"), outside the County Urban Growth Boundary, on parcels designated by the East County Area Plan ("ECAP") as Resource Management (RM)(22 acres), Water Management (WM)(21 acres), and Large Parcel Agriculture (LPA)(367 acres). All of the Project parcels are subject to policies enacted by the voter-approved Measure D designed "to preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open spaces of Alameda County from excessive, badly located and harmful development." ECAP, p. ii, Provisions Of The Initiative, Section 1. Measure D redesignated areas outside of the Urban Growth Boundary from Urban Reserve to LPA, "subject to the minimum parcel size, density, maximum development envelopes, building</p>	<p>The Draft EIR discloses that approximately 367 acres of the project site are designated as Large Parcel Agriculture (LPA), 22 acres as Resource Management (RM), and 21 acres as Water Management (WM). There is not an independent requirement for consistency with Measure D. The Draft EIR assesses consistency with the General Plan and Zoning Ordinance, including those changes made by Measure D. In addition to the General Plan and Zoning Ordinance consistency analysis in the EIR's Land Use section, the Agriculture and Forestry Resources section of the EIR also describes and assesses ECAP policies (including Measure D) that are applicable to the Project site's agricultural resources, including Policies 1, 52, 54 56, 73, 78, 79, 82, 85, 86, 93, 96 and 98.</p> <p>With respect to the LPA designation, the Draft EIR finds that solar development is comparable to other uses specifically allowed, including windfarms, utility corridors, and similar uses compatible with agriculture. The Project, inclusive of primarily solar arrays, vegetation, compacted dirt and graveled access roads, and activities including equipment maintenance, sheep grazing, and honeybee foraging, would be consistent with the LPA land use designation. Further, there is precedent within the County for approving utility-scale solar projects within the LPA</p>

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			<p>intensity, permissible uses and other restrictions." ECAP, p. iii, Provisions Of The Initiative, Section 5. Measure Dis clear that the purpose of the Area is "to permit and encourage cultivated agriculture," but even that is to be done "without unduly impairing the open, natural qualities of the area." ECAP, p. 78</p> <p>The DEIR incorrectly claims, without evidence, that the proposed Project is partially consistent with the RM, and consistent with the WM and LP A land use designations. The proposed Project would develop a 410 acre solar industrial facility connected to a power grid. The vast majority of the Project would be located in the LPA, which promotes cultivated agriculture in, open, natural qualities of, or the uses permitted in the North Livermore Intensive Agriculture Area. Solar industrial facilities are not consistent with the promotion of cultivated agriculture or open, natural spaces.</p> <p>Below is an unvarnished assessment of the Project's fundamental inconsistencies with the ECAP and zoning from Alameda County Planner Bruce Jensen, who wrote the Land Use section of the DEIR:</p> <p>"I absolutely disagree that this project, especially considering its size, is in conformance with the ECAP policies or the zoning ordinance, or is it compatible with ag in general. Nothing in the document anticipates a land use of this magnitude across North Livermore or Mountain House, and in fact, must be read so loosely as to ignore the spirit and intent of the policies. Their analysis does not pass the laugh test for me. It needs a Significant Unavoidable (SU) designation."3</p> <p>The published language in Mr. Jensen's DEIR Land Use section (4.11) is significantly watered-down and more subtle than his August 20202 email, but it is clear from Mr. Jensen's email and other correspondence among Mr. Jensen, Alameda County Planning Director Albert Lopez and two other County Planners working on the DEIR - Elizabeth McElligott and Andrew Young - that they do not believe the Project is consistent with the ECAP or zoning. Below are just two examples.</p>	<p>designation, including the GreenVolts and Altamont Solar Energy projects. As described in the Agricultural and Forestry Resources section of the Draft EIR, in 2008, the County Planning Commission's approval of the solar electric facility determined that the proposed land use would not be contrary to the specific intent clauses or performance standards established for the Agricultural District and could be permitted under a conditional use permit. The County reiterated this determination to confirm the conditional permissibility of similar solar uses under the Agriculture zone district for the GreenVolts project, approved in 2008, and the Altamont Solar Energy Project, approved in 2011 (ECBZA 2008 and 2011).</p> <p>As discussed in a September 13, 2012 memorandum regarding draft solar policies for the ECAP, County Counsel determined that "solar facilities are consistent with ECAP policies. Solar facilities constitute quasi-public uses consistent with 'windfarms and related facilities, utility corridors and similar uses compatible with agriculture,' which are allowed on parcels designated Large Parcel Agriculture." Operation of the Project would promote continued agricultural use of the project site through sheep grazing and planting and maintaining honeybee forage. Grazing would likely be confined to a 2-month period in the late spring and early summer, after the primary blooming period of onsite vegetation. This would allow for pollinator foraging prior to removal of vegetation by the sheep. The project operator would work with commercial beekeepers to promote pollination services in the surrounding area and honey production on-site. Pollinator-friendly species would be used in landscaping and seed mixes to promote honeybee forage. The proposed program for concomitant agricultural land uses during operation of the solar facility would be outlined in an Agricultural Management Plan prepared for the project. The Plan would be implemented to sustain agricultural operations on lands designated as grazing land and to address grazing operations throughout the project site for the duration of the life of the project.</p> <p>With respect to the WM land use designation, the Draft EIR concludes that the Project is consistent with the WM category based on the findings of a site-specific hydrological engineering study, provided as Appendix G of the Draft EIR. The project applicant has designed the facility so that all structures would be located outside of high flow areas and the 100-year floodplain of Cayetano Creek as determined through hydrologic modeling</p>

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			<p>Alameda County Planning Director Albert Lopez: "In my view, the RM and WM are to be protected from uses that alter the land (some ag uses excepted of course)."4</p> <p>Alameda County Planner Bruce Jensen: "The people who wrote the RM and WM definitions never had solar in mind, clearly." 5</p> <p>On April 10, 2020, Albert Lopez emailed Aramis Project Applicant and Intersect Power Principal, Marisa Mitchell, to inform Ms. Mitchell that the County would not agree to interpret the ECAP to allow solar panels in the RM or WM as follows: "We stand by our earlier statement that we would not support panels on the RM or WM area ... I think what you want to do is explore, in an DEIR alternatives section, that despite the RM or WM designations, the project is protective of resources and worthy of consideration." 6</p> <p>As will be explained below, the County maintained its position on the RM designation, but without citing evidence, caved on the WM, designation, wrongly stating in the DEIR that the Project would not conflict with the WM designation because, "the water quality and floodplain attributes of the WM designation would be maintained " (DEIR p. 4.11-10).</p> <p>As noted above, the DEIR ultimately concludes that the Project's only land use inconsistency is with the RM designation. And, the DEIR's ES-44 Executive Summary notes in LUP-2 that no feasible mitigation measures have been identified to reduce the impact to a less-than-significant level, and that the significance with mitigation is "Significant and Unavoidable."</p>	<p>and a minimum of 50 feet from the banks of Cayetano Creek or its tributaries. The project will avoid high flow areas modeled and the 100-year floodplain, and therefore it maintains the water quality and floodplain maintenance attributes of the WM designation and is consistent with the WM land use category. Overall, the hydrological engineering study shows low water depths and velocities across the majority of the site. During a 100-year storm the flood depths across the majority of the project area are less than 2 feet with velocities less than 2 foot/second. Areas with higher flood depths and velocities exists and are generally located along or near defined flow paths. The current site layout avoids all areas of high flow and FEMA floodplains. Based on experience on other similar projects, the hydrological engineering study concludes that the site is suitable for the planned development.</p> <p>With respect to the RM land use designation, the Draft EIR concludes that, although proposed activities within the RM designation would include sheep grazing, honeybee foraging, and wildlife passage, which are consistent with the low-intensity agriculture and grazing allowable uses, the Project would conflict with the long-term preservation of open space intent of the RM designation. As a result of this finding, the applicant has notified the County that it no longer intends to place project facilities within the RM designation and is requesting instead that the County approve the RM Avoidance Alternative described in Section 5.0 of the Draft EIR.</p> <p>The staff emails attached by the commenter were drafted prior to the preparation of the site-specific hydrological study that support the finding that the Project will maintain the water quality and floodplain maintenance attributes of the WM designation and is consistent with the WM land use category. The analysis in the Draft EIR is consistent with County staff's current position regarding the land use impacts of the project. As acknowledged by the comment, the Draft EIR finds that the Project would result in a partial inconsistency and a significant and unavoidable impact with respect to the RM category. As stated above, the applicant has indicated that it no longer intends to develop the portion of the project within the RM category. The RM Avoidance Alternative would eliminate the General Plan inconsistency and significant and unavoidable land use impact.</p>

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141	006	Robert Selna, Save North Livermore Valley	<p>General Plan Amendment</p> <p>As we show below, with respect to the WM and LPA designations, the DEIR also should have identified land use conflicts. In addition, the DEIR should have examined the only CEQA mitigation that would make sense when a project is inconsistent with a General Plan: Amend the General Plan. Staff appears to have decided not to include this obvious General Plan amendment mitigation in the DEIR, believing that it would be challenging to accomplish. But, in doing so, staff created a DEIR that violates CEQA because it does not list all possible mitigations. Correspondence among staff indicates that they were aware of the General Plan amendment mitigation and chose not to include it: "The only other way to back off our well-established brick-wall position that RM and WM are, based on the language, off-limits to this type of development, is set a *new precedent* that says a project can mitigate it way out of incompatibility (and thus a voter-approved GP amendment) with enough measures of the 'right kind "'7</p> <p>The WM permits, "sand and gravel quarries, reclaimed quarry lakes, watershed lands, arroyos, and similar compatible uses. And the LP A designation "permits agricultural uses, agricultural processing facilities (for example wineries, olive presses), limited agricultural support service uses (for example animal feed facilities, silos, stables, and feed stores), secondary residential units, visitor-serving commercial facilities (by way of illustration, tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, and similar uses compatible with agriculture."</p> <p>No provision of Measure D authorizes industrial solar facilities on RM, WM or LPA lands. Indeed, Measure D specifically deleted from the ECAP a provision that would permit "industrial uses appropriate for remote areas and determined to be compatible with agriculture" within the RM, WM and LPA designations. Measure D, P. 8. Thus, the DEIR's</p>	<p>The purpose of CEQA is to inform the public and decision-makers of a proposed project's potential significant physical environmental impacts and to identify mitigation measures to offset those significant impacts. Approval of a General Plan Amendment, if needed, would not avoid or reduce significant physical environmental impacts and is thus not considered to be mitigation. Further, requiring a GPA in this case would require a vote of the people of the County of Alameda and in this case, a General Plan Amendment is not warranted. As described in responses to comments #141-002 and 141-005, the Project is consistent with the ECAP and with the WM and LPA land use designations. Because the Draft EIR disclosed an inconsistency with the RM land use designation, the applicant is no longer proposing to develop the portion of the project within the RM designation. With the avoidance of the area designated as RM, the project is fully consistent with the General Plan and a General Plan Amendment is not needed. Refer also to responses to comments #141-002 and 141-005.</p>

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			<p>determination that the Project is mostly consistent with the ECAP and its RM, WM and LPA designation is contrary to the express terms of the ECAP, as amended by Measure D. Measure D specifically controls development activity in the North Livermore Intensive Agriculture Area, and decreed that uses permitted by the Measure "may not be increased." ECAP, p. iii. Furthermore, Measure Dis very clear that, future changes require a "vote of the people of Alameda County." ECAP, p. vii, Section 23. In fact, Measure D expressly limits the Board of Supervisors authority to authorize new or expanded land uses outside of its Urban Growth Boundary without a prior vote of the electorate.</p> <p>[T]he Board of Supervisors may impose further restriction on development and use of land. The Board may also make technical or nonsubstantive modifications to the terms of this ordinance, to the extent the terms are incorporated into the East County Area Plan, the Castro Valley Plan, the General Plan for the Central Metropolitan-Eden-and Washington Planning Units, or the Open Space Element of the General Plan for purposes of reorganization, clarification or formal consistency within a Plan. Any modifications must be consistent with the purposes and substantive content of [Measure D].</p> <p>Id. Recognizing industrial solar facilities as an additional use in the North Livermore Intensive Agriculture Area and/or its RM, WM or LP A designations would be neither a technical nor nonsubstantive modification to the Measure D requirements. Additionally, the approval of industrial solar facilities as a permitted use would not be consistent with the purposes and substantive content of Measure D. Finally, Measure D by design made the land use policies for the RM, WM and LP A more restrictive, and, in amending the ECAP, expressly declared that any subsequent amendment of the ECAP that is inconsistent with Measure D is automatically "superseded and nullified." ECAP, p. vi. The Board of Supervisors clearly has not incorporated modifications into the ECAP adding industrial solar facilities as a permitted use; and furthermore, the Board of Supervisors could not,</p>	

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			<p>consistent with the purposes and substantive content of Measure D, modify the ECAP to add industrial solar facilities as a permitted use within the RM, WM or LP A designations without a prior vote of the electorate.</p> <p>Despite failing to analyze whether the Project is consistent with applicable policies and programs of the ECAP, the DEIR broadly references two solar project approvals (one, 11-acre and another 60-acre) of solar projects in a different area of East County (neither of which was ever built) to argue that utility scale solar energy facilities generally are considered comparable to windfarms and related facilities, utility corridors and similar uses compatible with agriculture (DEIR p. 4.11-9). We examine this faulty argument in the A-Agricultural zoning discussion below.</p>	
141	007	Robert Selna, Save North Livermore Valley	<p>Water Management</p> <p>The WM permits, "sand and gravel quarries, reclaimed quarry lakes, watershed lands, arroyos, and similar compatible uses. And the LP A designation "permits agricultural uses, agricultural processing facilities (for example wineries, olive presses), limited agricultural support service uses (for example animal feed facilities, silos, stables, and feed stores), secondary residential units, visitor-serving commercial facilities (by way of illustration, tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, and similar uses compatible with agriculture."</p> <p>Without any supporting evidence the DEIR concludes that solar industrial facilities are consistent with the WA because, "the water quality and floodplain attributes of the WM designation would be maintained " (DEIR p. 4.11-10). This unsupported conclusion is contrary to what the Alameda County Development Agency wrote in the Notice of Preparation for the Project, as follows: "Broadly speaking, the County considers the WM designation suited to established quarries and their highly-regulated reclamation plans and</p>	Refer to response to comment #141-005. The consistency determination for the WM land use category is supported by the findings of a hydrological engineering study provided at Appendix G of the Draft EIR as well as the County's independent review and analysis.

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			specialized permits, and not meant for large scale solar facilities" (Notice of Preparation- Environmental Impact Report Aramis Solar Energy Generation and Storage Project I PLN2017-00174, May 4, 2020, p. 3).	
141	008	Robert Selna, Save North Livermore Valley	<p>Large Parcel Agriculture</p> <p>Without any supporting evidence, the DEIR concludes that solar industrial facilities "would be consistent the LP A land use designation and the intensive agricultural uses allowed in the North Livermore area," because the Project includes, "solar arrays, vegetation, compacted direct and graveled access roads, and concomitant agricultural uses " (DEIR p. 4.11-10).</p> <p>Contrary to the DEIR's sweeping conclusion, the ECAP includes general policies and programs for LP A designated areas related to priority for agricultural operations and cultivated agriculture, appropriate developments and appropriate locations, preservation of continuous open space, and retaining rangeland and commercially viable grazing, as well as for reducing the visual impacts of new development. The DEIR fails to analyze whether the proposed Project may present a significant conflict with such applicable ECAP policies. We conclude that the Project does, in fact, present a significant conflict with the relevant ECAP policies. In addition to the Project-ECAP inconsistencies analyzed in the body of this letter, see Attachment A for a summary analysis of the Project's inconsistency with other ECAP policies, including but not limited to the following: Nos. 13, 52, 53, 56, 70, 81, 87, 89, 93, 114, and 326. Moreover, the proposed industrial solar facility would blanket the project site, and is thus unlike linear utility corridors, which are either located underground or above the surface supported by well-spaced towers that do not cover the affected parcel. Nor is the proposed industrial solar facility like wind turbines which also do not cover the affected parcel and are necessarily spaced to avoid turbine blade conflicts. Finally, by the terms and conditions of the County's own agricultural regulations, an industrial solar facility like that proposed by the project and which covers more than 10 acres, or 10% of the affected parcel is by</p>	<p>Refer to response to comment #141-005. General Plan consistency does not require perfect conformance with each and every Plan policy. Policies in a General Plan reflect a range of competing interests, and the County must be allowed to weigh and balance the General Plan's policies when applying them. The Draft EIR assesses the Project's consistency with the General Plan, including key policies related to agriculture, in both the Land Use and Agricultural and Forestry Resources sections and determines that the Project is consistent with the General Plan, except for the portion of the project within the RM designation. The applicant has notified the County that it no longer intends to pursue development within the site's RM designation, thereby eliminating the inconsistency.</p> <p>As described in the Draft EIR, the maximum density for non-residential buildings located on lands designated for LPA, RM, and WM is .01 Floor Area Ratio (FAR) but not less than 20,000 square feet for lands designated LPA and RM. Therefore, the range of the allowable density for the 350-acre lot where buildings are proposed is between 20,000 square feet and 3.5 acres (.01 FAR of 350 acres). The nonresidential buildings proposed as part of the project include an approximately 5,000-square-foot project substation located in a 0.9-acre dedicated area, 400-square-foot Operations & Maintenance building, and a battery storage system that would have foundations with a cumulative floor area of 3 acres or less, which would be below the maximum allowable building intensity of 3.5 acres.</p> <p>Since the major feature of Solar Electric Facilities (SEFs), solar PV panels, are not buildings with floor area, using the metric of FAR does not apply in these cases. That same analysis has been applied to the building envelope requirement because SEFs would be allowed to exceed the two-acre building envelope requirement that would normally apply to more traditional buildings such as homes, agricultural buildings, and accessory structures. ECAP has a specific exception where non-growth inducing infrastructure can lie outside of the two-acre building envelope.</p>

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			<p>definition incompatible with agricultural uses, as discussed above.</p> <p>The DEIR also makes the unsupported determination that the Project complies with the LPA designation's FAR restrictions because industrial solar improvements do not qualify as "structures," and, even if they were structures, would not exceed the FAR restrictions because the DEIR only considers the footprint of the solar array mounting structures and ignores the area that would actually be covered by the solar panels. This unsupported interpretation of the ECAP, however, leads to the absurd result that any industrial facility can meet the ECAP's strict FAR restrictions simply by being built on stilts. This tortured construction of the terms and conditions of the ECAP is in clear violation of Measure D.</p> <p>Moreover, the DEIR only partially considers Project compliance with LPA policies of the ECAP, and fails to consider the Project's consistency with any other elements of the General Plan. As an example, the DEIR fails to consider the Project's consistency with the General Plan's Open Space Element, which identifies the Project site as "Agricultural Open Space," a category of open space that is "designated for permanent retention." Open Space Element Part 1: Open Space Policies, p. 4. The Open Space Element's "Principles for Agricultural Open Space" also mandate that "[a]gricultural areas should be free of urban type development with dwellings only permitted for those persons involved in agricultural production." Id. at 13. The DEIR fails to assess the Project's consistency with these General Plan provisions. These DEIR omissions deny those who did not participate in the DEIR's preparation the ability understand and consider meaningfully all of the planning issues raised by the Project in violation of CEQA. Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 515-516.</p>	

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141	009	Robert Selna, Save North Livermore Valley	<p>Zoning</p> <p>The DEIR's determination that the Project is consistent with the A-Agricultural zoning designation is also bereft of analysis and is not supported by substantial evidence. In fact, industrial solar facilities are not listed as permitted or conditionally permitted uses in the A-Agricultural zoning district (see Alameda ACCO Sections 17.06.030, 17.06.035, and 17.06.040). To justify its determination that the Project complies with applicable zoning, the DEIR instead relies on vaguely-described prior determinations of the Planning Commission that industrial solar facilities are a conditionally permitted use within the A-Agricultural zoning district (DEIR, p. 4.11-11). But those prior determinations were made in conjunction with the issuance of quasi-judicial administrative approvals (i.e., conditional use permits) requested by unrelated projects located in different areas of the County.</p> <p>There is no legal authority allowing the County to apply the quasi-judicial administrative determinations specific to a prior project as if it were a legislative mandate broadly applicable throughout the A-Agricultural zoning district. And, County planning staff, which drafted the DEIR, acknowledged that they were not clear about the law when reaching the conclusion that solar industrial facilities were, categorically, a conditionally-permitted use in the A-Agricultural zoning. But that did not stop them from reaching that very important conclusion in the DEIR. "I could not really determine if the Zoning Ord. direction on the process with the Planning Commission determining suitability of non-Ordinance defined or regulated uses had to be done over and over each time" said Planner Andrew Young. 8 Mr. Young's reference to "over and over each time" underscores the fundamental error the County made in extending a Planning Commission determination on one project to a County-wide zoning amendment. As is explained below, such an interpretation does not square with State law.</p> <p>Mr. Young's uninformed and mistaken interpretation raises serious constitutional procedural due process and equal</p>	<p>As described in the Draft EIR, the County Municipal Code acknowledges that the Zoning Ordinance may not specifically list each and every use that may be appropriate as a permitted or conditional use within a particular zone. Accordingly, Section 17.54.040 provides that the Planning Commission may determine that a non-listed use conforms to the intent of the Zoning Ordinance and is of the same character as a permitted use in any district. In addition, the County may rely on its own precedent with respect to prior determinations of zoning consistency in interpreting its Zoning Ordinance. Prior determinations in a quasi-judicial capacity may not provide a legislative mandate requiring a consistency finding, but the County may consider its own precedent in making a zoning consistency finding. Prior Planning Commission findings that solar projects are consistent with the applicable zoning category are relevant and constitute substantial evidence that may be considered in determining the consistency of the proposed Project.</p>

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			<p>protection concerns with regards to property owners throughout the A-Agricultural zoning district who were never given specific notice or an opportunity to be heard in those prior quasi-judicial administrative proceedings and who were never told in advance that the County would thereafter treat the quasi-judicial determinations made in those proceedings as legislative pronouncements with broad applicability.</p>	
141	010	Robert Selna, Save North Livermore Valley	<p>Findings</p> <p>Not only were property owners denied notice, the Planning Commission never even made findings regarding their purported determinations that industrial solar facilities are a conditionally permitted use within the A-Agricultural zoning district, so it is unclear to anyone who was not in attendance at the relevant Planning Commission hearings, what the Commission actually determined. Relevant staff reports are not clear and the minutes of the meeting are sparse. Staff emails show that they were also unclear about whether the Planning Commission needed to make findings. "[w]ill it be reasonable ... to say that no 'findings' were required by the Determination other than the Staff report and the minutes of the hearing?" asks Mr. Young, in a June 8, 2020 email. "There was no Resolution and as far as I know, Determinations don't require findings."9</p> <p>Based on the DEIR, it's apparent that someone believed that findings were necessary. The DEIR claims that "Alameda County made findings in 2008 pursuant to Sections 17.54.050 and 17.54.060 (Determination of Use) (DEIR p. 4.11-11).</p> <p>Unfortunately, the DEIR is incorrect. As noted above, the Planning Commission should have made findings as part of its June 16, 2008 determination of use as is stated in the DEIR, but it did not. Instead, the Planning Commission merely voted to approve a staff report. The report, among other things, said that an industrial solar project - which, unlike Aramis, did not include Battery Storage (Green Volts) - applied for a conditional use permit ("CUP") and should receive the permit. No where did the staff report state that the Planning Commission determination on the CUP for the one project</p>	<p>The Planning Commission (PC) is a policy-making body; Section 17.54.050 and 17.54.060 refer to a necessary procedure to set policy on how to deal with uses that are not explicitly listed in the zoning code. Such a determination is authorized by the Zoning Ordinance and does not require a General Plan Amendment and/or a vote of the people.</p> <p>Measure D did not take this authority away from the PC; the PC remains authorized to make use determinations as outlined in the Zoning Ordinance.</p> <p>No formal findings are necessary. The PC may determine that a use is similar enough to other uses (either allowed by right or with a CUP), and the GreenVolts project, as the first utility scale solar project, first posed the question to the PC as to how staff should handle these types of projects. The PC action to determine that solar projects were similar enough to other conditionally permitted projects in the A zone was a final decision, and the County can consider its own precedent as evidence to support a subsequent quasi-judicial decision asking the same question.</p> <p>Since the zoning code was not amended to include new land use district descriptions in the ECAP (such as LPA, RM and WM), it is critically necessary to look to the General Plan (ECAP) land use descriptions when making use determinations. The PC determined that solar electrical facilities were similar in nature to other uses allowed in the LPA such as utility corridors, public and quasi-public uses and "similar uses compatible with agriculture". The PC action on this topic was presented to the Board of Supervisors in a later action (on an appeal) and the project was approved, supporting the PC's role as a policy making body when it comes to use determinations.</p>

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			would mean that all future industrial solar project applications going forward would be reviewed as conditional use permits.	
141	011	Robert Selna, Save North Livermore Valley	<p>General Plan Amendment</p> <p>It is well-established law that administrative decisions (in contrast to legislative decisions) such as the Green Volts CUP, require public agencies to make findings. (Topanga Association for a Scenic Community v. County of Los Angeles, 11 Cal.3d 506 (1974).) Absent findings, the June 16, 2008 Green Volts decision was not in conformance with well-established law and the DEIR may not use it as precedent for future general plan and zoning interpretations, as the County has done with industrial solar projects. In turn, the DEIR may not cite the Green Volts Planning Commission "determination" as any evidence that industrial solar projects are consistent with the LP A ECAP designation or allowed in the A-Agricultural zoning with a conditional use permit.</p> <p>In short, the DEIR's attempt to apply throughout the A-Agricultural zone, the determinations made in prior quasi-judicial proceedings, elevates such prior determinations to the status of a zoning code amendment. But the state's planning and zoning law establishes the exclusive method for amending a zoning ordinance, and CEQA review must be conducted to analyze the environmental effects of a proposed zoning amendment before adopting such amendment. Gov. Code § 65802; Pub. Res. Code § 21080(a). Here, however, unclear about the law and the legal implications of what it was doing, the County did not adhere to the requirements of the state's planning and zoning law before making the quasi-judicial determinations that the DEIR now claims apply throughout the A-Agricultural zone. In addition, the County never analyzed the environmental impacts of conditionally permitting industrial solar facilities throughout the zoning district as CEQA requires.</p> <p>The DEIR references Alameda County Code of Ordinance ("ACCO") Sections 17.54.050/17.54.060 as authority for the proposition that the County may legally treat prior quasi-judicial use</p>	<p>Refer to responses to comments #141-002, 141-005, 141-009 and 141-010.</p> <p>As described in responses to comments #141-002 and 141-005, the Project is consistent with the ECAP and with the WM and LPA land use designations. Because the Draft EIR disclosed an inconsistency with the RM land use designation, the applicant is no longer proposing to develop the portion of the project within the RM designation. With the avoidance of the area designated as RM, the proposed project would be fully consistent with the General Plan and no General Plan Amendment is needed.</p> <p>As described in response to comment #141-009, the County may consider its own precedent and prior determinations when determining whether a Project is consistent with its Zoning Ordinance.</p>

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			<p>determinations as applicable throughout the A-Agricultural zoning district and throughout lands designated as LP A under the ECAP, but those statutory provisions say nothing of the sort. First, Alameda ACCO Sections 17.54.050/17.54.060 are only relevant to use determinations under the zoning code and have absolutely no application to use determinations under the ECAP. Second, the cited code provisions merely authorize the Planning Commission, on referral from the Planning Department, to investigate whether an otherwise unpermitted use is comparable "to the nature and characteristics of the use in question with those of the listed uses in the various districts." Only after investigating and comparing the nature and characteristics of the unpermitted use to those uses that are permitted in all of the "various districts," the Planning Commission may determine whether such unpermitted use is or is not "in all essentials pertinent to the intent of this title the same character as a permitted use in any district or districts, or of the same character as a conditional use in any district or districts." That's it. Notably, these code provisions say nothing about the manner in which such a Planning Commission determination may be legally applied to future individual projects or throughout a specific zoning district. In fact, applying a determination made pursuant to Alameda ACCO Sections 17.54.050/17.54.060 throughout a zoning district (as the DEIR does here) without first duly adopting a zoning amendment that has been subject to adequate CEQA review of its zoning district-wide impacts would be a clear violation of applicable law. Gov. Code §§ 65802, 55850, 65853; Pub. Res. Code § 21080(a). Finally, the scant evidence concerning the prior ACCO Sections 17.54.050/17.54.060 determinations that the DEIR relies on demonstrates that, in those instances, the requirements of these code sections were never even satisfied, further undermining their precedential value in this case. Therefore, the DEIR's determination that the Project is consistent with the A-Agricultural zoning requirements is not supported by substantial evidence.</p>	

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141	012	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails to Adequately Analyze the Project’s Aesthetic Impacts.</p> <p>The DEIR correctly concludes that the Project would have substantial adverse effects on a scenic vista, degrade the existing visual character or quality of public views, and contribute to a significant cumulative impact on aesthetic resources. In turn, the DEIR concludes that the Project would impose Significant and Unavoidable impacts on an undeveloped scenic rural recreational route. As such, the DEIR Aesthetics section probably should have included the following quote from Alameda County Planner Bruce Jensen, who, in an email with his colleagues, provided a candid assessment of the Project's aesthetic impacts, as follows:</p> <p style="padding-left: 40px;">"They (the applicant) can dance around the issue as much as they wish, but there is no way that this project, with or without mitigation, meets either the spirit or the letter of the scenic and aesthetic policies set out in various documents. There is no way to hide this enormous project or protect the scenic quality of the area. It is a big, in-your-face project, and denial of that quality is disingenuous. In fact, the mitigation itself introduces new significant impacts that cannot be mitigated. It, too, needs a SU designation." 10</p> <p>Instead of offering a forthright analysis, the DEIR attempts to make up for its Significant and Unavoidable impacts by incorrectly indicating that the Project is consistent Alameda County General Plan Scenic Route Element principles and ECAP policies. In fact, the Project is inconsistent with both the Scenic Route Element principles and ECAP policies. As such, the DEIR's conclusions regarding consistency lack substantial evidence.</p> <p>In addition to its substantive failures, the DEIR fails to provide visual representations adequate for the public to assess the DEIR's conclusions with respect to the Project's Scenic Route Element and ECAP consistency. In particular, the DEIR fails offer any visual representations of the solar panels</p>	<p>The Key Observation Points (KOPs) selected by the County for this EIR provide representative near and far views of the project site from publicly accessible vantage points. The KOPs selected and analyzed are adequate, and the Draft EIR concluded that the proposed project would result in significant and unavoidable impacts to scenic vistas and the visual character or quality of public views. The solar panels and other solar facility components are not visible in the visual simulations included in the Draft EIR because when mature, the proposed landscape buffer would screen views of the solar facility. However, additional simulations from the North Manning Road and North Livermore Avenue/May School Road viewpoints have been incorporated into the Final EIR for informational purposes to show what the solar facility would look like without the proposed landscape buffer. The inclusion of these simulations does not change the conclusion that the proposed project would result in significant and unavoidable impacts to the scenic vistas and visual quality or character of the area.</p> <p>Pages 4.1-25 and 4.1-26 have been edited to use the term “landscape buffer,” consistent with its use elsewhere in the document.</p> <p>The proposed project would include a landscape buffer to provide visual interest, frame scenic views, and screen less than desirable views in compliance with the Countywide Scenic Route Element. The landscape buffer is proposed along the public street frontages that border the project site, specifically on the west side of North Livermore Avenue and north and south sides of North Manning Road. The planting area would be established between the County road rights-of-way and project fence line and would include a mixture of evergreen and deciduous shrubs and trees of varying heights. The proposed landscaping would include planting of between 2 to 3 rows of shrubs offset to screen views of the site with trees interspersed primarily along Manning Road. All plants included in the landscaping plan would be drought tolerant and climate appropriate. See pages 3-15 through 3-18 for full discussion and updated information, along with a table of proposed species and their heights at planting, after five years, and at maturity. Small and medium shrubs would be mature at five years post planting, tall shrubs would generally be at least nine feet tall after five years, and trees would generally be between seven and 16 feet tall five years post planting. Landscaping would consist of native and climate-appropriate exotic plants and would</p>

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			<p>themselves, or the "medium voltage lines" br overhead wooden utility poles on either side of Manning Avenue (should be Manning Road) and "up to 10 additional 50 to 100-foot wooden poles to cross Cayetano Creek ... to cross an access driveway, and where a connection to the substation must be overhead" (DEIR p.4.1-11). The omission of renderings of the panels and the overhead lines and wooden poles is particularly troublesome, given that the Project is proposed for a Scenic Rural Recreational Route and that overhead lines have been the subject of controversy in the North Livermore Valley in the past and ultimately decided against.</p> <p>Moreover, the Project finds consistency with the Scenic Route Element and ECAP due to the use of a "landscape buffer" (DEIR p. 4.1-10), also referred to as a "landscape berm" (DEIR p. 4.1- 26) (which is it?), described in a variety of ways, including, "shrubs," and "trees" and "drought tolerant and climate appropriate," (DEIR p. 4.1-10). Other DEIR sections describe the purported landscaping at "honeybee forage," and "pollinator-friendly plant species," (DEIR p. 4.1-10).</p> <p>Purportedly, this landscaping would grow to be as tall at five-foot high fence with wood posts that the DEIR states will enclose the project site (DEIR p. 4.1-10) and, "when mature," would obscure the view of hundreds of acres of industrial solar panels (DEIR p. 4.1-12).</p> <p>The DEIR's landscaping references lack the necessary detail for the public to evaluate them, including the following: 1) The DEIR includes no actual landscape plan, so when members of the public review the DEIR they will have no idea what the plants, trees, shrubs bee forage and anything else the landscaping would include. To make matters worse, the DEIR's long range view perspective renderings provide little true understanding of the Project's landscaping aesthetic; 2) The "when mature" language strongly suggests that there will be some period of time when the landscaping is not even close to covering the solar panels, which are, by any reasonably assessment, "unsightly" when located on a rural scenic route;</p>	<p>be of consistent visual character with the existing vegetation in the Livermore area.</p> <p>A conceptual landscape plan has been added as Appendix J. This landscape plan does not change the conclusion that the proposed project would result in significant and unavoidable impacts to the scenic vistas and visual quality or character of the area even with the implementation of the proposed landscape buffer.</p> <p>The Draft EIR states that "implementation of MM AES-1 would ensure long-term maintenance of the proposed landscape buffer and reduce the severity of the significant aesthetic impact" (i.e. prior to installation of landscape buffer). "However, even with implementation of MM AES-1, the proposed project's impact to the scenic vistas in the project area would be significant and unavoidable" (i.e. post installation of landscape buffer). Per the conclusion drawn in the Draft EIR, the project's impacts to scenic vistas and the visual quality and character of the area would be significant and unavoidable with and without a landscape buffer. However, implementation of the landscape buffer would reduce the severity of the significant and unavoidable impact.</p> <p>Policies in a General Plan reflect a range of competing interests, and the County must be allowed to weigh and balance the General Plan's policies when applying them. The County finds that the consistency analysis provided in Table 4.1-1 in the Draft EIR is adequate and that the proposed project incorporates design features like undergrounding utility lines to the maximum extent feasible and planting and maintaining honeybee forage and a landscape buffer that would be consistent with the principles set forth in the Alameda County Scenic Route Element.</p>

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			<p>3) If it ever gets that tall, five-foot tall landscaping itself- in what is otherwise an open space, grazing land- is likely to look "unnatural" and create its own inconsistencies with the Scenic Route Element and ECAP, which would require additional CEQA mitigations.</p> <p>The DEIR also fails to analyze the significance of the Project's visual impacts both with and without the proposed buffer/berm and fails to provide rendering related to both scenarios. By improperly compressing the analysis of the Project's visual impacts and design features to mitigate those impacts into a single issue, the DEIR engages in an analytical shortcut that reviewing courts have determined violates CEQA. Lotus v. Department a/Transportation (2014) 223 Cal.App.4th 645, 655.</p> <p>Below, we summarize the Project's inconsistencies with the Alameda County General Plan Scenic Route Element principles listed in the DEIR.</p> <p>Provide for Normal Uses of Land and Protect Against Unsightly Features: Through prohibition and removal of billboards, signs not relevant to the main use of the property, obtrusive signs, automobile wrecking and junk yards, and similar unsightly development or use of land. The Project is not consistent with this principle, but instead tries to cover up unsightly industrial solar panels with an incomplete landscaping concept. The DEIR claim that the Project is consistent with this principle is not supported by substantial evidence.</p> <p>Locate Transmission Towers and Lines Outside of Scenic Route Corridors When Feasible: New overhead transmission towers and lines should not be located within scenic corridors when it is feasible to locate them elsewhere. It's clear that the Project is inconsistent with this principle because the DEIR states that the Project may use overhead transmission lines. Meanwhile, the DEIR does not analyze the "feasibility" of the issue. The DEIR claim that the Project is consistent with this principle is not supported by substantial evidence.</p>	

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			<p>Underground Utility Distribution Lines When Feasible; Make Overhead Lines Inconspicuous: New, relocated, or existing utility distribution lines should be placed underground whenever feasible. When it is not feasible to place lines underground, they should be located so as to be inconspicuous from the scenic route. Poles of an improved design should be used wherever possible. Combined or adjacent rights-of-way and common poles should be used wherever feasible. The Project is inconsistent with this principle and does fails to examine the "feasibility" of placing lines underground. The DEIR's conclusion that the Project is consistent with this principle is not supported by substantial evidence.</p> <p>Use Landscaping to Increase Scenic Qualities of Scenic Route Corridors: Landscaping should be designed and maintained in scenic route corridors to provide added visual interest, to frame scenic views, and to screen unsightly views. In the midst of grazing land, a five-foot high landscaping buffer, as planned, is in itself, "unsightly." See related comments above. The DEIR's conclusion that the Project is consistent with this principle is not supported by substantial evidence.</p> <p>Provide for Normal Uses of Land but Limit Overhead Utilities and Outdoor Advertising Structures: In both developed and undeveloped areas, outdoor advertising structures, utility and communication towers, poles, and wires should be located only where they will not detract from significant scenic views. See comments above. The DEIR's conclusion that the Project is consistent with this principle is not supported by substantial evidence.</p> <p>Below, we summarize the Project's inconsistencies with the East County Area Plans listed in the DEIR.</p> <p>Policy 108: To the extent possible, including by clustering if necessary, structures shall be located on that part of a parcel or on contiguous parcels in common ownership on or subsequent to the date this ordinance becomes effective, where the development is least visible to persons on public</p>	

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			<p>roads, trails, parks and other public viewpoints (emphasis added). The DEIR s conclusion that the Project is consistent with this principle is not supported by substantial evidence. The Project is not proposed to be "least visible to persons " The Project proposes to try to cover up a "big, in-your-face' project with landscaping.</p> <p>Policy 115: In all cases appropriate building materials, landscaping and screening shall be required to minimize the visual impact of development. Development shall blend with and be subordinate to the environment and character of the area where located (emphasis added), so as to be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area. The DEIR's conclusion that the Project is consistent with this principle is not supported by substantial evidence. There is no credible argument that the Project is consistent with "blend and be subordinate to the environmental character of the area where located."</p> <p>Policy 116: To the maximum extent possible, development shall be located and designed to conform with rather than change natural landforms (emphasis added). The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized. The DEIR s conclusion that the Project is consistent with this principle is not supported by substantial evidence. A five-foot high landscaping berm/ buffer is not a natural land form and alters natural vegetation. See comments above.</p> <p>Policy 120: The County shall require that utility lines be placed underground whenever feasible. When located above ground, utility lines and supporting structures shall be sited to minimize their visual impact. The DEIR's conclusion that the Project is consistent with this principle is not supported by substantial evidence. See comments on utility lines above.</p> <p>In sum, to quote Bruce Jensen, "there is no way to hide this enormous project or protect the scenic quality of the area."</p>	

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			<p>The inability to hide the project is one reason that its impacts are Significant and Unavoidable. But, the mitigations the Project proposes, in order to try to hide the project, simply just create more environmental impacts that the DEIR fails to. For instance, the DEIR does not address how a five-foot high landscaping buffer/berm impacts the aesthetics of the area or how the buffer/berm's impacts can be mitigated. In addition, the DEIR lacks specifics and adequate visual representations for the public to evaluate its purported landscaping plan and the aesthetic impacts of the solar panels and overhead utility lines. Finally, the DEIR fails to support, with substantial evidence, that the Project is consistent with numerous scenic route principles and ECAP policies.</p>	
141	013	Robert Selna, Save North Livermore Valley	<p>The Current Project Description Does Not Represent the Full Scope of the Project and is Misleading.</p> <p>For purposes of CEQA, the term "project" means "the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the physical environment[.]" Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007) 155 Cal.App.4th 1214, 1222 (citing CEQA Guidelines§ 15378(a). An "accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193. "However, a curtailed, enigmatic or unstable project description draws a red herring across the path of public input." San Joaquin Rapt or Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 655. "Only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." Id.</p> <p>Here, the DEIR's project description fails to accurately describe the full scope of the Project in violation of CEQA. For example, the Project proposes to connect to the nearby PG&E substation, but the project description fails to describe in</p>	<p>Section 15124 of the State CEQA Guidelines states the following:</p> <p>"The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.</p> <p>(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.</p> <p>(b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.</p> <p>(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.</p> <p>(d) A statement briefly describing the intended uses of the EIR.</p> <p>(1) This statement shall include, to the extent that the information is known to the lead agency,</p> <p>(A) A list of the agencies that are expected to use the EIR in their decision-making, and</p> <p>(B) A list of permits and other approvals required to implement the project.</p> <p>(C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the</p>

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			<p>detail the improvements that will be required to make such connection. Similarly, the project description fails to describe the project grading plans and details about the electrical pads, stormwater detention basins, (improperly deferred) on-site vegetation management plans, (improperly deferred) soil reclamation plans and other Project plans and improvements in detail sufficient to determine the full scope of the Project's potential impacts, particularly biological impacts. Without this important information, those who did not participate in the EIR's preparation are denied the information necessary to meaningfully evaluate the full scope of the Project's potential adverse effects.</p>	<p>fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements. (2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project.”</p> <p>The project description provided in Section 3.0, Project Description, of the Draft EIR provides a detailed project description for the construction, operation, and decommissioning of the proposed project. The precise location and boundaries of the proposed project are shown on detailed maps throughout the EIR. The intended uses of the EIR are discussed including entitlements sought by the project applicant from the County as well as other required or potentially required approvals from the CPUC, RWQCB, and CDFW. As discussed in Section 3.0, Project Description, CPUC General Order No. 131-D establishes that local jurisdictions are preempted from regulating electric power line projects, distribution lines, substations, or other electric facilities constructed by public utilities subject to the CPUC's jurisdiction. The existing Cayetano substation is owned and operated by PG&E and is subject to CPUC jurisdiction. As such, the County does not have discretionary permit authority over the substation or the interconnection to the substation as planned under the proposed project. In addition to project interconnection facilities within the Cayetano substation, the CPUC may rule that the connection line between the project substation and the Cayetano substation and/or some interconnection components within the project substation would fall under General Order No. 131-D and would be the responsibility of PG&E, or joint responsibility between the project and PG&E. These facilities under existing or potential CPUC jurisdiction are referred to in this document as “interconnection facilities.” If any of the project interconnection facilities (gen-tie line or substation) are required to be owned in part by PG&E, the CPUC would have jurisdiction over approval of those portions of the project and may rely on this EIR to fulfill its CEQA review obligations of any substation or interconnection facility improvements under its jurisdiction that are necessary to serve the project. The heights of the overhead poles could vary from 30 to 100 feet, depending on the entry angle required by PG&E which would be determined following project approval with the County, if approved. The project description provided in the Draft EIR meets the criteria outlined in CEQA Guidelines Section 15124.</p>

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				<p>In response to comments about information lacking in the project description, the applicant-proposed agricultural management plan and decommission plan are not required as mitigation measures to reduce a potentially significant impact. Therefore, preparation of those documents following project approval is appropriate and not deferred mitigation. Project grading, electrical inverter pads, and detention basins were discussed in the project description and throughout the Draft EIR, however, more information about those project features has been included in Section 3.0, Project Description.</p>
141	015	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails to Adequately Analyze Project Impacts Related to Vehicle Miles Traveled.</p> <p>The DEIR determines that the Project would have a less than significant project-level and cumulative impact with respect to vehicle miles traveled ("VMT"). DEIR at 4.16-17, 4.16-19. This determination, however, is not supported by substantial evidence and relies on an inapplicable threshold of significance.</p> <p>To assess Project VMT impacts, the DEIR relies on screening threshold included in the Office of Planning and Research's ("OPR") Technical Advisory On Evaluating Transportation Impacts In CEQA dated December 2018 ("OPR Guidance"). DEIR Appendix I at 28, n. 12. The DEIR mistakenly claims that, under the OPR Guidance, "projects that generate or attract fewer than 110 trips per day result in a less than significant impact." DEIR at 4.16-17. This is not true. In fact, the OPR Guidance makes clear that its 110-trip per threshold is intended to be used as CEQA screening threshold that is only applicable to small projects that are otherwise categorically exempt from CEQA. OPR Guidance at 12, n. 19. In addition, the OPR Guidance explains that its 110-trip threshold only applies to projects that are consistent with the applicable general plan and sustainable communities strategy. Id. at 18. Here, the Project is not a small project and is not of a kind normally exempt from CEQA review. Moreover, the Project is inconsistent with the ECAP, as the DEIR concedes. DEIR at 4.11-11.11 Accordingly, the DEIR cannot legitimately rely on OPR's 110-trip threshold for the purpose of assessing the Project's VMT impacts.</p>	<p>The conclusion for Impact TRA-2 in Section 4.16, Transportation, regarding VMT has been revised. See revised conclusion below:</p> <p>"The Project construction traffic volumes would fluctuate over the course nine-month period and increase daily VMT compared with the existing agricultural cultivation and grazing uses at the Project site during this period. During the peak construction period, workers would generate approximately 25,070 VMT (375 workers multiplied by approximately 66.9 miles per worker) per day and hauling trucks would generate approximately 4,127 VMT per day (approximately 60 truck round-trips multiplied by 68 miles per trip). This peak period would last for up to 50 days out of the entire 9-month duration, and the level of construction traffic outside of this period would be substantially lower for the majority of the time. The construction-generated VMT would be temporary in nature, and thus its impacts would be considered to be less than significant. Furthermore, once the Project is constructed, the Project would generate a very small amount of operational traffic volumes with an average of four worker trips each weekday and up to 12 worker trips per year for scheduled module washing. The minimal number of vehicle trips generated by the Project once in operation would not represent a significant increase in regional VMT. For these reasons, the Project would result in less-than-significant impacts related to VMT."</p> <p>The estimated trip counts and VMT that were provided by the project applicant were reviewed and refined by the County and traffic consultant that prepared the project-specific Transportation study. Staff from the County, HELIX Environmental Planning, and CHS Consulting participated in a conference call to discuss the project construction and operation trip assumptions amongst other transportation-related topics and the</p>

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			<p>Even if the 110-trip threshold applied in this case, the DEIR discloses that the Project will generate far more than 110 daily trips. In fact, the DEIR only compares the Project's total daily operational trips to the OPR's 110-trip threshold, and ignores the 750 daily trips the Project will generate during construction. DEIR 4.16-17. The OPR Guidance, however, does not permit the DEIR to simply ignore the Project's increase of 750 daily trips over existing conditions during Project construction. Indeed, the OPR Guidance expressly recognizes that "CEQA requires accounting for the full impact without truncation or discounting." OPR VMT Guidance at 18 (emphasis added). Since the Project is not a residential, office, or retail development and since it will lead to a net overall increase in VMT, the DEIR must, per the OPR Guidance, reevaluate the direct, indirect and cumulative significance of the Project's total VMT utilizing a threshold of significance developed by the County in a manner consistent with the purposes and procedures described in Public Resources Code § 21099 and CEQA Guidelines § 15064.7. OPR Guidance at 17.</p> <p>Finally, the DEIR and its traffic study rely on unsubstantiated estimated trip counts and estimated vehicle miles traveled provided by the Project applicant. DEIR at 4.16-11, 4.16-15. However, "CEQA places the burden of environmental investigation on government" and mandates that the "agency must use its best efforts to find out and disclose all that is reasonably can." <i>Sundstrom v. County of Mendocino</i> (1988) 220 Cal.App.3d 293,311; <i>San Francisco Ecology Center v. City and County of San Francisco</i> (1975) 48 Cal.App.3d 584,595. Although CEQA allows some degree forecasting, such forecasts must be demonstrably reasonable and supported by substantial evidence. CEQA Guidelines § 15144. Here, there is no evidence in the record demonstrating that the lead agency undertook its own investigation of the Project's anticipated trip counts and miles traveled. Nor is there evidence that the lead agency investigated the applicant's trip and miles traveled estimates to determine whether they are reasonable and supported by substantial evidence. Without such</p>	<p>assumptions were deemed to be adequate for the size and type of the proposed project and proposed project schedule.</p>

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			evidence, the DEIR's transportation analysis is fatally defective.	
141	016	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails to Analyze Project Impacts Related Valley Fever and COVID-19.</p> <p>Both the Center for Disease Control and the California Department of Health have identified the Project Site and North Livermore Valley has an area subject to Valley Fever. 12 Valley Fever is a debilitating infectious disease caused by the Coccidioides fungus that lives in the soil. Valley Fever can be released into the air during ground disturbing activities or during high winds and inhaled by anyone in the area, including Project construction and operational workers. The DEIR does not describe the Valley Fever risk in the environmental setting, fails to analyze the Project's potential to exacerbate the risk of Valley Fever exposure through construction and operational activities, and makes no effort to protect Project workers through the implementation of appropriate mitigation measures. Similarly, the DEIR is silent with respect to COVID-19, fails to analyze the Project's potential to exacerbate the risk of COVID-19 exposure by bringing construction and other workers into close proximity of each other, and makes no effort to protect Project workers through the implementation of appropriate mitigation measures. Therefore, the DEIR omits detail sufficient to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the Project. <i>Sierra Club v. County of Fresno</i> (2018) 6 Cal.5th 502, 515-516. To cure this fatal defect, the DEIR must be revised to accurately describe the risk of Valley Fever and COVID-19, to assess the significance of the Project's potential to exacerbate exposure to these diseases, and to implement appropriate mitigation measures to reduce these potential impacts to less than significant levels. Once this supplemental analysis is completed on both a project-level and cumulative-level, the DEIR must be recirculated for additional public review in accordance with Public Resources Code section 21092.1.</p>	<p>The text of EIR section 4.3 Air Quality was amended to address concerns regarding Valley fever. In sum, background information about the disease was provided, the risk at the project site was discussed, and worker safety measures were proposed. The site is not in an area that would require Valley fever safety training for workers and supervisors in accordance with AB 203, but the applicant has agreed to provide such training anyway out of an abundance of caution. Existing measures in place to control fugitive dust and sedimentation would also reduce the risk of Valley fever.</p> <p>COVID-19 was not discussed in the Draft EIR. As a primarily public health issue, COVID-19 is not a project-related impact. Conditions, information, recommendations, and procedures regarding this virus have changed many times during 2020 and will likely continue to change frequently. To attempt to predict such changes or to prescribe safety measures based on potential future public health requirements is not feasible nor practical in this EIR. The project, if approved, would not begin construction until between October 2021 and February 2022. If the COVID-19 pandemic is ongoing at that time, project workers would follow any guidelines and requirements issued by the State of California and Alameda County as well as any additional safety measures required by contractors working on site. Construction work has continued in California through most of the pandemic in 2020, and it can reasonably be assumed that work could proceed on the project as long as any required safety measures are implemented. In any event, the proposed project's worker safety guidelines and construction schedule would be modified based on conditions and guidance from public health officials at that time.</p>

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141	017	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails To Explain How Project Compliance With The Thresholds of Significance Means That The Project's Impacts Are Less Than Significant.</p> <p>Effective December 2018, CEQA Guideline 15064(b)(2) requires that, "[w]hen using a threshold [of significance], the lead agency should briefly explain how compliance with the threshold means that the project's impacts are less than significant." The DEIR fails to satisfy this requirement for every impact category analyzed in the DEIR. The DEIR relies on thresholds of significance, and purportedly determines whether the Project will comply with those thresholds, but the DEIR never explains why compliance with each such threshold means that the Project's related impacts will be less than significant. To comply with the requirements of CEQA Guideline 15064(b)(2), each chapter of the DEIR must be revised to briefly explain, for each threshold and on the basis of substantial evidence, why Project compliance with such threshold means that the Project's related impacts will be less than significant.</p>	<p>Each resource section in the EIR includes a subsection the precedes the impact evaluation and discusses the significance thresholds for that particular resource. Each and every resource impact evaluation provided in the Draft EIR evaluates the proposed project against the impact threshold and provides analysis that supports the conclusion. Each resource impact evaluation concludes with a statement on whether the proposed project would result in no impact, less than significant impact, less than significant impact with mitigation incorporated, or significant and unavoidable impact.</p>
141	018	Robert Selna, Save North Livermore Valley	<p>The DEIR's Air Quality and Greenhouse Gas Emissions Analyses Rely On Unsubstantiated Input Parameters Used To Estimate Project Emissions.</p> <p>The DEIR's analyses of the Project's air quality and greenhouse gas ("GHG") emissions rely on emission calculations generated by the software-based California Emissions Estimator Model ("CalEEMod"), which model provides recommended default input parameters based on project-specific and site-specific information, such as the proposed land use type, overall lot sizes, climate data, and the type of equipment that will be used to construct the project. The CalEEMod software allows users to modify its default input parameters, but CEQA requires that such modifications be justified on the basis of substantial evidence.¹³ The DEIR's traffic impact study indicates that the Project's CalEEMod run relied on several modified input parameters, but the DEIR fails to justify such modifications on the basis of substantial evidence. By way of example, the Project's CalEEMod input parameters were adjusted to assume that emission-generating architectural</p>	<p>The commenter has mischaracterized the modifications made to the California Emissions Estimator Model (CalEEMod) defaults in the air quality and greenhouse gas emissions modeling. CalEEMod does not contain a land use selection that corresponds to a solar generation facility. Therefore, a land use of "Parking - Other Non-Asphalt Surfaces" (537 acres) was used in the modeling of emissions from all areas of the project site except for the Operations and Maintenance Building and energy storage buildings, which were modeled as "Commercial - General Office Building" (400 square feet) and "Industrial – Unrefrigerated Warehouse No-Rail" (72,000 square feet), respectively. In various locations in the model, CalEEMod default values for these land uses were modified where project specific details were available, and where the CalEEMod defaults were clearly not applicable to a solar generation facility. Comments were provided in the CalEEMod remarks sections indicating the source of the information used for changes to the model default settings and further modeling assumption details were provided in Section 2.3 of the Air Quality, Energy and Greenhouse Gas Technical Report (Appendix D to the Draft EIR).</p>

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			<p>coatings will not be applied to any Project improvements and to assume that only 5 acre feet of water per year will be used for operations and maintenance, yet there are no enforceable mitigation measures to ensure these results. Appendix A to DEIR Appendix D, pp. 2. The DEIR must be revised to justify its CalEEMod adjustments on the basis of substantial evidence.</p>	<p>The commenter is incorrect in the statement: “The DEIR’s traffic impact study indicates that the Project’s CalEEMod run relied on several modified input parameters,” The Transportation Impact Study (Appendix I to the Draft EIR) does not discuss the CalEEMod modeling or the air quality analysis. The CalEEMod default parameters associated with the project’s vehicle trips were modified with project specific information provided by the Traffic Impact Study. The Traffic Impact Study (Appendix G of the Draft EIR) provides the substantial evidence supporting those model parameter inputs, as discussed in Section 2.3.1.3 of the Air Quality, Energy and Greenhouse Gas Technical Report (Appendix D to the Draft EIR).</p> <p>The commenter is incorrect in the statement: “[...] the Project’s CalEEMod input parameters were adjusted to assume that emission-generating architectural coatings will not be applied to any Project improvements.” In accordance with the CalEEMod default settings, the modeling assumed that 108,000 square feet of building interior space and 36,200 square feet of building exterior space would be painted. The CalEEMod default setting for areas of parking lots to require pavement marking for 537 acres is 1,404,392 square feet and this is clearly not applicable to a solar generation facility. The project does not propose any paved areas which would require pavement marking. Therefore, the CalEEMod Parking Area setting for architectural coatings was set to zero.</p> <p>The project GHG analysis assumed 5 acre-feet of water use per year for project operations, as described on page 16 of the Water Supply Assessment (WSA) and Hydrology Study (Appendix G to the Draft EIR): “The applicant has determined the project operational water demand would be up to 5 AFY [acre feet per year] of water, which is consistent with water demands associated with similar solar power developments in similar environments, and is the water demand used to inform the CEQA analysis provided in the project’s Environmental Impact Report [...]. For the purposes of this WSA, additional assumptions were developed to provide a conservative analysis respective to the long-term water supply availability and reliability for the project. Based upon these additional assumptions [...] this WSA conservatively assesses an operational water demand of up to 12.85 AFY.” Because the operational water use assumptions were revised in the WSA subsequently to the air quality and GHG emissions analysis, the project emissions modeling has been revised to reflect the assumption of up to 12.85 acre-feet per year</p>

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				<p>operational water use. The summary table and text in air quality and GHG emissions analysis has been revised accordingly in this FEIR. This update to the Air Quality and GHG analysis to reflect the increased water use assumption does not change the impact conclusion regarding the significance of the project's emissions. According to the modeling results, 12.85-acre feet of water per year would result in 4.4 metric tons of carbon dioxide equivalents (MT CO₂e) per year, or approximately two percent of the project's calculated 209 MT CO₂e per year operational emissions. The WSA provides substantial evidence of the operational water use assumptions use in the emissions modeling. Therefore, GHG emissions from the project's operational water use, combined with the project's other operational GHG sources and amortized construction emissions, would not be significant, and based on substantial evidence, there is no requirement for mitigation to limit project operational water use based on the projected GHG emissions impacts.</p>
141	019	Robert Selna, Save North Livermore Valley	<p>The DEIR's GHG Analysis Is Misleading, Is Not Supported By Substantial Evidence. and Fails To Proceed In a Manner Required By Law.</p> <p>CEQA Guidelines§ 15064.4(b)(3) requires an EIR to consider the extent to which a proposed project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Here, the Project site falls within the planning area of Plan Bay Area, the regional transportation plan/sustainable communities strategy adopted pursuant to Senate Bill 375 to establish a land use development pattern capable of achieving the regional GHG reduction target established by the California Air Resources Board. Plan Bay Area identifies the Project site as open space and outside of Plan Bay Area's development footprint. Despite this apparent inconsistency, the DEIR simply concludes without analysis that the Project would not conflict with Plan Bay Area. DEIR at 4.8-14. Similarly, the DEIR simply concludes without analysis that the Project is consistent with the BAAQMD 2017 Clean Air Plan. Id. Without undertaking a good faith reasoned analysis of the Project's consistency with Plan Bay Area and the Clean Air Plan, the DEIR's GHG analysis fails to proceed in a manner required by law and its related GHG</p>	<p>Contrary to the commenter's assertion, the Draft EIR greenhouse gas (GHG) impact analysis did analyze the project's consistency with the Bay Area Air Quality Management District's (BAAQMD's) 2017 Clean Air Plan (Section 4.8.3, Impact GHG-2), including consistency with applicable control measures. Additional information regarding Plan Bay Area 2040 concerning changes in regional land use and transportation patterns as a result of the project has been added to the impact analysis in this FEIR to address this comment. However, this information merely expands upon the Draft EIR's impact analysis to explain that the project would not result in population growth; employment growth would be limited to four full-time employees; and, therefore, would not affect the transportation and land use patterns analyzed or assumed in Plan Bay Area 2040. The addition of this text to the GHG analysis does not change the impact conclusion regarding plan consistency.</p> <p>The commenter has misstated the BAAQMD CEQA Guidelines concerning the analysis of a project's construction-period GHG emissions. The BAAQMD CEQA Air Quality Guidelines state (Page 2-6): "The District does not have an adopted Threshold of Significance for construction-related GHG emissions. However, the Lead Agency should quantify and disclose GHG emissions that would occur during construction, and make a determination on the significance of these construction-generated GHG emission impacts in relation to meeting AB 32 GHG reduction goals, as required by the Public Resources Code, Section 21082.2." Nowhere in this statement, or anywhere else in the BAAQMD CEQA Air Quality</p>

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			<p>impact determinations are not supported by substantial evidence.</p> <p>The DEIR's GHG analysis is also misleading because it suggests that it need not evaluate the significance of the Project's construction-related GHG emissions separate and apart from the Project's operational GHG emissions because BAAQMD "has not adopted a threshold of significance for determining the significance of a project's construction GHG emissions." DEIR at 4.8-12. Accordingly, the DEIR amortizes the Project's construction GHG emissions, adds them to the Project's annual operational GHG emissions, and considers their combined significance against a modified version of BAAQMD's threshold of significance for operational GHG emissions. Id.</p> <p>While it is true that BAAQMD has only adopted a threshold for operational emissions and has not adopted a threshold for construction emissions, BAAQMD's CEQA Guidelines are clear that a project's construction GHG should be analyzed separately from its operational GHG emissions. In fact, BAAQMD's CEQA Guidelines explain that a lead agency should separately determine the significance of construction GHG-emissions "in relation to meeting AB 32 GHG reduction goals, as required by the Public Resources Code, Section 21082.2".¹⁴ This process was not used by the DEIR, however, in violation of CEQA. Moreover, BAAQMD's CEQA Guidelines encourage lead agencies "to incorporate best management practices to reduce GHG emissions during construction," but no such practices are incorporated into the Project by the DEIR.</p> <p>Finally, to assess the significance of the Project's combined construction and operational GHG emissions, the DEIR relies on a modified version of BAAQMD's threshold of significance for operational GHG emissions. As explained in the DEIR, its GHG threshold compares the Project's emissions "to a reduced threshold corresponding to the SB 32 reduction target of emissions of 40 percent below 1990 levels by 2030." DEIR at 4.8-11. However, SB 32's reduction target is a statewide reduction target that covers all sectors of the California economy and there is no evidence in the record that</p>	<p>Guidelines, does BAAQMD recommend or require that "a project's construction GHG should be analyzed separately from its operational GHG emissions" as asserted by the commenter. The project's construction period GHG emissions were quantified and disclosed in the Draft EIR Section 4.8.3, Impact GHG-1. The significance of the project construction-period GHG emissions, in combination with the project's operational period emissions, were analyzed in relation to meeting AB 32 GHG and SB 32 reduction goals in the Draft EIR Section 4.8.3, Impact GHG-1. Regarding best management practices to reduce GHG emissions during construction, the BAAQMD CEQA Air Quality Guidelines do not require such best management practices (Page 2-6): "The Lead Agency is encouraged to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable." The commenter is incorrect in asserting that "no such practices are incorporated into the Project by the DEIR." Mitigation Measure AQ-1 of the Draft EIR requires implementation of the BAAQMD's basic construction mitigation measures, which includes the requirements for all construction equipment to be maintained and properly tuned in accordance with manufacturer's specifications, and idling times to be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). These best management practices would reduce GHG emissions during construction.</p> <p>The commenter has failed to consider the source of the GHG emissions threshold used to determine the significance of the project's GHG emissions. The BAAQMD has adopted a bright-line threshold of 1,100 MT CO₂e per year to determine the significance of GHG emissions at the project level. As described in Appendix D, Section 2.2, <i>Justification and Substantial Evidence Supporting Thresholds</i>, of the BAAQMD CEQA Air Quality Guidelines (page D-13): "Staff recommends setting GHG significance thresholds based on AB 32 GHG emission reduction goals while taking into consideration emission reduction strategies outlined in ARB's Scoping Plan." The BAAQMD's adopted GHG threshold accounts for the regional reduction efforts required to meet the Statewide Reduction goals mandated by AB 32 and implemented by the California Air Resource Board's Scoping Plan. AB 32 mandates the reduction of GHG emissions in California to 1990 levels by the year 2020. SB 32 requires further reductions of 40 percent below 1990 levels by 2030. BAAQMD</p>

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			<p>the GHG reductions needed to achieve this statewide goal is the same reduction effort that should be required from this individual project. The DEIR's failure "to establish, through substantial evidence and reasoned explanation, a quantitative equivalence between [SB 32's] statewide comparison and the [D]EIR's own project-level comparison deprived the [D]EIR of its sufficiency as an informative document[,]" in violation of CEQA. <i>Center for Biological Diversity v. California Department of Fish and Wildlife</i> (2015) 62 Cal.4th 204, 227.</p>	<p>has not adopted thresholds or provided guidance for determining the significance of a project GHG emissions beyond the year 2020 considering the mandates of SB 32. Because the BAAQMD's 1,100 MT CO₂e per year threshold accounts for regional reduction efforts required to meet statewide reduction goals, a proportional adjustment (reduction) of this regional threshold to meet the additional requirements of SB 32 by the year 2030 still accounts for regional reduction efforts. Therefore, the Draft EIR's analysis of combined constructional and operational GHG emissions represents a conservative approach based on reasonable assumptions supported by substantial evidence (BAAQMD CEQA Air Quality Guidelines).</p>
141	020	Robert Selna, Save North Livermore Valley	<p>The EIR Fails to Analyze Whether the Project Will Have a Sufficient Water Supply for Construction, Operation, and Decommissioning.</p> <p>The ECAP, as amended by Measure D, requires that the "County shall approve new development only upon verification that an adequate, long-term, sustainable, clearly identified water supply will be provided to serve the development, including in times of drought." ECAP, Policy 253. The DEIR's conclusion that the proposed Project would have sufficient water supply is primarily based on Zone 7's 2015 Urban Water Management Plan ("UWMP"). DEIR at 4.17-8. The UWMP, however, only considers the availability of water through 2035 and the Project's water supply assessment expressly states that it "does not attempt to quantify water supply availability beyond the projections provided through 2035 in Zone 7's 2015 UWMP, because doing so would be highly speculative, and would not be based on actual data." DEIR Appendix G at 31- 32. In short, there is no evidence in the record showing that sufficient water supplies "bear a likelihood of actually proving available" to the Project over its 50+ year lifespan, as CEQA requires. <i>Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova</i>, 40 Cal.4th 412 ,432 (2007). Speculative sources of water do not provide an adequate basis for decision making under CEQA. Id. In short, there is no substantial evidence supporting the DEIR's determination that the Project will have a less than significant impact related to water supplies. This lack of evidence not</p>	<p>Sections 4.10, Hydrology and Water Quality, 4.17, Utilities and Service Systems, and the Water Supply Assessment (WSA) in Appendix G discuss water supply for construction, operation, and decommissioning of the proposed project. In accordance with California Water Code, as amended by SB 610, the WSA identifies and characterizes all known and potential water demands of the project, in comparison to the water supplies available to the project over a 20-year projection, with consideration to varying drought conditions and ongoing long-term supply management activities. Water supplies considered for the purposes of the WSA include groundwater pumped from the Livermore Valley Groundwater Basin via an on- or off-site groundwater well, surface water imported to the project area and distributed via the Zone 7 Water Agency, and local groundwater banking operations that receive surplus water supplies during wet years and provide supply reliability during dry years.</p> <p>The project's amortized annual water demand is 13.97 AFY; this is the project's total maximum water demand averaged over all phases of the project, accounting for 52 years to capture construction and decommissioning or repowering occurring during years that O&M activities also may occur, in addition to 50 full years of project O&M. During a normal O&M year for the project, water demands would include a minimum of 5 AFY for panel washing activities, to maintain maximum efficiency of the project's technology. In order to provide a conservative analysis of water supply availability and reliability, the WSA considers a maximum operational water demand of up to 12.85 AFY, which accounts for factors including a possible need to treat water for high TDS concentrations before it is used for panel washing, and accounts for the option of storing a supply of emergency fire suppression water on site.</p>

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			<p>only violates CEQA, it also violates the express requirements of Measure D.</p>	<p>Long-term water supply availability projections provided in the Zone 7 2015 UWMP were reviewed and assessed in the WSA, in comparison to the anticipated water demands of the project. Zone 7's UWMP projects a surplus water supply under all considered drought scenarios, including normal-year, single-dry year, and multiple-dry year conditions. This is likely due to Zone 7's diversified water supply portfolio consisting of local groundwater recharge and banking efforts as well as imported surface water supplies, in addition to other proactive management efforts including salt and nutrient management of the local groundwater resources, to maximize their potential for future use. Consistent with ongoing activities, it is anticipated that Zone 7 will respond to anticipated dry-year water shortages by pumping banked groundwater that is actively managed for this purpose, and by implementing management actions including but not limited to conservation actions.</p> <p>The water supply planning efforts discussed above, including Zone 7's UWMP, rely upon General Plan land use designations and zoning, in order to predict water demands based upon known and anticipated land uses. In this case, the project site is designated and zoned for agriculture, and although agriculture would continue to occur on the project site in the form of sheep grazing and apiary uses, the site's solar energy development would be less water intensive than typical agricultural land uses. Therefore, with implementation of the proposed project, the actual water demands that will occur on the project site will likely be lower than planned for this site in the UWMP for the area. This suggests that the water demands that will occur on the project site with implantation of the project are accounted for in the supply availability projections provided in the UWMP.</p> <p>The operational lifetime of the proposed project is anticipated to be up to 50 years, which is 30 years longer than the 20-year projection required in a WSA. Further, the water supply analysis in Zone 7's 2015 UWMP projects water availability through the year 2035, which only provides a 15-year projection from the time of preparation of this WSA, in late 2020. However, SB 610 acknowledges that there is commonly a lack of consistent, reliable information on water supply availability, and SB 610 therefore allows for use of the "best available" data sources in WSA analyses. This WSA does not attempt to quantify water supply availability beyond the projections provided through 2035 in Zone 7's 2015 UWMP, because doing so would be highly speculative, and would not be based</p>

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				<p>on actual data. Rather, conclusions are based upon the surplus availability projections discussed above, the ongoing and active management of the Livermore Valley Groundwater Basin, and the diverse water supply portfolio of the Zone 7 Water Agency.</p> <p>This WSA concludes that sufficient water supply is available to meet the project's maximum potential water demands over a 20-year projection, and that water supply is reliable under normal-year, single-dry-year, and multiple-dry-year conditions. This conclusion is based upon conservative water demand factors assumed for the proposed project, and allows for the project's use of local groundwater pumped from the underlying Livermore Valley Groundwater Basin, which is managed by Zone 7 in accordance with SGMA, and/or the project's use of imported surface water purchased from Zone 7 or from one of the four local water purveyors that receive their imported surface water supply through Zone 7 (California Water Service Company – Livermore District, Dublin San Ramon Services District, City of Livermore, and City of Pleasanton). Although regional water shortages may occur during the project's lifetime, such conditions may occur regardless of the proposed project, and are accounted for in UWMP supply availability projections.</p>
141	021	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails to Adequately Analyze and Mitigate the Project's Adverse Biological Impacts.</p> <p>As detailed in the attached comment letter prepared by expert biologist Karen Swaim, which is incorporated hereby by this reference in its entirety, the DEIR fails to adequately analyze and mitigate the Project's potential adverse impacts on special status species and their habitat, including but not limited California tiger salamander and California red-legged frog.</p>	See responses to comments #141-038 through 141-060 for responses to the concerns raised in the letter from Karen Swaim.
141	022	Robert Selna, Save North Livermore Valley	<p>The DEIR Improperly Defers Formulation of the Project's Proposed Agricultural Management Plan.</p> <p>Per CEQA Guidelines section 15126.4(a)(1)(B), the formulation of the details of a mitigation measure may not be deferred until some future time except in very limited circumstances. Controlling caselaw provides that deferred mitigation is permissible only if three preconditions are first satisfied. First, the DEIR must explain, on the basis of substantial evidence, why it is impractical or infeasible to include the mitigation</p>	The preparation of an Agricultural Management Plan is an applicant-proposed plan and is not necessary to reduce a potentially significant environmental impact. The Plan would be implemented to sustain the proposed concomitant agricultural operations on lands designated as grazing land and to address grazing operations throughout the project site for the duration of the project. Despite being an applicant-proposed measure, the Agricultural Management Plan will be approved by the County as indicated in the Draft EIR and thus enforceable. Some of the mitigation measures in the Biological Resources section identify language and standards to be included in the Agricultural Management Plan, and

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			<p>details in the DEIR. San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 670. Second, the DEIR must describe a performance standard that identifies the specific criteria the lead agency will apply in determining that the impact will be mitigated. Rialto Citizens for Responsible Growth v. City of Rialto (2012) 208 Cal.App.4th 899, 945; Cleveland National Forest Found. v. San Diego Assn. of Governments (2017) 17 Cal.App.5th 413, 443; CEQA Guidelines§ 15126.4(a)(l)(B). Third, the EIR must describe potential mitigation actions that are known to feasibly achieve the specified performance standard. North Coast Rivers Alliance v. Marin Mun. Water District (2013) 216 Cal.App.4th 614,630; CEQA Guidelines§ 15126.4(a)(l)(B).</p> <p>Here, the Project proposes future preparation and implementation of a so-called Agricultural Management Plan ("AMP") which would "outline" the "concomitant agricultural land uses during operation of the solar facility." DEIR at 3-10. The DEIR relies on the AMP to mitigate various biological impacts of the Project by undertaking unspecified "vegetation management methods" that would purportedly reduce Project impacts on raptors and other species, to "manage onsite fuel load of vegetation," and to "maintain soil capability and minimize agricultural water use," among other things. DEIR at 3-14, 4.4-46. In violation of CEQA, however, the DEIR does not describe any performance standard that AMP implementation must achieve or the potential mitigation actions that are known to feasible achieve a specified performance standard. To compound this error, the DEIR does not explain why it is impractical or infeasible to include the full mitigation details and performance standards at this stage of the CEQA process, as required by controlling law.</p> <p>Livestock grazing often has significant adverse effects on grassland and riparian habitats such as those found on the Project site.¹⁵ Here, the Project proposes to substantially increase the number of livestock that will gaze the Project site annually. Given the potential adverse impacts such grazing could cause, and the fact that the DEIR relies on the AMP to reduce adverse impacts and to preserve the Project site's</p>	<p>the County will ensure that those components are included as part of the approval process for the Agricultural Management Plan and through the MMRP implementation process.</p> <p>The project site is historically grazed by cattle, and the project proposes to allow for seasonal sheep grazing for vegetation management following project construction and site revegetation. Sheep grazing would likely be confined to a 2 month period in the late spring and early summer, after the primary blooming period of onsite vegetation. This would allow for pollinator foraging prior to removal of vegetation by the sheep. Sheep tend to graze closer to the ground than cows (which can generally only graze down to about two inches), are more selective in what they eat, and do not damage pastures as much given their smaller size and lower weight (OSU 2020). The site is expected to support up to 820 head of sheep annually, though the exact number and the exact window of grazing would vary from year to year based on weather conditions and forage productivity.</p>

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			important habitat values, it is critical that that the DEIR set forth sufficient detail about the AMP and its management methods so that the reviewing public and County decision-makers can adequately assess the full scope of the Project's potential environmental effects and test adequacy of the DEIR's proposed mitigation measures.	
141	023	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails to Adequately Analyze a Reasonable Range of Project Alternatives.</p> <p>The DEIR's conclusory determination that the "Alternative Location" alternative would not accomplish most of the Project objectives, would be infeasible, and would not substantially lessen or avoid any significant environmental impacts is not supported by substantial evidence. Moreover, the DEIR should have, but did not, analyze a distributed generation alternative and an alternative that would reduce the Project's significant and unavoidable aesthetic impacts by eliminating Project improvements closest to nearby sensitive receptors and key observation points. Please also see the DEIR comments included in the attached letter prepared by Grassetti Environmental Consulting, all of which comments, including but not limited to those related to the DEIR's alternatives analysis, are incorporated herein by this reference.</p>	<p>Section 15126.6(a) of the State CEQA Guidelines state that:</p> <p>“An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”</p> <p>The Draft EIR considered alternative locations (Alternative Location: Formerly Proposed Solar Development Sites and Other Large-Scale Sites) and distributed solar (Alternative Location: East Bay Community Energy Solar Sites) alternatives but rejected these alternatives as infeasible. The Draft EIR considered two project action alternatives that eliminate one of the two significant and unavoidable impacts identified and lessen impacts to other resource sections, including biological resources. The Draft EIR considered a range of reasonable alternatives as required by CEQA Section 15126.6.</p> <p>Amongst other reasons, the Alternative Location: Formerly Proposed Solar Development Sites and Other Large-Scale Sites was primarily rejected for consideration as infeasible as the project applicant does not currently own or control these other potential sites for the proposed project in Alameda County nor can the project applicant reasonably acquire or otherwise have access to such alternate sites and because the significant and unavoidable impacts that would be eliminated by this alternative are the same that would be eliminated by the two project</p>

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				<p>alternatives that were considered and under contract with the project applicant. Section 15126.6(f)(2) supports this conclusion as it states the following:</p> <p>“The key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project would need to be considered for inclusion in the EIR.”</p> <p>The commenter incorrectly states that the Draft EIR did not consider a distributed generation alternative. The Draft EIR identifies the Alternative Location: East Bay Community Energy Solar Sites as a distributed generation alternative. This alternative was rejected from further consideration for the following reasons:</p> <ol style="list-style-type: none"> 1. The Clean Coalition’s EBCE Solar Siting Survey identified over 650 MW of technical solar siting potential on over 250 discrete sites in Alameda County. Each site identified has the potential to host at least 1 MW on rooftops, parking lots, and parking structures located at the site. More than 30 percent of the siting potential was determined to be on parking lots and parking structures, and the other 70 percent was on aggregate sites consisting largely of business and shopping structure rooftops (EBCE 2017). To meet the objective to generate up to 100 MW of solar energy, numerous discrete sites would need to be aggregated which is not physically or economically feasible. 2. Out of all the alternative energy sources listed (solar PV – rooftop residential, solar PV – rooftop commercial/industrial, solar PV – thin film utility-scale, and on-shore wind), leveled costs for commercial and industrial rooftop solar PV range from \$81 to \$170 per MWh and residential rooftop solar PV range from \$160 to \$267 per MWh. In comparison, leveled costs for utility-scale solar PV’s range from \$36 to \$44 per MWh generated (Solar Power World 2018). On a per MW basis, commercial and industrial rooftop solar is substantially more expensive than utility-scale solar. The cost of generating the electricity would go up substantially, deeming the EBCE rooftop sites infeasible.

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				<p>3. Because this alternative assumes that rooftop solar development would occur primarily on commercial and industrial structures due to the greater availability of large, relatively flat roof areas necessary for efficient solar installations, the solar energy generated would likely be for commercial and industrial consumption and on-site use only. Additionally, this distributed alternative would only provide renewable energy during the peak energy generation period (daylight hours). Therefore, it would not provide renewable energy during the peak load period which is typically between 4:00 PM and 10:00 PM.</p> <p>4. The siting survey did identify a relatively large site near the Livermore Municipal Airport with a generation potential of 55 MW; however, because the project applicant does not currently own, control or otherwise have access to this site, nor can the project applicant reasonably acquire the site, it would also require more land area to generate an adequate 100 MW. With the needed development of other sites, economies of scale and benefits of the larger site would be lost.</p> <p>The commenter states that the Draft EIR failed to analyze “a distributed generation alternative and an alternative that would reduce the Project's significant and unavoidable aesthetic impacts by eliminating Project improvements closest to nearby sensitive receptors and key observation points.” As noted above, the Draft EIR did analyze a distributed generation alternative. Additionally, the siting of solar in more urban, densely populated areas as identified in EBCE siting survey would also site solar in close proximity to sensitive receptors, and while the key observation points analyzed in the Draft EIR are specific to the project site analyzed, key observation points would also be identified and analyzed for any other potential site.</p>
141	024	Robert Selna, Save North Livermore Valley	<p>The DEIR's Determinations Regarding the Land Use Impacts of the Reduced Density Footprint Alternative and the Resource Management Avoidance Alternative Are Misleading and Are Not Supported by Substantial Evidence.</p> <p>The DEIR incorrectly determines that the Resource Management Avoidance and Reduced Density Footprint alternatives would have a less than significant land use impact</p>	<p>Refer to response to comment #141-005. With respect to the LPA designation, the Draft EIR finds that solar development is comparable to other uses specifically allowed, including windfarms, utility corridors, and similar uses compatible with agriculture. The Project, inclusive of primarily solar arrays, vegetation, compacted dirt and graveled access roads, and activities including equipment maintenance, sheep grazing, and honeybee foraging, would be consistent with the LPA land use designation. Further, there is precedent within the County for approving utility-scale solar projects within the LPA designation, including the</p>

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			<p>because they would only permit development on land designated land as LPA by the ECAP. DEIR at 5-17, 5-23. For the reasons discussed above, however, the ECAP does not permit development of LPA land with industrial solar facilities of the type and scale proposed by the Project. Moreover, as explained above, the Project is inconsistent with multiple provisions of the ECAP, which inconsistencies are not disclosed and analyzed in the DEIR. Given the many ways in which these alternatives would be inconsistent with the ECAP, the DEIR's determination that they would have less than significant land use impacts is fundamentally misleading and is not supported by substantial evidence.</p>	<p>GreenVolts and Altamont Solar Energy projects. The consistency determination for the WM land use category is supported by the findings of a hydrological engineering study provided at Appendix G of the Draft EIR as well as the County independent review and analysis. The two project action alternatives considered both avoid development within RM lands which would eliminate the significant and unavoidable land use impact as supported above.</p>
141	025	Robert Selna, Save North Livermore Valley	<p>The DEIR Fails to Adequately Analyze and Mitigate the Project's Potential to Exacerbate Wildfire Risks and to Expose People and Structures to Wildfire Risks.</p> <p>CEQA requires a DEIR to evaluate all of the Project's potentially significant impacts, including consideration of the "human use of the land." CEQA Guidelines § 15126.2(a). Further, a DEIR must "analyze any significant environmental effects the project might cause or risk exacerbating by bringing development into areas susceptible to hazardous conditions." California Building Assn. v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369, 388-89. As acknowledged by the DEIR, the Project site is located in an area designated by CalFire as a fire hazard severity zone. Nevertheless, the DEIR fails to adequately analyze the Project's fire-related risks.</p> <p>First, the DEIR fails to adequately analyze the influence of climate change on wildfire risk and how that influence will affect fire starts potentially caused by the Project. The western United States has experienced some of the largest wildfire years this decade and there is strong evidence that regional warming trends and climate related drought conditions are contributed to increased fire severity and frequency. Yet these climate-related influences on the risk of human started fires through alteration of the local fire regime are not analyzed in the DEIR. Moreover, the DEIR fails to identify and adequately mitigate the specific and documented</p>	<p>Sections 3.0, Project Description, 4.14, Public Services, and 4.18, Wildfire, have been amended to better address concerns regarding wildfire. Descriptions of existing conditions were clarified, and training and pre-incident planning requirements were clarified and made more specific, as were plans for coordinating with CAL FIRE and ACFD. Regarding the classification of the project site as a fire hazard severity zone (FHSZ), the project is located in an SRA. SRA lands (which cover approximately 1/3 of the state and can most generally be defined as non-federal, unincorporated wildlands) are generally all classified into fire hazard severity zones (PRC 4202) of moderate, high, and very high. The project site's classification as a moderate FHSZ, along with its flat topography (which favors ingress and egress and helps to limit rapid fire spread) and short, fine fuels (i.e., annual grasses) indicate that it is not in an area at unacceptable wildfire risk. Climate change was not discussed with regard to wildfire since many of the impacts of climate change on fire severity are not relevant here. In fuel types such as forests, climate change-induced prolonged drought and heat waves can lead to increased tree stress and mortality and can severely exacerbate existing fire risks. However, the fuels on the project site are annual forage grasses, which grow and die off (above ground) every season in this part of California regardless of variations in climate. Climate change would not increase risks related to fuels in this fuel type. Other impacts of climate change on fire risk, such as an increase in the number of days per year with red flag warnings, can occur regardless of any actions implemented through this project. To limit those potential impacts, fuels would be managed, ignition sources would be minimized, and firefighters would be trained and made available. Additionally, this project would help to address the</p>

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			<p>fire risks associated with solar electric generation facilities, fails to assess the likelihood of the Project's potential to cause fire starts, and fails to ensure the provision of the specialized training that firefighters need to adequately respond fires at solar electric generation facilities. 16</p> <p>The DEIR acknowledges that it takes specialized firefighting training to effectively respond to fires at industrial solar facilities of the type proposed by the Project. DEIR at 4.14-3. Yet the DEIR merely avers that "the project applicant would implement fire prevention measures and work with CAL FIRE and ACFD to train workers in fire prevention safety" and on this basis finds that the Project's impacts on fire services would be less than significant. Id. However, the DEIR never specifies the specific "fire prevention measures" or specialized training that would be implemented by the Project, and it never explains how the project applicant will "work with" CalFire and ACFD to "ensure safe operations." Id. Moreover, there are no enforceable mitigation measures to ensure that the unspecified "fire prevention measures" and specialized training will be timely implemented and funded by the Project. In short, the DEIR's conclusions regarding the Project's fire-related risks are conclusory and unsupported by substantial evidence.</p>	<p>root issue of climate change by providing utility-scale power from a renewable source.</p>
141	026	Robert Selna, Save North Livermore Valley	<p>A Revised DEIR Must be Recirculated For Public Review And Comment.</p> <p>CEQA requires recirculation "[w]hen significant new information is added to an environmental impact report" following the comment period. Pub. Res. Code § 21092.1. The County may not rely on a draft report "that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review." Mountain Lion Coalition v. California Fish and Game Comm 'n (1989) 214 Cal.App.3d 1043, 1052. Given the CEQA errors described above, the DEIR requires significant revision and recirculation to allow the public a fair opportunity "to test, assess, and evaluate the data and make an informed judgement as to the validity of the conclusions to be drawn therefrom." Sutter Sensible Planning, Inc. v. Board of</p>	<p>Revisions made to the EIR in response to comments received on the Draft EIR did not include significant new information, identify a new potentially significant impact, result in the substantial increase in the severity of an already identified impact, or identify a feasible alternative that the project proponent declined to adopt. Additionally, the Draft EIR was not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Therefore, recirculation of the EIR is not warranted.</p>

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			Supervisors of Sutter County (1981) 122 Cal.App.3d 813, 822. Failure to recirculate will necessarily expose the County to clear and avoidable CEQA liability.	
141	027	Robert Selna, Save North Livermore Valley	[Exhibit 1: excerpt of an email from Andrew Young to Marisa Mitchell concerning the Aramis Solar Project dated 4/21/2020]	Exhibit 1 is acknowledged. This comment does not raise any environmental issue related the specific contents of the EIR. Refer to Response to Comment #141-004.
141	028	Robert Selna, Save North Livermore Valley	[Exhibit 2: excerpt of an email exchange between Andrew Young and Elizabeth McElligott concerning the Williamson Act dated 6/11/2020]	Exhibit 2 is acknowledged. This comment does not raise any environmental issue related to the specific contents of the EIR. Refer to Response to Comment #141-003 and 141-004.
141	029	Robert Selna, Save North Livermore Valley	[Exhibit 3: email from Bruce Jensen to Albert Lopez, Elizabeth McElligott, and Andrew Young concerning the Aramis EIR dated 8/13/2020]	Exhibit 3 is acknowledged. This comment does not raise any environmental issue related to the specific contents of EIR. Refer to Response to Comment #141-005 and 141-012.
141	030	Robert Selna, Save North Livermore Valley	[Exhibit 4: excerpt of an email chain between Elizabeth McElligott, Albert Lopez, Andrew Young, Bruce Jensen, and Sandra Rivera concerning the Aramis Solar Project dated 4/9/2020]	Exhibit 4 is acknowledged. This comment does not raise any environmental issue related to specific contents of the EIR. Refer to Response to Comment #141-005.
141	031	Robert Selna, Save North Livermore Valley	[Exhibit 5: excerpt of an email chain between Albert Lopez, Andrew Young, and Bruce Jensen concerning the Aramis Solar Project dated 4/23/2020]	Exhibit 5 is acknowledged. This comment does not raise any environmental issue related to specific contents of the EIR. Refer to Response to Comment #141-005.
141	032	Robert Selna, Save North Livermore Valley	[Exhibit 6: excerpt of an email chain between Albert Lopez, Marisa Mitchell, Bruce Jensen, and others concerning the Aramis Solar Project dated 4/10/2020]	Exhibit 6 is acknowledged. This comment does not raise any environmental issue related to specific contents of the EIR. Refer to Response to Comment #141-005.
141	033	Robert Selna, Save North Livermore Valley	[Exhibit 7: excerpt of an email chain between Albert Lopez, Bruce Jensen, and Andrew Young concerning the Aramis Solar Project dated 4/23/2020]	Exhibit 7 is acknowledged. This comment does not raise any environmental issue related to specific contents of the EIR. Refer to Response to Comment #141-005.
141	034	Robert Selna, Save North Livermore Valley	[Exhibit 8: excerpt of an email chain between Albert Lopez, Bruce Jensen, Andrew Young, Elizabeth McElligott, and Sandra Rivera concerning the Aramis Solar Project dated 5/1/2020]	Exhibit 8 is acknowledged. This comment does not raise any environmental issue related to specific contents of the EIR. Refer to Response to Comment #141-005.
141	035	Robert Selna, Save North Livermore Valley	[Exhibit 9: excerpt of an email chain between Bruce Jensen, Andrew Young, and Rodrigo Orduna concerning the Aramis Solar Project dated 6/8/2020]	Exhibit 9 is acknowledged. This comment does not raise any environmental issue related to specific contents of the EIR. Refer to Response to Comment #141-010.

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141	036	Robert Selna, Save North Livermore Valley	[Exhibit 10: excerpt of an email chain between Bruce Jensen, Andrew Young, Albert Lopez, and Elizabeth McElligott concerning the Aramis Solar Project dated 8/13/2020]	Exhibit 10 is acknowledged. This comment does not raise any environmental issue related to specific contents of the EIR. Refer to Response to Comment #141-005 and 141-012.
141	037	Robert Selna, Save North Livermore Valley	<p>Attachment A PROJECT INCONSISTENCY WITH ECAP POLICIES</p> <p>Policy 13: The County shall not provide nor authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with the initiative. This policy shall not bar 1) new expanded or replacement infrastructure necessary to create adequate service for East County, 2) maintenance, repair or improvements of public facilities, which do not increase capacity</p> <p>The Project is inconsistent with Policy 13 for the following reasons:</p> <ol style="list-style-type: none"> 1) Intersect has stated on the record that 75% of the power generated by the Project may be going to Clean Power SF (San Francisco Public Utilities Commission) to power San Francisco uses. By definition, the Project goes beyond what is "adequate" for East County, because the power generated will be sent to San Francisco. 2) The Project proposes 100 MW of increased capacity and storage. There is nothing in the Project description indicating that the Project is intended to serve existing users or are designed to replace existing, non-renewable energy sources. Adding MW is by definition, increasing capacity. And, adding storage to that is without question increasing capacity. That's exactly what battery storage is intended to do - create more capacity for the grid. The Project is wholly inconsistent with Policy 13. <p>Policy 52: The County shall preserve open space areas for the protection of public health and safety, provision of recreational opportunities, production of natural resources (</p>	Refer to response to comment #141-005. General Plan consistency does not require perfect conformance with each and every Plan policy. Policies in a General Plan reflect a range of competing interests, and the County must be allowed to weigh and balance the General Plan's policies when applying them. The Draft EIR assesses the Project consistency with the General Plan, including key policies related to agriculture, in both the Land Use and Agricultural and Forestry Resources sections and determines that the Project is consistent with the General Plan, except for the portion of the project within the RM designation. The applicant has notified the County that it no longer intends to pursue development within the RM designation, thereby eliminating the inconsistency.

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			<p>e.g., agriculture, wind power, and mineral extraction), protection of sensitive viewsheds, preservation of biological resources, and the physical separation between neighboring communities.</p> <p>The Project is inconsistent with Policy 52 because the Project proposes the construction of a solar facility on open agricultural land's and because the Project's proposed landscaping screening would alter the visual character and quality of views along North Livermore Ave. and Manning Road. The Project's proposal to dedicate an easement for a trail-yet not take responsibility for the cost, construction or maintenance of the trail -- does not fulfill the Policy 52 "provision of recreational opportunities" priority. The Project is not "providing" anything other than an easement.</p> <p>Policy 53: The County shall preserve a continuous band of open space rather than piecemeal habitat conservation.</p> <p>The Project is inconsistent with Policy 53 because the proposed fencing around the Project and the Project itself prevents a continuous band of open space and will lead to piecemeal habitat conservation at best. As noted in the Land Use section of this letter, the Project violates this provision in numerous respects.</p> <p>Policy 56: The County shall require all new development to dedicate or acquire land for open space and/or pay equivalent in-lieu fees, which shall be committed to open space and land acquisition and management and shall encourage the cities to impose similar open space requirements on development in incorporated areas.</p> <p>The Project is inconsistent with Policy 56 because the County is not requiring any land dedication, acquisition or equivalent in-lieu fees from the Project for open space. The Project applicant proposes to dedicate and easement for a trail, but the easement dedication is a not a requirement of the Project and is not enforceable on the applicant.</p>	

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			<p>Policy 70: The County shall work with the East Bay Regional Park District (EBRPD), the Livermore Area Recreation and Park District (LARPD), and other relevant agencies to ensure that open space trails adjacent to San Joaquin, Contra Costa, and Santa Clara Counties connect with trail systems in these other counties.</p> <p>Draft EIR claims that the Project is consistent with Policy 70 specifically because the Aramis project is proposing to dedicate an easement for possible future use as a hiking trail. But that proposal is not an enforceable promise and the actual construction of a public hiking trail is not proposed as part of the Project. That would take affirmative steps by the East Bay Regional Parks District, which has not committed (or not) to building a trail. The DEIR includes nothing from the East Bay Regional Parks District.</p> <p>Policy 81: The County shall give the highest priority in areas designated "Large Parcel Agriculture" to agricultural operations. Visitor-serving commercial facilities (such as wineries, inns, and food and beverage stores) shall be limited to facilities that promote agriculture and are subordinate and directly related to the area's agricultural production.</p> <p>The Project is inconsistent with Policy 81 because much of the Project is located in the LPA, and while the Project perpetuates the County's incorrect conclusion that Industrial SEFs are an agricultural use, no one is claiming that industrial SEFs are "agricultural operations," which is the focus of Policy 81.</p> <p>Policy 87: The County shall encourage the establishment and permanent protection of existing and new cultivated agriculture through the use of homesite clustering, agricultural easements, density bonuses, or other means.</p> <p>The Project is inconsistent with Policy 87 because even if one were to agree with the DEIR and the County that Industrial SEFs are an agricultural use, the Project an the DEIR do not</p>	

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			<p>claim that Industrial SEFs, sheep grazing or bee foraging are cultivated agriculture.</p> <p>Policy 89: The County shall retain rangeland in large, contiguous blocks of sufficient size to enable commercially viable grazing.</p> <p>The project is inconsistent with Policy 89 because the Project is converting an area of land that is currently used as rangeland for grazing cattle and converting it to an industrial solar facility (Industrial SEF). The DEIR provides no proof that the use of sheep for weed abatement/ landscaping or any other purpose is "commercially viable grazing."</p> <p>Policy 93: The County shall seek to stimulate agricultural investment and enhance the economic viability of existing or potential rural agricultural uses.</p> <p>The Project is inconsistent with Policy 93 because placing industrial SEFs in what has been an agricultural valley is contrary to stimulating agricultural investment and enhancing the economic viability of existing or potential rural agricultural uses.</p> <p>Policy 114: The County shall require the use of landscaping in both rural and urban areas to enhance the scenic quality of the area and to screen undesirable views. Choice of plants should be based on compatibility with surrounding vegetation, drought-tolerance, and suitability to site conditions; and in rural areas, habitat value and fire retardance.</p> <p>The Project is inconsistent with Policy 326. Based on the DEIR it is unclear when or if the landscaping will maturity suitable to cover the unsightly solar panels, and landscaping, as described in the DEIR, is no intended to "enhance the scenic quality of the area," but rather to disguise a blight on the area.</p> <p>Policy 326 and Preface to Measure D: North Livermore west of Dagnino Road is delineated as an Intensive Agriculture area, focused on "cultivated agriculture" with potential for 20-acre</p>	

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			<p>enhanced agriculture parcels upon demonstration of available water (among other requirements)</p> <p>Before any of these subsize parcels may be created, the Board of Supervisors shall hold public hearings and prepare and certify an environmental impact report and economic analysis for the demarcated area with respect to the creation of the parcels and their use for cultivated agriculture.</p> <p>The Project is inconsistent with Policy 326 because even if one accepts the fiction that sheep placed on the solar project property for weed abatement, counts as an agricultural use sheep grazing is not "cultivated" agriculture.</p> <p>While cultivated intensive agriculture has not yet been pursued in the North Livermore Valley, the ECAP plainly encourages and supports such uses. Yet, the approval of the Project would mean that cultivated intensive agriculture would not occur for several decades on the Project site until after the Project is discontinued, if ever.</p>	
141	038	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>As requested, we have performed a peer review of the Aramis Solar Energy Generation and Storage Project DEIR September 2020 (SCH No. 2020059008) and the comment letters that were submitted on the NOP and IS/MND that pertain to biological resources. Our qualifications to comment include combined experience of more than 50 years working with Special Status Species in Alameda County including extensive work in grasslands in and surrounding Livermore. Swaim Biological (Karen Swaim) possesses State and Federal Recovery Permits to conduct surveys and research related to the biology and management of both the California tiger salamander and California red-legged frog and has worked with both of these species for many years before either was listed. Our resumes are attached as Exhibit A. We appreciate the opportunity to comment on the DEIR and bring our</p>	The commenter's credentials are noted. With respect to the EIR's evaluation of impacts to CTS and CRLF and burrowing owl, refer to responses to comments #138-005, and 138-007, 138-008.

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			<p>substantial species expertise and local knowledge of Alameda County and the Livermore Valley.</p> <p>Based on review of these documents, we have determined that the DEIR does not provide an adequate evaluation to meet CEQA requirements for impact analysis and mitigation for special status species including the California tiger salamander (CTS), California red-legged frog (CRLF), and burrowing owl. Specifically, the Applicant has not proposed adequate (or any) mitigation for the loss of upland habitat for these amphibians and the burrowing owl (or any of the special status species known to be present in the immediate area). The DEIR acknowledges the potential for these species to be present and that there is a potential for take of individuals and proposes extensive take avoidance measures during construction, operation and decommissioning. They then fail to recognize that these factors indicate that the site is habitat for these listed and special status species and consequently compensatory mitigation is required. We believe the potential for these species to occupy the project site is much higher than portrayed in the DEIR analysis and that based on existing occurrence data for the species in the immediate vicinity much of which is not presented in the DEIR, the project wide presence of physically suitable habitat and the lack of barriers to movement must lead to an assumption of presence, and the habitat impacts, both temporary and permanent should be fully mitigated. We believe we can provide additional occurrence data not detailed in the DEIR or supporting Biological Resources Technical Report to support that conclusion.</p> <p>The Applicant has also not provided an adequate analysis of temporary or permanent impacts related to construction (new roads, detention basins, water tanks, fence installation, etc), operations, or decommissioning of the project in order for the public and other stakeholders to evaluate if the impacts of the project as proposed are less than significant.</p> <p>The lack of enforceable measures within the DEIR to address impacts to state and federally threatened species questions</p>	

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			<p>the adequacy of the project's cumulative impacts and therefore the evaluation of level of significance is not complete.</p>	
141	039	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>Inadequate Mitigation for Wildlife Habitat Loss and Take of State and Federally Listed Species</p> <p>The project will result in take of state and federally listed species including temporary and permanent loss and conversion of upland habitat for, at a minimum, the CTS and CRLF, with potential or actual grassland habitat loss for several other special status species including East Alameda County Conservation Strategy (EACCS) focal species. Both of these species are locally abundant and know to be present in the immediate area and in all directions from the project area (also see discussion on impact analysis for CTS in Item 3a below).</p> <p>The DEIR states on page 4.4-49 that there is the potential for CRLF and CTS to be present and identifies the potential for adverse impacts including take of individuals using upland areas during construction, operations and decommissioning. The DEIR further goes on to state that "no compensatory mitigation for potential impacts to CRLF or CTS upland habitat is considered necessary because grassland habitat would be preserved on site ... once operationaf". The DEIR recognizes that "After construction has stopped and the site has been revegetated the solar array is not expected to impede any migration route for CRLF and CTS at a level comparable to conditions prior to construction".</p> <p>Both of these statements inherently describe temporary impacts as a result of construction that will result in the potential for take of state and federally listed species and therefore the Applicant is required under state and federal laws to obtain an Incidental Take Permit from the California Department of Fish and Wildlife (CDFW) and the US Fish and</p>	<p>The project was sited and designed to avoid impacts to high quality habitat for CTS and CRLF and extensive mitigation measures are included to avoid impacts to any state or federally listed species, including CTS and CRLF. The project has been designed to avoid impacts to Cayetano Creek and its tributaries, which has the highest likelihood of providing habitat for listed species. The project site provides only marginal upland habitat for CTS and CRLF. As described in the EIR and supporting Biological Technical Report, the site will be revegetated to provide habitat for CRLF and CTS in the understory of the solar panels once the facility is operational. Permanent impacts to habitat will be less than significant.</p> <p>In addition, numerous mitigation measures are included to avoid impacts to special-status species during construction and operation of the project. We acknowledge that CTS and CRLF are abundant in the region but they were not found on the site during numerous biological surveys by CTS and CRLF permitted biologists with extensive experience with these species. This includes two seasons of protocol surveys for CRLF that were also sufficient to conclusively determine that CTS is not breeding on the site.</p> <p>A CESA Permit is applied for at the discretion of the project applicant/proponent, who can choose to obtain take coverage if take authorization is determined necessary by the applicant/proponent. With implementation of the mitigation measures to avoid take of CESA-listed species that are identified in Section 4.4, Biological Resources, the proposed project is not anticipated to result in take of a protected species. Therefore, take coverage is not currently sought for implementation of the proposed project, and compensatory mitigation is not required. Refer also to responses to comments 138-005 and 138-007.</p>

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			<p>Wildlife Service (USFWS) to evaluate appropriate mitigation measures for the project and ensure that the impacts will be fully mitigated.</p> <p>Under existing state and federal statutes including CEQA, the Federal Endangered Species Act (PESA) and the California Endangered Species Act (CESA), any individual that undertakes activities that destroy, degrade or adversely alter the environment may be required to compensate for impacts to natural resources. Compensatory mitigation is required if a proposed project will "take a threatened or endangered species".</p> <p>"Take" as defined by the Applicant under PESA in Section 4.4.1.1 is "harm or indirect harm unless a Section 10 permit or a federal nexus exists for a Section 7 permit". "Take" as defined by the Applicant under CESA in Section 4.4.1.2 is "take of plant and wildlife species as "hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill".</p> <p>Under Section 4.4.1 Regulatory Framework the Applicant recognizes that USFWS and CDFW have the ability to authorize incidental take however the DEIR lacks enforceable measures to ensure the take is minimal, complies with FESA and CESA requirements and fully mitigates for temporary and permanent project impacts.</p> <p>The lack of any compensatory mitigation for the project is in violation of the state and federal Endangered Species Acts, California Department of Fish and Game Code and is not consistent with the East Alameda County Conservation Strategy. An enforceable measure MUST be required by the County that the Applicant demonstrate full compliance with the state and federal wildlife agencies and provide appropriate mitigation in the form of off-site preservation or other mitigation as approved by the wildlife agencies as a Condition of Approval. The mitigation ratios and requirements should at a minimum meet the EACCS Standardized Mitigation Ratios for Conservation Zone 3 and 4 for the EACCS focal</p>	

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			<p>species and habitats which will be impacted by the installation, operations and decommissioning of the project.</p> <p>To provide perspective- for the average landowner and/or project proponent in this part of North Livermore and the Collier Canyon area, Alameda County Planning Department has required compliance with CESA, FESA and all EACCS mitigation measures, including those to offset temporary and/or permanent impact to habitat. The Conditional Use Permit approvals for the repowering of wind turbines within the Altamont Pass Wind Resource Area requires incidental take permits, mitigation measures and compensatory mitigation. This project is not different in its impacts, includes both temporary and permanent impacts and the Applicant MUST be required to comply in the same way every other Applicant does.</p> <p>Additionally, the Livermore Community Solar FEIR included measures to require an Incidental Take Permit from CDFW and USFWS for the approximately 60-acre project. Although, they too have failed to recognize the project will result in temporary and permanent impact and quantify them for appropriate CEQA evaluation. The lack of consistency between two EIRS that were published within weeks of each other for the same type of utility expansions MUST be remedied.</p> <p>The lack of consistency in the environmental evaluation of this project in relation to other renewable energy projects within East Alameda County further demonstrates the need for the Alameda County Planning Department and the East County Board of Zoning Adjustments to have a regional policy that provides a consistent, clear and accurate compensation plan to address impacts to special status species occurring as a result of these projects.</p> <p>The project impacts on biological resources for special status species cannot be considered less than significant based solely on avoidance and minimization measures that in themselves have the potential to result in take (see Item 6 below for further discussion).</p>	

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141	040	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>The DEIR needs to accurately evaluate the temporary or permanent loss of suitable grassland habitat for special status species</p> <p>The DEIR recognizes that the project activities will result in conversion of the grassland within the project area to a solar array. The Applicant is committing to "maintaining foraging habitat for raptors and other birds on the site by maintaining vegetation under the solar panels that promotes a consistent source of prey and is a suitable height for rapt or foraging". The DEIR recognizes that foraging habitat for birds "will be impacted as a result of converting grassland to a solar generation facility" but states that "some habitat will remain around the perimeter and foraging habitat will be available among the panels". There is no discussion on the amount (in acreages) of foraging habitat that will be lost or the amount of purported foraging habitat that will remain in order to fully evaluate the impacts to foraging habitat due to conversion.</p> <p>The change in use of the property from solely cattle grazing to sheep grazing and the addition of the solar panels will result in conversion of the grassland to a different use with loss of suitable upland and foraging habitat for multiple EACCS focal species including the American badger, San Joaquin kit fox, golden eagle, tricolored blackbird and burrowing owl. While the panels and sheep grazing may provide for the continued presence of dispersal habitat for CTS and CRLF, the loss of the foraging habitat other grassland species is not fully addressed.</p> <p>These temporary and permanent impacts are not discussed or quantified within the DEIR and therefore the analysis is not complete to evaluate if the mitigation measures proposed are sufficient to fully mitigate for impacts associated with the project to a less than significant level.</p>	<p>A discussion of temporary and permanent impacts to grassland habitat has been added. Impacts to special-status species resulting from conversion of grassland habitat to a solar facility with sheep grazing are discussed in detail under the evaluation of each special-status species, including an evaluation of impacts to foraging habitat for raptors. Potential impacts to American badger, San Joaquin kit fox, golden eagle, tricolored blackbird and burrowing owl are all evaluated in Section 4.4.4.1 of the Draft EIR. Refer also to responses to comment #138-005.</p>

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141	041	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>The DEIR does not adequately or accurately present species potential to occur or adequately assess the potential value of the habitat for California tiger salamander and other listed species.</p> <p>California Tiger Salamander</p> <p>We believe the habitat assessment is inaccurate in characterizing the site as low quality and therefore the impact analysis underestimates the potential for this species to occupy the site. We believe the assessment underestimates the potential for CTS to make significant use of the site for dispersal across any part of it and to use refugia on the site to the degree that the project and project sponsor are at risk should it proceed without both Federal and State Incidental Take Permits, despite all the proposed avoidance and minimization measures (AMMs). Additional discussion specific to the AMMs is provided in item #6.</p> <p>The DEIR (including the Biological Resources Technical Report) does not include any map of CTS records in the project vicinity or reveal the distances to known or potential aquatic breeding sites nor does it ever state in the entire document that CTS are known to occupy upland habitat up to at least 1.3 miles from a breeding pond and that this is the typical distance that CDFW and USFWS will consider upland habitat. Mapping of species occurrences provides a visual of land use and existing conditions on the site and vicinity provide valuable context and transparency in assessing potential for occurrence which is essential for an adequate impact analysis. To provide this context, we have prepared a map showing the listed amphibian species occurrences in the vicinity of both the proposed Aramis and proposed Livermore Community Solar project sites (Exhibit B). The Aramis project site is within 1.3 miles of seven water bodies that are known to support breeding CTS and an additional 23 that are potential and very</p>	<p>The project site was assessed for habitat suitability by CTS permitted biologists with extensive experience with this species to support the characterization of habitat in the EIR. Habitat assessments by CTS permitted biologists were conducted during biological reconnaissance surveys on December 6, 2017, July 31, 2018, August 1, 2018, February 6, 2020, and June 18, 2020. The characterization of the site in the EIR is based on the results of these surveys plus more than 15 other biological surveys of the site.</p> <p>Use requirements of the CNDDDB restrict inclusion of maps with specific locality information in public documents to a scale that would not be useful or necessary to include in the EIR. The Draft EIR and BTR fully acknowledge the abundance of CTS reported occurrences in the vicinity including adjacent to the project. The Draft EIR Section 4.4.4.1 California Tiger Salamander, Survey History states:</p> <p>“There are 35 CNDDDB records that document occurrences of CTS within 3.1 miles of the project site. Most of the CNDDDB records are recent and document breeding ponds or vernal pool complexes situated in annual grasslands that also provide upland habitat. The closest reported occurrence (Occurrence No. 238) of CTS to the project site is located adjacent to the southeastern portion of the project site and east of North Livermore Avenue and represents an observation of several adults during protocol surveys which were conducted in 1997 (CDFW 2020). Dublin Ranch Conservation Area east of the project site also has several breeding ponds (CDFW 2020). There are several other records near the project site with potential breeding habitat visible on aerial imagery (Google Earth 2020).”</p> <p>The characterization of the habitat on the site, specifically the habitat value in the central portion of the site, is the result of more than 20 biological surveys conducted by wildlife biologists and botanists with extensive experience with the species and habitats in question. These surveys represent hundreds of person hours surveying the site and documenting plants and wildlife present, which is more than adequate to support the conclusions in the document.</p> <p>The Draft EIR (same section mentioned above) acknowledges CTS use of uplands and states that the site provides potential dispersal and upland refugia for CTS due to the presence of numerous records within a one-</p>

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			<p>likely to support breeding populations of CTS, many of which are within approximately ½ mile. The closest known breeding site is only on the Eagle Ridge Preserve only 0.32 miles (1,715 ft) west of the western most set of panels and 0.47 miles (2,470 ft.) west of the Central Section of solar panels. That breeding pond is just over the fence from the "high quality wildlife habitat area" that the project is proposing to legally separate from. That high- quality wildlife habitat is no different than the central section of the Aramis project in terms of quality for wildlife. Both areas are intact annual grasslands that have been under the same land use (See Exhibit B). The project site can also not be characterized as being on the periphery of development as a basis for claiming it is low quality habitat. The project site is surrounded by undeveloped large parcel intact rangelands and other agricultural uses that currently support a great diversity of wildlife. The repeated claims of the central section of the project site having low wildlife value are unfounded.</p> <p>The potential annual breeding output from 30 suitable breeding ponds within dispersal distance of the project site puts in the uplands in the pathway of a vast number of dispersing juvenile and adult CTS. As the DEIR indicates, the closest occurrence is #238 and it is a polygon encompassing an area of upland habitat where "numerous" adults observed during nocturnal surveys of ground squirrel burrows and pitfall trapping, from 12 Mar 1996 through 23 Jan 1997 and it is immediately across North Livermore Avenue from the project site. Other nearby observations of adults include over 75 CTS in the area between Dagnino and Bel Roma Rd within the winter of 2019-2019.</p> <p>Upland habitat (annual grasslands) is a crucial component of CTS habitat and unlike CRLF, that is where they spend the majority of their life performing every function and activity, except breeding. The DEIR seems to minimize the potential for impact to CTS because the use of the site is only "seasonal" as if to suggest the extensive intact upland on the site is trivial. For adult CTS "seasonal use" of upland habitat equates to nearly 11 months and for non-breeding juveniles 12 months of</p>	<p>mile radius. The Draft EIR Section 4.4.6 acknowledges the potential for CTS to use mammal burrows in the site. As stated previously, the habitat characterization is based on numerous surveys of the site by CTS permitted biologists with extensive experience with these species. Due to the potential for CTS and CRLF to use the uplands on the site, extensive mitigation measures are included to avoid impacts to these species.</p>

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			<p>the year are spent in the uplands, primarily in rodent burrows, but also move abroad within the uplands when conditions allow such as rain events and evenings with high humidity (not just October 15-May 15).</p> <p>The impacts analysis in Section 4.4.6 states potential refuges (burrows) for CRLF and CTS are limited to the portion of the project site north of Manning. The same paragraph goes on to detail the presence of burrows south of Manning Road in proximity to Cayetano Creek which within or immediately adjacent to the site for its entire length south of Manning Road. It indicates that CRLF will use but does not discuss the potential for their use by CTS. CTS have the potential to use those same burrows. Throughout the discussions related to CTS the DEIR describes the areas south of Manning to be low quality because of a perception that upland habitat quality and potential for occupancy is low if there is not what an observer arbitrarily perceives to be "enough" burrows. Multiple CTS frequently use the same burrow and burrow system. A few burrow entrances single burrow complex can represent availability of extensive underground refugia. There are many thriving CTS populations where there appears to be a "scarcity" of burrows to an observer.</p>	
141	042	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>California Red-legged Frog</p> <p>Similar to CTS, we believe the DEIR analysis has not adequately or accurately portrayed the habitat value and potential for CRLF to occur on the project site in a larger area than the creek corridors and immediate area. As the DEIR noted, it is typical for CRLF to make overland straight line movements from breeding ponds of a mile and up to two-miles. The closest breeding pond is 0.6 miles west of the site in the Eagle Ridge Preserve, at least nine other confirmed breeding sites within 1.3 miles of the site most of which have a hydrological connection to the site. There are several others</p>	<p>The Draft EIR Section 4.4.4.1 California Red-Legged Frog, Habitat Suitability acknowledges the potential for use of the site by CRLF for upland dispersal and refugia due to the presence of documented breeding habitat within the documented dispersal distance of CRLF to the site. For this reason, the Draft EIR includes numerous mitigation measures to avoid impacts to this species during construction and operation. In addition, the site will be revegetated after construction and will continue to provide upland dispersal habitat for CRLF as acknowledged by the commenter (Comment #141-005).</p>

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			that are potential breeding sites within approximately one mile from the site (Exhibit B).	
141	043	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>Western Pond Turtle</p> <p>Although it is not an EACCS focal species the western pond turtle is a CDFW Species of Special Concern and is potentially present in the intermitted and ephemeral portions of Cayetano Creek and its tributaries. Western pond turtle are know to be present in Cayetano Creek and its' tributaries, including the Eagle Ridge Preserve to the west. Western pond turtle use the uplands adjacent to the aquatic habitat for egg-laying sites. The potential impact on this species should be evaluated.</p>	<p>It is acknowledged that western pond turtle is known to occur in Cayetano Creek. However, the segment of the creek and its tributaries adjacent to the project site do not provide suitable aquatic habitat for western pond turtle. As discussed in Appendix C of the Biological Technical Report, the segment of Cayetano Creek adjacent to the project site does not provide suitable aquatic habitat for western pond turtle since it has a flash hydroperiod, flows are very shallow, and it typically dries up in the spring. Sufficient water to support western pond turtle was not present in the project site and this species was not observed during two seasons of protocol surveys for CRLF or during any other biological surveys conducted for the project.</p> <p>There is no aquatic habitat for western pond turtle on the site. No further analysis of western pond turtle is necessary.</p>
141	044	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>Opinion of Low Value Habitat is not relevant to significance</p> <p>The DEIR discounts the habitat on the project area as "low value habitat for all species" yet fails to define how low value was determined. The DEIR states that the "project site was chosen because it provides relatively low-quality habitat for wildlife and will sustain wildlife populations throughout the life of the project by maintaining vegetative cover and bee forage as well as wildlife corridors and allow for wildlife movement across the site". This statement is contradictory. How can a low-quality habitat sustain wildlife populations? To indicate that the installation of solar panels across the project will result in a more suitable habitat to sustain wildlife populations is inaccurate given- species need large landscape blocks without development to persist.</p> <p>The DEIR repeatedly states that more suitable and higher quality foraging habitat is available in the region, however, the majority of the lands that surround the project area are of the</p>	<p>The determination of habitat value on the project site was made based on habitat assessments and numerous site-specific biological surveys as documented in the Draft EIR and BTR. Over 20 biological surveys representing hundreds of survey hours documented the low-quality habitat. However, the site does provide habitat for wildlife as documented in the Draft EIR and BTR, hence the numerous mitigation measures to avoid impacts to special-status species during construction and operation. After project construction, plants for honeybee forage will be planted and maintained and the site would be re-seeded and maintained in accordance with the AMP, which will support wildlife including foraging raptors as discussed in the Draft EIR Section 4.4.4.1 under Foraging Habitat for Special-Status Birds, Section 4.4.4.2 Raptor Foraging Habitat, and BIO-1 for example. Studies have shown, as documented in the Draft EIR Section 4.4.4.2, that sites with solar development can provide foraging habitat for species such as foraging raptors. Mitigation measures are included to allow for ongoing use of the site by wildlife, such as wildlife friendly fencing, which will allow continued use of the site by small to medium sized wildlife.</p> <p>The assertion that higher quality foraging habitat is available in the surrounding areas is based on the habitat types on the site versus habitats on surrounding lands from direct observation of the habitats on site during numerous survey events and observations and knowledge of</p>

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			<p>same type and quality. In fact, the Conservation Lands Network maps the entirety of the surrounding lands as "suitable grazing lands" and identifies the opportunity for protection of these lands contributing towards regional Conservation Goals. To discount the grassland habitat as "low value" is an opinion, is not science based, is inaccurate and not defensible.</p> <p>There are documented declines in all of the EACCS focal species that have the potential to use the habitats within the project area for foraging, denning or refugia habitat. The EACCS potential habitat maps identify the lands within the project area as suitable upland and/or foraging habitat for CTS, CRLF, golden eagle, tricolored blackbird, burrowing owl, American badger, and San Joaquin kit fox.</p> <p>For the CRLF, the project site is within 1 mile of USFWS designated Critical Habitat, within the East San Francisco Bay Core Recovery Area for CRLF and meets the suitable habitat requirements identified within the EACCS including suitable grassland habitat, with an elevation below 3,500 feet, presence of suitable burrows on site and confirmed suitable breeding habitat present within less than one mile of the project. For the CTS, the project site is within proposed USFWS Critical Habitat and meets the suitable habitat requirements identified within the EACCS including suitable grassland habitat, with an elevation below 3,700 feet, presence of suitable burrows on site and occupied breeding habitat is within 1.2 miles of the project.</p> <p>The project areas fall within the Association of Bay Area Government's North Livermore Priority Conservation Area (PCAs). PCAs are defined as "Lands that provide agricultural, natural resource, scenic, recreational, and/or ecological values and ecosystem/unctions. These areas are identified through consensus by local jurisdictions and park/open space districts as lands in need of protection due to pressure from urban development or other factors." Solar generation on these lands certainly falls into the category of "other factors".</p>	<p>habitats in the surrounding areas based on the experience of the surveyors. As described in the Draft EIR Section 4.4.3.2, the northern and southern parcels on the project site are cultivated dryland grain crop. The central parcel is comprised primarily of annual grassland dominated by non-native invasive species due to nearly a century of agricultural use. In contrast, lands to the north and west contain grasslands with higher abundance of native vegetation, higher populations of fossorial mammals, and were observed to be used more for foraging by raptors than the project site as discussed in the Draft EIR Section 4.4.4.1, Golden Eagle and Burrowing Owl. The grassland adjacent to the northern parcel is open rangeland that is not cultivated in contrast to the use of the northern parcel as cultivated dryland grain crop.</p> <p>The Draft EIR acknowledges that the project site contains suitable upland and/or foraging habitat for CTS, CRLF, golden eagle, tricolored blackbird, burrowing owl, American badger, and San Joaquin kit fox in addition to several other special-status species and the potential for impacts to habitat for all of these species in evaluated in the Draft EIR in Section 4.4.4.1.</p> <p>The Draft EIR Section 4.4.4.1 acknowledges suitable habitat on the project site for CTS and CRLF. Further the Draft EIR acknowledges that the project site is adjacent to designated Critical Habitat Unit CCS-2B, Mount Diablo for CRLF in Section 4.4.4.1 California Red-Legged Frog, Habitat Suitability. The California red-legged frog site assessment and protocol survey report in Appendix F of the BTR acknowledges that the project site is located within the East San Francisco Bay Core Unit 16 for CRLF. The project site is not located within Critical Habitat for CTS or any other species as stated in the letter provided by the USFWS Sacramento Fish and Wildlife Office dated July 13, 2020 and contained in Appendix B of the BTR.</p> <p>Areas north and west of the project site are part of the North Livermore Priority Conservation Area (PCA) and are designated Natural Landscapes/Agricultural Lands/Regional Recreation. These designations were requested by the City of Livermore, not the County. The project site itself is not designated. Designation of PCAs simply refers to an acknowledgement by local governments that such open spaces are productive and valuable and worthy of preservation as open spaces and</p>

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			<p>According to the Bay Area Greenprint report for the project area, the lands are documented as being within the 80th percentile for "Important Habitat for Threatened and Endangered Vertebrates" which includes an index of habitat value to listed species based on species richness and the presence of suitable vegetation to support those species. There are 198 acres of the project area that are identified as part of the Bay Area Critical Linkages Projects that are determined to serve as contributing towards Large Landscape Blocks and Critical Linkages that are areas of high ecological integrity and lands that are important to facilitate the movement of multiple species and maintain ecological processes. The Bay Area Critical Linkages is meant to represent the mosaic of habitat needed for conserving biodiversity within the region.</p> <p>All of these regional documents recognize the value and high quality of the habitat present within the project site. The DEIRs attempt to de-value the habitat in order to make the case the project is occurring on lands that do not support listed species or diversity is inaccurate and not a defensible statement.</p>	<p>opens up such lands to certain funding opportunities. The Association of Bay Area Governments PCA FAQ states, in part:</p> <p>“Is a PCA a land use designation? Does it change the local zoning requirements or restrict development rights?”</p> <p>No. A PCA designation does not in any way change the land use status for a piece of property. The local jurisdiction maintains planning and permitting authority over the property and private property owners maintain their development rights.</p> <p>“Can PCAs be designated on private property?”</p> <p>Yes. Designation of a PCA on private property does not change the local land use designation, zoning or the ability for the property to be developed in the future.</p> <p>The comment on the Bay Area Greenprint report is misleading. The Bay Area Greenprint report considers the central and southern parcels on the project site to be of “lowest” conservation priority (see https://www.bayareagreenprint.org/mitigation/) and gives the central and southern parcels the same designation as most of the developed portions of Livermore. The northern parcel is considered to be “above average” which is the second lowest value in the classification system (second only to “lowest”). While the majority of the northern parcel is located within an area designated as a critical linkage, it is on the periphery of the critical linkage and is actively cultivated as dryland grain crop while the adjacent lands to the north and east are open rangeland. Interestingly, the Bay Area Greenprint report corroborates the Draft EIR assertion that the site is lower quality habitat than surrounding areas because the surrounding lands to the north, east, and west are all mapped as higher conservation priority.</p>
141	045	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>4. Inadequate Wildlife, Rare Plant and Sensitive Natural Community Surveys to support negative findings or make assumptions of low habitat value.</p> <p>a) Wildlife</p>	<p>The methods used for the CRLF site assessment and protocol surveys were derived from the <i>USFWS Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog</i> (USFWS 2005). The protocol surveys found that the site does not provide breeding habitat for CTS, which was the goal of the surveys; separate aquatic surveys for CTS were not necessary. CRLF surveys targeted all of the aquatic habitats on the site and were conducted by surveyors with federal permits and/or extensive experience surveying for CTS. The EIR acknowledges the potential for CTS use of the uplands and does not dispute that fact. We agree with the commenter that protocol surveys for CTS in uplands</p>

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			<p>California Tiger Salamander:</p> <p>Protocol Level Surveys for CTS have not been conducted and the surveys conducted for CRLF have no merit or value in determining the status of CTS or its' potential to occur on the site. The DEIR states that protocol level surveys were conducted for CRLF and that those observations are intended to be sufficient for evaluating presence of CTS at the project site. The CDFW protocol level survey for CTS consists of two full wet seasons of intensive trapping of the entire upland habitat (ie the whole site). The scope and specifics of which would need to be detailed in a study plan with clear consensus of the value and potential meaning of the results submitted by a biologist with valid State and Federal recovery permits. This survey would only typically be of use if there was no evidence of the species in an area or potential breeding habitat and the site was isolated from known or potential breeding populations for extensive periods of time (because CTS can live 10 -20 years). This site does not meet those conditions. None of the field surveys conducted for the DEIR and the Biological Resources Inventory, including the "protocol" CRLF surveys are adequate to make statements state that would indicate a conclusion that CTS are unlikely to occupy the site. According to the Survey History and Data Sheets for CRLF, only limited areas in the Creek were surveyed.</p>	<p>would not be necessary, which is why they were not conducted. Aquatic surveys for CTS were not conducted because there is no suitable aquatic habitat on the site. The claims in the Draft EIR are adequately supported.</p>
141	046	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>b) Plants and Vegetation Communities</p> <p>The rare plant surveys conducted for the project were not conducted in accordance with CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. The results, therefore are not defensible and cannot be used to conclude there is an absence of rare plants. Floristic level surveys per current protocols must be completed as a basis for adequate CEQA impact analysis.</p>	<p>Site-specific rare plant surveys were conducted by surveyors with extensive experience conducting rare plant surveys and evaluating the potential for rare plants to occur on a site. Botanical inventories were conducted in compliance with the <i>Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities</i> (CDFW 2000), and CNPS' botanical survey guidelines (CNPS 2001). Use of the CDFW protocols, old or current, is not mandated under code or regulation.</p> <p>No sensitive natural communities are present on the site as determined by more than 20 biological surveys. There is no requirement to describe natural communities according to the Manual of California Vegetation.</p> <p>While the project site is located within the Springtown Botanical Priority Protection Area, it is not part of the Springtown Preserve or adjacent to</p>

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			<p>Natural communities are not described according to the Manual of California Vegetation and it is not assured that Sensitive Natural Communities (SNCs) do not occur in project footprint. Cayetano Creek is referred to as a sensitive natural community because of its water, however this is inaccurate as "Water" is not a vegetation community. The few vegetative species identified in the DEIR as occurring in Cayetano Creek may be members of one or more SNCs in their own right however there is not sufficient information provided to determine if they were properly evaluated. SNCs with a rarity ranking of 1, 2, and 3 as designated by CDFW should be discussed during CEQA, similar to rare plants and are discounted and not discussed in the DEIR.</p> <p>The entire project area falls within the East Bay California Native Plant Society's Springtown Botanical Priority Protection Area. This is not discussed or evaluated as part of the DEIR.</p> <p>The Tri-Valley Conservancy's North Livermore Resource Conservation Study (RCS) (August 2009) is the most applicable, informative, and site-specific regional survey and planning document for this region. It was not consulted and referenced. Were this resource consulted, it could be disclosed in the DEIR that:</p> <ul style="list-style-type: none"> i. Nearly the entire project site has alkaline soils (CdA) that are important to regional rare plants and Sensitive Natural Communities (SNCs) (RCS Figure 3.5). ii. The northwest parcels are mapped as Alkali Grassland, which depending on species assemblage could be a SNC (RCS Figure 4.1). iii. The eastern portion of all parcels are within Springtown Alkali Sink Management Zone C (RCS Figure 4.2). iv. Some or all of the parcels are mapped as suitable habitat for palmate-bracted bird's beak (Federal and State Endangered) and saline clover (California Rare Plant Rank [CRPR] 1 B.2) (RCS Figure 4.4 and Figure 4.6). v. Some or all of the parcels are mapped as Medium Priority parcels for overall Biological Resources (RCS Figure 5.1) in the North Livermore area. 	<p>the preserve, it is not mapped as an area with alkaline soils and it does not contain alkali sink habitat, which is the defining characteristic of habitat for rare plants in this protection area (see https://ebcnps.org/wp-content/bppabotanical/GuidebookBPPA-EBCNPS-download-web.pdf). This Springtown Botanical Priority Protection Area also includes all of the developed portions of Livermore north of Highway 580 and does not necessarily denote habitat for rare plants and is not intended to take the place of site-specific surveys. No evaluation of impacts to this protection area is necessary.</p> <p>The TVC's North Livermore RCS is a planning level document. Information was obtained through a review of publicly available databases, as was conducted for this Draft EIR, and brief reconnaissance level surveys. Section 2.4 of the RCS describes the field survey methods. Three biologists conducted a survey of 22 properties totaling 3,321 acres in two days. In contrast, hundreds of hours of biological surveys were conducted on the proposed project site on over 20 days over a span of 2.5 years.</p> <p>During reconnaissance surveys for the RCS, the northern and southern parcels on the project site were not accessed and were either surveyed visually from public roads or not surveyed at all (portions of the northern parcel) (see Figure 2.1 of the RCS). The central parcel was surveyed with a brief reconnaissance level survey. The RCS document states in Section 2.6 "Limitations" that "site visits were brief and considered only reconnaissance-level. Based on limited access and brevity of the surveys, the biological information is not considered complete, nor were focused surveys for special-status biological resources conducted. The present study is not floristic in nature. A complete determination of the presence or absence of potentially occurring botanical resources would require focused surveys to be conducted during all appropriate blooming periods (CNPS 2001, CDFG 2000)." It further states in that same section, "The conclusions in this report and determinations of vegetation communities and suitable habitat for special-status species are based on preliminary field work, aerial photography interpretation, review of background information, and knowledge of the species, and reflect current conditions which should be updated to account for new occurrence data and/or significant ecological events. Before properties are considered for purchase or conservation easements by TVC, at a minimum a due diligence of the property for biological resources should be completed. However, it is preferable to have complete biological surveys, including</p>

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			<p>vi. Some or all of the parcels are mapped as Priority parcels for Wildlife Corridors (RCS Figure 5.1) in the North Livermore area.</p> <p>vii. The Central Section is one of the largest parcels in the North Livermore region. It is a Medium Priority parcel surrounded by Low Priority parcels and is the only Medium Priority or higher link in the north area (RCS Figure 5.1). What this means is a species would have to go a mile north or south of the site to have a comparable habitat to move through-- a habitat with equal risks and opportunities relative to the Medium Priority ranking.</p> <p>viii. Some or all of the parcels are mapped as Medium Priority parcels for Springtown Alkali Sink and Hydrology Management (RCS Figure 5.5).</p> <p>ix. Some or all of the parcels are mapped as Priority parcels for grazing lands under the FMMP (RCS Figure 5.5).</p> <p>The information provided in the DEIR is misleading and inaccurate and needs to be corrected to be consistent with the information provided within the Biological Resources Inventory. In addition, all supporting documents including the wetland delineation and the rare plant survey reports need to be included as part of the supplemental information. The DEIR needs to evaluate the Tri-Valley Conservancy's North Livermore Resource Conservation Study and describe how the impacts of the project are less than significant on rare plants and sensitive natural communities. The evaluation within the DEIR and the supplemental information included in the appendices does not provide adequate information for the public to evaluate the accuracy of the statement that "no special status plants are present and therefore no impacts to special status plants will occur".</p>	<p>focused surveys for the species of interest, prior to the conclusion of any acquisition."</p> <p>The preponderance of surveys conducted for the proposed project by qualified biologists supersedes the preliminary desktop level and brief reconnaissance surveys and planning level analysis conducted for the RCS. An evaluation or comparison to the TVC's RCS is not warranted.</p>
141	047	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>5. Statements and Analysis regarding Avian Use and Impacts with Solar are not adequate to address impacts to local species documented to be present and proposed</p>	<p>As described in Section 5.3 of the BTR, "Although this section focuses on studies that were done to evaluate Swainson's hawk use of solar generating facilities for foraging specifically, this analysis can be applied to foraging raptors in general. Swainson's hawk is a far-ranging species that forages on the wing and typically requires large open tracts of land for foraging, although it will also capture prey along the ground (e.g., insects). Many other raptors are site and wait style predators that require much smaller areas to forage and will perch on trees, utility poles or</p>

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			<p>mitigation measures do not warrant a finding of less than significant.</p> <p>a) Raptor Foraging Habitat</p> <p>The entirety of the Applicant's support for raptor foraging habitat on site is based on two non-peer reviewed studies of a species that is not expected to occur regularly on site (Swainson's hawk). The relevance of studies related to Swainson's hawk are not applicable to supporting any analysis related to impacts on foraging habitat for golden eagle, burrowing owl, prairie falcon, white-tailed kite, or northern harrier. One study was particularly short, spanning only 5-months. The other concludes that greater time spent foraging indicates higher foraging habitat in PV arrays, but could just as easily be interpreted to mean that it took longer for raptors to find and capture prey in solar arrays. However, the applicant not indicating whether adjacent agricultural fields were row crop or grazed grasslands is information that should have been provided. Foraging opportunities and raptor species composition may differ markedly between row crop and rangeland agriculture. The biologists reported seeing raptors of many types during surveys and nesting habitat and known nests of the Golden Eagle are closer that reported. Golden eagles have nested just over a mile west of the site (personal communication with Lisa Henderson of Olberding Environmental) and a third year juvenile is regularly seen on the Eagle Ridge Preserve less than ½ mile to the west.</p> <p>Peer reviewed research level information specific to the species known to nest and forage in the immediate area are needed to support any analysis or conclusions regarding impacts.</p>	<p>structures and capture unsuspecting prey. For these reasons, Swainson's hawk is a good species to use as a surrogate for general raptor foraging requirements, because if Swainson's hawks can use a solar generating facility for foraging, most other raptor species could as well. In fact, it may be somewhat conservative to use Swainson's hawk for a discussion of overall raptor foraging as other species would be even better suited to forage in a solar generating facility based on their life history requirements. Due to the amount of studies that have been conducted on the use of solar facilities by Swainson's hawks for foraging and the reasons mentioned above, this analysis of potential impacts to raptor foraging considers studies done on the ability for Swainson's hawk to forage in a solar generating facility to generally discuss impacts to foraging raptors as a whole." The studies were conducted for analysis of raptor foraging habitat (specifically Swainson's hawk) by species experts and biologists with extensive experience with the species in support of other large scale solar developments and have been accepted by other CEQA lead agencies. They do not need to be peer reviewed to be adequate to support the analysis in the document. Refer also to response to comment #150-006.</p>
141	048	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>Burrowing owl Impacts not accurately evaluated</p> <p>The project proponent states here and in other impact sections that "Project construction activities would include</p>	<p>In Section 4.4.6 Burrowing Owl, the Draft EIR acknowledges the potential for impacts to burrowing owl as result of project construction and decommissioning and states that project activities could impact burrowing owl if present through noise, vibration, and the presence of construction equipment and personnel. The Draft EIR includes mitigation to reduce impacts to burrowing owl to less than significant through pre-construction surveys, establishment of avoidance buffers and/or passive exclusion in accordance with CDFW protocols and under the approval of</p>

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			<p>road construction, trenching for low-voltage collection lines, boring for support posts, and installation of solar panel arrays. These activities would be considered low intensity impacts because the construction disturbance ... would be comparable in nature to the agricultural practices in the region". The length of time, spatial extent, noise, traffic, and level of human activity associated with the construction of a 400-acre solar generating facility is far in excess of existing agricultural practices in the region. The conclusion that the two activities are comparable is highly inappropriate and inaccurate. Agricultural practices consist of grazing and haying. These activities are conducted by a small number of individuals, in short intervals, for relatively short periods of time over the course of the year. In contrast, the proposed project would involve hundreds workers and vehicle trips, high levels of noise from road construction, heavy vehicle traffic, boring, etc. and take place daily for at least nine months.</p> <p>Burrowing owls occur in open areas, and are sensitive to the presence of nearby structures that could provide perches for predatory raptors. No evidence is presented to support the idea that the species would utilize areas within the solar array for foraging. The observation of other owl species foraging within PV arrays is not relevant to the discussion of burrowing owl foraging habits. Most other owls, including the great homed owls cited by the proponent, are nocturnal predators of small to medium sized mammals. Burrowing owls are primarily diurnal and crepuscular predators and predominantly rely on insect prey. To adequately assess the impact on BUOW foraging an analysis of the changes to insect/invertebrate fauna that will or will potentially occur should be addressed.</p>	<p>CDFW if burrowing owls are found, and compensatory mitigation if passive exclusion of a nesting pair is required.</p> <p>Numerous raptors have been observed foraging within solar arrays by the authors as discussed in the Draft EIR. It is reasonable to assume that burrowing owls could use the project site for foraging upon completion of construction as the site will be maintained with low growing herbaceous vegetation versus the tall grasses currently present throughout the central parcel. Burrowing owl foraging habitat is abundant outside of the project site. Impacts to burrowing owl foraging habitat would be less than significant even if they could not forage within the solar arrays due to the abundance of habitat outside of the project site and the low numbers of burrowing owls in proximity to the site.</p>
141	049	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>Potential Avian Impacts not evaluated</p> <p>While empirical evidence for the lake effect (Kagen et al. 2014) has not been well documented, studies have</p>	<p>MM BIO-7f includes preparation of an Avian Monitoring Plan to assess and monitor the potential for avian collisions with solar panels on the site including installing avian deterrent measures on a sample of the solar arrays and monitoring. The Plan will include monitoring for levels of avian activity as well as avian mortality in treated and untreated (control) portions of the solar facility to determine if avian mortality is occurring and if there is any apparent difference in avian mortality between treated and untreated panels. The Plan shall also include methods to install visual</p>

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			<p>predominantly been conducted in the desert southwest, at sites that do not occur near bodies of water. Site specific and regional factors may influence the likelihood for PV sites to attract water birds, with sites located along migratory routes and near water bird stopover sites potentially posing a greater risk of fatally attracting water birds (Kosciuch et al. 2020). The proposed project occurs in an area with numerous aquatic resources and migrating birds. Several species of waterbirds, including gadwall (<i>Mareca strepera</i>), bufflehead (<i>Bucephala albeola</i>), ruddy duck (<i>Oxyura jamaicensis</i>), black-necked stilt (<i>Himantopus mexicanus</i>), great egret (<i>Ardea alba</i>), Canada geese (<i>Branta canadensis</i>), long-billed curlew (<i>Numenius americanus</i>), greater yellowlegs (<i>Tringa melanoleuca</i>), and whimbrel (<i>Numeius phaeopus</i>) to name a few, have been observed at ponds and water features within 2-miles of the proposed project. The potential for the proposed project to attract and impact water birds should be more thoroughly considered.</p>	<p>deterrents or cues to encourage bird avoidance of the Project site. Implementation of the Plan will provide quantitative data on the effectiveness of the avian deterrent in terms of overall bird use and large-bird mortality in treated portions of the project versus an untreated control.</p> <p>With implementation of MM BIO-7f, potential avian impacts as a result of the lake effect will be less than significant. Refer also to response to comment #150-005.</p>
141	050	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>The avoidance measures are inadequate, result in take and some cannot be legally implemented</p> <p>The biological mitigation measures consistently do not include CDFW when referencing measures that are for state listed species including the CTS and SJKF. The mitigation measures must be revised to include CDFW as part of the notification and approval process for state listed species throughout.</p> <p>In addition to the project activities that have temporary and permanent impacts, the following mitigation measures identified within the DEIR are flawed and will result in either take or incidental take as defined by Fish and Game Code and must be permitted under an Incidental Take Permit and must be fully mitigated. In addition, these measures are not consistent with the measures identified in the East Alameda County Conservation Strategy which is intended to provide</p>	<p>Mitigation measures have been revised where necessary to include CDFW in the notification and approval process for state listed species.</p> <p>Participation in the East Alameda County Conservation Strategy is voluntary as described in the Draft EIR. Project specific avoidance and minimization measures were developed for the project and are adequate to reduce impacts to less than significant.</p> <p>MM BIO-2a: the measure has been modified to require preconstruction surveys regardless of the timing of construction.</p> <p>MM BIO-2f: as stated in MM BIO-2g, preconstruction surveys will be conducted prior to installation of fencing and MM BIO-2h requires biological monitoring during initial construction and decommissioning activities, which will apply to the installation of the fencing. The exclusionary fencing will be installed and maintained according to manufacturer's specifications to adequately exclude CTS while avoiding harm to this species or other special-status species. Exclusionary fencing is a very safe and reliable way to exclude CTS and other species from a site without risk of entanglement or other harm (for example, see https://animexfencing.com/salamander-fencing and case studies). Refer to response to comment #138-006.</p>

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			<p>standard avoidance and minimization measures to offset impacts from projects within the EACCS study area.</p> <p>a) MM BIO-2a: The DEIR inaccurately describes the "active and dispersal" period for both CTS and CRLF as "approximately October 16 and May 15, depending on the precipitation year" and that if construction commences during that period, they will conduct pre-construction surveys approximately 2 weeks prior to the initiation of construction and decommissioning.</p> <p>i. First, regardless of the "precipitation year" CTS regularly disperse and move above ground well outside the Oct 16- May 15 time frame and would be subject to take during surface activity and entrapment in project trenches, staged materials, etc, a much greater portion of the calendar year. CTS dispersal is also tied to when the larva reach maturity which is dependent on when the eggs were laid, water temperature and food availability in the breeding pond. It is often simply tied to drying of the pond which can lead to mass dispersal in all summer months. This is especially true in the project region where high quality breeding ponds dry as early as June.</p> <p>ii. The preconstruction survey as described, lacks enough detail to determine its adequacy to detect CTS or CRLF in refugia on the project site and does not cover the potential geographic distribution of CTS on the site, which should include the entire project area. There really are no of effective pre-construction survey methods to reliably detect CTS in their upland refugia and ensure take does not occur.</p> <p>b) MM BIO-2f: The applicant proposes to install temporary exclusion fencing. Installation of temporary exclusion fencing meets the definition of take. Ground disturbing activities including excavation, trenching and installation of t-posts or stakes meet the definition of take through impacts to habitat. This measure, even if authorized as proposed does not meet the standard for installation of exclusion fencing. The standard depth of the fence in a trench is a minimum of 6". This is necessary to have the fence secured and prevent species from easily dislodging it and getting through. Trenching to this depth in close proximity to</p>	<p>MM BIO-2g: the measure states, "If listed species are found in the project site during preconstruction surveys, construction activities shall not start within a 100-foot radius until the species has left the area of its own volition. Handling of CRLF or CTS without a take permit pursuant to the FESA is not allowed. MM BIO-2b also states, "If any life stage of CRLF and/or CTS (e.g., egg, egg mass, larvae, tadpole, juvenile, or adult) is detected within the project site during any surveys or monitoring for the project during construction or decommissioning, USFWS and CDFW shall be notified within 48 hours. The biologist shall monitor the CRLF or CTS to make sure the amphibian is not harmed and that it leaves the site on its own. Construction activities will not be allowed within 100 feet of the animal." These measures are adequate to avoid take of CTS if present in the site during construction because the area around any CTS found will be avoided by construction allowing the animal to find refuge as needed.</p> <p>MM BIO-2h: adequate measures are included to avoid take during construction. A permitted biologist would not relocate any listed species without permission from the USFWS and/or CDFW as applicable.</p> <p>MM BIO-2q: this measure has been modified to remove the seasonal timing of the measure and will be required year around.</p> <p>MM BIO-7b: the point of this measure is to preclude the use of rodenticides, not anything related to raptor foraging. There is no conflict with MM BIO-7f.</p> <p>MM BIO-7f: The Avian Monitoring Plan will be prepared by a qualified biologist with experience preparing and implementing similar plans. It is not necessary or required under CEQA to involve the public, resource agencies, working groups etc. in preparation of the plan. Refer to responses to comments #138-010 and 150-005.</p>

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			<p>breeding ponds, as is the case for this project, presents a real risk of take of individual CTS in and of itself. In addition, migrating CTS are known to desiccate and are subject to predation when the encounter exclusion fences. Given the close proximity and extensive number of known or potential breeding sites, the fence itself has a high potential to cause take of CTS.</p> <p>c) MM BIO-2g: The DEIR states the if a listed species is observed in the project area, it will be allowed to leave. Observation of listed species within the fenced exclusion area is take in the form of harassment and can lead to actual take due to construction activities. This is also not a reliable avoidance measure as if an amphibian is abroad in day light hours during the majority of a typical construction period in Livermore, there is a high potential it will desiccate without human intervention.</p> <p>d) MM BIO-2h: Ground disturbing activities including equipment mobilization, site clearing, vegetation removal, and grading/ground disturbance are take. The Applicant recognizes the potential for species to be present and therefore impacts to their habitat is a form of take.</p> <p>i. Burrows that include species within a project area, regardless of an avoidance buffer is take in the form of harassment.</p> <p>ii. The DEIR states that if a species does not leave the project site on its own, A permitted biologist will be hired to trap and relocate the animal. To do so would be an illegal act. A biologist in possession of a Federal Recovery Permit CANNOT legally trap and move CRLF and CTS in the context this project. Section JO(a)(l)(A) of the Act allows for recovery permits to be issued for otherwise prohibited acts if the activity to be permitted is for scientific purposes, to enhance the propagation or survival of the affected species, and for interstate commerce activities. If State and Federal take authorization are obtained via Federal Section 7 or Section IO and State Incidental Take Permits, which would require the impacts be fully mitigated, the USFWS could allow for a qualified biologist to capture and relocate a listed species. Both USFWS and CDFW often require that any biologist handling species be in possession of Recovery permits</p>	

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			<p>because it is an indication that the biologist is qualified and has the experience to safely move the species without further injury, make an accurate assessment of where to release the individual and report on the specifics of the situation.</p> <p>e) MM BIO-2q: Inadvertent entrapment of listed species during construction is, by definition, incidental take. The measures approach to install escape ramps to allow the animal to escape is harassment. The measure that assumes holes and trenches are only a risk during the rainy season (after October 15) assumes CTS only move during the rainy season. CTS utilize subterranean retreats including but not limited to ground squirrel burrows and gopher burrows and can be encountered at any time of year by trenching or other excavation type construction method. For local context, during construction monitoring for a project approximately two miles from the project site an adult CTS was encountered in in June 2019 when trenching intercepted a ground squirrel tunnel at a construction project that was being monitored by Swaim Biological, Inc. biologists. A project in the Altamont encountered hundreds of CTS emigrating from drying breeding ponds into the uplands during summer months. During the course of terrestrial trapping for reptiles in the Brushy Peak area, a dispersing juvenile CTS was capture in June.</p> <p>f) MM BIO-7b and MM BIO-7f are in conflict. The measures do not evaluate or provide reasoning as to how the project can both encourage raptor foraging as a form of rodent control while also installing visual deterrents or cues to "encourage bird avoidance of the project site".</p> <p>g) MM BIO-7f- Avian Monitoring Plan. The development of the Avian Monitoring Plan is as currently proposed does not include the involvement of the general public, species experts or the regulatory agencies including CDFW and/or USFWS.</p> <p>i. There are multiple inadequacies in the current approach which demonstrate the need for the Applicant to coordinate with a stakeholder group to ensure an appropriate Avian Monitoring Plan is developed. The Applicant should be required to coordinate with the multi-agency Avian-Solar Collaborative Working Group to develop a monitoring plan</p>	

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			<p>that is appropriate for the size and scale of the site in reference to local and regional populations. Risks to populations should be evaluated in the context of the already high mortality rates on avian species at the nearby Altamont Pass Wind Resource Area.</p> <p>ii. If the Applicant intends to "enhance the site for raptor foraging use" and "maintain foraging habitat for raptors and other birds" while at the same time install visual deterrents or cues to "encourage bird avoidance of the project site" a component of the Avian Monitoring Plan should be required that evaluates the Applicant and the EIR authors claim's to the value of these sites for foraging habitat for all foraging bird species. The foraging monitoring should be developed in coordination with local, state and national experts to evaluate the claims that foraging will remain the same and therefore not result in a significant impact.</p> <p>iii. Development of the Avian Monitoring Plan should be completed as part of the DEIR process rather than 30 days prior to the solar facility being fully operational.</p> <p>iv. An enforceable measure should be added that requires a stakeholder working group in the development and approval of the Avian Monitoring Plan.</p>	
141	051	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>The DEIR does not make the full extent project feature impacts clear via their project description or graphical exhibits.</p> <p>The impact discussion (Section 4.4.3) has no discussion on the size and acreage of impacts to special status species habitats, nor does it map the location of what is being considered an impact.</p> <p>The following project components as described in Section 3.0 will result in temporary impacts across the entire site in order to install the project. Per the Project Plans in Appendix C, 415 acres will be subject to clearing and grubbing and temporary construction activities. These would come in the form of</p>	<p>The impact analysis has been revised to include an analysis of temporary and permanent impacts to habitat for special-status species and a habitat impact map (Figure 4.4-1). The proposed project would result in temporary impacts to approximately 392 acres of the 410-acre site from minimal grading, clearing, and grubbing associated with the project construction and permanent impacts to the remaining 18 acres of the site from internal roadways, structures, and facility infrastructure. The proposed project would result in temporary impacts to annual grasslands (253 acres), developed (3 acres), dryland grain crop (135 acres), ephemeral stream (0.08 acre), and (upland swale (0.4 acre), and permanent impacts to annual grassland (14 acres), dryland grain crop (4 acres), and upland swale (0.02 acre). See Section 4.4, Biological Resources, for the added discussion.</p>

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			<p>installation of facilities including site preparation, excavation and trenching to install interconnection facilities, trenching and boring for utilities, cable installation, site clean up and exclusion fencing during construction. Spreading of excess material from excavations on site will result in disturbance to upland habitat and is a temporary impact.</p> <p>Permanent impacts including the construction of the proposed battery energy storage system totaling 5 acres, a project substation totally approximately 0.9 acres, construction of a 400 sq ft O&M building, project entrances and internal driveways, internal access roads and narrower pathways, fencing, water storage tanks and the approximately 0.9 acres of storm water detention basins. These impacts and their associated permanent loss to upland habitat must be addressed through Incidental Take Permits with the state and federal wildlife agencies and fully mitigated for.</p> <p>Operational and decommissioning activities as described within the DEIR also have the potential for temporary impacts to special status species habitat, especially considering the Applicant is committed to maintain the foraging habitat and is presuming the site will remain suitable habitat for species including CTS and CRLF once construction activities are complete.</p>	
141	052	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>a) Fencing</p> <p>The Applicant describes "wildlife friendly fencing" will be installed but does not evaluate how proposed security fencing that is 7 feet high with wood posts and 4 square-inch wire mesh will impact the proposed sites use by special status species. There is mention of openings that will allow wildlife as large as a badger to pass through, but there is no indication of how frequent these openings would be in the fence to evaluate if the number or size is adequate. If the mesh is a flexible material and openings are not frequent enough,</p>	<p>Impacts to special-status species are described thoroughly in the Draft EIR.</p> <p>As discussed in Section 4.4, Biological Resources, wildlife friendly fencing has been incorporated into the proposed project to allow for dispersal of small to medium sized species. Fencing plans may use one of several potential designs that would allow small to medium sized species to pass through the fence while still providing for project security and exclusion of other unwanted species (i.e., domestic dogs and coyotes). Raised fences or fences with entry/exit points of at least 6 inches in diameter spaced along the bottom of the fence to allow for small to medium sized species through the project site would be appropriate designs. Additionally, the proposed 7-foot high fence would not block wildlife access to Cayetano Creek or its tributaries located near the central section of the project site. Recommended heights for deer fence ranges</p>

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			<p>wildlife of certain sizes will potentially try to enter or exit the site via the mesh and become entangled. It also potentially subjects special status and common wildlife to project related predation if they are within any of the segments where the creek is fenced on either side because their escape routes will be compromised. More details on how the fence will be permeable to special status and common species is needed to adequately evaluate the impacts. It appears per the Project Plans that entire 415 acres would fall within the Proposed Security Fence (Drawing C.201 _ B). This height of a fence will not allow for the wildlife corridor including larger mammals such as bobcat, deer and mountain lion despite the fact the Applicant states the project site will be maintained as a wildlife corridor. The north-south length of fencing that appears to be what is needed is 1.84 miles with a single break at Manning Road and in the vicinity of Stanley Street, near the southern end of the proposed project. This impact must be evaluated in order to determine if the impacts discussion on the wildlife corridors required under the CEQA analysis is complete.</p>	<p>between 6 to 10 feet high. The proposed project includes the installation of a 7-foot high fence, which is considered adequate, and fawn separation from mothers is not anticipated. Refer to response to comment #138-006.</p>
141	053	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>b) Storm water Detention Basins</p> <p>As noted in our comment letter on the FEIR for the Livermore Community Solar Project, there are potential impacts associated with placement of two proposed storm water detention basins on the landscape. These basins will result in the permanent loss of 0.9 acres of upland habitat. In addition, CTS (and to a lesser degree CRLF) can be attracted to the basins during migration and dispersal and potentially breed or attempt to breed in these basins. These basins have the potential to become a type of sink habitat that attracts the amphibians who expend their critical energy breeding in unsuitable aquatic habitats. If these basins are not maintained hydrologically to support the full hydroperiod needed to support the metamorphosis of any eggs that are laid within the detention basins, the result will be direct take of the</p>	<p>As noted by the commenter, the proposed project would include the construction of two stormwater detention basins to prevent the discharge of off-site stormwater runoff and to protect downstream properties. A narrow, linear stormwater detention basin totaling approximately 0.4-acre in size is proposed in the southeastern corner of the central section of the project site along Hartman Road and terminating at North Livermore Avenue. An additional, approximately 0.5-acre stormwater detention basin is proposed along the southern boundary of the southwestern section of the project site (see Figure 3-1).</p> <p>Because the site is generally flat with slopes up to 3 percent, stormwater runoff sheet flows through the site to the southeast where it ultimately discharges. The proposed detention basins would have surface areas of 0.4-acre and 0.5-acre as noted above and a depth of five feet. The basins would also have three feet of dead storage below the bottom of the detention basins. Because infiltration of the stormwater runoff would be delayed due to the clay soils on-site, collected stormwater would be discharged from the basins through an outlet to discharge water across the rest of the site (away from Cayetano Creek and its tributaries) to avoid water ponding in the detention basins and allow for infiltration</p>

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			<p>species. The DEIR must analyze this impact and define measures that will prevent these stormwater detention basins from becoming an attractant for CTS and CRLF and potentially result in direct mortality on annual basis.</p>	<p>within 48 hours. The detention basins would be routinely maintained to remove any vegetative growth. Outlet drainage of collected stormwater to prevent water ponding and routine maintenance of vegetative growth in the detention basins would keep the detention basins devoid of cover for CRLF and CTS and inundation would only persist for short periods of time after precipitation events, which would further deter these species from attempting to use the basins for breeding habitat.</p>
141	054	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>c) Horizontal Directional Drilling</p> <p>The Applicant includes no discussion in the DEIR regarding the Horizontal Directional Drilling (HOD) that is shown to be occurring under "Crossing 2" that on Drawing C.20I_B of the Project Plans in Appendix C. This impact will occur under a potentially jurisdictional ephemeral stream, although the wetland delineation has not been provided as part of the project documents to properly evaluate the status of the stream. The use of HOD under the ephemeral tributary stream and waters has the potential risk of frac-out and could release HOD drilling mud (composed of bentonite clay and water slurry) into water bodies. The use of HOD needs to be evaluated under both the Biological Resources and the Hydrology and Water Quality Section of the DEIR for the public to understand and evaluate the impacts associated with this project action.</p> <p>An enforceable measure must be added as a Condition of Approval by the County for project areas for which HOD shall be performed and should require a frac-out plan be prepared to address the unintentional return of drilling fluids to the ground surface during HOD. The frac-out plan should address at a minimum: a description of work, training, equipment, drilling procedures, and agency coordination and notification. The frac-out plan shall be approved by the appropriate regulatory agencies and notification to the RWQCB and CDFW should be required. The applicant shall obtain an approved</p>	<p>The ephemeral tributary to Cayetano Creek is shallow (less than 1 foot in average depth) with an average width of approximately 6 feet. It generally lacks wetland vegetation and is vegetated with upland species or bare for nearly all of its length, including the section where the proposed crossing is located. This ephemeral tributary only carries water for a short duration during and immediately after significant rainfall events. The underground electrical crossing is designed to avoid impacts to CDFW jurisdictional areas and would be trenched and drilled outside of the riparian corridor of the tributary to Cayetano Creek and would not divert or obstruct; change the bed, channel or bank; use material from the tributary; or deposit or dispose of material into the tributary. The Horizontal Directional Drilling (HDD) will occur well below the bottom of the ephemeral tributary. Therefore, notification under an LSA Agreement under Fish and Game Code section 1600 et seq. would not be required for the underground electrical crossing.</p> <p>A frac-out plan will be required to be submitted prior to issuance of a grading permit as a Condition of Approval by the County. Sections 3.0, Project Description, and 4.17, Utilities and Service Systems, have been revised to include a discussion of the HDD.</p>

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			frac-out plan prior to the issuance of a grading permit or building permit, whichever occurs first.	
141	055	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>8. The DEIR does not adequately address potential impacts during operation.</p> <p>a) Operational changes to grazing regime and conversion of grassland habitat</p> <p>The operational impacts of conversion of grazing by cattle versus sheep is not discussed and needs to be evaluated. The change from the grazing regime is not an impact of agricultural conversion is a necessary change due to the conversion of the grassland habitat for a mixed solar use. Cattle cannot graze under the solar panels, therefore the Applicants desire to maintain the property within agricultural operations is a direct result of the conversion to solar use and is an operational impact on the suitability of the grassland for special status species.</p> <p>Section 3.8.3 defines the development of an Agricultural Management Plan to ensure the habitat values the Applicant has committed to are maintained. The grazing management portion of the AMP needs to be developed by a Certified Rangeland Manager to ensure the project site will maintain the habitat values the Applicant states will be retained for the special status species on site.</p> <p>To ensure that the continued grazing on the property is not impacting special status plant and animal species habitat and/or creating potential impacts associated water quality due to overgrazing, the DEIR should include an enforceable mitigation measure requiring the Agricultural Management Plan be completed by a Certified Rangeland Manager and be developed in coordination with species experts to ensure the statements that the site will "attract raptors and other foraging birds", maintain grassland habitat values</p> <p>b) Storm Water Detention Basis</p>	<p>Section 3.0, Project Description, and Section 4.2, Agriculture and Forestry Resources, have been updated to provide additional grazing information, including more details about the plan for the proposed project site and the differences between cattle and sheep grazing. Sheep tend to graze closer to the ground than cows (which can generally only graze down to about two inches), are more selective in what they eat, and do not damage pastures as much given their smaller size and lower weight. The Agricultural Management Plan will be prepared by qualified professionals and approved by the County as stated in Section 3.8.3 of the Draft EIR. No additional requirements are necessary.</p> <p>See response to comment #141-053, 138-007, and 100-04 for more information about the proposed detention basins and how they will be managed and maintained to deter CRLF and CTS from attempting to breed in those detention basins.</p>

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			See above discussion. These are features that will potentially be on the landscape for the life of the facility and subject CTS to the potential for mortality on an annual basis.	
141	056	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>Public Hiking Trail</p> <p>Although the DEIR attempts to separate the public hiking trail from the project because it will occur outside of the projects disturbance area, the placement of a public hiking trail would have potential impacts on listed species and their habitats, including wildlife corridors especially, in such close proximity to the creek. During the public hearing on October 22, the Applicant clearly described this as a feature of the project that supports the opportunity of "opening private land for a public use". This trail is therefore a direct result of this project and therefore needs to be evaluated under this CEQA analysis to determine if additional mitigation will be necessary.</p>	Construction of a public hiking trail is not currently proposed. The trail is not funded or designed and any attempt to analyze impacts would be speculative. Any future construction of a public hiking trail within the easement to be dedicated to Alameda County (or the Livermore Area Recreation and Park District, which manages open space and trail development in conjunction with the East Bay Regional Parks District) would require a its own CEQA analysis.
141	057	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]</p> <p>10. Required Permits and Approvals - Section 3.9.2 & 3.4.3.1 Resource Agencies.</p> <p>Section 3.9.2 must be revised to state that the DEIR will also require permits from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife to address and fully mitigate for temporary and permanent impacts associated with the installation of the project, ongoing operations and decommissioning of the project in order to comply with state and federal Endangered Species Acts.</p>	Because a CESA Permit is applied for at the discretion of the project applicant/proponent, who can choose to obtain take coverage if take authorization is determined necessary by the applicant/proponent, a requirement for the project applicant to obtain a state and federal incidental take permit will not be added to Sections 3.9.2 or 3.4.3.1. With implementation of the mitigation measures identified in Section 4.4, Biological Resources, to avoid impacts to CESA-listed species, the proposed project is not anticipated to result in take of a protected species. Therefore, take coverage is not currently sought for implementation of the proposed project, and compensatory mitigation is not required.
141	058	Robert Selna, Save North Livermore Valley	[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna]	The characterization of the site as supporting low-quality grassland habitat and of the project as avoiding impacts to high quality grassland habitat is not opinion, but rather a determination based on hundreds of hours of biological surveys conducted by qualified biologists. The

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			<p>11. Biological Resources Cumulative Impacts - Section 4.4.7</p> <p>The discussion under BIO-7 states that the project would result in less than significant cumulative impacts to biological resources because the project is "sited to avoid impacts to high quality grassland habitats". This is an opinion, and as demonstrated above based on multiple regional documents the project is sited within suitable grazing lands, Priority Conservation Areas, within "Important Habitat for Threatened and Endangered Vertebrates", near federally designated critical habitat and within the East Bay Core Recovery Area for the CRLF, within suitable habitats for CTS and within appropriate dispersal distances for the species, provides suitable foraging habitat and is mapped by the EACCS as suitable habitat for seven of the EACCS focal species. Additionally, the project site is within the East Bay CNPS Botanical</p> <p>To state that a project will not result in cumulative impacts because the habitat is of "low quality" is not a defensible statement given the recognition by multiple regional plans that the habitat within the project area occurs on lands with high ecological integrity and lands that are important to facilitate the movement of multiple species and maintain ecological processes and conserve biodiversity within the region.</p> <p>As stated above, the project does not accurately describe take of listed species, temporary and permanent impacts, or provide enforceable measures that require the project impacts to be fully mitigated in compliance with state and federal endangered species acts. Lacking these enforceable measures, the project cannot be considered less than significant and the DEIR is not adequate to meet CEQA standards.</p> <p>Summary</p> <p>We believe the DEIR's biological resources section has major deficiencies which, once rectified, would require recirculation</p>	<p>characterization of the project site in the regional planning level documents cited in this comment have been misrepresented by the commenter and/or were acknowledged and addressed in the Draft EIR and are superseded by actual on the ground surveys and studies. Refer to the specific responses to comments #141-044 and 141-046 provided above.</p>

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			<p>for public review. These deficiencies are substantial enough to render this chapter so inadequate that complete meaningful public review and comment is precluded. Additionally, adding the identified missing information to remedy this deficiency would constitute "significant new information" and "a substantial increase in the severity of an environmental impact", both of which also trigger recirculation. Please feel free to contact us if you have any questions or need additional information to clarify or support this evaluation.</p>	
141	059	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna. The pages of the comment letter following the memo include the resumes of the members of Swaim Biological Incorporated who prepared the memo.]</p>	<p>Exhibit with resumes of the members of Swaim Biological Incorporated who prepared the memorandum is acknowledged. This comment does not raise any environmental issue related to the EIR.</p>
141	060	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna.]</p> <p>[Exhibit B – Species Occurrence Map provided by Swaim Biological Incorporated to Robert Selna]</p>	<p>Exhibit B - Species Occurrence Map is acknowledged. This comment does not raise any environmental issue related to the specific contents of the EIR. Refer to response to comment #141-041.</p>
141	061	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grassetto Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Per your request, I have reviewed the Draft Environmental Impact Report (DEIR) for the Aramis Solar Energy and Storage Project (Aramis Project) for compliance with California Environmental Quality Act (CEQA) requirements. This review is based on my over 35 years of CEQA experience, as well as my experience on CEQA analyses of other projects in the project area. As detailed below, the DEIR is deficient in a number of key areas, including the project description, aesthetics, historic and biological resources, water supply, and alternatives.</p> <p>Project Description</p>	<p>The commenter provided a summary of their requested services, experience, and issues with the Draft EIR.</p> <p>Section 15124 of the State CEQA Guidelines states the following:</p> <p>“The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.</p> <p>(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.</p> <p>(b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.</p>

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			<p>Section 15124 of the CEQA Guidelines, which identifies requirements for an EIR Project Description, codifies the ruling in County of Inyo v. City of Los Angeles. The state court of appeal declared that an accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR under CEQA.</p> <p>The Aramis Project DEIR Project description is missing several key items:</p> <ul style="list-style-type: none"> • The size of the solar panels • A description of the racks supporting the panels • A description of the number of arrays and number of panels per array • A description of the maximum heights of the panels when tilted to their most upright positions (Appendix C states 15 feet, but there's no information on this in the Project Description) • A description of the landscape plan. • Identification of the water supply for the project • The anticipated number of sheep to be present on the site during the grazing season. • A fencing plan, if any, to keep the sheep out of sensitive habitats • A planting plan for the proposed pollen species (for the proposed honey bees), and how those plants would be protected from the proposed sheep <p>The lack of these items makes it difficult, and in some cases impossible, to determine the actual project impacts and their severity, as well as the effectiveness of proposed mitigation measures.</p>	<p>(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.</p> <p>(d) A statement briefly describing the intended uses of the EIR.</p> <p>(1) This statement shall include, to the extent that the information is known to the lead agency,</p> <p>(A) A list of the agencies that are expected to use the EIR in their decision-making, and</p> <p>(B) A list of permits and other approvals required to implement the project.</p> <p>(C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.</p> <p>(2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project.”</p> <p>The project description provided in Section 3.0, Project Description, of the Draft EIR provides a detailed project description for the construction, operation, and decommissioning of the proposed project. The precise location and boundaries of the proposed project are shown on detailed maps throughout the EIR. The intended uses of the EIR are discussed including entitlements sought by the project applicant from the County as well as other required or potentially required approvals from CPUC, RWQCB, and CDFW. The project description provided in the Draft EIR meets the criteria outlined in CEQA Guidelines Section 15124.</p> <p>In response to information requests noted in the comment, a description of the landscape plan is provided in Section 4.1, Aesthetics, of the Draft EIR but has also been added to the project description as Section 3.8.10, Planting and Landscaping Plan, and a conceptual plan has been included as Appendix J. The water supply source is identified in sections 3.5.2, 3.6.3, and 3.7.2 of the project description in the Draft EIR and states that water for project construction, operation, and decommissioning would be obtained via on-site groundwater wells in the Livermore Valley Groundwater Basin and/or water purchased from an off-site water purveyor and trucked to the project site. The fencing plan is discussed in Section 3.4.5, Support Facilities, of the Draft EIR. Sheep grazing would</p>

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				<p>occur within the project site which would be fenced with a 7-foot high fence with wood posts and 4-square-inch wire mesh, and no sensitive habitats occur within the project site. Approximately one foot of barbed wire would be included on the top of the fence along project boundaries that are not facing public roadways or vantage points. Planting for honeybee foraging and landscaping would occur along the project boundaries but outside of the project fencing and would not be accessible by grazing sheep.</p> <p>The size of the solar panels would vary slightly depending on which model is installed. If First Solar modules are used, they would be 6.7 ft by 4.1 ft; if Jinko modules are used, they would be 7.5 ft by 3.7 ft. Page 3-3 has been updated to reflect this information. For a description of the racks supporting the panels, see page 9 of Appendix C of the EIR. The maximum height of the solar panels would be 8 feet; see page 3-3 of the EIR. Appendix C has been updated to be consistent with the height from the project description.</p> <p>The exact number of sheep present in a given season would vary based on the productivity of the forage crop that year (which itself is dependent on factors like available moisture and growing degree days), but it is estimated that up to 820 would use the site each year.</p>
141	062	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grassetti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Project Objectives</p> <p>CEQA defines project objectives as "the underlying purpose of the project...". If project objectives are defined too narrowly, then potential feasible alternatives may be unreasonably limited. (Guidelines Section 15124(b)).</p> <p>The EIR states that the project's Objectives are to:</p> <ol style="list-style-type: none"> 1) Assist California residents in meeting their renewable energy generation goals under Senate Bill 100, requiring renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers by 2045; 	<p>State CEQA Guidelines Section 15124(b) states the following: "A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits." The objectives were developed in accordance with the State CEQA Guidelines and are not unreasonably narrow.</p> <p>The project site is adequately described as disturbed land as it is regularly disked and grazed by cattle. It is not undisturbed, open space land which would be characteristic of a greenfield site. Therefore, the proposed project meets Objective 3, as drafted.</p>

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			<p>2) Create up to 400 living-wage, all union construction jobs and up to four permanent jobs in the San Francisco Bay Area;</p> <p>3) Minimize environmental impacts associated with renewable energy development by siting a renewable energy facility on previously disturbed lands, in proximity to a high-voltage substation with available capacity to facilitate grid interconnection;</p> <p>4) Dedicate land to accommodate a potential future public hiking trail, in the event the County decides to construct a public trail on the project site;</p> <p>5) Deploy industry-leading solar and storage technology to generate 100 MW of solar capacity on less than 500 acres of land, including making use of single-axis tracking technology and 4-hour battery storage duration technology to provide local resource adequacy capabilities to the Bay Area;</p> <p>6) Achieve economies of scale to generate, store, and transmit up to 100 MW affordable, local, wholesale solar electricity to Bay Area residents;</p> <p>7) Help Bay Area Community Choice Aggregators in fulfilling their local renewable energy procurement goals.</p> <p>Objectives 2 and 4 are just side-benefits of the project, and not its primary purpose. The trail also would pass through a sea of solar panels, which would not provide a high-quality recreational experience. Objective 3 is just a description of the site's locational requirements. Further, purposes 1, 2, 5, 6, and 7 are essentially all the same thing. These objectives limit the project alternatives to a 500-acre property adjacent to a PG&E substation where a hiking trail is feasible and lands have been "previously disturbed". As discussed below under "Alternatives", there are other suitable sites and approaches that may be unreasonably excluded by these very narrow "objectives".</p> <p>In addition, much of the site is not "previously disturbed" in any substantial way, and provides high habitat value for a large number of special-status species. In fact, this is essentially a greenfield site. If the project's objectives include developing on a brownfield site, the Livermore Airport site</p>	

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			<p>discussed below would far better meet this objective. As documented in this EIR, the project does not meet this objective.</p> <p>We suggest revising the objectives to read as follows:</p> <p>1)To generate and store up to 100 MW of renewable electricity in an economically and environmentally feasible location.</p> <p>2) Develop this facility on a previously disturbed brownfield site not providing high-quality habitat for protected species.</p> <p>Feasible alternatives can then be realistically considered in the EIR.</p>	
141	063	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grassetti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Alternatives</p> <p>CEQA requires that EIRs consider a range of reasonable alternatives that achieve most of the project objectives, even if they cost more than the project (Guidelines Section 15126.6 a-c).</p> <p>The DEIR contains two "action" alternatives, one eliminating the RM-designated portion of the site and the other eliminating the RM and WR-designated portions of the site from development. These are aimed at plan compliance only. The do little to reduce the significant unavoidable aesthetic impact and also do not substantially reduce the impacts to species and habitats associated with project development, nor to the substantially alleviate the project's significant unavoidable aesthetic impacts. Therefore the DEIR fails to assess a reasonable range of alternatives that would substantially reduce one or more of the project's impacts.</p> <p>We request that a substantially reduced on-site alternative be considered, removing the project from the most sensitive habitat areas.</p>	<p>Section 15126.6(a) of the State CEQA Guidelines state that:</p> <p>“An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”</p> <p>The Draft EIR considered but rejected as infeasible two alternatives that consider alternative locations and distributed solar generation and considered two project alternatives for further analysis. The two project action alternatives considered for further analysis eliminate one of the two significant and unavoidable impacts identified and lessen impacts to other resource sections, including biological resources. The Draft EIR considered a range of reasonable alternatives as required by CEQA Section 15126.6.</p>

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			<p>We also request that the EIR include analysis of the briefly mentioned Livermore Airport site identified in the EBCE Siting Study. That site includes three open parcels on or adjacent to the Livermore Airport, with a combined capacity of about 55 MW (not 44 MW, as stated on p. 5-4 of the DEIR). An additional site nearby where a large parking lot could accept solar shades would generate an additional 8.5 MW. The sites are shown on Attachment A to this letter.</p> <p>The Alternatives section includes a statement that off-site alternatives to the north would likely have similar impacts as the project site. Absent a detailed analysis, this conclusion is unsupported by fact and should be either deleted or supported with evidence.</p> <p>Another alternative should be a more intense solar array system that can generate the same power on less land. The project sites are substantially constrained by development height limits associated with County Scenic Routes. An alternative site that is not adjacent to scenic routes (such as the Livermore Airport Sites, discussed above) should be evaluated in the EIR as it may allow more intense development of a smaller parcel with far less aesthetic and biological resource impacts.</p> <p>The Alternatives discussion in the EIR states that the previously approved 200 acres of solar fields that were never developed would not allow for 100 MW and therefore rejects them out of hand. This rejection is not permitted under CEQA, which requires alternatives be considered if they meet most of the project objectives. The DEIR does not contain adequate information indicating that these sites could not be configured to meet most of the project objectives.</p>	<p>A correction was made from 44 MW to 55 MW as noted by commenter. The Draft EIR considered the relatively large site near the Livermore Municipal Airport but determined that in addition to that project applicant does not currently own or control this potential site nor can the project applicant reasonably acquire or otherwise have access to this alternate site, it would require more land area to generate an adequate 100 MW and still would not provide for energy storage. With the needed development of other sites and lack of energy storage, the economies of scale and benefits of the larger site would be lost and this alternative would be economically infeasible amongst other feasibility concerns (i.e. lack of project applicant ownership/control and jurisdictional boundary concerns related to sites proximity to Livermore Municipal Airport)</p> <p>The commenter notes that the Alternatives section includes a statement that off-site alternatives to the north would likely have similar impacts as the project site. The conclusion in Section 5.3.1, Alternative Location: Formerly Proposed Solar Development Sites and Other Large-Scale Sites, has been revised to clarify the analysis supporting that conclusion.</p> <p>The commenter suggests that “another alternative should be a more intense solar array system that can generate the same power on less land.” Unfortunately, a solar development with a higher ground cover ratio (by constructing a higher density of solar PV modules within the reduced footprint area) would not be a viable alternative because the solar energy would be generated at an impaired performance level as the density and close proximity of modules would reduce production from panel shading or inability to track the sun throughout the day if fixed-tilt technology were deployed instead.</p>
141	064	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grasseti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Growth Inducement</p>	<p>CEQA Guidelines Section 15126.2(e) reads in full: “Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas).</p>

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			<p>The DEIR's Growth Inducement section essentially states that the project would not induce growth because it would not substantially alter employment and would not include any houses. However, CEQA's definition of growth is not limited to housing or employment. This is an artifact of using the IS checklist to determine potential impacts rather than referring to the CEQA Guidelines. Guidelines Section 15126.2(e) states that growth inducement also can include "the characteristics of some projects which may encourage or facilitate other activities which could significantly affect the environment either individually or cumulatively." The EIR must also consider whether approval and construction of the first large-scale solar facility on greenfield lands in Alameda County would set a precedent for future similar projects in the undeveloped agricultural lands of the County, and specifically in the North Livermore Area, and thereby be growth inducing.</p>	<p>Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."</p> <p>This project would not remove obstacles to population growth by increasing public services or providing new infrastructure to provide the area with a level of service greater than it currently receives. The project would sell its power to existing utilities in the Bay Area to help meet established renewable energy goals and existing demand. It would also not tax existing services to the point that new facilities would need to be constructed. This project also would not encourage or facilitate other projects that could significantly affect the environment, since none of these actions would be dependent in any way on each other and each action would be considered separately by the East County Board of Zoning Adjustments based on their individual merits.</p>
141	065	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grassetti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Technical Deficiencies</p> <p>Water Supply</p> <p>The DEIR claims that the project would not have a significant groundwater or water supply impact because, 1) Zone Ts Urban Water management Plan assumed water use on the site for agriculture, and 2) because the project would get its water from Zone 7. Neither may be the case. The City of Livermore's comment letter on the NOP specifically stated that water from its fire hydrant should not be assumed to be available for the project. Further, the project's Water Supply Assessment (WSA) states:</p> <p>The project would transition the project site from the agricultural land uses that were planned for in the UWMP, to solar/commercial uses, which are generally less water intensive than agricultural uses. As a</p>	<p>Water service to the City of Livermore, including for fire hydrants, is provided by Livermore Municipal Water, which receives its water supply from California Water Service (CalWater). In turn, CalWater receives its water supply from Zone 7 Water Agency, which is discussed in detail in the WSA. Therefore, if the project receives water supply from a City of Livermore fire hydrant, that water would be sourced from the same supply (Zone 7) as discussed in the WSA. However, the WSA does not state or suggest that the project would obtain its water supply from a City of Livermore fire hydrant, or from any other fire hydrant. Regardless, as stated above, the City of Livermore fire hydrant water source is the same water source as discussed in the WSA for Zone 7. Further information regarding the City of Livermore water supply may be found on their website: https://www.cityoflivermore.net/citygov/pw/public_works_divisions/wr_d/service/default.htm</p> <p>The WSA has been revised to provide typical water demand rates for dominant Alameda County crops, which consist of wine grapes and fruit and nut trees. These crops require substantially more water than solar energy development, consistent with the analysis in the WSA. The project property has historically been used for agricultural purposes, and it is reasonably concluded that transitioning the site from agricultural uses to</p>

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			<p>result, water demand for the project site is likely over-estimated in the current (2015) UWMP, when the planned water demands for agricultural land uses are compared to the proposed water demands for solar development.</p> <p>It includes no supporting analysis. In fact, the WSA does not even attempt to calculate existing water demand from the property. Given that the proposed project would include sheep grazing, which would consume about the same amount of water as cattle grazing, the project's water demand would be in addition to, and not instead of, the existing agricultural water use. Further irrigation of landscaping and pollen plants for honey bees would consume additional water. The EIR water supply assessment should be revised to address these issues.</p>	<p>solar energy development would reduce water demands across the project site.</p> <p>Livestock grazing has historically occurred across the project site, and the presence of sheep grazing with implementation of the project would not represent a substantial change to existing conditions. However, because the project would provide water for the sheep, conservative water demand assumptions were developed, and are detailed in Section 2.3.2, Operational Water Assumptions. As stated therein, the WSA assumes that sheep typically require two to three gallons of water per day per head, and the project site would support up to a maximum of 820 sheep, equating to a total demand of approximately 2.75 AFY. A temporary water supply would be required for plant establishment; however, no long-term operational water supply would be required for landscaping, and the site would not be irrigated following initial establishment of plants. In addition, as discussed in the WSA, Section 2.2.1.6, Concomitant Agricultural Uses, sheep grazing on the project site would likely be confined to a two-month period in the late spring and early summer. In order to provide a conservative analysis of water demand requirements, the WSA estimates water demand for year-round sheep grazing, even though such activities are anticipated to be restricted to a two-month period each year.</p> <p>The project would include temporary irrigation for up to three years, to establish landscaping consisting of climate-appropriate drought tolerant species. Irrigation on the project site would cease once it is determined that landscape plants are sufficiently established, which is conservatively estimated to require a maximum of three years after completion of construction. Additional discussion is provided in the WSA, Section 2.3.2, Operational Water Assumptions, under "Temporary Irrigation".</p> <p>As described in the responses above, the WSA appropriately characterizes the water demands of the project, as well as the supply scenario applicable to the project.</p>
141	066	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grasseti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Aesthetics</p>	<p>The size of the solar panels would vary slightly depending on which model were installed. If First Solar modules were used, they would be 6.7 ft by 4.1 ft; if Jinko modules were used, they would be 7.5 ft by 3.7 ft. Edge to edge distance between panels at horizontal (noon) position would be 6.4 feet, and at their most vertical position (early morning, late afternoon, and throughout the night) would be 9.2 feet. Page 3-3 has</p>

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			<p>As described under Project Description, above, the EIR fails to describe both the arrays themselves, the panels, and the proposed landscaping. Further, there is a discrepancy on the height of the panels. The DEIR has a photo on the cover that indicates multiple panels on each rack, with support poles on foundations, but that's not what's being proposed here. What appears to be proposed is a single row of 6.75-foot long panels mounted in portrait orientation, but that information is not contained in the Project Description. I only found a hint of that in the construction plans in the Appendix C. The width of the panels, and whether one or more panels would be stacked on the arrays is never mentioned. According to the EIR Project Description and Aesthetics section, the "maximum height of the modules would 8 feet in the stowed position". But the actual project plans (Appendix C, attached) show them lower, at 4.5 feet stowed. The panels would mostly be in their stowed position at night, when they're not visible anyway. Further, the "stowed position" is not the maximum panel height, which appears to be 15 feet. One end tilts up to follow the sun, increasing the height of the facility during daylight hours (when they would be visible) to 15 feet, per the plans, but the EIR only describes (and presumably depicts and evaluates) the 8-foot stowed height. The EIR impact discussion never mentions either the heights of the arrays or the landscaping heights/types.</p> <p>Absent this information, roadside aesthetic impacts cannot be accurately evaluated.</p> <p>The photo-simulations indicate a dense row of landscape vegetation. Would that be at year 1 or at year 5 or maybe year 10? None of this is described in the EIR. If the vegetation would take several years to grow large enough to filter views of the project facilities from the road, then the impact would still be significant.</p> <p>Additionally, the vegetation may obscure motorists' views of the ridgeline, in conflict with County Scenic Route policies- please address this issue.</p>	<p>been updated to reflect this information. For a description of the racks supporting the panels, see page 9 of Appendix C of the EIR. The maximum height of the solar panels would be 8 feet; see Section 3.0, Project Description, of the EIR. Appendix C has been updated to be consistent with the height from the project description.</p> <p>The proposed project would include a landscape buffer to provide visual interest, frame scenic views, and screen less than desirable views in compliance with the Countywide Scenic Route Element. The landscape buffer is proposed along the public street frontages that border the project site, specifically on the west side of North Livermore Avenue and north and south sides of North Manning Road. The planting area would be established between the County road rights-of-way and project fence line and would include a mixture of evergreen and deciduous shrubs and trees of varying heights. The proposed landscaping would include planting of between 2 to 3 rows of shrubs offset to screen views of the site with trees interspersed primarily along Manning Road. All plants included in the landscaping plan would be drought tolerant and climate appropriate. See Section 3.0, Project Description, for a detailed discussion and updated information, along with a table of proposed species and their heights at planting, after five years, and at maturity. Small and medium shrubs would be mature at five years post planting, tall shrubs would generally be at least nine feet tall after five years, and trees would generally be between seven and 16 feet tall five years post planting. A note in the visual simulations depicting the proposed landscaping has been added to clarify that the landscape buffer shown in those simulations are representative of the plant growth after approximately 7 years. Additionally, simulations from the North Manning Road and North Livermore Avenue/May School Road viewpoints pre-installation of the landscaping have been included in Section 4.1, Aesthetics, for more information.</p> <p>A conceptual landscape plan has been included as Appendix J of the Final EIR.</p>

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			<p>The DEIR fails to describe project landscaping. Mitigation Measure AES-1 does not describe or require landscaping - it just requires its maintenance. Further, Appendix C, Project Site Plans, do not include a landscape plan, so there's no way to verify the project's roadside aesthetic impacts. This omission is particularly critical because two County Scenic Routes pass adjacent to the facility.</p>	
141	067	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grasseti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Cumulative Impacts</p> <p>The cumulative projects list includes one other solar project and a cannabis cultivation project. These are the pending projects that have not yet been approved. Are there other project that have been approved but not constructed (i.e. several NOP comment letters have referenced three additional nearby cannabis projects that have been approved but not yet constructed). Please review approved but not yet constructed projects and update the cumulative impacts assessment as needed.</p>	<p>The County has not identified any other nearby application pending or recently approved projects that warrant consideration in the EIR beyond the Oasis Fund and Livermore Community Solar Farm projects that were considered in the Draft EIR.</p>
141	068	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grasseti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Hazards</p> <p>The DEIR does not address increased fire hazard potential, but rather focuses on the project's fire suppression capabilities. Please address any possible increase in fire hazard potential associated with construction and operation of the project.</p> <p>The City of Livermore's NOP comment letter (June 8, 2020 email from Susan Frost, City of Livermore, to Andrew Young, Alameda County Planning Department) requested that the applicant complete an FAA 74560 Notice to the FAA to confirm no ocular impact from the project. The EIR apparently has deferred this assessment to the future. This deferral is</p>	<p>Regarding wildfire concerns, please see the response to comment #141-025.</p> <p>Revisions have been made to Impact HAZ-7 in Section 4.9, Hazards and Hazardous Materials to discuss the potential for the project to increase fire hazard risks in the project area. The following language has been added:</p> <p>“Project safety concerns have been raised in public comments received during the NOP process and circulation of the Draft EIR regarding the proposed battery storage system and its potential to result in an explosion or cause a fire. As discussed above under Impact HAZ-2, each battery unit in the battery storage system would be constantly monitored by a battery management system to ensure safe operations. The battery management system monitors individual cell temperature, voltage, current, charge and discharge parameters, and other metrics to ensure the health and safety of the batteries. If there were to be multiple failures in this multi-level safety system, an automatic fire suppression</p>

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			<p>inappropriate per CEQA case law - please conduct the necessary studies and provide them for review in the EIR.</p>	<p>system would kick in. Emergency fire kits would be kept on site during construction and operation, and a 250,000-gallon water storage tank for fire suppression would be located adjacent to the battery storage system, west of the PG&E Cayetano substation, in the case of an unlikely emergency.</p> <p>The proposed project includes the installation of overhead and underground electrical infrastructure to support the proposed solar PV facility. Damage to proposed overhead distribution lines from fallen trees or high wind and storm conditions could cause live wires to fall onto nearby dry grass and potentially start a fire. Therefore, distribution lines would be underground to the maximum extent feasible, and medium-voltage lines would be buried for a majority of their length but would emerge above-ground on either side of Manning Avenue, to cross Cayetano Creek and its tributaries, and if an overhead connection to the existing PG&E Cayetano substation is necessary. Additionally, the project site is generally flat agricultural land with few on-site trees, and the average wind speed during the windiest month of the year is 9.6 miles per hour. On-site vegetation would be managed by sheep grazing, and the proposed internal access roads would act as fuel breaks in the event of a fire. Furthermore, the proposed overhead lines would be designed and maintained in accordance with General Order 95, which was updated in January 2020 (CPUC 2020) and includes requirements to ensure overhead lines are constructed safely and appropriately to prevent wildfires. See Section 4.18, Wildfire, for a detailed discussion about the proposed project and wildfire risks. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, and impacts would be less than significant.”</p> <p>The project applicant filed an application with the FAA for an Airspace Determination on August 24, 2020. An FAA Airspace Determination was issued for nine structures that are part of the proposed project on October 13, 2020. In each case, the FAA issued a Determination of No Hazard. This has been clarified in Section 4.9, Hazards and Hazardous Materials.</p>

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141	069	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grasseti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Loss of Agricultural Lands</p> <p>The DEIR does not address cumulative conversion of grazing lands to quasi-industrial uses as a potential impact of the project and other development impinging into agricultural lands in eastern Alameda County. Please address. Please note that the significance criteria in the Initial Study checklist that is used in this EIR is not exclusive of other potential impacts (per Protect the Historic Amador Waterways v. Amador Water Agency. Date: 3/ 12/2004. Court: CA 3rd District. Citation: 116 Cal.App.4th 1099). Although not listed in the checklist, large scale cumulative loss of agricultural lands can be a significant impact and should be evaluated as such.</p>	<p>The proposed project and Livermore Community Solar projects are dual use projects that would incorporate quasi-industrial uses with continued sheep grazing at both sites. The cumulative impacts section of Section 4.2, Agriculture and Forestry Resources, concludes that the proposed project, in combination with the Livermore Community Solar Farm and Oasis Fund projects, would not involve the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, conflict with existing agricultural zoning or Williamson Act contract, or involve other changes that would result in the conversion of farmland to non-agricultural use. Similar to the proposed project, the Livermore Community Solar Farm would also implement concomitant agricultural activities with the solar development, and the Oasis Fund project is a proposed agricultural operation. Therefore, the proposed project would not contribute to a significant cumulative agriculture and forestry resources impact, and impacts would be less than significant.</p>
141	070	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grasseti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Biological Resources</p> <p>Swaim Biological Incorporated (SBI) conducted a peer review of the DEIR's biological resources assessment, submitted under separate cover. SBI's review found a number of substantial deficiencies as follows:</p> <ul style="list-style-type: none"> <li data-bbox="548 1114 1178 1494">• The DEIR does not recognize the project will result in take of state and federally listed species including temporary and permanent loss and conversion of upland habitat for, at a minimum, the California tiger salamander (CTS) and California red legged frog (CRLF), with potential or actual grassland habitat loss for several other special status species including East Alameda County Conservation Strategy (EACCS) focal species. The lack of any compensatory mitigation for the project does not comply with CEQA requirements for mitigation, and also is in violation of the state and federal Endangered Species Acts, California 	<p>For responses to the concerns raised by SB and summarized herel, please see responses to comments #141-038 through 141-060.</p>

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			<p>Department of Fish and Game Code, and is not consistent with the East Alameda County Conservation Strategy.</p> <ul style="list-style-type: none"> • The DEIR does not accurately evaluate the temporary or permanent loss of suitable grassland habitat for special status species. • The DEIR does not accurately present species potential to occur and discounts the value of the habitat for both listed and common species. It has inaccurate species counts and fails to evaluate the actual significance of loss of "low-value" habitat. • The DEIR does not accurately describe protocol level wildlife and plant surveys. • The DEIR's analysis of impacts of the solar farm on avian use is inadequate with respect to raptor foraging habitat, burrowing owl impacts, and potential "lake effect" impacts. • The avoidance measures are inadequate, result in take and cannot be legally implemented. • The DEIR does not make the full extent of impacts clear via their description or graphics. • The DEIR does not adequately address potential impacts during operation, including operational changes to grazing regime and conversion of grassland habitat. <p>We have identified the following additional deficiencies in the biological resources assessment: Mitigation Measure BIO-3a, for burrowing owl impacts, begins "If feasible ... ". This caveat renders the mitigation measure unenforceable and meaningless. Please remove this caveat and re-phrase the measure to indicate that the applicant shall implement this measure.</p> <p>Collapsing of burrowing owl, kit fox, and badger dens, while acceptable to CDFW, is not adequate CEQA mitigation as it may, in itself, result in indirect take of these protected species. Please revise the impact significance accordingly (impact would be significant and unavoidable).</p>	

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			<p>The DEIR concludes that the project lighting would not adversely affect avian species, with mitigation. However the DEIR does not include a lighting plan so the actual project impacts were not evaluated. The FEIR should include a lighting plan and an evaluation of night lighting impacts, both on avian species and aesthetics.</p> <p>Mitigation measure Bio-Ba states both that the project shall avoid impacts to jurisdictional waters and then says that if the resources can't be avoided appropriate permits shall be acquired. This is contradictory- wither the impacts are avoided or permits required. Additionally, future permits cannot be relied upon as mitigation. Please revise this measure to assure mitigation.</p> <p>As detailed above and in the SBI letter, the DEIR's biological resources section has major deficiencies which, once rectified, would require recirculation for public review. These deficiencies are substantial enough to render this chapter so inadequate that meaningful public review and comment is precluded. Additionally, adding the identified missing information to remedy this deficiency would constitute "significant new information" and "a substantial increase in the severity of an environmental impact", both of which also trigger recirculation.</p>	
141	071	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grassetti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Cultural Resources</p> <p>The DEIR's cultural resources study found that the 4400 North Livermore Avenue property is eligible for listing in the NRHP, CRHR, and the local County register, and the barn and shed are considered historical resources under CEQA. The barn and shed footprints are outside of the project area and would be preserved in place. However, with the construction of the proposed solar energy generation and solar facility, the historic ranch, which has been used for oat and hay cultivation and livestock grazing, would no longer be open ranch land.</p>	<p>Historic-era structures located on the 4400 North Livermore property have been shown to be eligible for listing in the NRHP, CRHR, and the local County register under Criterion C/3, for their embodiment of the distinctive characteristics of a type, period or method of construction. The barn and shed display the distinctive characteristics of vernacular post-and-beam ranch structures constructed within Murray Township during the late nineteenth to mid-twentieth centuries. The barn was constructed sometime between 1878 and 1904, while the shed was constructed by rancher Leland E. Stanley between 1949 and 1958. The Stanley family continues to utilize the barn and shed for ranching activities to the present day (April 2020). The Stanley Ranch barn and shed feature this regional approach to construction referred to as post-and-beam construction (Brandt et al. 2007).</p>

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			<p>The proposed project will indirectly impact these historical resources by disrupting the integrity of their setting and feeling, causing a potentially significant impact under CEQA.</p> <p>The DEIR claims that the site-specific Historical American Buildings Survey (HABS) documentation required in Mitigation Measure (MM) CUL-1 would document the historical resources in place in their current setting and thereby would reduce this potential impact to less than significant. CEQA's mandatory findings of significance states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to eliminate important examples of a major period of California history or prehistory. The elimination of the functioning ranch appears to meet this criterion. The mitigation measure requiring photo-documentation of the ranch would not eliminate the loss of this resources, and therefore the impact should be considered significant and unavoidable.</p>	<p>The barn and shed would not be demolished or directly impacted by the proposed project. However, it is understood that the property's integrity of feeling and setting are necessary for it to qualify as an historical resource under CEQA, and the proposed project would result in changes to the existing setting in addition to changes that have already occurred over time. While these alterations of integrity may constitute a potential impact, the impact would not be irreparable or permanent (although it could potentially be long-term), and therefore not significant with implementation of the proposed mitigation. The solar facility would ultimately be decommissioned in accordance with a Decommissioning Plan that would restore the site to its former use and conditions. The Historical American Buildings Survey (HABS) documentation required in Mitigation Measure (MM) CUL-1 would document the structures in the context of their current setting prior to project implementation, therefore establishing baseline conditions for the property's current feeling and setting. The HABS documentation would then be used to guide the portions of the Decommissioning Plan that specifically address restoration of the project site's visual appearance. Therefore, the use of the HABS documentation to inform future reclamation efforts would effectively result in a reduction of impacts to the property's integrity of feeling and setting to a less than significant level.</p>
141	072	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Grassetti Environmental Consulting that was included as part of the letter from Robert Selna.]</p> <p>Recirculation Requirements CEQA contains the following guidance regarding recirculation of a DEIR:</p> <p>(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse</p>	<p>Revisions made to the EIR in response to comments received on the Draft EIR did not include significant new information, identify a new potentially significant impact, result in the substantial increase in the severity of an already identified impact, or identify a feasible alternative that the project proponent declined to adopt. Additionally, the Draft EIR was not fundamentally and basically inadequate and conclusory in nature so that meaningful public review and comment were precluded. Therefore, recirculation of the EIR is not warranted.</p>

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			<p>environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:</p> <p>(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.</p> <p>(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.</p> <p>(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.</p> <p>(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish & Game Com. (1989) 214 Cal.App.3d 1043).</p> <p>Based on the potential deficiencies in the DEIR identified in this letter, the above criteria for recirculation are met. Individually and in total, these deficiencies deprive the public and decision-makers of meaningful information needed for informed decision-making. Therefore, it is our opinion that the DEIR should be revised to address the deficiencies identified in this letter and the SBI letter, and recirculated for public review.</p> <p>Conclusions</p> <p>As described above, the DEIR has a large number of incomplete analyses and descriptions. Additionally, there may be additional significant and unavoidable impacts with respect to historic and biological resources. Therefore, as described above, the DEIR should be revised to correct the deficiencies</p>	

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			identified in this letter and re-circulated for public and agency review. Please feel free to contact me at 510 849-2354 if you have any questions regarding this letter.	
141	072	Robert Selna, Save North Livermore Valley	[This comment is part of a memo prepared by Grasseti Environmental Consulting that was included as part of the letter from Robert Selna. The pages of the comment letter following the memo include the resumes of the members of Grasseti Environmental Consulting who prepared the memo.]	The exhibit with resumes of the members of Grasseti Environmental Consulting who prepared the memorandum is acknowledged. This comment does not raise any environmental issue related to the specific contents of the EIR.
141	073	Robert Selna, Save North Livermore Valley	<p>[This comment is part of a memo prepared by Swaim Biological Incorporated that was included as part of the letter from Robert Selna as Exhibit B – Supplemental Comment and Species Occurrence Map]</p> <p>The information provided below and map (Attached) depicting the special status amphibian and reptile occurrence in the vicinity of the Aramis Solar Energy Generation and Storage Project provided here are supplemental to our letter which Mr. Selna submitted on October 31, 2020. In addition, I would like to include as part of our statements regarding the adequacy of the DEIR, the link below to two relevant Environmental Documents that are publicly available and contain locations of additional special status wildlife and rare plants in the immediate vicinity of the subject project. Specifically, the following documents should be reviewed, and the extensive biological resources information be incorporated in the DEIR and the current botanical survey methods (which were not completed by the EIR consultant) be implemented for the project to ensure its adequacy for CEQA review. The document names are as follows:</p> <p>R649, R700, and R707 Natural Gas Transmission Pipeline 131 Replacement Projects Draft Initial Study Mitigated Negative Declaration</p> <p>Pacific Gas & Electric R649, R700, and R707 Natural Gas Transmission Pipeline 131 Replacement Appendices Part 2 – Botanical Resource Survey.</p> <p>Both can be obtained at the following hyperlink</p>	The exhibit with links to R649, R700, and R707 Natural Gas Transmission Pipeline 131 Replacement Projects Draft Initial Study Mitigated Negative Declaration is acknowledged. This comment does not raise any environmental issue related to the specific contents of the EIR. See response to comment #141-046.

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			<p data-bbox="499 203 1178 261">https://nrm.dfg.ca.gov/documents/ContextDocs.aspx?cat=R3-HabCon</p> <p data-bbox="499 300 1136 418">We appreciate the opportunity to provide the County this information as part of the CEQA process. Please feel free to contact us if you have any questions or need additional information to clarify or support this evaluation.</p>	
142	001	Dan Shugar, Nextracker	<p data-bbox="499 430 1178 618">Nextracker is one of the largest manufacturers of utility-scale solar tracking technology in the world, supplying about half of the US market, and we are headquartered right here in Fremont, California. As the founder and CEO of Nextracker, I urge you to approve the Aramis Renewable Energy Project without delay.</p> <p data-bbox="499 657 1178 878">Nextracker employs many individuals throughout the East Bay – including Livermore, the proposed home of the 100-megawatt Aramis solar + storage project. We understand first-hand what it means to be at the forefront of this project, not only as leaders of the solar industry, but also as members of the community. We are thrilled that the Aramis project is taking place in our backyard.</p> <p data-bbox="499 917 1178 1166">Within 1 hour, our planet receives enough sunlight to provide the world with enough electricity for an entire year. Local companies like Nextracker and Intersect Power are responsible for harnessing this incredible power of the sun and delivering it to your front doors, and doing so at competitive wholesale prices, all while reducing local air pollution and putting us on track to combat the climate crisis head on.</p> <p data-bbox="499 1205 1178 1393">Renewable energy is the future, now is the time, and the most valuable renewables are sited close to load centers and incorporate battery storage technology, like the Aramis project does. Our planet is facing a very real and very evident climate crisis, and we cannot wait to approve projects like Aramis.</p> <p data-bbox="499 1432 1178 1490">As a partner with the City of Fremont, Alameda County, and the Aramis solar project, Nextracker has committed to training</p>	<p data-bbox="1207 430 1990 553">The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>up to two dozen people through our PowerworX Academy program at our Center for Solar Excellence in Fremont. The center has allowed us to provide a hands-on training facility to hundreds of solar workers who are committed to learning the latest installation methods for the leading tracker. We understand how invaluable these workshops are and are happy to contribute our expert knowledge.</p> <p>Bay Area citizens all need to do our part in supporting current and future generations by supporting the Aramis Renewable Energy Project.</p>	
143	001	Ferdinand Valencia	<p>Please help support the Aramis Renewable Energy Project in North Livermore.</p> <p>Earth’s average surface temperature has risen about 1.14 degrees Celsius (2.05 degrees Fahrenheit) since the late 19th century, a change driven primarily by increased carbon dioxide and other human-made emissions into the atmosphere. Most of the warming occurred in the past 35 years, with the six warmest years on record taking place since 2014. As a consequence of this warming, Greenland lost an average of 286 billion tons of ice per year between 1993 and 2016, while the rate of Antarctica ice mass loss has tripled in the last decade. (https://climate.nasa.gov/evidence)</p> <p>The fact is our world is warming, and warming at an increasingly rapid rate. And unless we rapidly transition to emissions free energy sources such as solar and wind, the world we leave our grandchildren will not be very hospitable.</p> <p>We have an opportunity right here in the Tri-Valley to take one large step in that rapid transition, and that is with the approval and completion of the Aramis Renewable Energy Project. This state-of-the-art solar and energy storage facility would offset millions of tons of carbon dioxide emissions over the next 30 years while providing clean, dependable energy to over 25,000 local homes and businesses.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>I ask that you consider the big picture, and please support this and other renewable energy projects like it. Because unless we all take actions to stop the polluting of our atmosphere with green house gasses, the Tri-Valley and the world will become much warmer.</p> <p>Thank you for your help on this issue.</p>	
144	001	Nicole Valencia	<p>I am writing you today to ask for your support for the Aramis Renewable Energy Project in North Livermore.</p> <p>The Aramis project is not only a solar project, but incorporates 100 megawatts of 4-hour duration battery storage as well. Battery storage is transforming the global electric grid and is an increasingly important element of the world’s transition to sustainable energy. Batteries act as a sustainable alternative to natural gas “peaker” power plants. Peaker power plants fire up whenever the local utility grid can’t provide enough power to meet peak demand. They cost millions of dollars per day to operate and are some of the least efficient and dirtiest plants on the grid. Instead, the battery installation at the Aramis solar system will use stored solar energy to support the grid’s peak loads.</p> <p>The Aramis project has been carefully sited and designed with local community priorities and values in mind and to minimize environmental impacts. It will protect floodplains, enhance local wildlife habitat, and employ honeybee friendly plantings. Abundant new landscaping, visually appealing fencing, and generous setbacks will soften and enhance the view for cyclists and motorists traveling the nearby roads. Through these environmental enhancements and by offsetting 188,000 metric tons of CO2, the Aramis Project moves California closer to achieving a decarbonized economy and a healthier environment.</p> <p>I urge you to do the right thing by Alameda County residents, current and future, by approving the Aramis project without delay.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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145	001	Brian Monaghan, Wildlands Inc.	<p>Wildlands is submitting comment for the Draft EIR for the proposed 100-megawatt Aramis Solar Energy Generation and Storage Project (Project) located in the North Livermore Valley. Wildlands is the bank sponsor for the Haera Wildlife Conservation Bank located near Mountain House (Alameda County APNs 099B-7890-001-03 and 099B-7890-001-04). As conservation land managers with experience in the region, Wildlands has extensive expertise working with Federal, State and local natural resource agencies in identifying lands that are appropriate for wildlife conservation and those that are not. We manage mitigation and conservation banks for important resources like wetlands, grasslands, habitat for California red-legged frogs, California tiger salamanders, and other species, and we have developed conservation easements for dozens of utility-scale solar projects throughout California that require the acquisition of compensatory habitat due to their displacement of habitat for threatened and endangered species.</p> <p>We have reviewed the Aramis Project, including the Draft EIR, and have concluded that the site would provide marginal value for habitat conservation. The solar development represents an opportunity to balance the need for renewable energy and avoiding sensitive areas since the Project site has been extensively grazed and disked, and that the proposed development footprint appropriately avoids the areas of the site with higher habitat potential such as Cayetano Creek.</p> <p>We are encouraged to see that the Project site strikes a balance between protecting raptor foraging habitat during long-term operations while meeting our state’s renewable energy goals. In fact, if all solar projects were sited as well as this one, the team here at Wildlands would be much less busy providing off-site habitat solutions. The developer has identified an appropriate site for critically important solar and storage development, and Wildlands supports the proposed Aramis Project.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about local wildlife, please see Section 4.4 Biological Resources. No further response is required.</p>

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			We appreciate the opportunity to provide the Alameda County Planning Department with our views concerning the Project’s Draft EIR, and hope you will consider our comments.	
146	001	Juan Pablo Galvan Martinez, Save Mount Diablo	<p>Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mount Diablo and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 120,000 acres. We include more than 11,000 donors and supporters.</p> <p>Thank you for the opportunity to comment on the draft Environmental Impact Report (dEIR) for the Aramis Solar Energy Generation and Storage Project (Project). Renewable energy projects are sorely needed in the face of catastrophic climate change. SMD’s own efforts to educate and mobilize the public to confront the climate crisis include development of its own organizational Climate Action Plan, integrating climate-focused messaging throughout SMD communications, promotion of and participation in last year’s Global Youth Climate Strike, and support of climate-smart policies and projects.</p> <p>With regard to this particular Project, we strongly recommend below that modifications be incorporated into the environmental review and Project itself in order to fully mitigate Project impacts. Should Alameda County be interested in quickly developing a sound, comprehensive solar policy to avoid the controversies that have manifested themselves during the consideration of this Project, we also recommend a model process that has already achieved great success elsewhere in California that the County could follow.</p>	The commenter has provided a summary of the Save Mount Diablo organization as an introduction to their comments. This comment does not raise any environmental issue related to the EIR. Please see responses to comments 146-002 through 146-004 for responses to the specific comments raised by the commenter.
146	002	Juan Pablo Galvan Martinez, Save Mount Diablo	<p>Need for Compensatory Mitigation</p> <p>In our review of the Project dEIR we have found that while there are numerous avoidance and minimization measures proposed to avoid take of listed species, such as California tiger salamander (CTS) and California red-legged frog (CRLF)</p>	The County recognizes that the East Alameda County Conservation Strategy (EACCS) is a collaborative effort between willing land-owners, local agencies, and resources agencies for the preservation of endangered species and their habitat through conservation and that participation in the EACCS by the project applicant is voluntary. The project is located within the EACCS area, and the project has been

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			<p>during Project construction, there is no compensatory mitigation (protection of currently unprotected habitat for these species to offset Project impacts to species habitat) currently proposed.</p> <p>Surveys that were conducted on the Project site to identify CTS and CRLF individuals and their habitat failed to detect individuals or breeding habitat. However, the dEIR recognizes that individuals of these species could move through the Project site and use Cayetano Creek and other ephemeral streams as aquatic non-breeding habitat during periods of dispersal since there are several CRLF and CTS occurrences within one mile of the Project site. In addition, designated critical habitat for CTS is approximately 1-mile from the proposed Project footprint (CH Unit CV-18), and designated critical habitat for CRLF is less than half a mile from the proposed Project footprint (CH Unit CCS-2B), within the dispersal ranges of both species. It is therefore reasonable to conclude that the Project site serves as upland habitat for these species and that Project construction will result in permanent loss and conversion of upland habitat.</p> <p>The East Alameda Conservation Strategy (EACCS) identifies both CRLF and CTS as focal species for conservation. Tables 3-7 and 3-8 of the EACCS identify standardized mitigation ratios for CRLF and CTS, respectively, within the EACCS Study Area. They recommend land protection: impact mitigation ratios of 2.5:1 to 4:1, depending on the location of mitigation land. Given the proposed Project footprint of 410 acres, this would yield an EACCS recommended habitat mitigation acreage range of 1,025-1,640 acres, with total mitigation depending, again, on its location.</p> <p>The Project dEIR currently does not propose any compensatory mitigation for Project impacts, yet identifies all impacts to biological resources as less than significant if the mitigation measures currently proposed are implemented. Given the permanent loss and conversion of CTS and CRLF upland habitat that the Project would cause and the mitigation ratios recommended for projects within the EACCS</p>	<p>designed to be implemented on previously disturbed agricultural land. The project site will be managed and operated in a similar capacity for grazing of livestock and honey production from bees with the inclusion of PV solar arrays for the next 50 years. Through the implementation of project design and mitigation measures, the project site will continue to provide habitat for wildlife that already occur in the project site, which falls in line with the goals and purpose of the EACCS.</p> <p>The project will temporarily impact low quality grassland habitat next to heavily travelled roads and other development; this low-quality grassland is not considered suitable habitat for CRLF or CTS. As described in Section 4.4, Biological Resources, of the EIR, the low-quality grassland could be used by dispersing individuals, which would be temporarily disrupted during construction while the area is fenced. The site will be revegetated following construction of the solar arrays, which will return the site to being potential dispersal habitat for these species. No compensatory mitigation for potential impacts to CRLF or CTS upland habitat is considered necessary because grassland habitat would be re-established on site under the panels following project construction, and the project, once operational, would not eliminate the potential for CRLF or CTS to use the site for dispersal and upland refugia. The conversion of the project site from grassland and dry cropland to a solar generation facility with concomitant agricultural uses and site revegetation would not permanently eliminate the potential for CRLF or CTS to use the site for dispersal and upland refugia and would not constitute a significant impact to these species..</p> <p>With implementation of the mitigation measures identified in Section 4.4, Biological Resources, impacts to CRLF and CTS are less than significant, and compensatory mitigation is not required.</p>

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			<p>Study Area, SMD strongly recommends that the Applicant propose compensatory habitat mitigation in an appropriate amount and location in order to reduce the impacts the Project would have on biological resources to a less than significant level.</p> <p>If the Applicant is asserting that despite Project construction, most of the Project site will continue to serve as upland habitat for CTS and CRLF due to the unique characteristics of solar panel array design, then that claim should be made explicit in the EIR and relevant studies should be cited and summarized to provide evidence for such a claim.</p>	
146	003	Juan Pablo Galvan Martinez, Save Mount Diablo	<p>Consideration of Resource Management Alternative</p> <p>The Project Alternatives Analysis in the dEIR contains the Resource Management Avoidance Alternative, which would avoid the development of lands designated as Resource Management under the East County Area Plan. This would reduce the Project development footprint by 25 acres, for a total footprint of 385 acres, and would also avoid the significant and unavoidable Land Use and Planning impacts the deIR currently identifies. The Applicant has already stated its openness to using this alternative as the preferred alternative in the official environmental review going forward. We recommend that the Applicant adopt the Resource Management Avoidance Alternative as the preferred alternative, and that this be reflected in the fEIR. This change would yield a number of benefits, including reduced mitigation acreage and reducing Land Use and Planning category impacts to a less than significant level.</p>	The commenter has expressed their support for the Resource Management Avoidance Alternative described in the EIR. Implementation of the Resource Management Avoidance Alternative is actively being considered.
146	004	Juan Pablo Galvan Martinez, Save Mount Diablo	<p>A Way Forward on Solar Policy</p> <p>We recognize that many individuals and organizations that have voiced concerns about the Project have stated the need for Alameda County to develop and implement a comprehensive policy for the siting of industrial-scale solar energy.</p> <p>If the County is interested in quickly developing a sound, comprehensive solar policy to guide projects in the future, we</p>	The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The project applicant is complying with all County requirements as they currently exist.

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			<p>recommend that County staff examine the planning process that was successfully implemented in the San Joaquin Valley several years ago. The “Mapping Lands to Avoid Conflict for Solar PV in the San Joaquin Valley” effort involved the UC Berkeley Law’s Center for Law, Energy and the Environment, the Conservation Biology Institute and Terrell Watt Associates. The project team convened leaders from the agricultural, conservation, and solar development communities, and included tribes and key agencies. They asked the groups where the least-conflict lands for solar development in the San Joaquin Valley, from each of their perspectives. More information, including reports, presentations, online data sources and contacts can be found at the website HERE.</p>	
147	001	<p>Luke Dunnington, Intersect Power</p>	<p>As COO of Intersect Power, proponent of the Aramis Solar Energy Generation and Storage Project in the North Livermore Valley of unincorporated Alameda County, I am pleased to offer the following comments on the County’s Draft EIR for the project. Though the proposed project is highly land constrained at 405 acres, we recognize that the County has determined that the northern 22 acres of the proposed project site is located within lands under Resource Management designation.</p> <p>In order to ensure complete compatibility with the County’s East County Area Plan, Intersect Power supports the Resource Management Avoidance Alternative as identified in the Draft EIR. The Resource Management Avoidance Alternative, though it is a very tight fit at a recordbreaking 4 acres per megawatt, is still feasible.</p> <p>However, the Reduced Footprint Alternative eliminates too many acres, and the project cannot be constructed at its planned capacity of 100 megawatts. Intersect Power does not consider the Reduced Footprint Alternative to be economically feasible, and we would not be able to bring such a constrained project online.</p> <p>In addition, we have contracted with Coffman Engineers to provide design expertise on the Aramis project’s proposed</p>	<p>The commenter and project applicant has expressed their support for the Resource Management Avoidance Alternative described in the EIR. Implementation of the Resource Management Avoidance Alternative is actively being considered.</p>

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			Battery Energy Storage System, and we offer the enclosed safety white paper prepared by Coffman.	
147	002	Luke Dunnington, Intersect Power	[Attachment 1: Recent BESS Fire Protection Code and Design Improvements memo prepared by Coffman Engineers, Inc.]	The commenter has attached a memo with additional information about fire protection and design improvements for grid-sized battery energy storage systems.
148	001	Luis Amezcua, Sierra Club	<p>The Sierra Club appreciates the opportunity to comment on the Draft Environmental Impact Report (“DEIR”) prepared for the conditional use permit by the Aramis Solar Energy Generation and Storage Project proposed for the westside of North Livermore Avenue at May School Road. We submit the following comments on the DEIR that fall into five categories: zoning and land use, biological impacts, agricultural impacts, Measure D, and the East County Area Plan (“ECAP”).</p> <p>5.2 Project Objectives And Significant Impacts:</p> <p>According to the DEIR, sections 4.1 and 4.11, the proposed project results in significant and unavoidable impacts to Land Use and Planning, among other impacts. The DEIR at p. 5-2 (emphasis added) states:</p> <p style="padding-left: 40px;">This Draft EIR concludes that the proposed project would not be consistent with the long-term preservation of open space intent of the RM ECAP land use designation. Conflict with the RM land use designation would be significant and unavoidable, and no feasible mitigation measures have been identified to reduce the impact to a less-than-significant level.</p> <p>As the Sierra Club has made clear throughout the years, we fully support Measure D and the ECAP. At the same time, the Sierra Club fully supports renewable clean solar power which is reliable and resilient for which we are in need to address climate change. Neither is mutually exclusive of the other.</p> <p>East Bay Community Energy, Alameda County’s community choice aggregation authority, prepared an analysis showing that over 650 MW of technical solar siting potential exist on</p>	<p>This comment expresses general intention to comment on the EIR. It also offers general support for the project but states that the commenter’s first preference is distributed generation over built areas of the County. The Draft EIR identifies the Alternative Location: East Bay Community Energy Solar Sites as a distributed generation alternative. This alternative was rejected from further consideration for the following reasons:</p> <ol style="list-style-type: none"> 5. The Clean Coalition’s EBCE Solar Siting Survey identified over 650 MW of technical solar siting potential on over 250 discrete sites in Alameda County. Each site identified has the potential to host at least 1 MW on rooftops, parking lots, and parking structures located at the site. More than 30 percent of the siting potential was determined to be on parking lots and parking structures, and the other 70 percent was on aggregate sites consisting largely of business and shopping structure rooftops (EBCE 2017). To meet the objective to generate up to 100 MW of solar energy, numerous discrete sites would need to be aggregated which is not physically or economically feasible. 6. Out of all the alternative energy sources listed (solar PV – rooftop residential, solar PV – rooftop commercial/industrial, solar PV – thin film utility-scale, and on-shore wind), leveled costs for commercial and industrial rooftop solar PV range from \$81 to \$170 per MWh and residential rooftop solar PV range from \$160 to \$267 per MWh. In comparison, leveled costs for utility-scale solar PV’s range from \$36 to \$44 per MWh generated (Solar Power World 2018). On a per MW basis, commercial and industrial rooftop solar is substantially more expensive than utility-scale solar. The cost of generating the electricity would go up substantially, deeming the EBCE rooftop sites infeasible. 7. Because this alternative assumes that rooftop solar development would occur primarily on commercial and industrial structures due to the greater availability of large, relatively flat roof areas necessary for efficient solar

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			<p>built areas of the county, and that 30% of the total comes parking lots and parking garages. To say the least, distributed generation is the environmental preference. However, we understand the need to build as much clean energy as possible to get off of fossil fuels and reduce the ongoing harm on our climate, as we are already facing significant climate impacts in California.</p> <p>Zoning and Land Use:</p> <p>The proposed project is located entirely within land that is zoned as Agricultural (“A” District). Measure D, the Save Agriculture and Open Space Lands Initiative was passed by the voters in 2000 amending the ECAP to preserve agricultural uses and protect open space in the plan area. The amendments included definitions for and uses allowed on parcels zoned Large Parcel Agriculture (“LPA”), Resource Management (“RM”) and Water Management (“WM”). The land parcels within the project area all have these zoning designations.</p> <p>Development proposed for these parcels should be focused on the LPA parcels and avoid land zoned RM or WM.</p> <p>The ECAP Description of Land Use Designations (at p. 47 of the ECAP) defines LPA as:</p> <p style="padding-left: 40px;">Large Parcel Agriculture requires a minimum parcel size of 100 acres, except as provided in Programs 40 and 41. The maximum building intensity for non-residential buildings shall be .01 FAR (floor area ratio) but not less than 20,000 square feet. Where permitted, greenhouses shall have a maximum intensity of .025. One single family home per parcel is allowed provided that all other County standards are met for adequate road access, sewer and water facilities, building envelope location, visual protection, and public services. Residential and residential accessory buildings shall have a maximum floor space of 12,000 square feet. Additional</p>	<p>installations, the solar energy generated would likely be for commercial and industrial consumption and on-site use only. Additionally, this distributed alternative would only provide renewable energy during the peak energy generation period (daylight hours). Therefore, it would not provide renewable energy during the peak load period which is typically between 4:00 PM and 10:00 PM.</p> <p>8. The siting survey did identify a relatively large site near the Livermore Municipal Airport with a generation potential of 55 MW; however, in addition to that project applicant does not currently own or control this potential site nor can the project applicant reasonably acquire or otherwise have access to this alternate site, it would require more land area to generate an adequate 100 MW. With the needed development of other sites, economies of scale and benefits of the larger site would be lost.</p> <p>The commenter also states their preference that development be focused on land zoned LPA and should avoid land zoned RM and WM. For a discussion of consistency with zoning, see Section 4.11 of the EIR. Refer also to responses to comment 141-005. The Resource Management Avoidance Alternative evaluated in this EIR is actively being considered by the project applicant.</p> <p>The proposed project would be a dual use project with concomitant sheep grazing and apiary uses. Regarding the Williamson Act status, Section 4.2, Agriculture and Forestry Resources, of the Draft EIR stated that the southeastern and southwestern portions of the proposed project, totaling 38 acres and located on Assessor’s Parcel Number (APN) 903-0006-003-07, are currently under Williamson Act contract. The property owners of this parcel, Leland Stanley and Mary Stanley, entered into a Land Conservation Agreement on February 23, 1971 (Land Conservation Contract No. 5496, Agricultural Preserve No. 1971-65). However, since circulation of the Draft EIR, it has been determined that a Notice of Nonrenewal of Agricultural Preserve Contract was filed on October 2, 1990 to notify the County of Alameda that the land conservation contract would not be renewed, effective January 1, 1991. The County has also confirmed that APN 903-0006-003-07 has not been receiving Williamson Act contract tax benefits with the County Tax Assessor’s office, further confirming that the parcel is no longer under</p>

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			<p>residential units may be allowed if they are occupied by farm employees required to reside on site. Apart from infrastructure under Policy 13, all buildings shall be located on a contiguous development envelope not to exceed 2 acres except they may be located outside the envelope if necessary for security reasons or, if structures for agricultural use, necessary for agricultural use. Subject to the provisions of the Initiative, this designation permits agricultural uses, agricultural processing facilities (for example wineries, olive presses), limited agricultural support service uses (for example animal feed facilities, silos, stables, and feed stores), secondary residential units, visitor-serving commercial facilities (by way of illustration, tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, and similar uses compatible with agriculture. Different provisions may apply in the South Livermore Valley Plan Area, or in the North Livermore Intensive Agriculture Area.</p> <p>In other words, the ECAP defines LPA uses to mean that parcels may only be converted to commercial uses if they support the permitted agricultural uses. The term “Utility Corridors” means that agriculturally supporting utility infrastructure must be limited to parcels that are contiguous to or reasonably close to supporting infrastructure. In the case of electrical power generation, this would mean being close to a regional power grid or a power sub-station.</p> <p>The project appears to meet that criteria if conditioned on continued use of the land for agricultural uses consistent with the ECAP and the Williamson Act as the project would replace cattle grazing with sheep grazing and bee keeping.</p>	<p>Williamson Act contract. Therefore, no parcels associated with the proposed project are under Williamson Act contract, conformance with the County’s Williamson Act Uniform Rules and Procedures is not required, and the EIR has been revised to update this information in Section 4.2, Agriculture and Forestry Resources.</p>

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148	002	Luis Amezcua, Sierra Club	<p>ES.7.2 and ES.7.3 Project Alternatives:</p> <p>Approximately 367 acres of the project site are designated as Large Parcel Agricultural (LPA), 22 acres are designated as Resource Management (RM), and 21 acres are designated as Water Management (WM) under the ECAP.</p> <p>Consistent with the Zoning and Land Use section of this letter, we support reducing the footprint of the proposed solar facility to avoid impacts on the portion of the project site zoned Resource Management and Water Management. Therefore, the Reduced Footprint Alternative, or, alternatively should the Reduced Footprint Alternative be infeasible, the Resource Management Avoidance Alternative, best assists in avoiding significant impacts.</p>	<p>This comment offers support for the Reduced Footprint Alternative or, if that alternative is infeasible, the Resource Management Avoidance Alternative.</p> <p>Under the Resource Management Avoidance Alternative, 385 acres would be developed for the solar facility, a reduction of 25 acres compared to the proposed project. The same parcels would be developed; however, the footprint would be reduced by not developing the northern portion of the northern section of the project site that is designated for RM by the ECAP. Similar to the proposed project, the Resource Management Avoidance Alternative would be designed to avoid areas within the 100-year floodplain and high flow areas near Cayetano Creek and its tributaries and would include an approximately 5,000-sf project substation in the same 0.9-acre dedicated area, battery storage system on a 5-acre portion of the site, and a 400-sf O&M building.</p> <p>Under the Reduced Footprint Alternative, 359 acres would be developed for the solar facility, a reduction of 51 acres compared to the proposed project. The same parcels would be developed, however, the footprint would be reduced by not developing the northern portion of the northern section of the project site (22 acres) that is designated for RM by the ECAP and locating the solar PV modules and internal access roads outside of the lands designated for WM within the central section of the project site (21 acres). Similar to the proposed project, the Reduced Footprint Alternative would include an approximately 5,000-sf project substation in the same 0.9-acre dedicated area, battery storage system on a 5-acre portion of the site, and a 400-sf O&M building.</p> <p>The commenter has expressed their support for the Resource Management Avoidance Alternative. The Resource Management Avoidance Alternative analyzed in this EIR is actively being considered by the project applicant.</p>
148	003	Luis Amezcua, Sierra Club	<p>Biological Impacts Analysis:</p> <p>The East Alameda County Conservation Strategy (EACCS) and other studies document both the presence of and suitable habitat for numerous special status species on and in the vicinity of the project site. The EACCS analyzed 19 focal species that are known or likely to occur in eastern Alameda</p>	<p>With implementation of the mitigation measures identified in Section 4.4, Biological Resources, the proposed project would result in less than significant impacts under CEQA. Mitigation measures required by the EIR will be imposed as conditions of approval and will be enforced by the County.</p>

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			<p>County. Focal species are sensitive species that would be adversely affected or their habitats adversely affected by activities or projects in the area. Of the 19 focal species in the entire east Alameda County study area, nine focal species, nearly half of all focal species analyzed, occur or have the potential to occur in the Aramis project site based on mapping in the EACCS.</p> <p>According to the DEIR, “there is a potential that the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS”. The proposed mitigations under the biological resources analysis avoids and/or mitigates the potential impacts to less-than-significant. A concern given the potential impacts would be following through on enforcement, such as reporting when there is a “take.”</p> <p>The Reduced Footprint or, alternatively should the Reduced Footprint Alternative be infeasible, the Resource Management Avoidance Alternative, appears to be the best options to protect the numerous present biological resources as summarized by the DEIR. The DEIR at p. 5-20 (emphasis added) states:</p> <p style="padding-left: 40px;">Development of the Reduced Footprint Alternative would avoid development in lands designated for RM and WM in the ECAP and have a 51-acre reduction in the project impact area. Avoidance of development in lands designated for WM would provide a greater buffer between the PV solar arrays and Cayetano Creek and its tributaries reducing the potential for impacts to these habitats and the wildlife that use them for dispersal, foraging, and nesting. Specifically, providing a greater buffer between the solar development and Cayetano Creek and its tributaries would reduce impacts to potential dispersal habitat for CRLF and CTS, foraging and dispersal habitat for burrowing owl (this species was documented using</p>	<p>The comment letter also expresses support for the Reduced Footprint Alternative or the Resource Management Avoidance Alternative. The Resource Management Avoidance Alternative is being actively considered by the project applicant.</p> <p>The differences between the Resource Management Avoidance and Reduced Footprint Alternatives has been further clarified in Section 5.0, Project Alternatives, as requested by the commenter.</p>

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			<p>the creek corridor during biological surveys), foraging and dispersal habitat for common native wildlife species as well as special-status species, and impacts to the potential nesting habitat for common and special-status birds within the creek corridor. Avoidance of development in lands designated for WM would also leave more open space on the site for foraging raptors and other native birds and would provide a wider corridor that could be used by species such as American badger and San Joaquin kit fox for foraging or denning. This would reduce the area for potential significant-but-mitigable impacts to biological resources.</p> <p>The Reduced Footprint Alternative would also avoid development in lands designated for RM, which would result in the avoidance of a portion of the northern parcel north of Manning Road. Avoidance of development in this area would reduce potential impacts to burrowing owl using burrows east of the project boundary by reducing construction related disturbance in proximity to burrows and leaving more undeveloped land for foraging. This area is also prime foraging habitat for common and special status raptors such as red-tailed hawk, northern harrier, and golden eagle due to the abundance of ground squirrels in this area and less habitat would be developed under this alternative.</p> <p>The DEIR at p. 5-14 (emphasis added) also states:</p> <p style="padding-left: 40px;">Development of the Resource Management Avoidance Alternative would avoid development in land designated for RM, which would result in the avoidance of a portion of the northern parcel north of Manning Road. Avoidance of development in this area would reduce potential impacts to burrowing owl using burrows east of the project boundary by reducing construction related disturbance in proximity to burrows and leaving more undeveloped land for foraging. This area is also prime foraging habitat for common and special-status raptors such</p>	

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			<p>as red-tailed hawk, northern harrier, and golden eagle due to the abundance of ground squirrels in this area and less habitat would be developed under this alternative. Impacts to the 0.08-acre ephemeral stream in the northwest corner of the northern parcel of the project site (see Figure 5-1) would also be avoided under this alternative. Therefore, the Resource Management Avoidance Alternative would have no potential impacts to waters of the State, and implementation of MM BIO-8 identified in Section 4.4 for proposed project would not be necessary for this project alternative. Overall, the Resource Management Avoidance Alternative would result in a reduced level of biological resources impacts when compared to the proposed project, however, impacts under both the proposed project and the Resource Management Alternative would be less than significant with mitigation.</p> <p>We suggest that the Final EIR engage in a more robust discussion on the differences between the Resource Management Avoidance and Reduced Footprint Alternatives, which appear to be the treatment and protection of WM areas, and how mitigations will be successfully enforced.</p>	
148	004	Luis Amezcua, Sierra Club	<p>Agriculture Impacts, Measure D, and ECAP Policies:</p> <p>The goals and policies of Measure D and the ECAP are intended to protect and strengthen agricultural uses outside of the Urban Growth Boundary.</p> <p>Policy 10: The County shall require that development be phased according to the availability of infrastructure and public services allowed by the Initiative, and in conformance with policies which encourage compact development.</p> <p>Policy 12: The County shall work with cities and service districts to plan adequate infrastructure capacity to accommodate development consistent with the East County Area Plan. The level of development in the East County Area Plan shall depend on the adequacy of transportation and</p>	<p>This comment lists selected policies from Measure D and expresses support for the Reduced Footprint Alternative or the Resource Management Avoidance Alternative. The Resource Management Avoidance Alternative evaluated in this EIR is actively being considered by the project applicant.</p> <p>Refer also to responses to comment 141-005.</p>

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			<p>infrastructure improvements and the extent to which these improvements can be funded.</p> <p>Policy 13: The County shall not provide nor authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with the Initiative. This policy shall not bar 1) new, expanded or replacement infrastructure necessary to create adequate service for the East County, 2) maintenance, repair or improvements of public facilities which do not increase capacity, and 3) infrastructure such as pipelines, canals, and power transmission lines which have no excessive growth-inducing effect on the East County area and have permit conditions to ensure that no service can be provided beyond that consistent with development allowed by the Initiative.</p> <p>Consistent with these policies we support reasonable infrastructure development on agriculture land that is located within appropriate utility corridors, that is not growth inducing, and does not generate excess capacity beyond what is needed for phased development within the UGB.</p> <p>Policy 79: The County shall require any proposal for agricultural support service uses within areas designated “Large Parcel Agriculture” or “Resource Management” to meet, at a minimum, the following criteria:</p> <ul style="list-style-type: none"> o The project will not require the extension of public sewer or water. o The project will not detract from agricultural production on-site or in the area. o The project will not create a concentration of commercial uses in the area. <p>Policy 82: In the areas designated Large Parcel Agriculture, the County shall permit limited agriculture enhancing commercial uses that primarily support the area’s agricultural production, are not detrimental to existing or potential agriculture use,</p>	

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			<p>demonstrate an adequate and reliable water supply, and comply with other policies and programs of the initiative.</p> <p>Policy 85: The County shall utilize provisions of the Williamson Act and other appropriate economic incentives to support agricultural uses.</p> <p>To satisfy these criteria, the County minimally would need to focus development to the LPA parcels, such as the Reduced Footprint Alternative or the Resource Management Avoidance Alternative to the project.</p> <p>Conclusion</p> <p>The Sierra Club supports clean energy projects that are sustainably sited, and have no significant impacts on our environment. The DEIR shows that the alternatives focusing development to the LPA parcels help avoid/mitigate the potential impacts from the Aramis project.</p> <p>We look forward to the Final EIR and addressing any additional issues with the project.</p>	
149	001	Merlin Newton Sr.	<p>My wife and I live in North Livermore and below are a few of the significant concerns we have to the Draft EIR (DEIR) for the Aramis solar facility</p> <p>I. HYDROLOGY</p> <p>HYD-6 Notes - The proposed project would not contribute to a significant cumulative impact with respect to hydrology and water quality resources.</p> <p>5.5.1.10 Hydrology and Water Quality</p> <p>The proposed project, with mitigation would have less than significant impact regarding water quality standards, waste discharge requirements or degradation of surface or groundwater quality.</p>	<p>The commenter suggests that PV panels would need to be cleaned no less than 4 times a year but does not provide a source for that assumption. Section 3.6.3, Water and Wastewater, states that water demand during project operation includes annual washing of the solar PV panels to clean accumulated dust and debris to maintain efficiency. The panels would be washed with only water. The use of soap or detergent for panel washing would not be necessary, and it is not proposed for this project.</p> <p>The commenter has raised concerns regarding stormwater runoff from implementation of the proposed project. As discussed in Section 4.10, Hydrology and Water Quality, the project applicant would be required to enroll for coverage under the Storm Water Construction General Permit for the NPDES program. The Storm Water Construction General Permit requires the submittal of Permit Registration Documents to the SWRCB prior to the start of construction and a Notice of Intent (NOI), risk assessment, site map, annual fee, signed certification statement, SWPPP, and post-construction water balance calculations would be included in</p>

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			<p>The Draft EIR fails to analyze to cumulative impact on the May School Groundwater Basin drinking well water over the next 50 years the expected life of the project.</p> <p>The Draft EIR notes hazardous materials will be used and stored on the project site throughout the life of the project which is expected to be 50 years. The Draft EIR claims the 320,000 solar panels will be cleaned annually is misleading. The statement is either a deliberate attempt to mislead the public or lack of understanding just how dirty solar panels get in an agricultural area. To be efficient the 320,000 solar panels will need to be cleaned no less than 4 times a year. Marissa Mitchell from Intersect power stated it would require approximately 1 gallon of water to wash each solar panel, which would be equivalent to over 1.2 million gallons of water for cleaning at a minimum of 4 times a year. The DEIR does not address the appropriate number of times the panels will need to be cleaned annually.</p> <p>The Draft EIR does not address the cumulative effect storm rainwater runoff from the 320,000 solar panels and the impact grease, lubricants, and other hazardous materials used to operate the panels will have on the May School Groundwater Basin as the chemicals runoff into the ground over a 50 year period. The May School Groundwater Basin is already on a list of concern by both Alameda County and Zone 7 Water District.</p> <p>The cleaning and rainwater runoff from the solar plant is also in contradiction to the County's own Clean Water Act and the Draft EIR and does not adequately address the impact over the next 50 years.</p> <p>The DEIR does not explain how it will address a chemical spill or contamination impacting drinking well water to rural residents who rely on the water for crops, gardens, livestock, and more importantly drinking.</p> <p>Despite the mitigation steps, the Draft EIR contains no analysis of the already compromised May School Groundwater Basin</p>	<p>the submittal. A project-specific SWPPP would be prepared and BMPs would be implemented during construction. Typical BMPs would include: diversion of runoff from disturbed areas, protective measures for sensitive areas, temporary soil stabilization measures, storm water runoff quality control measures, concrete waste management, watering for dust control, and installation of perimeter silt fences, as needed. New requirements by the SWRCB also require the SWPPP to include post-construction treatment measures aimed at minimizing stormwater runoff. With the implementation of Mitigation Measure HYD-1, which requires compliance with the Construction General Permit and preparation and implementation of a SWPPP and its BMPs, water quality impacts from stormwater runoff would be less than significant.</p> <p>As discussed in Section 4.10, Hydrology and Water Quality, the May School Subbasin has been identified as an area of concern by Zone 7 for high nitrate levels. The source of high nitrate levels at the Area of Concern has not been identified; however, it likely comes from agricultural land use in that area. Also, this unsewered area has a concentration of rural residences on Bel Roma Road that are served by OWTS (Zone 7 2015). In response to concerns that the proposed project would exacerbate existing groundwater conditions in the May School Subbasin, standard leaching tests of broken and end-of-life solar PV panels found that CdTe panels pass federal leaching criteria for non-hazardous waste. Additionally, because daily monitoring of the site would occur remotely and up to four permanent staff could be on the site at a time for ongoing facility maintenance, facility staff would immediately clean up and remove of any broken solar PV panels to further reduce any risk of contamination.</p> <p>The commenter has expressed concerns regarding the potential of chemical spills and other potential contaminations to the groundwater. As disclosed in Section 4.9, Hazards and Hazardous Materials, hazardous materials would be used during project construction, operation, and decommissioning. Materials of concern include gasoline, diesel fuel, inverter coolant, ethylene glycol, hydraulic oil, transformer oil, sulfur hexafluoride, gases (such as acetylene, argon, oxygen and propane) and cleaning chemicals. The Materials Safety Data Sheets associated with each of these substances discloses their potential risk to human health. The primary health risks associated with these materials would generally occur when put in direct contact with either eyes or skin, or by ingestion,</p>

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			<p>drinking well water where the 320,000 solar panels, large tractor trailer size lithium-ion batteries and other hazardous chemicals will be located. Samples of the May School Groundwater Basin need to be taken and tested in various locations throughout the over 700 acres to monitor any cumulative effects or changes from the hazardous chemicals used for the maintenance and operation of the solar panels, such as but not limited to; oils, lubricants, degreasers as well as the impact the storm rainwater runoff will have on the groundwater as the hazardous chemicals are washed into the ground. Then there's the cleaning of 320,000 solar panels, not to mention the potential of a battery storage explosion, fire or any other catastrophic event that may result in contaminating the May School Groundwater Basin.</p> <p>Further, the DEIR does not have a plan in place to ensure rural residents impacted by contaminated ground water will be provided safe drinking water and/or water for their daily operations should the groundwater become contaminated.</p> <p>Lastly, the DEIR's mitigation steps are inadequate, and without any groundwater tests having been performed to establish a baseline, how will Aramis monitor or determine any changes in the groundwater or be held accountable should the groundwater become contaminated. If approved, Aramis must establish a baseline on the quality of the groundwater before beginning any construction.</p> <p>The Draft EIR is clearly deficient when it comes to the cumulative impact the solar plant will have on the May School Groundwater over the next 50 years without performing any water sample tests throughout the site location to establish a baseline and then continue the testing/monitoring on a yearly basis, at minimum, if approved.</p> <p>A "less than significant" impact on the May School Groundwater, after mitigation measures, is unacceptable and irresponsible when the drinking groundwater basin is already compromised. Its equal to turning the clock back 50 years when it comes to protecting our drinking water, especially</p>	<p>or inhalation. Most of the materials would not present long-term health risks in the quantity and duration of exposure during the project's construction, operation, and decommissioning. Short-term health risks may include skin or eye irritation, respiratory difficulty, ringing in ears, headaches, shortness of breath, wheezing, headache, dizziness, indigestion, or nausea. In rare cases of extreme overexposure, unconsciousness or death could occur. Some of the materials are flammable or combustible and could result in an explosion if handled improperly. Additionally, the project could use any commercially available battery technology which could contain potentially hazardous material including lithium ion, iron, lead acid, sodium sulfur and sodium or nickel hydride batteries.</p> <p>Fuels, lubricants, and other materials including batteries would be stored on-site. Oil would be used as an insulating fluid in the transformers proposed to be located at the project substations. The transformers would be filled with oil at the manufacturing company and subsequently checked in four-year intervals for integrity. The inverter coolant would be routinely and remotely monitored, with inverter replacement expected to occur every 15 years. In addition, sheep grazing would be utilized at the project site for vegetation management, which would minimize the use of herbicides.</p> <p>Hazardous and non-hazardous wastes that are likely to be generated from construction and operation of the project include used inverter coolant, waste motor oils, waste hydraulic fluids, and waste solvents and adhesives. Inverter coolant would be replaced approximately every 15 years, and the oil used in the transformers would be replaced at regular intervals. All oils, lubricants, and spent filters would be collected and removed for recycling at the time of replacement. All waste handling, storage, transportation, and disposal would comply with state and federal regulations.</p> <p>As discussed in Section 4.9, Hazard and Hazardous Materials, the project applicant would be required to prepare and implement a Hazardous Materials Business Plan (HMBP). The HMBP shall include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site, and procedures for handling and disposing of</p>

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			<p>after 11 drinking water wells were recently identified in the Tri-Valley as having been contaminated with hazardous chemicals and the source of the contamination is unknown.</p>	<p>unanticipated hazardous materials encountered during construction. The HMBP shall include an inventory of the hazardous waste generated on-site and specify procedures for proper disposal. Any accidental release of hazardous materials shall be promptly contained and abated in accordance with applicable regulatory requirements and reported to the Department of Environmental Health. As the CUPA for the County, the Department of Environmental Health is responsible for implementation and enforcement of HMBPs.</p> <p>In response to safety concerns raised regarding the proposed battery storage system, each battery unit in the battery storage system would be constantly monitored by a battery management system to ensure safe operations. The battery management system monitors individual cell temperature, voltage, current, charge and discharge parameters, and other metrics to ensure the health and safety of the batteries. If there were to be multiple failures in this multi-level safety system, an automatic fire suppression system would kick in. Emergency fire kits would be kept on site during construction and operation, and a 250,000-gallon water storage tank for fire suppression would be located adjacent to the battery storage system, west of the PG&E Cayetano substation. Additionally, batteries do not result in emissions during their normal operations, and accidental breakage is unlikely. All hazardous materials would be disposed of in accordance with RCRA and State Hazardous Waste Management Program requirements. Although the project would introduce batteries to the site, resulting in an increased use of commercially available potentially hazardous materials, the use of these substances is subject to applicable federal, State, and local health and safety laws and regulations that are intended to minimize health risk to the public associated with hazardous materials. These regulations establish a comprehensive system for handling, using, and transporting hazardous materials in a manner that protects human health and the environment. As such, both accidental and reasonably foreseeable hazardous materials releases would be expected to occur infrequently and result in minimal hazard to the public or to the environment.</p> <p>The DEIR does analyze the May School Groundwater Basin and the proposed project's impacts in Section 4.10, Hydrology and Water Quality. The May School Subbasin, which encompasses portions of the central section of the project site, has been identified as an Area of Concern by Zone 7 for nitrate levels above the Basin Objective of 45 mg/L (Zone 7</p>

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				<p>2015). There is currently only one Zone 7 monitoring well in this Area of Concern, and it had a nitrate concentration of 189 mg/L in 2013. The source of high nitrate levels at the Area of Concern has not been identified; however, it likely comes from agricultural land use in that area. Also, this unsewered area has a concentration of rural residences on Bel Roma Road that are served by OWTS (Zone 7 2015). Zone 7 stated in its Nutrient Management Plan that historical sources of the nitrate in the Livermore Valley Groundwater Basin are from:</p> <ul style="list-style-type: none"> • Decaying vegetation (buried and surficial); • Municipal wastewater and sludge disposal; • OWTS (i.e., septic systems); • Concentrated animal boarding/ranching (horse boarding, chicken and/or cattle ranching); and • Applied fertilizers (crops and landscape). <p>As discussed in Section 4.10, Hydrology and Water Quality, due to the project boundary's overlap with the May School Subbasin which has been identified as an Area of Concern for high nitrate levels by Zone 7, special On-site Wastewater Treatment System (OWTS) permit requirements have been developed for new OWTS applications received in Areas of Concern to reduce nitrogen loading (Zone 7 2015). The special permit provisions are designed to limit or reduce the amount of nitrogen loading from OWTS in the Areas of Concern over time by requiring parcels planned for new OWTS to meet a lower nitrogen loading standard than what exists for parcels located outside of the Areas of Concern. Approval of an OWTS permit from the County Department of Environmental Health for the septic system would require compliance with special requirements identified in the Nutrient Management Plan and reduce potential impacts on water quality standards, waste discharge, or degradation of surface or groundwater quality to a less than significant level.</p>
149	002	Merlin Newton Sr.	<p>11.</p> <p>8.2 SIGNIFICANT UNAVOIDABLE IMPACTS</p> <p>Aesthetics Impact: The proposed impacts would result in a significant adverse impact to a County-designated Scenic Corridor.</p>	<p>The commenter expressed concerns regarding the project's aesthetic impacts. As discussed in Section 4.1, Aesthetics, the proposed project would result in a significant and unavoidable impact to the surrounding scenic vistas and visual character or quality of public views. The implementation of a landscape buffer is intended to lessen the visual impact of the proposed solar facility. The DEIR concludes that even with the implementation of the landscape buffer, the aesthetics impacts</p>

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			<p>The Draft EIR notes the impact on Aesthetics would be significant and unavoidable!</p> <p>The Draft EIR's conclusion the projects aesthetics mitigation measures would have a Significant and Unavoidable impact on Scenic Route Element is clearly an attempt to lessen or mislead the actual impact the project will have on the scenic views. The project's impact on the Scenic Route Element, which was established over a half century ago for the protection and enhancement of the scenic views in North Livermore, will be "devastating". The Scenic Route Element was adopted to the County's General Plan in 1966 to protect the scenic views, unobstructed, along the scenic route from the "valley floor" and beyond. The solid plant barrier fencing over 7' tall, 320,000 solar panels, 30' to 100' electrical towers would destroy the Scenic Corridor, landscape and natural habitat over the next 50 years.</p> <p>The Draft EIR also clearly does not go far enough to analyze, in depth, the impact the aesthetics' mitigation measures will have, not only the scenic views, but even more importantly, the impact it will have on the natural habitat and wildlife.</p> <p>The project area has been identified by the Association of Bay Area Governments (ABAG) as an area of priority conservation, yet the Draft EIR does not address the designation. The Draft EIR also failed to address the impact the project will have on the more than 6 preserves surrounding the project location. The preserves are within 1.5 miles to the north, south, east and west of the project location which will fence off or carve out the area from the natural habitat, including but not limited to deer, turkeys, foxes, coyotes, bobcats, endangered species etc.</p>	<p>would be significant and unavoidable and would alter the visual character and quality of the public views.</p> <p>The proposed landscape buffer would be located along the North Livermore Avenue and Manning Road street frontages and would not be located within sensitive natural communities or wildlife habitat. The plant palette proposed includes only native plant species and would not introduce non-native or invasive plant species.</p> <p>Portions of the land north and west of the project site are part of the North Livermore Priority Conservation Area (PCA) and are designated Natural Landscapes/Agricultural Lands/Regional Recreation. These designations were requested by the City of Livermore, not the County. The project site itself is not designated. Designation of PCAs simply refers to an acknowledgement by local governments that such open spaces are productive and valuable and worthy of preservation as open spaces and opens up such lands to certain funding opportunities. The Association of Bay Area Governments PCA FAQ states, in part:</p> <p>“Is a PCA a land use designation? Does it change the local zoning requirements or restrict development rights?” No. A PCA designation does not in any way change the land use status for a piece of property. The local jurisdiction maintains planning and permitting authority over the property and private property owners maintain their development rights.</p> <p>“Can PCAs be designated on private property?” Yes. Designation of a PCA on private property does not change the local land use designation, zoning or the ability for the property to be developed in the future.</p> <p>Section 4.4, Biological Resources, and Appendix E, Biological Resources Technical Report, identifies that the project site is located adjacent to Critical Habitat Unit CCS-2B, Mount Diablo for California Red-legged Frog, which is in Alameda County and Contra Costa County, north of Interstate 580. This Critical Habitat was considered occupied at the time of the April 16, 2010 ruling, and is in the San Francisco Bay watershed. The western portion of APN 903-0006-001-02, which is being split off as a separate parcel and is not part of the project site, is within designated Critical Habitat Unit CSS-2B. The project site was chosen in part because it is not</p>

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				located within the designated Critical Habitat and does not support breeding habitat surrounded by high quality upland habitat. The Draft EIR also identifies a CNDDDB record (Occurrence No. 642) that documents a pair of burrowing owl nesting in a preserve approximately 1.25 miles east of the project site in 2016 (CDFW 2020). See Section 4.4, Biological Resources, and Appendix E, Biological Resources Technical Report, for a detailed discussion of the proposed project's proximity to nearby wildlife preserves and potential impacts to wildlife.
149	003	Merlin Newton Sr.	<p>111.</p> <p>Measure D, the Urban Growth Boundary and the Williamson act clearly have been misinterpreted for the benefit of the solar project. Measure D is very clear future changes require a vote of the people of Alameda County. Measure D expressly limits the Board of Supervisors authority to authorize new or expanded land use outside the Urban Growth Boundary without a prior vote of the electorate.</p>	<p>The commenter is providing a summary of the procedures with Measure D and raises concerns with the project's consistency with Measure D, the Urban Growth Boundary, and the Williamson Act. Section 4.11, Land Use and Planning, includes a discussion on the proposed project's consistency with Measure D and the Urban Growth Boundary</p> <p>Since the publication of the Draft EIR, the County has learned that the Draft EIR incorrectly assumed that the Stanley parcel is subject to a Williamson Act contract. In fact, the owners filed a Notice of Non-Renewal in 1991, meaning that the contract expired under its terms in 2001. As such, no portion of the project is on Williamson Act contracted land and the approval of the Project will not directly or indirectly conflict with a Williamson Act contract.</p>
149	004	Merlin Newton Sr.	<p>Please attach to my original comments submitted earlier today.</p> <p>IV.</p> <p>Among its many deficiencies, the Aramis industrial power plant adds a new fire risk that never existed before in Livermore Valley. The Draft EIR fails to address the serious concern posed should a fire break out involving, not only solar panels, but the large truck size Lithium-Ion batteries. The proposed Aramis plant calls for over 50 trailer truck-sized lithium-ion battery stations positioned on site, likely the largest collection of such batteries in Alameda County. Racks of thousands of battery cells will be packed at each station.</p> <p>Although The Draft EIR mentions there will be a fire suppression system built into the project, explosive gases can still build up, which happened in the State of Arizona sending 4 firefighters to the hospital. One solution how to fight an</p>	<p>Pages 3-15, 4.14-2, 4.14-3, 4.14-4, 4.18-2, 4.18-4, 4.18-6, 4.18-7, and 4.18-9 of the Draft EIR have been revised to clarify wildfire impacts. Descriptions of existing conditions were clarified to identify the CAL FIRE administrative unit and to note which CAL FIRE and ACFD stations were closest to the project site. Training and pre-incident planning requirements were specified to include coordinating with CAL FIRE and ACFD to conduct pre-incident planning visits and awareness training regarding any special hazards and operational considerations posed by solar facilities. The project applicant would reimburse CAL FIRE and/or ACFD for the cost of said trainings if requested to do so by either department.</p> <p>Regarding the classification of the project site as a fire hazard severity zone (FHSZ), the project is located in a State Responsibility Area (SRA). SRA lands (which cover approximately 1/3 of the State and can most generally be defined as non-federal, unincorporated wildlands) are generally all classified into fire hazard severity zones (PRC 4202) of moderate, high, and very high. A FHSZ is a mapped area that designates zones (based on factors such as fuel, slope, and fire weather) with varying</p>

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			<p>industrial solar facility fire involving lithium-Ion batteries is to let the fire burn itself out if no lives are in danger. The question then becomes what will the impact be on the wildlife, natural habit, groundwater and air quality for nearby rural residents. While rare in the U.S., fires and explosions at lithium-ion battery stations have occurred worldwide, including the one in Arizona last year. These fires are extremely dangerous to first responders.</p> <p>Captain Richard Birt, a 30-year veteran of the Las Vegas Fire & Rescue Department, advises: "There is nothing that you can do in there that's going to mitigate that incident. It's just going to kill you." (https://www.greentechmedia.com/articles/read/the-fire-captain-teaching-solar-and-battery-literacy-for-first-responders), See attached article.</p> <p>It's simply too dangerous for firefighters to intervene and extinguish the fire. They will have to wait for the fire to burn out.</p> <p>But what happens if there is a strong wind? And how can you wait for the fire to extinguish itself when immediately next to the battery station in flames are scores of other battery stations?</p>	<p>degrees of fire hazard (i.e., moderate, high, and very high). FHSZ maps evaluate wildfire hazards, which are physical conditions that create a likelihood that an area will burn over a 30- to 50-year period. They do not take into account modifications such as fuel reduction efforts.</p> <p>While FHSZs do not predict when or where a wildfire will occur, they do identify areas where wildfire hazards could be more severe and therefore are of greater concern. FHSZs are meant to help limit wildfire damage to structures through planning, prevention, and mitigation activities/requirements that reduce risk. The FHSZs serve several purposes: they are used to designate areas where California's wildland urban interface building codes apply to new buildings; they can be a factor in real estate disclosure; and local governments consider fire hazard severity in the safety elements of their general plans.</p> <p>This map service includes proposed FHSZs for SRA lands and separate draft Very High FHSZs for Local Responsibility Area lands. Moderate, high, and very high FHSZs are found in areas where the State has financial responsibility for fire protection and prevention (SRA). Only very high FHSZs are found in Local Responsibility Areas (LRAs). Based on the methods described above, the project site's classification as a moderate FHSZ, along with its flat topography (which favors ingress and egress and helps to limit rapid fire spread) and short, fine fuels (i.e., annual grasses) indicate that it is not in an area of high wildfire risk. Additionally, the project applicant has consulted with local the local fire department regarding the proposed project and designed internal roads and project access points to their standards.</p> <p>In the article attached by the commenter, when Captain Birt is quoted as saying, "There is nothing that you can do in there that's going to mitigate that incident. It's just going to kill you," he is specifically advising a group of firefighters to resist entering a structure that contains a burning battery storage facility. He advises instead that firefighters use defensive tactics. In the very unlikely event of a failure of both the battery system and the fire suppression systems of the proposed project leading to a fire on-site, a defensive approach could reasonably contain damage to the immediate area of the battery storage facility in all but the most extreme of circumstances. The same article also states: "Solar and batteries can force firefighters to shift their tactics, but Birt is a solar and battery</p>

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				proponent. That’s because he sees them as helping responders with their mission of saving lives.”
149	005	Merlin Newton Sr.	[Attachment 1: The commenter has attached an article titled “The Fire Captain Teaching Solar and Battery Literacy for First Responders” by Julian Spector dated November 02, 2020 and linked in the previous comment]	The County has read and considered the article. Refer to response to comment 149-004, above.
150	001	Doug Bell, East Bay Regional Parks District	<p>The East Bay Regional Park District (Park District) appreciates the opportunity to comment on the Aramis Solar Energy Generation and Storage Public Review Draft Environmental Impact Report (DEIR) prepared by HELIX Environmental Planning, Inc (State Clearing House No. 2020059008).</p> <p>The Park District supports the development of renewable energy resources, including solar power, to help reduce emissions and combat climate change. However, the Park District is also concerned about the loss of agricultural land and open space. We support solar facilities located on developed sites or brownfield areas.</p> <p>Additionally, the Park District is concerned that these projects are preceding the finalization of a county-wide policy regarding utility-scale solar development for Alameda County and the East County Area Plan. Before moving forward with this utility-scale solar power project, the County’s draft solar policy matrix should be finalized to allow for a comprehensive analysis of biologic and aesthetic impacts.</p> <p>The County should also form a Technical Advisory Committee (TAC), similar to the County’s TAC for wind energy projects in the Altamont Pass Wind Resource Area. Such a TAC should be composed of avian and bat experts to assess proposed utility-scale solar projects for associated impacts, appropriate fatality monitoring protocols, and mitigation strategies. Any approval of a large-scale solar facility before such a policy exists could deprive Alameda County residents of an opportunity to balance the needs of renewable energy with open space, agricultural, wildlife, and aesthetic concerns of its citizens.</p>	The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The comment does not raise any issues with the environmental analysis presented in the EIR.

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150	002	Doug Bell, East Bay Regional Parks District	<p>The Park District has reviewed the DEIR, with particular attention paid to the aesthetics, biological resources, and recreation sections. The aesthetics section identified significant and unavoidable impacts to scenic vistas (AES-1) and the visual character or quality of public views (AES-3). While mitigation measures can mitigate impacts to the locally designated scenic roads, views of the solar facility cannot be blocked from surrounding ridgelines and vistas. The DEIR analyzed 4 Key Observation Points (KOPs) from the local scenic roads (KOPs A, C, and D), and one from Los Vaqueros Watershed (KOP B). None of these points were from the Park District owned parks of Doolan Canyon Regional Preserve (Doolan Canyon) or Brushy Peak Regional Preserve (Brushy Peak). Table 4.1-4 Consistency with ECAP Policies asserts that the project would not be visible from the Ridgelines above Collier Canyon Road (Doolan Canyon) and the ridgelines surrounding Brushy Peak due to the distance from those ridgelines to the project (over one mile). However, no visual analysis was completed to show the project would not be visible from these points. Due to the large area of solar panels, the project could be visible from this distance. While the DEIR acknowledges a significant impact to aesthetics, we do not know the impact on Park District lands. The Park District requests a viewshed analysis to be completed to determine the visual impacts to park users within Doolan Canyon or Brushy Peak.</p>	<p>The Key Observation Points (KOPs) selected provide representative views of the project site from publicly accessible vantage points both near and far. View of the project site from Brushy Peak was originally identified as a KOP. However, after a field visit from Brushy Peak to capture an image of the project site from numerous publicly accessible points, it was determined that the project site could not be viewed from Brushy Peak and the Los Vaqueros Watershed viewpoint was selected as an alternative KOP. The KOPs selected and analyzed are adequate and the Draft EIR concluded that the proposed project would result in significant and unavoidable impacts to scenic vistas and the visual character or quality of public views.</p>
150	003	Doug Bell, East Bay Regional Parks District	<p>The DEIR also found all impacts to biological resources to be less than significant due to the included mitigation measures. In the attached memo Doug Bell, the Park District's Wildlife Program Manager, details the Park District's comments related to biological resources. In summary, the Park District finds that the DEIR did not adequately assess project impacts to biological resources, and therefore the identified mitigation measures are insufficient. In particular, direct mortality of birds and bats was not sufficiently analyzed. The DEIR should include estimated direct fatalities of birds and bats and a bird and bat fatality monitoring program vetted by independent scientists. The fatality monitoring program should include small birds and bats and be a year-round program instead of 3 months. Impacts on waterbirds due to the lake effect are also</p>	<p>Comments summarized here are addressed individually below. Please see responses to comments #150-004 through #150-011.</p>

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			likely, as the project area does see high numbers of waterfowl and shorebirds flying over the area, and these birds rely on cattle ponds and seasonal wetlands that dot the region. Additionally, the DEIR should consider the loss of habitat to golden eagles significant and unavoidable and should include compensatory mitigation options. The project will also cause impacts to burrowing owl habitat and should thus provide compensatory mitigation regardless of whether owls found on site are passively relocated. Finally, the DEIR did not assess impacts on the short-eared owl (<i>Asio flammeus</i>), a California Bird Species of Special Concern, and prairie falcon (<i>Falco mexicanus</i>), a species on the CADFW Watch List.	
150	004	Doug Bell, East Bay Regional Parks District	<p>The DEIR found that the project would have no or a less than significant impact on recreational resources in the project area. The Park District supports the project component of a trail easement along Cayetano Creek being given to Alameda County or the Livermore Area Recreation and Park District. The Park District's 2013 Master Plan identifies a potential regional trail segment in this area that would be part of the San Francisco Bay to San Joaquin River Regional Trail (Shadow Cliffs to Morgan Territory Trail), and the Park District looks forward to assisting either agency on the development of this regional trail.</p> <p>Thank you for this opportunity to comment on the Aramis Solar Energy Generation and Storage Public Review Draft Environmental Impact Report. Please contact Kim Thai at kthai@ebparks.org if you have additional questions.</p>	Support for the proposed trail easement is acknowledged. The comment does not raise any issues with the environmental analysis presented in the EIR.
150	005	Doug Bell, East Bay Regional Parks District	As Wildlife Program Manager with the East Bay Regional Park District ('District'), I wish to comment on the Draft Environmental Impact Report (DEIR) for the Aramis Solar Energy Generation and Storage Project, PLN2018-00117. The Aramis Solar Energy Generation and Storage Project (Project) as proposed will entail the construction of a solar energy production facility of up to 100 megawatts (MW) on approximately 533 acres in the A (Agriculture) District, located on various parcels of privately owned land situated at 1815 Manning Road and 4400 North Livermore Avenue, and other parcels located north of Manning Road at its intersection with North Livermore Avenue.	A discussion of potential bird and bat fatalities and habitat loss resulting from the proposed project has been included in Section 4.4, Biological Resources. The Draft EIR acknowledges the potential for avian impacts and includes mitigation measures to reduce avian impacts as a result of collisions with power lines and solar panels (MM BIO-7, Avian Effects During Operation of the Solar Facility) including requirements for undergrounding electrical wiring to the maximum extent feasible, a requirement that all transmission lines and electrical components shall be designed, installed, and maintained in accordance with Avian Power Line Interaction Committee's guidance, Reducing Avian Collisions with Power Lines: State of the Art in 2012, development of an Avian Monitoring Plan to be prepared and implemented by qualified biologists

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			<p>The District supports renewable energy development in a responsible manner that balances the need for renewable energy production with the protection of natural, cultural, and visual resources in our region (see https://www.ebparks.org/climatesmart.htm). In addition, District Staff have an extensive record of conducting research with collaborators aimed at reducing the impacts of renewable energy development, such as wind energy generation, on wildlife including volant animals (birds and bats).</p> <p>The main point of this comment letter is to highlight that the DEIR does not adequately assess Project environmental impacts, namely, direct mortality of volant animals and habitat loss to wildlife. Since these impacts are not adequately assessed, the DEIR proposed mitigation measures are insufficient. As such, the DEIR declarations that Project impacts related to volant animal mortality and loss of wildlife habitat will be reduced to “less than significant” are rendered invalid.</p> <p>Project Impacts Related to Volant Animal Mortality</p> <p>Smallwood (2020; available on request) estimated that as of 2020, over 250,000 birds and 11,000 bats are killed annually across all utility-scale solar projects in California. To derive these estimates, Smallwood (2020) analyzed avian and bat fatality data contained in fatality monitoring reports from eleven Photo-Voltaic (PV) and four solar collector array (SCA) utility-scale solar projects in California. These reports were obtained through federal Freedom of Information Act (FOIA) and California Public Records Act (PRA) requests in 2018. Based on these analyses, Smallwood (2020) estimated the following weighted mean fatalities/MW/year for PV projects: 11.605 (CI: 8.366 - 17.561) birds and 0.059 (CI: 0.010 – 0.100) bats. Projecting these estimates onto California’s 2019 installed capacity of 12,220 MW of utility-scale PV yielded annual predicted fatalities of 141,811 birds (CI: 102,227 - 214,593) and 721 bats (CI: 124 - 1,222). Including fatalities</p>	<p>to monitor and assess the potential for avian collisions with solar panels and on-site fencing throughout project operation, and a requirement that solar panels shall include, if feasible, a light-colored, UV-reflective, or otherwise non polarizing outline, frame, grid, or border, which has been shown to substantially reduce panel attractiveness to aquatic insects (Horvath 2010) and may reduce avian mortality by avoiding collisions with panel faces (NFL 2014). The Avian Monitoring Plan will be prepared by qualified biologists and enforced by the County as a condition of approval. It will take into account the most recent scientifically available survey methods as applicable given the scale and size of the Aramis Solar project, including methodology from studies done for wind energy projects in the Altamont Pass area, if applicable. In response to comments regarding the avian monitoring time frame and use of search dogs, MM BIO-7 has been revised to conduct avian monitoring surveys one week each month for 36 consecutive months to provide year-round monitoring and incorporate the use of trained search dogs to detect avian fatalities.</p> <p>As part of the biological assessment in the Draft EIR, site-specific biological reconnaissance surveys were conducted in 2017, 2018 and 2020, which included habitat mapping and plant and wildlife inventories. Protocol surveys were also conducted for certain species, including protocol surveys for burrowing owl in 2020. The Draft EIR finds that the annual grassland and dryland grain crop habitat provide foraging habitat for raptors and other birds such as burrowing owl and the barn owl and that common bat species may roost in trees or structures surrounding the site. Nesting habitat is also available adjacent to the site. Waterfowl were not observed during biological surveys and the project site is dry and does not provide habitat for waterfowl. Relying on the results of the biological surveys, a publication by the U.S. Department of Energy on avian collisions at utility-scale solar facilities, and studies of utility-scale solar photovoltaic facilities in the Central Valley by HELIX biologists, the Draft EIR concludes that the solar facilities are not a significant source of avian mortality. The analysis of the Smallwood (2020) report is acknowledged. However, it is speculative to assume that the proposed project would result in the same level of impacts to avian species and dependent on project location, environment, and avian deterrent measures employed. The Draft EIR recognizes the project’s potential to impact avian species and identifies that impact as potentially significant requiring mitigation. With the implementation of the identified</p>

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			<p>due to utility-scale solar project infrastructure such as gen-ties and fencing increases the fatality estimates by up to 20% in some cases (Smallwood 2020).</p> <p>Many of the monitoring reports reviewed by Smallwood (2020) identified fatalities to species, which ranged in body mass from a tiny Allen’s hummingbirds (<i>Selaphorus sasin</i>) up to red-tailed hawk (<i>Buteo jamaicensis</i>) and brown pelican (<i>Pelecanus occidentalis</i>). For example, using his fatalities/MW/year by species projected on the 2019 installed capacity of 12,220 MW of utility-scale PV in California resulted in 17,043 mourning dove (<i>Zenaida macroura</i>), 10,082 horned lark (<i>Eremophila alpestris</i>) and 2,224 burrowing owl (<i>Athene cunicularia</i>) fatalities (Smallwood 2020).</p> <p>The DEIR should incorporate estimates of the Project’s the impact on birds and bats through direct fatalities. For example, the Smallwood (2020) weighted mean fatalities/MW/year for PV of 11.605 (CI: 8.366 - 17.561) birds and 0.059 (CI: 0.010 – 0.100) bats can be used to predict annual fatalities resulting from the proposed Project’s 100 MW PV facility: 1,160.5 (CI: 836.6 -1,756.1) birds, including 18.2 (CI: 15.0 – 25.8) burrowing owls, and 5.9 (CI: 5.5 -10.0) bats. Clearly, the Project has the potential to cause significant and unavoidable impacts to birds and bats. Given the significant avian and bat fatality rates reported at other utility-scale PV projects throughout California, the Project’s EIR should include an avian and bat fatality monitoring program that is vetted by independent scientists. Additionally, a range of adaptive management and mitigation strategies, including compensatory mitigation, should be developed with thresholds for implementation before Project commissioning.</p> <p>P. 4.4-66/67. MM BIO7: Avian Effects During Operation of the Solar Facility, specifically BIO-7f, Avian Monitoring. The proposed avian mortality monitoring scheme is wholly inadequate. The Project proposes only 12 weeks of monitoring every year for three years. Numerous studies in the Altamont Pass Wind Resource Area and elsewhere verify that year-round monitoring is required to account for seasonal variation</p>	<p>mitigation measures, project impacts to on avian species would be reduced to a less-than-significant level.</p>

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			<p>in bird fatalities (see ICF International 2015). Project does not specify methods of fatality monitoring such search interval, transect width, search pattern, distance sampling, nor does it account for searcher detection and scavenger removal bias since it does not present any information on the use of volant animal carcasses in a scientifically-designed study (Smallwood et al. 2009, 2018). Project proposes to survey only large-bird mortality which would ignore a huge proportion of avian fatalities and thus not adequately measure true Project impacts to birds. Bats are not even mentioned in the fatality monitoring program. The DEIR implies that The Project would employ human in the avian monitoring program, but recent work has shown that using trained search dogs are more effective in detecting fatalities, especially of bats and small birds, than humans (Smallwood et al. 2020). Finally, Project proposes employing bird diverters in a study encompassing four treatment blocks and one control block. While a good idea to test the efficacy of bird diverters at PV solar installations, it is unclear to me how this 4:1 treatment-control design would have enough statistical power to produce meaningful results.</p> <p>To aid in assessing impacts of utility-scale solar projects on volant animals, Alameda County should form a Technical Advisory Committee (TAC), similar to the County’s TAC for wind energy projects in the Altamont Pass Wind Resource Area. Such a TAC should be composed of avian and bat experts to assess proposed utility-scale solar projects for associated impacts, appropriate fatality monitoring protocols and mitigation strategies. This would be especially valuable to implement now, since County appears to be moving forward with approving solar projects on a case-by-case basis prior to developing a county-wide, utility-scale solar development policy.</p> <p>P. 4.4-43. Potential Avian Impacts Resulting from Photovoltaic Solar Generating Facilities. The DEIR discusses the hypothesized “Lake Effect” as reason waterfowl mistake PV arrays for waterbodies and then suffer resulting injuries</p>	

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			<p>and mortalities when impacting the panels. The DEIR then dismisses likelihood of waterfowl suffering fatalities since “Waterfowl are not expected to be common in the project site or pass over since there are no bodies of water in the project site and only seasonally flooded cattle ponds near the project site”. This is spurious for two reasons: one, waterfowl are common in the region, especially in winter/spring coursing over the rangelands and ag lands of eastern Alameda County where they take advantage of the hundreds of cattle ponds, and two, the DEIR ignores a wide range of water birds (shorebirds, grebes, etc.) which may be attracted to PV panels due to the “Lake Effect” and thus suffer injury or mortality. Additionally, the DEIR does not consider other candidate causal factors as hypotheses for volant animals impacting PV panels. Namely,</p> <ul style="list-style-type: none"> • Reflection of polarized light from PV panels that attracts insects which in turn attracts birds and bats to the panels (Horvath et al. 2009, 2010). • Avian aggressive responses to mirror-reflected self-images as territorial defense (Smallwood 2020) • High-speed predator-prey encounters or inter- and intra-specific agonistic encounters causing distraction and thus reduced avoidance time (Smallwood 2020) • For bats, failed detection of angled collector panels due to reduced echolocation output (Gorrensens et al. 2017, Corcoran and Weller 2018) • For bats, misinterpretation of echolocation-detected flat panels as waterbodies (Greif and Siefers 2010) <p>The DEIR ignores Project infrastructure such as electrocution on energized portions of the project, and entanglement in fence lines.</p>	
150	006	Doug Bell, East Bay Regional Parks District	<p>Project Impacts Related to Habitat Loss</p> <p>P. 4.4-32. “Golden eagles were observed soaring high over the project site and then foraging low over the surrounding hillslopes (out of project site) pursuing California ground squirrels”, and “The project sites provides potential foraging habitat for golden eagle. Indeed, District research on satellite</p>	<p>The Draft EIR acknowledges that the project site provides suitable foraging habitat for golden eagle. However, based on numerous site-specific biological surveys conducted by the HELIX biologists from 2017 to 2020, the County has concluded that this species is not nesting in or adjacent to the site. Based on observations of golden eagle during numerous biological surveys, golden eagle were observed using surrounding lands with higher prey abundance and no prey capture</p>

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			<p>telemetry of golden eagles in the region indicate that they use the Project’s location (see Figure 1, p. 6).</p> <p>P. 4.432. “There is no suitable nesting habitat for golden eagle on the project site”, and “....golden eagle is not expected to nest adjacent to the project site”. Survey work conducted by the District (and others) has identified that the Project is within the core-use area of at least two territorial pairs of (nesting) golden eagles (see Figure 2, p. 7). Nesting habitat does not just include the tree, but also surrounding habitat necessary to maintain a breeding pair. Golden eagles are facing growing pressure from development in the region, including renewable energy development. They are suffering high mortality rates in the neighboring Altamont Pass Wind Resource Area (H. T. Harvey 2020, Hunt et al. 2017). The DEIR should recognize that the loss of habitat for nesting golden eagle is significant and unavoidable and should include compensatory mitigation options. As a side note, some golden eagles nest close to proximity to human habitation in the region (EBRPD, unpublished data).</p> <p>P. 4.4-34. “These [burrowing] owls likely originated from a nest nearby and are dispersing away from the nest”. The survey dates upon which this statement is include June 17, 18 and July 14, 2020. Burrowing owl family groups will use several satellite burrows within their home range. Movements among satellite burrows during the nesting season does not constitute dispersal.</p> <p>Given presence of ground squirrel burrows within the project footprint, presence of nesting burrowing owls is highly likely.</p> <p>P. 4.4-44. “Studies indicate that both vineyards and solar generation facilities ...provide foraging habitat value for Swainson’s hawk, (Estep 2013, Swolgaard et al. 2008). I would not equate a solar facility with a vineyard in terms of structural similarity. The Estep (2013) study is not a Before-After-Controlled-Impact (BACI) study so inferences drawn are less solid – one does not know how the hawks used the site prior to construction of the solar facility. The Swolgaard et al.</p>	<p>attempts were observed on the project site. Observations of golden eagle routinely included birds flying over the project site from known nest sites (as described in this comment) to foraging grounds north and east of the site as described in Section 4.4.4.1, Golden Eagle. Based on this information gathered during the numerous biological surveys, loss of habitat at the site is not considered significant to golden eagles in the region. Mortality rates from wind turbines in the Altamont Pass are irrelevant to this project. The County’s site-specific data from the biological surveys completed for the proposed project provides substantial evidence supporting this conclusion. The District’s telemetry data and survey results are more general and do not provide the detailed data relied on by the County regarding golden eagle use of the site.</p> <p>Protocol burrowing owl surveys were conducted at the project site between February and June 2020 by surveyors with extensive experience conducting burrowing owl surveys as indicated in Table 4.4-1 of the Draft EIR. Burrowing owls were observed east of the project site, but no burrowing owls were observed nesting on the site. Therefore, burrowing owls are not expected to nest on the site.</p> <p>Estep 2013 outlines a case for Swainson’s hawk use of solar facilities based on numerous field investigations. Although the 2013 study was not peer reviewed, Estep is a raptor expert and his work with the Swainson’s hawk in particular is well-known and respected in the field. The County disagrees that the argument that the project will provide foraging habitat for raptors is speculative.</p> <p>Although bats were not listed as the subject of the surveys, all surveys included searching for wildlife species on the site and these surveys were conducted during the time when bats would have been observable. Bat acoustic detectors were not employed because there is no roosting habitat for bats on the site.</p> <p>Due to the lack of roosting habitat for bats on the site and the lack of bat observations during numerous surveys conducted during the optimal time to observe bats, impacts to bats are expected to be less than significant.</p> <p>No burrowing owls were observed nesting on the site during more than 20 biological surveys conducted over 2.5 years, including protocol</p>

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			<p>(2008) study did find that Swainson’s hawks use vineyards, but less so than other habitats, such as pasture and grassland. To my knowledge, no peer-reviewed, scientific studies have been published on raptor foraging in utility-scale solar projects. The argument that the Project will benefit raptor foraging habitat is speculative, at best.</p> <p>P. 4.4-46/47. “Over the course of numerous biological surveys...including a total of 10 nighttime surveys for CRLF and four evening surveys for burrowing owl, no bat roosts were detected and no bats were observed emerging from trees or structures...”. I’m not surprised, since bats were not the object of those surveys. Why were not bat acoustic detectors employed? “Based on the design of the project with buried utilities and the low profile of the solar arrays and retention of grassland habitat under the PH arrays, impacts to bats that may occur in the region are expected to be less than significant”. While buried utilities are will reduce avian and bat deaths, there is absolutely no evidence to support the conclusion that “, impacts to bats that may occur in the region are expected to be less than significant”. See also Smallwood (2020) for estimates of bat fatalities caused by utility-scale PV projects in California.</p> <p>P. 4.4-47. “PV solar projects pose little risk to bats, particularly among PV arrays”, and “...impacts to regionally occurring bat species resulting from the proposed project would be less than significant”. As mentioned above, see Smallwood (2020) for estimates of bat fatalities caused by utility-scale PV projects in California.</p> <p>P. 4.4-62. “MM BIO-3d: If burrowing owl pairs are passively relocated, compensatory mitigation for lost habitat (per pair of relocated owls) at an off-site location shall be provided either through dedication of 6 acres of suitable habitat...or through purchase of credits at a CDFW-approved mitigation bank in the region. No compensatory mitigation is required for passive relocation or eviction of transient, unpaired owls”. The Project will be impacting valuable burrowing owl nesting habitat and should thus provide compensatory mitigation,</p>	<p>surveys conducted for burrowing owl in 2020 during which burrowing owl were documented east of the site. The site is not being used by burrowing owl for nesting and compensatory mitigation is not required. As stated, if burrowing owls were to occupy the site and had to be passively relocated, compensatory mitigation would be required.</p>

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			regardless of whether owls are passively relocated. Given the presence of California ground squirrel burrow complexes within the Project's footprint adjacent to an active burrowing owl nest, the squirrel burrows contribute to the owls' nesting success. Namely, burrowing owls prefer areas with high burrow density, as these offer extra escape burrows for fledging owls (Plumpton 1992). In addition, resident burrowing owls in our region are non-migratory, so the likelihood that an owl trapped within the Project footprint is a local breeder and not a transient is high (Poulin et al. 2020).	
150	007	Doug Bell, East Bay Regional Parks District	<p>Species Not Included in the DEIR</p> <p>P. 4.4-25. The DEIR omits consideration of the short-eared owl (<i>Asio flammeus</i>), a California Bird Species of Special Concern (https://wildlife.ca.gov/Conservation/Birds/Raptors), and prairie falcon (<i>Falco mexicanus</i>). The latter species, on the CADFW Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline), is increasingly impacted in the region by habitat loss (Figure 3, p. 8).</p> <p>Thank you for this opportunity to comment on the Draft Environmental Impact Report for the Aramis Solar Energy Generation and Storage Project, PLN2018-00117.</p>	There are no reported occurrences of short-eared owl in the North Livermore area in the CNDDDB and only a handful sightings of short-eared owl have been reported to eBird from the North Livermore area (https://ebird.org/species/sheowl). ⁱ These sightings were from 1984 (two birds), 2008 (one bird), 2009 (two birds), and 2012 (two independent sightings of one bird). These sightings were all concentrated near the Springtown Wetlands Preserve, approximately two miles southeast of the project site. No observations were recorded on or near the project site. There are also no reported occurrences of prairie falcon in the CNDDDB in the North Livermore area. Neither of these species was observed in the project site during numerous biological surveys and these species are not expected to use the site regularly, if at all. However, a discussion of prairie falcon has been included in Section 4.4 Biological Resources.
150	008	Doug Bell, East Bay Regional Parks District	[Attachment 1: List of literature cited in the preceding comment letter]	Attachment 1 is acknowledged. This comment does not raise any environmental issue related to the EIR. Refer to responses to comments #150-004 through 150-007.
150	009	Doug Bell, East Bay Regional Parks District	[Attachment 2: Map of golden eagle satellite telemetry locations]	Attachment 2 is acknowledged. This comment does not raise any environmental issue related to the EIR. Refer to response to comment #150-006.
150	010	Doug Bell, East Bay Regional Parks District	[Attachment 3: Grid of survey cells for golden eagles overlaid on North Livermore area]	Attachment 3 is acknowledged. This comment does not raise any environmental issue related to the EIR. Refer to response to comment #150-006.
150	011	Doug Bell, East Bay Regional Parks District	[Attachment 4: Prairie falcon radio telemetry locations]	Attachment 4 is acknowledged. This comment does not raise any environmental issue related to the EIR. Refer to response to comment #150-007.

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151	001	Ron Sadler	<p>I am writing you today to ask for your support for the proposed solar projects in the North Livermore Valley.</p> <p>The Intergovernmental Panel on Climate Change (IPCC) reported that to keep the rise in global temperatures below 1.5C this century, emissions of carbon dioxide would have to be cut by 45% by 2030. Almost half of the electricity currently produced in California is generated by carbon dioxide emitting gas-fired power plants. It will take an unprecedented amount of new clean energy facilities to replace existing gas-fired plants, to generate the additional electricity needed to charge electric cars, and to replace the electricity currently generated by the Diablo Canyon nuclear power plant that is slated to be shutdown in 2025.</p> <p>Due to relatively limited wind resources and viable hydroelectric sites in our state, the vast majority of new electrical generation will need to come from solar. To accomplish this, solar panels will not only need to be placed on rooftops and over parking lots, but also on the ground in open fields. The fact is, large local ground mounted solar facilities with battery storage, such as one of the two proposed for the North Livermore Valley, are currently the best option for providing cost effective, reliable, and emissions free electricity.</p> <p>These two projects would power over 25,000 local homes and business, and would offset millions of tons of CO2 emissions. They would be located in the upper Northwest corner of the valley, next to an existing PG&E substation, on flat land that has primarily been used for cattle grazing. The developers of these projects are committed to taking all precautions to minimize the impact to the local environment, along with planting vegetation buffers.</p> <p>Of course in an ideal world we would all want to leave these fields open. Unfortunately our world is less than ideal, and we are left with basically three choices; drastically reduce our overall energy consumption, continue burning fossil fuels and warming our planet, or install solar on every available roof,</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>over parking lots, and to some existent, in open fields like those in the North Livermore Valley.</p> <p>These projects would be a major win toward becoming carbon neutral. Each day that these projects are delayed means tons more carbon dioxide is added to our atmosphere. Will you please do whatever is in your power to get these projects approved and built as soon as possible? Our time to turn the tide on Global Warming is rapidly running out.</p>	
152	001	Marjje Kosic	<p>We request that you reject the Aramis Solar Energy Generation and Storage Project for the following reasons:</p> <ol style="list-style-type: none"> 1. No public need exists for a large utility-scale industrial solar power plant in North Livermore. The County can meet its needs for greater renewable energy and preserve open space and scarce agricultural land through expansion of solar power in urban areas. The County should encourage the construction of solar panels on the roofs of homes, apartment complexes, and industrial/commercial buildings, over parking lots and next to freeway exits. Should the Board believe an industrial utility scale solar power plants are necessary, at a minimum, it must defer any decision on the Aramis Project until after Alameda County completes a comprehensive solar policy and mapping project to determine which rural areas would be least impacted by commercial solar facilities. 2. Utility-scale solar power plants are not properly related to other land uses in North Livermore. Under voter-approved Measure D, the agricultural lands of Alameda County, including North Livermore, are to be preserved and protected from “excessive, badly located and harmful development.” Commercial electricity power generation is not a use that exists in North Livermore today nor is it related to the use of the land for agricultural purposes. 3. If permitted, the Livermore Aramis Solar project will be materially detrimental to the public welfare and injurious to property in the neighborhood. Since the 1960s, Alameda County’s General Plan has designated North Livermore Avenue as a scenic corridor and sought to preserve the area’s 	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The applicant is proceeding in accordance with all relevant existing County requirements.</p> <p>As discussed in Section 5.3.2 Alternative Location: East Bay Community Energy Solar Sites, rooftop solar generation on existing industrial and commercial buildings was considered but ultimately deemed infeasible due to the higher cost per MW than utility-scale solar.</p> <p>As discussed as part of the AG-2 impact discussion in Section 4.1 Agriculture and Forestry Resources, Alameda County has previously found that solar facilities are consistent with ECAP policies. Please see section 4.2 of the EIR for additional information about the project’s consistency with Measure D and the ECAP. Agricultural uses would continue on the site in the form of grazing and apiculture.</p> <p>Potential impacts to views and scenic corridors are evaluated in Section 4.1 Aesthetics. Please see Section 4.4 Biological Resources for a discussion of potential impacts to wildlife and habitat.</p> <p>The project would not result in the permanent conversion of farmland. Agricultural activities, including forage crop production, sheep grazing, and apiculture would be ongoing throughout the life of the project. The EIR outlines a detailed plan for decommissioning the site and returning it to pre-construction conditions at the end of the project’s anticipated 50 year life in Section 3.7 Decommissioning and Site Reclamation.</p>

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			<p>outstanding scenic quality. The Aramis solar plant will gravely harm the visual assets of the area, changing it from farmland/open space to an industrial use. Moreover, the North Livermore Valley area is a habitat for a variety of special status species and is a wildlife corridor. The Aramis Solar plant will obliterate farmland used by foxes, eagles, owls and other predator birds to hunt field mice, rats, squirrels and rabbits, and create a barrier for the migration of wildlife in the valley undermining the biodiversity of the County.</p> <p>4. The Aramis Solar plant will be contrary to the character and standards established for the District in which it is to be located. North Livermore Valley is designated an agricultural district. Under the County Zoning Code, agricultural districts are reserved for “agricultural and other nonurban uses, to conserve and protect existing agricultural uses, and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare.” Farming, cattle grazing and the raising of other farm animals, is impossible on land covered with solar photovoltaic panels.</p> <p>In conclusion, North Livermore Valley is an agricultural area and should remain one. We request you reject the Aramis Solar Energy Generation and Storage Project or at a minimum put on hold until a comprehensive county solar policy is enacted.</p>	<p>Please see Section 4.11 Land Use and Planning for a discussion of the proposed project’s consistency with the County Zoning Code.</p>
153	001	Maria De Luz	<p>We request that you reject the Aramis Solar Energy Generation and Storage Project for the following reasons:</p> <p>1. No public need exists for a large utility-scale industrial solar power plant in North Livermore. The County can meet its needs for greater renewable energy and preserve open space and scarce agricultural land through expansion of solar power in urban areas. The County should encourage the construction of solar panels on the roofs of homes, apartment complexes, and industrial/commercial buildings, over parking lots and next to freeway exits. Should the Board believe an industrial utility scale solar power plants are necessary, at a minimum, it must defer any decision on the Aramis Project until after</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The applicant is proceeding in accordance with all relevant existing County requirements.</p> <p>As discussed in Section 5.3.2 Alternative Location: East Bay Community Energy Solar Sites, rooftop solar generation on existing industrial and commercial buildings was considered but ultimately deemed infeasible due to the higher cost per MW than utility-scale solar.</p>

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			<p>Alameda County completes a comprehensive solar policy and mapping project to determine which rural areas would be least impacted by commercial solar facilities.</p> <p>2. Utility-scale solar power plants are not properly related to other land uses in North Livermore. Under voter-approved Measure D, the agricultural lands of Alameda County, including North Livermore, are to be preserved and protected from “excessive, badly located and harmful development.” Commercial electricity power generation is not a use that exists in North Livermore today nor is it related to the use of the land for agricultural purposes.</p> <p>3. If permitted, the Livermore Aramis Solar project will be materially detrimental to the public welfare and injurious to property in the neighborhood. Since the 1960s, Alameda County’s General Plan has designated North Livermore Avenue as a scenic corridor and sought to preserve the area’s outstanding scenic quality. The Aramis solar plant will gravely harm the visual assets of the area, changing it from farmland/open space to an industrial use. Moreover, the North Livermore Valley area is a habitat for a variety of special status species and is a wildlife corridor. The Aramis Solar plant will obliterate farmland used by foxes, eagles, owls and other predator birds to hunt field mice, rats, squirrels and rabbits, and create a barrier for the migration of wildlife in the valley undermining the biodiversity of the County.</p> <p>4. The Aramis Solar plant will be contrary to the character and standards established for the District in which it is to be located. North Livermore Valley is designated an agricultural district. Under the County Zoning Code, agricultural districts are reserved for “agricultural and other nonurban uses, to conserve and protect existing agricultural uses, and to provide space for and encourage such uses in places where more intensive development is not desirable or necessary for the general welfare.” Farming, cattle grazing and the raising of other farm animals, is impossible on land covered with solar photovoltaic panels.</p>	<p>As discussed as part of the AG-2 impact discussion in Section 4.1 Agriculture and Forestry Resources, Alameda County has previously found that solar facilities are consistent with ECAP policies. Please see section 4.2 of the EIR for additional information about the project’s consistency with Measure D and the ECAP. Agricultural uses would continue on the site in the form of grazing and apiculture.</p> <p>Potential impacts to views and scenic corridors are evaluated in Section 4.1 Aesthetics. Please see Section 4.4 Biological Resources for a discussion of potential impacts to wildlife and habitat.</p> <p>The project would not result in the permanent conversion of farmland. Agricultural activities, including forage crop production, sheep grazing, and apiculture would be ongoing throughout the life of the project. The EIR outlines a detailed plan for decommissioning the site and returning it to pre-construction conditions at the end of the project’s anticipated 50 year life in Section 3.7 Decommissioning and Site Reclamation.</p> <p>Please see Section 4.11 Land Use and Planning for a discussion of the proposed project’s consistency with the County Zoning Code.</p>

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			<p>In conclusion, North Livermore Valley is an agricultural area and should remain one. We request you reject the Aramis Solar Energy Generation and Storage Project or at a minimum put on hold until a comprehensive county solar policy is enacted.</p>	
154	001	Lona McCallister	<p>The following are my comments concerning the Draft Environmental Impact Report for the subject Project.</p> <ol style="list-style-type: none"> 1. I am concerned about the massive lithium ion battery storage buildings located on the Project area. More studies must be done regarding the fire hazard impact on the surrounding land and residences. 2. The transporting of water daily to the project and storing the water in huge water tanks is an issue that will impact the area in terms of residences dealing with trucks traveling on the local roadways daily. Also, using the water for extensive landscaping and the berms adds impacts to quality of the water in the basin when use of pesticides over the area is done. This issue must be studied. 3. My concerns regarding impacts to the ground water basin must be extensively done. Our residence, as well as other residences, on Bel Roma Road will be severely impacted by this Project in many ways and I hereby oppose approval of this Project. 	<p>This comment does not raise any specific issue with the adequacy of the environmental analysis presented in the EIR. For a discussion of battery safety and fire risk, please see Section 4.9 Hazards and Hazardous Materials and Section 4.18 Wildfire. For a discussion of the potential effects of truck trips to and from the site of the proposed project, please see Section 4.16 Transportation. For a discussion of water supply and water quality, please see Section 4.10 Hydrology and Water Quality.</p>
155	001	Tracy Wood	<p>Thank you for the opportunity to comment on the scope of the environmental review for the proposed Aramis Solar Energy Generation and Storage Project in the North Livermore area of unincorporated Alameda County. I am submitting this comment letter in response to the County's Map May 4, 2020 Notice of Preparation (NOP) of an Environmental Impact Report (EIR).</p> <p>The proposed unsightly project would entail construction of a massive solar energy production facility with photovoltaic panels providing up to 100 megawatts of output capacity and include on site battery storage and an onsite substation for voltage conversion across four privately-owned parcels</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about the proposed project's potential visual impacts, please see Section 4.1 Aesthetics.</p>

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			estimated at 580 acres of beautiful, scenic rural grazing land, the equivalent of 25,797 football fields.	
155	002	Tracy Wood	<p>This project would impose significant environmental impacts on NLVRC area.</p> <p>Aesthetics: Our North Livermore Valley Rural Community area is designated as Scenic Rural Recreational Route, having 580 acres littered with Solar Panels will remove the scenic view and instead be replaced with ugly, glaring, heat generating fire boxes. Fencing and landscaping will not negate the ugliness of the project. And one need look no further than the poorly designed landscaping of the Cayetano Creek Project to see what our city of Livermore validates as aesthetically appealing.</p>	For a discussion of potential visual impacts from the proposed project, please see Section 4.1 Aesthetics of the EIR. The analysis in the EIR concluded that, even with the implementation of Mitigation Measure AES-1, the impacts from the proposed project would be considered significant and unavoidable.
155	003	Tracy Wood	<p>Agricultural Resources: According to the Intersect proposal, open pastureland will be converted to a solar electric plant. A proposal for sheep grazing to keep weeds down is not agriculture and is a creepy attempt to make the project pass as ag, people are smarter than this. The DEIR must study the cumulative impacts of converting ag land to no-ag uses – which is happening at an alarming rate – in Livermore, Alameda County and statewide. These impacts cannot be mitigated, and the DEIR must indicate as such.</p>	Please see Section 4.2 Agriculture and Forestry Resources for a complete discussion of the proposed project’s impacts on agriculture, including cumulative impacts from this and other projects.
155	004	Tracy Wood	<p>Biological Resources: There are too many to name – starting with losing grazing land to industry which is happening at an alarming rate throughout our city and state. Multiple wildlife species would be impacted in a negative manner, including but not limited too black tail deer, wild turkey, red legged frog, tiger salamander, western pond turtle, burrowing owl, red tail hawk, squirrels, badger, black crows, coyote, and turkey vultures.</p>	Please see Section 4.4 Biological Resources for a discussion of the proposed project’s impacts on specific species of wildlife.
155	005	Tracy Wood	<p>Hydrology/Groundwater: This project is in direct conflict with the ACDEH and Alameda County Public Works Agency – Clean Water Program. It is interesting when tax dollars come into light that environmental issues seem to go the wayside. The Aramis Solar Facility does not reduce or eliminate pollution and does not protect or enhance water quality, but rather increase water pollution, runoff goes directly into our drinking water, aquifers and storm drains which eventually lead to our ocean.</p>	Please see section 4.10 Hydrology and Water Quality for a discussion of the proposed project’s potential impacts on water quality. This section also includes information about the proposed project’s Stormwater Pollution Prevention Plan (SWPPP), which is designed to minimize any potentially harmful runoff from the proposed project.

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			<p>I find it very troubling that we now have two major initiatives on the docket that will impact our environment in the NLVRC area. The solar facility does not belong in our scenic area and must be relocated to an area that is more appropriate and one that will not impact the environment or ground water.</p>	
155	006	Tracy Wood	<p>Lastly, has the DEIR consulted with the Chief of Fire Department to determine the impact of a fire starting and all those acres of solar panels (plastic) becoming a fire box to burn down the valley and move straight into downtown Livermore and neighboring cities (Paradise Camp Fire).</p> <p>Thank you for the County's consideration of our concerns and impact on our scenic NLVRC.</p>	<p>For a complete discussion of the proposed project's potential effects on wildfire, please see Section 4.18 Wildfire of the EIR.</p>
156	001	Cecilia Sadler	<p>I am writing you today to ask for your support for the Aramis Renewable Energy Project in North Livermore.</p> <p>Earth's average surface temperature has risen about 1.14 degrees Celsius (2.05 degrees Fahrenheit) since the late 19th century, a change driven primarily by increased carbon dioxide and other human-made emissions into the atmosphere. Most of the warming occurred in the past 35 years, with the six warmest years on record taking place since 2014. As a consequence of this warming, Greenland lost an average of 286 billion tons of ice per year between 1993 and 2016, while the rate of Antarctica ice mass loss has tripled in the last decade. (https://climate.nasa.gov/evidence)</p> <p>The fact is our world is warming, and warming at an increasingly rapid rate. And unless we rapidly transition to emissions free energy sources such as solar and wind, the world we leave our grandchildren will not be very hospitable.</p> <p>We have an opportunity right here in the Tri-Valley to take one large step in that rapid transition, and that is with the approval and completion of the Aramis Renewable Energy Project. This state-of-the-art solar and energy storage facility would offset millions of tons of carbon dioxide emissions over the next 30 years while providing clean, dependable energy to over 25,000 local homes and businesses.</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>I ask that you consider the big picture, and please support this and other renewable energy projects like it. Because unless we all take actions to stop the polluting of our atmosphere with green house gasses, the Tri-Valley and our world will become much warmer.</p> <p>Thank you for your help on this issue.</p>	
157	001	Chris Sadler	<p>I am writing you today to ask for your support for the proposed solar projects in the North Livermore Valley.</p> <p>As we all have read, there is about 10 years left to transition to clean sources of energy in order to prevent irreversible damage from Climate Change. Approximately half of the electricity currently consumed in California is generated by carbon dioxide emitting gas-fired power plants. It will take an unprecedented amount of new clean energy facilities to replace existing gas-fired plants, to generate the additional electricity needed to charge electric cars, and to replace the electricity currently generated by the Diablo Canyon nuclear power plant that is slated to be shutdown in 2025.</p> <p>Due to relatively limited wind resources and viable hydroelectric sites in our state, the vast majority of new electrical generation will need to come from solar. To accomplish this, solar panels will not only need to be placed on rooftops and over parking lots, but also on the ground in open fields. The fact is, large local ground mounted solar facilities with battery storage, such as one of the two proposed for the North Livermore Valley, are currently the best option for providing cost effective, reliable, and emissions free electricity.</p> <p>These two projects would power over 25,000 local homes and business, and would offset millions of tons of CO2 emissions. They would be located in the upper Northwest corner of the valley on flat land that has primarily been used for cattle grazing. The developers of these projects are committed to</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>taking all precautions to minimize the impact to the local environment, along with planting vegetation buffers.</p> <p>Of course in an ideal world we would all want to leave these fields open. Unfortunately our world is less than ideal, and we are left with basically three choices; drastically reduce our overall energy consumption, continue burning fossil fuels and warming our planet, or install solar on every available roof, over parking lots, and to some existent, in open fields like those in the North Livermore Valley.</p> <p>These projects would be a major win toward becoming carbon neutral. Each day that these projects are delayed means tons more carbon dioxide is added to our atmosphere. Will you please do whatever is in your power to get these projects approved and built as soon as possible? Our time to turn the tide on Global Warming is rapidly running out.</p> <p>Thank you for your help!</p>	
158	001	Michael Fredrich	<p>Draft EIR, 2.1</p> <p>Aramis EIR states the project site is 410 acres and principal site is 536 acres. Appendix E; 1.1 describes the project as 410 acres and principal site of 523 acres. Publicly Aramis representative has stated a project in the high 300's.</p> <p>An accurate and consistent project description should be made in writing and in public statements.</p> <p>Draft EIR, 3.4.2</p> <p>How many poles will be constructed? What is the height distribution of the poles? How many of each size? How many 100 ft poles will be constructed? Where will the poles be placed? What is the height of modules when not in their stow position? What is the height in normal operation?</p>	<p>The proposed project analyzed in the Draft EIR would develop a solar facility on 410 acres. The Resource Management Avoidance Alternative, which is actively being considered by the project applicant, would develop 385 acres. Both alternatives are evaluated in the EIR.</p> <p>Section 3.4.2, states that medium-voltage lines would be buried for a majority of their length, but would emerge above-ground and be mounted on up to two overhead wooden utility poles on either side of Manning Road and up to 10 additional wooden poles to cross Cayetano Creek and its tributaries, to cross an access driveway, and if an overhead connection to the PG&E Cayetano substation is required. The locations of the potential overhead utility lines are depicted in Appendix C, Site Plans. A reference to Appendix C has been added to Section 3.4.2. Section 3.4.2 has been revised to clarify that the proposed overhead electrical poles would be similar in height to existing electrical poles along North Livermore Avenue and Manning Road, and the maximum height would be up to 100 feet only for poles adjacent to the PG&E Cayetano substation if an overhead interconnection is required by PG&E. Each row (or array) would track the sun during the day, tilting gradually from east to west, to optimize power generation of the facility. The maximum height of modules would be approximately 8 feet in their stow position,</p>

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			<p>Draft EIR 3.4.6</p> <p>The proposed development is not consistent with the existing Williamson Act contract. Alameda County Uniform Rules and Procedures, Uniform Rule 2, I.A states the Williamson Act Principles of Compatibility, "Uses approved on contracted lands shall be consistent with all of the following principles of compatibility;" Of the four principles, the first three are:</p> <ol style="list-style-type: none"> 1. The use will not significantly compromise the long-term productive agricultural capability of the contracted property or on other contracted lands in agricultural preserves (Government Code Section 51238.1). 2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted property or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the contracted property may be deemed compatible if they relate directly to the production of commercial agricultural products on the contracted property or neighboring lands, including activities such as harvesting, processing, or shipping (Government Code Section 51238.1). 3. The use will not result in the significant removal of adjacent contracted land from agricultural use or open-space use (Government Code Section 51238.1). <p>The proposed development will significantly compromise the long-term productive agricultural capability for at least 20 years. Appendix E; 1.2.2 states "The project applicant plans to maintain a majority of the site in limited agricultural operation..." The "limited agricultural operation" is almost exclusively grazing by sheep which is an incidental use intended primarily to suppress vegetation and does not represent agriculture as intended by the Williamson Act. Additionally, Aramis has argued only a very small portion of the entire project is developed because the panels themselves do not count as part of the developed area. Undeveloped areas, which therefore could represent a substantial portion</p>	<p>and 4.5 feet in their horizontal (noon) position. When the modules are gradually tilting to track the sun during the day, the height of the modules would range from 4.5 – 8 feet. When the modules are not tracking the sun (overnight), they would be in their stow position which is 8 feet at maximum height as noted above. This information has been clarified in Section 3.4.2 as necessary and is also provided in Appendix C.</p> <p>Williamson Act compliance is not an issue for the proposed project. Since the publication of the Draft EIR, the County has learned that the Draft EIR incorrectly assumed that the Stanley parcel is subject to a Williamson Act contract. In fact, the owners filed a Notice of Non-Renewal in 1991, meaning that the contract expired under its terms in 2001. As such, no portion of the project is on Williamson Act contracted land and the approval of the Project will not directly or indirectly conflict with a Williamson Act contract.</p>

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			<p>of the site, may be "left fallow". Agriculture as intended under a Williamson Act contract will no longer occur on the property. Therefore the proposed project is not consistent with I.A.1 and I.A.2 of Rule 2. Aramis is attempting to maintain preferable tax treatment of the property while placing an industrial facility on it.</p> <p>Under Rule 2, Section II. Compatible Use Standards For Agricultural Contracts; E. Gas, Electric, Water, and Communication Facilities; 3. Energy Production Structures – Commercial or Private Solar Panels states "Commercial or private solar panels are deemed compatible uses providing:</p> <p>"If installed on the ground, the area covered by the solar panels is calculated as part of the cumulative total of acreage allowed for compatible non-agricultural uses (see Section I.B.3.c. of this Rule)."</p> <p>I.B.3.c states: "Compatible non-agricultural uses that do not qualify as buildings (for example, solar panels and uncovered horse training arenas) may be located outside the 2-acre building envelope but shall be cumulatively restricted to no more than 10% of the contracted property, or 10 acres, whichever is less."</p> <p>Even if the project qualifies as a compatible non-agricultural, and that is disputable, the solar panels will not be restricted to the 2-acre building envelope and will far exceed 10% and 10 acres of the contracted property. Clearly, the proposed development is not consistent with the existing Williamson Act contract.</p>	
158	002	Michael Fredrich	<p>Appendix E; 1.2</p> <p>This section states, IP Aramis, LLC (a subsidiary of Intersect Power, LLC) is the project applicant and is seeking a Conditional Use Permit (CUP) from Alameda County to construct, operate, and maintain a solar photovoltaic (PV) facility for at least 50 years.</p>	<p>The DEIR has referred to the project's 50 year lifespan throughout the document.</p> <p>The individual PV modules would be arranged in rows onto a single-axis tracker racking system, which would in turn be affixed to steel piles. Each row (or array) would track the sun during the day, tilting gradually from east to west, to optimize power generation of the facility. Because the modules would tilt throughout the day to track the sun, the ground</p>

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			<p>Publicly, Aramis has been promoting the project lifespan will be 20 years, but this section states Aramis is asking for a conditional use permit of at least 50 years.</p> <p>Appendix E; 1.2.4</p> <p>This section states, "The vegetative cover would generally be kept low to prevent shading of solar panels, to minimize and manage buildup of combustible fuel loads which could otherwise result in a fire hazard, and to facilitate emergency and maintenance vehicle access. This would be accomplished by using low-growing species on the site and maintaining vegetation with grazing during the growing season ..."</p> <p>What low growing species will do well in the shade of solar panels? Will these species be native? Will these species compete with native species? Will these species be compatible with uses on neighboring properties?</p> <p>Appendix E - 6.7.1</p> <p>This section states: "Rodenticides shall not be used at the project site. Rodents will be controlled by encouraging raptor foraging. If additional rodent control is required to minimize impacts on adjacent agricultural operations, non-chemical methods will be employed."</p> <p>However in section MM BIO-5c.g (page 4.4-64): San Joaquin Kit Fox it states "Use of rodenticides, herbicides, poison baits, or other substances potentially harmful to San Joaquin kit fox shall be restricted. ... If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox".</p> <p>So, rodenticides could be used, contrary to assertion made in Appendix E - 6.7.1. Zinc phosphide is highly toxic. If the risk to foxes is lower, it is still high. If rodenticides shall not be used, then they shall not be used.</p>	<p>underneath the modules would receive sun throughout the day and would not be completely shaded. The seed mix to be used for site revegetation would contain seed for native plant species only and would not include non-native or invasive plant species. Species planted would be typical of those used as forage in the area, would not be noxious or invasive, and would not interfere with continuing use of neighboring properties.</p> <p>Mitigation Measure (MM) BIO-5c has been updated to remove the reference to zinc phosphide and to ensure consistency with BIO-7b. No rodenticides shall be used.</p> <p>MM BIO-7f has been modified to state "A qualified biologist shall prepare and implement an Avian Monitoring Plan..."</p> <p>The purpose of the measures in BIO-7f are to reduce bird collisions and mortality of all birds, not just large birds, as well as to reduce harm to birds in the site and vicinity, not to reduce the numbers of birds using the site. The Avian Monitoring Plan will be prepared by qualified biologists and will take into account the most recent scientifically available survey methods to detect bird mortality to the extent feasible including detection of all birds and surveys at intervals appropriate to detect seasonal variation in bird activity at the site and in the region (e.g. migration periods). Language has been added to modify the measure.</p> <p>MM BIO-7f states that ..."visual deterrents will either be discontinued if there is no significant difference between avian mortality between the treatment and control blocks, adjusted to reduce performance issues and reexamined on a continuing 3-month basis, or if adjustments are not deemed necessary to improve panel performance, deployed on the remainder of the site and maintained for the life of the project or until determined infeasible (based on the definition of "feasible" in CEQA Guidelines §15364) or ineffective by the Project owner in consultation with CDFW and the County."</p> <p>The applicant will be required to consult with CDFW and the County regarding the results of the avian mortality monitoring, which will be submitted to CDFW and the County, and the effectiveness of the deterrent measures, which will guide how avian deterrent measures are implemented for the life of the project. The Avian Monitoring Plan will</p>

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			<p>Appendix E - 6.7.2 - MM BIO-7f</p> <p>This section states "A qualified biologist shall prepare an Avian Monitoring Plan". Wording should be included that states the plan "... shall prepare and implemented ...".</p> <p>Public statements by Aramis representatives claim raptors prefer solar panel fields. The bulk of MM BIO-7f seems to discuss methods of discouraging the presence of birds. The stated goal is to avoid large bird mortality, but it would seem at the cost of lowering overall bird populations. If there are no birds, there will be no mortalities. Studies should be made to determine the project's over all impact on bird populations, both small and large birds.</p> <p>The three month study period described in MM BIO-7f is too short. It cannot account for seasonal variations in bird populations. A valid study should be conducted over a full year. Aramis should also be required to do periodic studies on avian impact for the life of the project.</p> <p>Will Aramis be required to report avian mortality to state agencies? If avian mortality are unacceptably high, what mitigation measures will be implemented? If avian populations drop, what mitigation measures will be implemented?</p>	<p>include measures to reduce avian mortality as needed based on the results of the mortality monitoring and the effectiveness of the deterrent measures.</p>
158	003	Michael Fredrich	<p>7.0 Cumulative Impacts</p> <p>The draft EIR admits:</p> <p>Potential cumulative impacts could include</p> <p>(1) loss of high quality breeding and upland habitat for special-status amphibians (CRLF and CTS) or take of individuals leading to an incremental decline in the regional population of these species;</p>	<p>The commenter provides a summary of the potential cumulative biological resources impacts.</p> <p>With implementation of the mitigation measures identified in Section 4.4, Biological Resources, the proposed project is not anticipated to result insignificant impacts to biological resources. Additional mitigation measures are not required to mitigate project or cumulative impacts to less than significant levels. In response to the commenter's question: "What is the applicants plan, ask nicely, send eviction notices?" Project construction would shut down in the area where the species is present on-site until the species vacates the project site no matter how long it takes for the species to leave on its own.</p>

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			<p>(2) reduced nest success, nest failure, or other direct or indirect impacts to nesting birds as well as a complete loss of foraging habitat for special-status and common raptors and other resident and migratory birds that would have an incremental effect potentially leading to reduced populations of these birds in the region or lack of population expansion potential;</p> <p>(3) direct Biological Resources Technical Report for the Aramis Solar Energy Generation and Storage Project September 2020 76 impacts to American badger and/or San Joaquin kit fox or loss of dispersal and foraging habitat for these species that could lead to an incremental reduction in populations of these species;</p> <p>(4) a net loss of jurisdiction waters in the watershed; and</p> <p>(5) loss of potential movement corridors for special-status and common wildlife species leading to a cumulative potential for impacts to gene flow or genetic diversity among these species.</p> <p>Even small projects in Alameda County are usually required to mitigate such damage in excess of the actual impact. Aramis should be required to make the same mitigations. Section 7.0 states, "Mitigation measures will also avoid take of individuals if present on the site by allowing them to leave but not return ..." What is the applicants plan, ask nicely, send eviction notices? Allowing creatures to leave and not come back is not mitigation. It sounds more like "We asked them to leave, but they wouldn't go, so we had to kill them. It was their choice"</p>	
159	001	Carol Silva	<p>Although I am an environmentalist, I do not think that the incredibly large Aramis solar power plant should be approved for numerous reasons.</p> <p>Effects of Increased Temperatures</p> <p>Although I have already commented on this issue in the EIR Scoping comments, this issue will lead into my next main concern about this proposed mega-project. Studies have</p>	<p>Please see Impact AES-4 in Section 4.1 Aesthetics of the EIR for an updated discussion of potential impacts including the heat island effect raised by the commenter. In sum, any heat island effect related to solar panels would be primarily due to heat trapped beneath the panels and limited in its ability to radiate out at night, raising temperatures by up to 3 to 4 degrees C. This effect is generally most pronounced at night and negligible during the day. It is also extremely localized; in the Nature article that this comment is likely referring to (the commenter did not provide a citation for the study they referenced), all three study sites</p>

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			<p>demonstrated that temperatures around a solar power plant were 5.4-7.2 degrees Fahrenheit warmer than nearby wildlands. This increased temperature will likely cause some wildlife and native plants to die, further decrease moisture in the arid soil, easily dry up arroyos and creeks, cause dust storms, make drought conditions worse, and increase the likelihood of fires.</p> <p>Increased Likelihood of Fires</p> <p>Approximately 20 years ago a car on North Livermore Avenue caught fire and it caused a grassland fire that approached a Spring Valley development. From my backyard on Ponderosa Drive, my husband and I saw the flames rolling down the nearby hills towards our neighborhood. Firemen were up and down our street, going into our backyards, using our hoses to wet down vegetation at our back fences. Other firefighters were on the other side of the main arroyo struggling to drive their all-terrain fire trucks towards the fire. The driver was struggling to drive in the fields because the fields are riddled with small arroyos and the truck was having difficulties driving down and up in the arroyos. They could drive only very slowly. North Livermore has some very windy days. If a fire were to start in the dry grassland, the fire could easily move very quickly. Usually the wind blows from west to east, but not always. I have a concern that fire could begin from strong winds damaging electrical lines and from poor maintenance of the proposed fire suppression systems that would be installed in the batteries' enclosures.</p> <p>The scenic beauty of the North Livermore Valley will be ruined for decades, possibly forever, with 50-70 foot tall voltage electrical lines and an enormous sea of glass that will also significantly affect wildlife, including birds. Why didn't Aramis try to review more than a couple of alternative locations? Such a huge project should have reviewed many more locations than three.</p>	<p>(wildland, solar farm, and parking lot) were within the same one square kilometer area and the differences reported in that study were detected between them. Another study cited in the EIR found that at a distance of 300 meters (984 feet) from a solar array the temperature anomaly was less than 0.3 degrees C (0.5 degrees F). Vegetation further serves to mitigate any effect of heat becoming trapped under solar panels; the panels studied in the Nature article were in an unvegetated area; the panels in the proposed project would be intermixed with forage grasses. The effect, if any, would be extremely localized and would have no detectable effect on climate, wildfire risk, or the viability of agriculture in the vicinity.</p> <p>Please see Section 4.9 Hazards and Hazardous Materials for more information about battery storage and safety. Please see section 4.18 Wildfire for a discussion of wildfire safety and the proposed project. Section 4.14.2 Existing Conditions, Section 4.18.1.1 Regulatory Framework, and Section 4.18.3 Impact Analysis have been revised in the Final EIR to address concerns regarding wildfire. Descriptions of existing conditions were clarified, and training and pre-incident planning requirements were clarified and made more specific, as were plans for coordinating with CAL FIRE and ACFD.</p> <p>For a discussion of impacts to aesthetics, please see section 4.1 Aesthetics of the EIR. For a discussion of potential impacts on birds and other wildlife, see section 4.4 Biological Resources of the EIR. For discussion of alternatives considered including alternatives considered that were determined infeasible and not evaluated further in the EIR, please see section 5.0 Alternatives.</p>
159	002	Carol Silva	<p>Alameda County and Livermore Voters The City of Livermore and its voters have done its best to be concerned that there are adequate resources, such as water,</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. No further response is required.</p>

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			<p>schools, parks, and medical facilities for its residents. Livermore, for the most part, has encouraged smartly planned community development. That is why voters have voted for an Urban Growth Boundary and for Measure D. It upsets me that the voters' decisions are not honored when outside forces see that the Livermore area has a lot of land. With the availability of land, greedy Limited Liability Companies can scar the earth and kill wildlife and native plants, all to make huge profits. It also gives Alameda County politicians a way to improve the County's revenues, all at the expense of Livermore residents.</p> <p>Sheep grazing in this sea of glass is a joke. Also, using water to maintain landscaping of this proposed project is a detriment. I strongly oppose this project.</p>	
160	001	Larry Gosselin	<p>Please accept as my comments the pages 7-11 of 19 total pages of the Alameda County Planning Department MEMORANDUM to the Transportation and Planning Committee described as:</p> <p>MEMORANDUM TO: Board of Supervisors' Transportation/Planning Committee FROM: Chris Bazar, Director, Community Development Agency Albert Lopez, Planning Director DATE: October 19, 2020 SUBJECT: Draft Solar Policies for Alameda County and the East County Area Plan</p> <p>The pages have headings that include: -Agricultural Advisory Committee Response to Standard CUP Findings for Utility Scale Solar Energy Facilities in North Livermore and: Agricultural Advisory Committee Due Diligence Justification for Needs Study</p> <p>I'd also like to comment that the project is located in the North Livermore Intensive Agriculture Area as described by the initiative Measure D passed in the 2000 by the electorate of Alameda County. The initiative is the foundation of a</p>	<p>The memorandum referred to by the commenter is acknowledged. This EIR evaluates the proposed project in relation to currently established County policies and guidance. Development of a solar policy or other policies discussed in the referenced memorandum are matters of County procedure and process and are not part of the proposed project evaluated in this EIR. For more information about the proposed project's potential impacts on land use and zoning, please see Section 4.11 Land Use and Planning.</p> <p>The EIR found that the proposed project was mostly consistent with Measure D. The proposed project would be consistent with lands designated for LPA (large parcel agricultural) and WM (water management) in the ECAP. However, the proposed project would not be consistent with the long-term preservation of open space intent of the RM (resource management) ECAP land use designation. For more information about the proposed project's compliance with the General Plan and other planning requirements, including Measure D, please see sections 4.2 Agricultural and Forestry Resources and 4.11 Land Use and Planning.</p>

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			<p>Specific, or Area, Plan that called for defined steps to plan North Livermore as a multifunctional intensive agriculture area that includes cultivated agriculture, 20 acre subdivided parcels, agritourism, agricultural supporting commercial and service uses, a comprehensive trail system, and more. Subsequent Planning by stakeholders (TriValley Conservancy), a separate collaboration that included all TriValley jurisdictions, and a DEIR prepared by Alameda County were completed by 2005, but were not acted on. A project of this scale, should be considered within the context of the mentioned much greater planning effort that preceded it.</p> <p>Although planning by initiative is a difficult process, it is the direction that was provided by the electorate to the county. A fragmented approach to planning is inconsistent with recommendations of the Office of Planning and Research, and in this case, creates inconsistencies of the General Plan.</p>	
161	001	Pam Young, Golden Gate Audubon Society	<p>Please accept these comments from Golden Gate Audubon Society (GGAS) on the draft Environmental Impact Report (EIR) for Aramis Solar Energy Generation and Storage Project (Project). GGAS is a 103 year old Audubon chapter with over two thousand local members and many more national members who advocate for protection of native wild bird populations and their habitat. The application is for a Conditional Use Permit (CUP) for constructing a utility scale solar installation (up to 100 megawatts, or MW) with associated battery storage using photovoltaic panels over mainly contiguous 533-acres, of which 22 are in a Resource Management area, and 350 acres would be developed as part of the Project. The draft EIR evaluates specific environmental effects of the Project as proposed by IP Aramis, LLC, a subsidiary of Intersect Power, LLC (Aramis).</p>	<p>The commenter is providing a summary of their intent to comment on the proposed project. No issues with the Draft EIR are raised. Please see responses below.</p>
161	002	Pam Young, Golden Gate Audubon Society	<p>GGAS strongly supports regenerative and sustainable bird-safe and least conflict alternative energy, including solar energy. However, utility scale solar projects potentially cause serious direct, indirect, and cumulative impacts to native birds and permanently alter or destroy their habitats. The dEIR should carefully analyze and explain the potential for such impacts and effects on habitats and provide detailed descriptions for</p>	<p>Section 4.4, Biological Resources, addresses any potential impacts and mitigation measures regarding birds. All surveys and listed species described were conducted in compliance with USFWS and/or CDFW guidance and established protocols and procedures.</p> <p>As discussed in Section 4.4, Biological Resources, based on species ranges and habitat affinities, a total of 15 regionally occurring special-status species (Table 4.4-2) are either known to occur or have the potential to</p>

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			<p>adequately monitoring and mitigating for such possible impacts.</p> <p>The dEIR Biological Surveys Are Inadequate and Should Include More Detailed Observations for All Special Status Species</p> <p>Under the California Environmental Quality Act (CEQA), The Project proposes a massive and permanent conversion of over 500 acres of habitat presently potentially supports nesting and/or foraging habitat for at least ten special status bird species, is foraging habitat for Golden eagles (<i>Aquila chrysaetos</i>), and offers potential nesting cavities for avian species, such as American kestrel (<i>Falco sparverius</i>) and oak titmouse (<i>Baeolophus inornatus</i>). White-tailed kite (<i>Elanus leucurus</i>) nesting was documented to have occurred within 5 miles of the project site. The dEIR reports on page 29 of Appendix E that, “On June 17, 2020 a pair of loggerhead shrikes were observed passing through the site and feeding recently fledged young.” Also, on page 29 of Appendix E, “On June 17, 2020 two juvenile burrowing owls (<i>Athene cunicularia</i>) were observed at a burrow just east of the project site and appear to be recently fledged owls.” No long-term bird surveys were included in this report and fewer than six one-day burrowing owl surveys over a period of two years. Given the minimal biological surveys, these reports indicate that the importance of this site for nesting and foraging activities in this project site may well be underrepresented. Under CEQA §15125 (c), “Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.”</p> <p>For this project, the biological surveys should adequately investigate and discuss the use and occupancy of the special</p>	<p>occur in the project site. Special-status species observed on the project site were limited to avian species and included long-eared owl (<i>Asio otus</i>), golden eagle, white-tailed kite, Swainson’s hawk, northern harrier, Cooper’s hawk (<i>Accipiter cooperii</i>), ferruginous hawk (<i>Buteo regalis</i>), and loggerhead shrike; however, no nesting locations of special-status birds were observed on the project site. Red-tailed hawk was observed building a nest on February 26, 2020 in a valley oak tree west of Cayetano Creek outside of the project site and one barn owl was observed in an oak tree cavity and was also likely nesting along the creek adjacent to the site. No other special-status plant or wildlife species were observed on the project site. However, burrowing owl was observed approximately 200 feet east of the northern parcel.</p> <p>Section 4.4.4.1, Special-status Species with the Potential to Occur in the Project Site, provides detailed information about each species identified in Table 4.4-2, which includes many bird species, and evaluates their potential to occur on site. The field work and surveys completed to date adequately investigate the potential use of the site by bird species of concern. A discussion of potential bird and bat fatalities and habitat loss resulting from the proposed project has been included in Section 4.4, Biological Resources. The Draft EIR acknowledges the potential for avian impacts and includes mitigation measures to reduce avian impacts as a result of collisions with power lines and solar panels (MM BIO-7, Avian Effects During Operation of the Solar Facility) including requirements for undergrounding electrical wiring to the maximum extent feasible, a requirement that all transmission lines and electrical components shall be designed, installed, and maintained in accordance with Avian Power Line Interaction Committee’s guidance, Reducing Avian Collisions with Power Lines: State of the Art in 2012, development of an Avian Monitoring Plan to be prepared and implemented by qualified biologists to monitor and assess the potential for avian collisions with solar panels and on-site fencing throughout project operation, and a requirement that solar panels shall include, if feasible, a light-colored, UV-reflective, or otherwise non polarizing outline, frame, grid, or border, which has been shown to substantially reduce panel attractiveness to aquatic insects (Horvath 2010) and may reduce avian mortality by avoiding collisions with panel faces (NFL 2014). The Avian Monitoring Plan will be prepared by qualified biologists and enforced by the County as a condition of approval. It will take into account the most recent scientifically available survey methods as applicable given the scale and size of the Aramis Solar</p>

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			<p>status bird species at and near the project site as a basis for understanding and fully considering significant effects on the native bird populations. This means that longer studies of use and occupancy of the ten special status bird species should be included in this dEIR.</p>	<p>project, including methodology from studies done for wind energy projects in the Altamont Pass area, if applicable. Additionally, in response to comment #150-005 regarding the avian monitoring time frame and use of search dogs, MM BIO-7 has been revised to conduct avian monitoring surveys one week each month for 36 consecutive months to provide year-round monitoring and incorporate the use of trained search dogs to detect avian fatalities. The mitigation identified, and as revised to incorporate input from comments received on the Draft EIR, would adequately mitigate any potentially significant impacts to a less-than-significant level.</p>
161	003	Pam Young, Golden Gate Audubon Society	<p>The dEIR Should Adequately Describe Measures for Avoiding and Minimizing High Avian and Bat Mortality at Utility Scale Solar Installations</p> <p>Multiple studies have described direct impacts to birds and bats from utility scale solar projects. 1 such as high mortality due poorly understood phenomena, such as “lake effect.” 2 Measures for avoiding and minimizing on high fatalities to birds and bats from utility scale solar installation should be thoroughly analyzed and considered for this project. These studies [sic]</p> <p>After just one year at Ivanpah, bird mortality was projected to be almost 30,000 fatalities. (Smallwood, 2020). After ten years at just this one installation, that means a total of 300,000 dead birds. Given that the National Audubon Society states that we have lost 42% of our grassland bird species and permanently lost 1/3 of all native wild birds that occupied North America from habitat loss and development and climate change, this kind of deadly impact to our native birds is in fact, unsustainable.³⁴</p> <p>Given how high bird and bat fatalities appear to be from utility scale solar installations, this raises a question about whether this kind of utility-scale solar energy as designed is sustainable.</p>	<p>The lake effect is discussed on pages 4.4-43 to 4.4-44 of the Draft EIR. The assessment from this comment that, “after just one year at Ivanpah, bird mortality was projected to be almost 30,000 fatalities,” could not be directly addressed, since the document cited to support it could not be found online after a reasonable effort. In a study that addresses the same question, Walston et al., 2016¹ acknowledges (page 408): “all currently-available information on avian mortality at U.S. utility-scale solar energy facilities are associated with only those projects occurring in [Southern California].” The study identified three facilities from which to analyze data, as they admitted that very few facilities had suitable and complete data. One of those facilities was a Concentrating Solar Power (CSP) tower project that was decommissioned in 1987, and data were from a one year period in 1982-1983. A second facility is also a currently operating CSP power tower project (the Ivanpah that the commenter refers to). Only one facility was a PV project similar in design to the proposed project. The Ivanpah facility cited by this comment refers to a CSP power tower project which, undoubtedly, would pose a greater risk for bird strikes than a PV project, the latter of which is situated near ground level and does not include a thermal component. Also, the 30,000 number cited in this comment is not supported by Walston et al., 2016. Assuming a worst-case scenario using numbers reported on Table 1 of that study, the Ivanpah project would have resulted in approximately 3,506 bird fatalities per year, assuming that all dead birds found on the project site had been killed as a result of the project (which would not be the case in actuality). Walston et al. estimated that, for all utility scale solar capacity in Southern California in a given year, between 16,200 and 59,400 avian fatalities result, and these numbers were based on large amounts of</p>

¹ <https://www.sciencedirect.com/science/article/pii/S0960148116301422>

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				<p>extrapolation and uncertainty given the few facilities with usable data. For context, 6 GW of utility scale solar facilities were considered across Southern California by Walston et al when arriving at these figures. The 30,000 bird fatality figure provided in this comment is not supported by substantial evidence, refers to an entirely different type of solar installation with an inherently higher risk to bird strikes, and overestimates and mischaracterizes the potential impact to birds from the proposed project.</p> <p>The nationwide loss of grassland bird species and total native bird species is not specifically applicable to this EIR. Any species listed on either the Federal or State Endangered Species Acts, along with species of concern or those offered other legal protections, have been considered and addressed in EIR Section 4.4, Biological Resources.</p>
161	004	Pam Young, Golden Gate Audubon Society	<p>Utility Scale Solar Installations Have Unmitigatable Cumulative Impacts From Extreme Habitat loss</p> <p>While the project proponents assert that raptors prefer foraging at solar installations, this assertion did not cite peer-reviewed scientific studies. Multiple studies report that the greatest cumulative impact to native bird populations is habitat loss. This solar installation will essentially permanently alter over 500 acres of critical habitat that includes ephemeral wetlands, vernal pools, and critical stream and creek bank biodiversity along Cayetano Creek. Over 90% of the valley's wetlands are permanently removed or damaged.⁵ Not only is the project site critical to the ten avian species of special concern, it threatens to permanently harm precious wetlands in a valley that cannot sustain more loss of wetlands.</p>	<p>The EIR does not assert that raptors prefer foraging at solar installations. It reports the results of a study that indicated, in part, that during the course of that study, Swainson's hawks may have preferred foraging at the solar arrays being monitored, given their disproportionately high use of those sites for foraging. Estep 2013 outlines a case for Swainson's hawk use of solar facilities based on numerous field investigations. Although the 2013 study was not peer reviewed, Estep is a raptor expert and his work with the Swainson's hawk in particular is well-known and respected in the field. Any potential impacts to native birds through construction or habitat modification were addressed in Section 4.4 Biological Resources. Neither the proposed project nor any of the alternatives would permanently alter over 500 acres of habitat, and the project infrastructure would be set back from Cayetano Creek leaving it open for continued occupation by various species. Furthermore, the site is proposed to be revegetated following construction of the solar arrays. Additionally, Section 3.0, Project Description, provides a discussion of possible site decommissioning at the end of its projected 50 year life. The project has been sited to avoid impacts to federal or State jurisdictional wetlands, and there are no vernal pools on the project site, which is discussed in detail in Section 4.4, Biological Resources.</p>
161	005	Pam Young, Golden Gate Audubon Society	<p>The dEIR Fails to Adequately Mitigate for Impacts</p> <p>While this project recommends a 50 foot buffer to mitigate for impacts, science recommends at least a 50 meter buffer. ⁶ Here, the ephemeral wetlands, vernal pools, and creek bank</p>	<p>Section 4.4, Biological Resources, addresses the sensitive natural communities on-site and identifies that there is one 0.08-acre ephemeral drainage in the northwest corner of the northern section of the project site that is a potential waters of the State and could be considered a sensitive natural community. The proposed project as designed could result in fill of this feature. Impacts to the ephemeral drainage are</p>

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			all require strong mitigation that should prioritize for avoiding impacts.	<p>discussed in Section 4.4.6.2, and mitigation is proposed to reduce impacts to the feature to less than significant. There are no other sensitive natural communities on the project site. The site consists almost entirely of annual grassland and other agricultural land that supports a mixture of non-native and native species and lacks native or naturalized vegetation communities. Cayetano Creek and its tributaries adjacent to the site are sensitive natural communities. However, the project has been designed to avoid impacts to these features as discussed below.</p> <p>The proposed buffers were established based on the findings of a site-specific hydrological engineering study, provided as Appendix G of the Draft EIR, finding that the 100-year flood inundation area is only within a 100-foot corridor of Cayetano Creek. The project will preserve the 100-foot corridor to ensure water quality and floodplain maintenance. Additionally, with the proposed buffers, the current site layout avoids all areas of high flow and FEMA floodplains. Therefore, the 50-foot buffer proposed is adequate and would avoid impacts to Cayetano Creek and its tributaries as designed. Additionally, the document cited is an opinion from two conservation biologists from 2001 discussing general principles. It does not provide specifics regarding the ecosystems nor listed or sensitive species in question for the proposed project. This comment does not cite any regulatory or legal requirements for buffers.</p>
161	006	Pam Young, Golden Gate Audubon Society	<p>The dEIR Fails to Consider That A Significant Portion of Cayetano Creek is a Proposed Mitigation Bank</p> <p>A significant portion of Cayetano Creek was proposed as a mitigation bank for the Red-legged frog and Tiger salamander.⁷ The research reported that, "There are multiple scour pools and seep features within both Cayetano and Collier Canyon creek channels which include patches of willow riparian habitat, instream wetland habitat, and abutting seasonal wetlands. The creeks and seasonal wetlands provide habitat for numerous special status animal and plant species [such as red-legged frogs and CA tiger salamander]." The dEIR should consider that the project site is high value habitat suitable as mitigation for rare fauna. The dEIR should adequately consider whether the project would negatively impact this proposed mitigation bank.</p>	The portion of Cayetano Creek proposed as a mitigation bank referenced in this comment is located approximately 1 mile west of the western boundary of the project site. Therefore, there is no proposed mitigation bank located on, or immediately adjacent to, the proposed project site. Any impacts to Cayetano Creek would be avoided and/or mitigated through the use of development buffers, biological monitoring, SWPPPs, and other best management practices. See response to comment #161-005 above.
161	007	Pam Young, Golden Gate	The dEIR Fails to Provide Suitable Alternatives	Section 15126.6(a) of the State CEQA Guidelines state that:

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		Audubon Society	This site is critical forage, nesting, and ephemeral wetland habitat. Yet, the dEIR fails to adequately consider alternatives. CEQA requires that alternatives be carefully considered. "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would...avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR ...must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation" (CEQA 2019, p 196 §15126.6 (a)) The dEIR should include a reasonable range of potentially feasible alternatives, especially an alternative site or alternative approach to this solar energy.	<p>"An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."</p> <p>The Draft EIR considered alternative locations (Alternative Location: Formerly Proposed Solar Development Sites and Other Large-Scale Sites) and distributed solar (Alternative Location: East Bay Community Energy Solar Sites) alternatives but rejected these alternatives as infeasible. The Draft EIR considered two project action alternatives that eliminate one of the two significant and unavoidable impacts identified and lessen impacts to other resource sections, including biological resources. The Draft EIR considered a range of reasonable alternatives as required by CEQA Section 15126.6. See Section 5.0, Project Alternatives, for detailed information on the alternatives considered but rejected as infeasible and project action alternatives considered and analyzed. See response to comment #141-023.</p>
161	008	Pam Young, Golden Gate Audubon Society	<p>The dEIR May Conflict With the California Essential Habitat Connectivity Project</p> <p>The dEIR states that "...the Project has been proposed to encroach over an estimated 23 acres at the northernmost portions of the northern two parcels designated as RM [resource management],"and "The area contains important plant and animal habitat, partly in association with Cayetano Creek, an intermittent waterway." Given these known impacts, the project</p>	<p>The California Essential Habitat Connectivity Project² was an effort by State agencies to identify conservation goals and opportunities to maintain habitat connectivity. The program's website (which is cited in this comment letter) states the following regarding the program:</p> <p>"What it is: A planning tool for conservation and transportation. What it is not: A regulation that dictates land use for any public or private entity."</p> <p>This is not a regulatory or prescriptive program and is not relevant to the project. Nonetheless, the applicant has notified the County that it no</p>

² <https://wildlife.ca.gov/conservation/planning/connectivity/CEHC>

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			<p>alternatives should include assurances to consider and incorporate habitat connectivity consistent with the California Essential Habitat Connectivity Project⁸</p>	<p>longer intends to place project facilities within the RM designation and will therefore avoid the area of concern to the commenter.</p>
161	009	<p>Pam Young, Golden Gate Audubon Society</p>	<p>GGAS Favors A Least-Conflict Areawide Solar Policy That Should Be Thoroughly Analyzed and Approved Prior to Approving This Project</p> <p>Unlike neighboring counties, Alameda has no area-wide policy for solar energy installations. Alameda County should establish a policy for solar installation in Alameda County and especially in sensitive habitats such as north Livermore Valley. For example, the San Joaquin [sic] Valley produced in May 2016, their Least Conflict Solar PV policy. ⁹ The North Livermore Valley community deserves a full analysis and area-wide policy for least-conflict free solar in their region.</p> <p>This Project Is Inconsistent With the Governor’s New Plan to Conserve Biodiversity</p> <p>On Oct 7, 2020, Governor Newsom announced an ambitious statewide plan to conserve biodiversity by committing 30 percent of land to conservation.¹⁰ This project, if approved, will permanently alter over 500 acres of high value habitat for at least 10 special status birds species and will destroy ecosystem services that Cayetano Creek and adjacent wetlands and habitat provide. It is, therefore, inconsistent with the Governor’s goal to preserve biodiversity and protect ecosystem services.</p> <p>While GGAS strongly favors regenerative and sustainable energy including solar energy, GGAS urges that major projects be undertaken to avoid and minimize harmful impacts to wildlife and habitat. Least conflict bird-safe solar energy is a preferred alternative.</p> <p>Thank you for considering our comments.</p>	<p>Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. Whether or not Alameda County has a county-wide utility solar policy is not within the scope of this EIR. The applicant is proceeding in accordance with existing County requirements.</p> <p>The Governor’s executive order referenced in this comment states that it is the goal of the State that 30 percent of California’s lands and coastal waters be conserved by 2030. It directs agencies of the State executive branch to develop strategies to reach that goal. Language from the executive order and it’s goals are provided below:</p> <p>“To support the global effort to combat the biodiversity and climate crises, it is the goal of the State to conserve at least 30 percent of California’s land and coastal waters by 2030. The California Natural Resources Agency and other relevant state agencies, in consultation with the Collaborative, are directed to develop and report strategies to the Governor no later than February 1, 2022 to achieve this goal in a manner that:</p> <ul style="list-style-type: none"> a. Safeguards our State’s economic sustainability and food security. b. Protects and restores biodiversity. c. Enables enduring conservation measures on a broad range of landscapes, including natural areas and working lands, in partnership with land managers and natural resource user groups. d. Builds climate resilience, reduces risk from extreme climate events and contributes to the State’s effort to combat climate change. e. Expands equitable outdoor access and recreation for all Californians. <p>The executive order does not direct private development, nor does it lay out concrete policies for the enforcement of this goal. However, the proposed project would revegetate the site following project construction to restore temporarily impacted habitat and by nature, is a renewable energy project that would directly contribute to the goal to build climate resilience and reduce risk from extreme climate events and contribute to the State’s effort to combat climate change. The project would also dedicate a land easement to Alameda County (or the</p>

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				<p>Livermore Area Recreation and Park District, which manages open space and trail development in conjunction with the East Bay Regional Parks District) for a potential future hiking trail which is consistent with the order's goal to expand equitable outdoor access and recreation for all Californians.</p> <p>This project would not permanently alter over 500 acres of habitat, and the site will be revegetated following construction of the solar arrays. Additionally, Section 3.0, Project Description, provides a discussion of possible site decommissioning at the end of its projected 50 year life.</p>
162	001	Helen O'Shea, Natural Resources Defense Council	<p>The Natural Resources Defense Council (NRDC) is a non-profit environmental organization with 1.3 million members and online activists, more than 250,000 of whom live in California. NRDC uses law, science and the support of its members and activists to protect the planet's wildlife and wild places and to ensure a safe and healthy environment for all living things. NRDC has worked to promote the environmentally responsible siting of large scale renewable energy for more than a decade on public and private lands.</p> <p>NRDC respectfully submits the below comments on the Draft EIR for the Aramis Solar Energy Generation and Storage Project (Alameda County Planning Application PLN2018-00117). The proposed project is located in the unincorporated North Livermore area of Alameda County, approximately 2.25 miles north of the Livermore city limits and I-580. The proposed project would generate 100 megawatts (MW) of solar photovoltaic (PV) renewable energy on approximately 410 acres of privately-owned land.</p> <p>The Aramis project follows a number of smart-from-the-start principles that NRDC actively encourages and supports:</p> <ul style="list-style-type: none"> ▪ sited on previously disturbed agricultural land with low agricultural productivity that does not provide significant habitat for sensitive species; ▪ is set back from mature oak riparian vegetation and ephemeral creek habitat within Cayetano Creek; 	<p>The commenter has expressed their support for the Resource Management Avoidance Alternative described in the EIR. The project applicant is actively considering implementation of the Resource Management Avoidance Alternative.</p> <p>It is unclear which Audubon Society comments this commenter is referring to, as the lead agency has received comments from three chapters of the Audubon Society during the comment period for this draft EIR. For responses to comments from the Golden Gate Audubon Society, please see responses to comment letter 161. For responses to comments from the Mt. Diablo Audubon Society, please see responses to comment letter 166. For responses to comments from the Ohlone Audubon Society, please see responses to comment letter 171.</p>

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			<ul style="list-style-type: none"> ▪ incorporates pollinator enhancing vegetation underneath the arrays and along roadways to support threatened native pollinator populations; ▪ incorporates management practices to encourage raptor foraging within the arrays; ▪ sited close to load and directly adjacent to a high-voltage substation and does not require building new transmission infrastructure; and ▪ incorporates energy storage <p>Specifically, NRDC supports the Resource Management Avoidance Alternative in the Draft EIR, which we believe optimizes solar generation and storage capacity while minimizing impacts to natural resources. In addition to the mitigation measures included in the draft EIR, the applicant should incorporate additional bird monitoring to understand more fully how avian species will interact with the project site (please see comments of the Audubon Society for detailed recommendations). Thank you for considering our comments.</p>	
163	001	Tamara Reus, Friends of Open Space and Vineyards	<p>Friends of Open Space and Vineyards (FOV), a conservation organization based in Livermore, submits the following comments on the Draft Environmental Impact Report (DEIR) prepared for the Aramis Solar Energy Project (Aramis). FOV was founded in 1981 in an effort to stop uncontrolled residential development from taking over the land in the South Livermore Valley and displacing our local vineyards, wineries, and open space resources. We actively participated in the development of the South Livermore Area Plan, an innovative land use plan adopted by Alameda County in 1993, and also participated on the Citizen's Advisory Committee which assisted in the development of the South Livermore Specific Plan which was adopted by the Livermore City Council in 1997. In subsequent years, our mission has been expanded to include protection and preservation of North Livermore agriculture and open space lands.</p> <p>We have reviewed the draft environmental impact report for Aramis and have identified deficiencies in the analysis and conclusions. We submit the following comments for response.</p>	The commenter describes their intent to comment on the Draft EIR. This comment does not raise any issue with the analysis presented in the EIR.

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163	002	Tamara Reus, Friends of Open Space and Vineyards	<p>Project Description</p> <p>3.4.2 Solar Photovoltaic System</p> <p>The DEIR indicates that the maximum height of the solar panels in their stow position would be 8 feet. To better understand the practical ramifications of operating the panels in conjunction with sheep grazing, the EIR should be revised to specify the full range of height of the panels, the size of the panels, as well as the length of time per day the area beneath the panels will be partially to completely shaded, and the length of time per day the panels will be maintained in a stow position.</p> <p>3.6.3 Water Supply During Operation</p> <p>The DEIR indicates that water supply for project operations may be taken from on-site groundwater wells in the Livermore Groundwater Basin. The conservative estimate is that 12.85 acre feet of water will be needed annually. This is equivalent to 4.1 million gallons per year. FOV asks that the basis for the calculation of water needs during operations be specified to better assess the quality of the estimates.</p> <p>Groundwater is a limited resource. It should not be available for what is primarily a commercial use, especially one with an anticipated 50-year lifespan. Groundwater should be available for users whose primary business is agriculture. This would be consistent with the ECAP which envisions North Livermore as an agricultural zone. The DEIR should be revised to exclude groundwater as a source of water for project operations.</p> <p>In addition, the DEIR should be revised to specify the other sources of water supply. Currently, it references that water might be trucked in from an outside water purveyor. A specific source or sources of water should be identified in the EIR so that the public can understand where off-site water for project use will be obtained as well as the number of truckloads that would be required on a regular basis for delivery if all water was obtained from off-site sources.</p>	<p>Section 3.4.2, Solar Photovoltaic System, has been revised to include more information on the PV modules and a summary of the revisions is provided below:</p> <p>The individual PV modules would be arranged in rows above ground onto a single-axis tracker racking system, which would in turn be affixed to steel piles. Edge to edge distance between panels at horizontal (noon) position is 6.4 feet, and at their most vertical position (early morning, late afternoon, all night long) is 9.2 feet. Each row (or array) would track the sun during the day, tilting gradually from east to west, to optimize power generation of the facility. The ground within the arrays would be largely shaded during early morning and late afternoon hours when the sun makes longer shadows. In the middle of the day during summer months when the sun is high, roughly 50% of the ground surface within the arrays would be shaded. Sheep are routinely combined with large-scale solar PV power generation in California’s Central Valley, and the configuration of the PV modules associated the proposed project provides for significant space for sheep grazing activities.</p> <p>Table 1 in Appendix G, Water Supply Assessment, provides a breakdown of the water demand by construction, operation, and decommissioning of the proposed project. In summary, the project applicant determined the project operational water demand would be up to 5 AFY of water, which is consistent with water demands associated with similar solar power developments in similar environments. For the purposes of the Water Supply Assessment (WSA), additional assumptions were developed to provide a conservative analysis respective to the long-term water supply availability and reliability for the project. Based upon these additional assumptions, which are detailed in the notes of Table 1 of Appendix G, the WSA conservatively assesses an operational water demand of up to 12.85 AFY. Conservatively, the WSA assumed project operation would demand 5 AFY for panel washing, 5 AFY for panel washing concentrate, 0.04 AFY for fire suppression, 2.75 AFY for water for livestock grazing, and 0.06 AFY for the O&M building.</p> <p>The WSA concludes that sufficient water supply is available to meet the project’s maximum potential water demands over a 20-year projection, and that water supply is reliable under normal year, single-dry-year, and multiple-dry-year conditions. This conclusion is based upon conservative water demand factors assumed for the proposed project, and allows for</p>

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				<p>the project’s use of local groundwater pumped from the underlying Livermore Valley Groundwater Basin, which is managed by Zone 7 in accordance with Sustainable Groundwater Management Act (SGMA), and/or the project’s use of imported surface water purchased from Zone 7 or from one of the four local water purveyors that receive their imported surface water supply through Zone 7 (California Water Service Company – Livermore District, Dublin San Ramon Services District, City of Livermore, and City of Pleasanton). Although regional water shortages may occur during the project’s lifetime, such conditions may occur regardless of the proposed project and are accounted for in Urban Water Management Plan (UWMP) water supply availability projections. Therefore, it is anticipated that sufficient water would be available to serve the project and reasonably foreseeable future development, and impacts would be less than significant.</p> <p>Section 4.17, Utilities and Service Systems, of the Draft EIR and Appendix G, Water Supply Assessment, identifies that water supplies considered in the WSA for project construction, operation, and decommissioning include groundwater pumped from the Livermore Valley Groundwater Basin via an on- or off-site groundwater well, surface water imported to the project area and distributed via the Zone 7 Water Agency, and local groundwater banking operations that receive surplus water supplies during wet years and provide supply reliability during dry years.</p>
163	003	Tamara Reus, Friends of Open Space and Vineyards	<p>4.0 Environmental Impact Analysis</p> <p>Cumulative Impacts Analysis</p> <p>The DEIR describes its cumulative impacts methodology as “a combination of the list and plan/projections approaches, using the land use designations of the ECAP in combination with known other relevant projects in the area.” (p. 4-3.) The referenced projects are the Oasis Fund Cannabis Grow Facility, a 1 acre project, and the Livermore Community Solar Farm, a 59 acre project. Both projects are currently pending approval.</p> <p>FOV concurs with the finding of significant cumulative impacts associated with areas designated as Resource Management (RM). (p. 4.11-12.) However, we disagree that the cumulative impacts of these projects on land use planning does not have</p>	<p>The County has not identified any other nearby application pending or recently approved projects that warrant consideration in the EIR beyond the Oasis Fund and Livermore Community Solar Farm projects that were considered in the Draft EIR.</p> <p>Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The project applicant is proceeding in accordance with all County requirements as they currently exist. It is also not the responsibility of this EIR to identify other feasible solar sites throughout the County, nor to predict impacts from other projects if the proposed action would not contribute to cumulative impacts in conjunction with those projects. Cumulative impact discussion of future projects is also limited to probable future projects within a certain geographic scope. As stated in Section 4.0, Impact Analysis, of the Draft EIR, “The cumulative impact discussions in subSections 4.1 through 4.18 explain the geographic scope of the area affected by each cumulative impact (e.g., immediate project</p>

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			<p>a significant impact on LPA parcels as well. As stated above, the proposed project would bring hundreds of acres of solar panels onto LPA parcels. Adding the 59 acres of the Livermore Community Solar Energy Farm to the area, located just across the street from the proposed project, creates a massive solar energy “district” in North Livermore which clearly is a fundamental change to North Livermore land uses as contemplated in the ECAP as amended by Measure D, and drastically changes the agricultural character of the area. This represents a significant cumulative impact.</p> <p>The DEIR acknowledges the significant cumulative impacts at an aesthetic level from the identified projects. This goes hand in hand with the overall change in the character of the land use in the area which will be cumulatively experienced if all these projects are built.</p> <p>On top of these considerations, the cumulative impacts analyses are incomplete for other reasons. The applicant has identified only two projects within the vicinity of the project site for purposes of its cumulative impacts analyses. Alameda County is in the process of developing a solar policy. This policy is expected to identify appropriate sites for solar facilities and may put other limits on the production of solar energy in Eastern Alameda County. In the absence of a policy, it is difficult to effectively analyze the cumulative impacts of the proposed project. Nevertheless, it is reasonable to expect the applicant to exercise its due diligence in identifying other feasible sites for solar facilities in the area and evaluate those sites in evaluating cumulative impacts. At minimum, it should be possible to analyze such projects in terms of cumulative impacts on aesthetics, wildlife stewardship, and land use. For example, the DEIR repeatedly states that the proposed project site is not a high quality forage site for animals and that there is higher quality foraging on surrounding sites. If North Livermore continues to be developed with solar facilities, what will the cumulative impact be on the availability of high quality foraging areas? The prospect of additional solar facilities coming into the area is not speculative. The October 19, 2020 staff report prepared for the Board of Supervisors</p>	<p>site area, North Livermore area, air or groundwater basin). The geographic area considered for each cumulative impact depends upon the impact that is being analyzed.”</p> <p>The proposed project is not a high intensity development project that would result in off-site impacts to foraging habitat on surrounding sites. The project impacts would be constrained to the project site and would not affect the quality of habitat off-site, directly or indirectly.</p>

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			<p>Transportation and Planning Committee noted that the planning department has three active solar project applications (presumably this includes the proposed project and the Livermore Community Solar Farm) with inquiries for more having been made. (http://www.acgov.org/board/bos_calendar/documents/Docs/AgendaReg_10_19_20/GENERAL%20ADMINISTRATION/Regular%20Calendar/Draft_solar_policies_AC_ECAP_10_19_20.pdf, p. 2.)</p> <p>A reasonable follow-up with the Planning Department could provide additional information about possible projects, including the additional active application mentioned in the staff report, and others that may be sited in North Livermore which would greatly enhance the cumulative impacts analysis presented in the DEIR. Approval of the current project will set a precedent which will justify more such projects in the future. The public deserves to know what the realistic potential for solar development is in North Livermore and how this could affect the environment at build-out in order to fully understand what the approval of the proposed project means for North Livermore.</p> <p>The cumulative impacts analysis in the Final EIR should be revised accordingly.</p>	
163	004	Tamara Reus, Friends of Open Space and Vineyards	<p>4.1 Aesthetics</p> <p>The DEIR acknowledges that the proposed project would have a significant and unavoidable impact on a scenic vista. (See AES-1, 3 & 5.) FOV concurs with this finding. The landscape maintenance buffer planned for mitigation of view shed loss is insufficient to protect against significant detrimental effects on views from the key observation points. Landscape buffering limits the open vistas that are a key component of the viewshed in the area. The DEIR acknowledges that the project would impede the views of the Doolan Canyon Ridgelines from North Livermore Ave. and Manning Rd.</p> <p>The Scenic Route Element of the Alameda County General Plan indicates that natural and scenic qualities in areas</p>	<p>The Key Observation Points (KOPs) selected provide representative views of the project site from publicly accessible vantage points both near and far. The KOPs selected and analyzed are adequate, and the Draft EIR concluded that the proposed project would result in significant and unavoidable impacts to scenic vistas and the visual character or quality of public views. The solar panels and other solar facility components are not visible in the visual simulations included in the Draft EIR because when mature, the proposed landscape buffer would screen views of the solar facility. However, additional simulations from the North Manning Road and North Livermore Avenue/May School Road viewpoints have been incorporated into the Final EIR to show what the solar facility would look like without the proposed landscape buffer for information. The inclusion of these simulations does not change the conclusion that the proposed project would result in significant and unavoidable impacts to the scenic vistas and visual quality or character of the area.</p>

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			<p>beyond the scenic corridor (which includes North Livermore Ave. and Manning Rd.) should be preserved and enhanced. The DEIR finds that the project is consistent with this principle, noting that ridgeline views would not be blocked. Nevertheless, it is clear that ridgeline views will be impeded by the project. This outcome neither preserves or enhances scenic qualities in the area surrounding the project. The finding must be revised to reflect this inconsistency.</p> <p>The DEIR claims consistency with ECAP Policy 108 involving siting of development to limit visibility, including clustering if necessary. FOV disagrees with this finding. The rationale for this finding is based on proximity to the PG&E Cayetano substation and Sunwalker Solar Energy Project. This analysis begs the question as to what makes for consistency. A practice of siting multiple commercial projects in close proximity to each other does not mean the policy is being correctly applied and is certainly not consistent with the character of the area as a whole. Moreover, the Sunwalker Project has not been approved as of the time of this writing, and the County does not currently have a solar energy policy in effect that would permit siting of solar facilities in agriculture lands in close proximity. This finding must be revised to reflect that the project is not in compliance with Policy 108.</p> <p>The DEIR claims consistency with ECAP Policy 215 requiring the County to manage development and conservation within East County scenic highway corridors to maintain and enhance scenic values because the County has to approve the project. This is circular reasoning. By this logic, the County should not approve the project because, by the clear findings in the EIR, the aesthetic impacts are significant and unavoidable. Therefore, the project does not maintain and enhance scenic values, and the DEIR must be revised to reflect that the project is inconsistent with Policy 215.</p>	<p>The proposed project would include a landscape buffer to provide visual interest, frame scenic views, and screen less than desirable views in compliance with the Countywide Scenic Route Element. The landscape buffer is proposed along the public street frontages that border the project site, specifically on the west side of North Livermore Avenue and north and south sides of North Manning Road. The planting area would be established between the County road rights-of-way and project fence line and would include a mixture of evergreen and deciduous shrubs and trees of varying heights. The proposed landscaping would include planting of between 2 to 3 rows of shrubs offset to screen views of the site with trees interspersed primarily along Manning Road. All plants included in the landscaping plan would be drought tolerant and climate appropriate. See pages 3-15 through 3-18 for full discussion and updated information, along with a table of proposed species and their heights at planting, after five years, and at maturity. Small and medium shrubs would be mature at five years post planting, tall shrubs would generally be at least nine feet tall after five years, and trees would generally be between seven and 16 feet tall five years post planting. Landscaping would consist of native and climate-appropriate exotic plants and would be of consistent visual character with the existing vegetation in the Livermore area.</p> <p>The Draft EIR states that “implementation of MM AES-1 would ensure long-term maintenance of the proposed landscape buffer and reduce the severity of the significant aesthetic impact” (i.e. prior to installation of landscape buffer). “However, even with implementation of MM AES-1, the proposed project’s impact to the scenic vistas in the project area would be significant and unavoidable” (i.e. post installation of landscape buffer). Per the conclusion drawn in the Draft EIR, the aesthetic impacts to scenic vistas and the visual quality and character of the area would be significant and unavoidable with and without a landscape buffer. However, implementation of the landscape buffer would reduce the severity of the significant and unavoidable impact.</p> <p>Policies in a General Plan reflect a range of competing interests, and the County must be allowed to weigh and balance the General Plan’s policies when applying them. The County finds that the consistency analysis provided in Table 4.1-4 in the Draft EIR is adequate and that the</p>

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				proposed project incorporates design features that would be consistent with the ECAP policies identified and discussed.
163	005	Tamara Reus, Friends of Open Space and Vineyards	<p>4.2 Agriculture</p> <p>The DEIR concludes that the project will not conflict with existing zoning for agricultural use or a Williamson Act contract (AG-2). This finding is based on an incorrect interpretation of the laws and regulations in place.</p> <p>Under Alameda County’s Uniform Rules and Procedures for local implementation of the Williamson Act, the use of solar panels is strictly limited on contracted agricultural land. Pursuant to Uniform Rule 2(l)(B)(c)(3), solar panels are cumulatively restricted to no more than 10% or 10 acres of the contracted land, whichever is less. The DEIR does not count the area covered by solar panels in its calculation of non-agricultural uses of the 101 acres under Williamson Act contract. Rule 2(E)(3)(b) states that the “area covered by the solar panels is calculated as part of the cumulative total allowed for compatible nonagricultural uses.” The DEIR indicates that 38 acres of the 101 acre parcel currently under Williamson Act Contract would be developed as part of the proposed project. (Section 2.2.) The DEIR should be revised to show the calculation of the nonagricultural portion based on the total coverage area including solar panels.</p> <p>The DEIR also misapplies the ECAP policies and the intent behind them as they were codified by Alameda County Measure D which was approved by voters and became effective in December 2000. As noted in the DEIR, the title of Measure D was the “Save Agriculture and Open Space Lands Initiative”. This title clearly reflects the intent of the law. As stated in the preface to Measure D, which has been incorporated into the ECAP: “The purposes of this Initiative are to preserve and enhance agriculture and agricultural lands, and to protect the natural qualities, the wildlife habitats, the watersheds and the beautiful open space of Alameda County from excessive, badly located and harmful development.” Measure D created a county urban growth boundary and created land use designations of Large Parcel</p>	<p>Since the publication of the Draft EIR, the County has learned that the Draft EIR incorrectly assumed that the Stanley parcel is subject to a Williamson Act contract. In fact, the owners filed a Notice of Non-Renewal in 1991, meaning that the contract expired under its terms in 2001. As such, no portion of the project is on Williamson Act contracted land and the approval of the Project will not directly or indirectly conflict with a Williamson Act contract. Refer also to responses to comments #141-002 through 141-005.</p> <p>With respect to the LPA designation, the Draft EIR finds that solar development is comparable to other uses specifically allowed, including windfarms, utility corridors, and similar uses compatible with agriculture. The Project, inclusive of primarily solar arrays, vegetation, compacted dirt and graveled access roads, and activities including equipment maintenance, sheep grazing, and honeybee foraging, would be consistent with the LPA land use designation. Further, there is precedent within the County for approving utility-scale solar projects within the LPA designation, including the GreenVolts and Altamont Solar Energy projects. As described in the Agricultural and Forestry Resources section of the Draft EIR, in 2008, the County Planning Commission made findings pursuant to Sections 17.54.050 and 17.54.060 (Determination of Use) of the Alameda County Municipal Code regarding district classifications of uses not listed within the ordinance. The Planning Commission found that a solar electric facility would not be contrary to the specific intent clauses or performance standards established for the Agricultural District and could be permitted under a conditional use permit. The County reiterated these findings to confirm the conditional permissibility of similar solar uses under the Agriculture zone district for the GreenVolts project, approved in 2008, and the Altamont Solar Energy Project, approved in 2011 (ECBZA 2008 and 2011).</p> <p>As discussed in a September 13, 2012 memorandum regarding draft solar policies for the ECAP, County Counsel determined that “solar facilities are consistent with ECAP policies. Solar facilities constitute quasi-public uses consistent with ‘windfarms and related facilities, utility corridors and similar uses compatible with agriculture,’ which are allowed on parcels designated Large Parcel Agriculture.” Operation of the Project would promote continued agricultural use of the project site through sheep</p>

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			<p>Agriculture (LPA), Resource Management (RM) and Water Management (WM) with specifications of uses and restrictions applicable in each category.</p> <p>The ECAP, as amended by Measure D, is detailed about the types of uses permitted on lands designated as Large Parcel Agriculture:</p> <p>Subject to the provisions of the Initiative, this designation permits agricultural uses, agricultural processing facilities (for example wineries, olive presses), limited agricultural support service uses (for example animal feed facilities, silos, stables, and feed stores), secondary residential units, visitor-serving commercial facilities (by way of illustration, tasting rooms, fruit stands, bed and breakfast inns), recreational uses, public and quasi-public uses, solid waste landfills and related waste management facilities, quarries, windfarms and related facilities, utility corridors, and similar uses compatible with agriculture.</p> <p>(ECAP, p. 47.) The proposed project consists of approximately 410 acres, 367 of which are designated as LPA, 22 acres are designated as RM, and 21 acres are designated as WM. The permitted LPA uses described above do not include industrial scale solar energy production and storage which are the fundamental purpose of the proposed project. It is reasonable to conclude that the drafters of Measure D would have listed large-scale solar energy as a permitted use had it been intended given that other energy generation uses are listed. The DEIR attempts to avoid this conclusion by analogizing the proposed project to windfarms and utility corridors. Each of these uses entails very tall “towers” that do not limit the availability of the land for agricultural cultivation and grazing beneath. The proposed project will affect the ability to graze cattle and harvest hay crops due to the significantly lower height of the solar panels. It should also be noted that utility corridors are intended for the transmission of power, not for the generation and storage of power.</p>	<p>grazing and planting and maintaining honeybee forage. The majority of the project site would be grazed by sheep from January until the end of the growing season in May. The project operator would work with commercial beekeepers to promote pollination services in the surrounding area and honey production on-site. Pollinator-friendly species would be used in landscaping and seed mixes to promote honeybee forage. The proposed program for concomitant agricultural land uses during operation of the solar facility would be outlined in an Agricultural Management Plan prepared for the project. The Plan would be implemented to sustain agricultural operations on lands designated as grazing land and to address grazing operations throughout the project site for the duration of the life of the project.</p> <p>Sections 3.0, Project Description, and 4.2, Agriculture and Forestry Resources, have been updated to provide additional grazing information. The site is expected to support up to 820 head of sheep annually, though the exact number and the exact window of grazing would vary from year to year based on weather conditions and forage productivity.</p>

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			<p>Key changes in the ECAP made by Measure D make clear that industrial uses were not considered appropriate for LPA lands. Measure D deleted the following language from the ECAP listing of permitted uses: “other industrial uses appropriate for remote areas and determined to be compatible with agriculture.” (Measure D, full text, p. 8.) Had the drafters intended for industrial uses to be deemed compatible with agriculture, that specific language would not have been deleted.</p> <p>The ECAP has a catch-all category for “similar uses compatible with agriculture”. The DEIR references prior decisions of the Planning Commission and County Staff to support the argument that the County has made a determination that industrial solar is compatible with agriculture. However, determinations made by the Planning Commission, a non-elected, non-legislative body, in the context of particular projects as well as interpretations of the ECAP by staff are not legal determinations and are not controlling. The clear intent of Measure D is to protect and enhance opportunities for agriculture in North Livermore. A project with a primary focus on a commercial industrial use, that covers land with solar panels and preempts the traditional agricultural activity in the area is not compatible with agriculture. The DEIR should be revised to acknowledge the inconsistency with the ECAP and the Williamson Act rules.</p> <p>The proposed project includes sheep grazing for roughly 5 months per year and commercial beekeeping as agricultural uses to support the finding that the proposed project would not convert agricultural land to nonagricultural use (AG-5). However, the Agricultural Management Plan that would provide details of how these uses would be operated is not provided. (See sections 3.6.2 and 4.4.4.2) It is unclear whether there are sheep vendors who will view grazing sheep on the project site as a commercially viable option or if commercial beekeepers have been approached about conducting a beekeeping operation on the project site. The type of forage to be planted and its suitability for sheep grazing is not identified. The number of sheep to be grazed on the property</p>	

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			<p>is not indicated. The DEIR also fails to specify the relative heights of the short and tall forage plants to be planted (other than a general reference to minimum and maximum heights suitable for foraging) and how long it will take for the forage areas to grow to their full height. The Agricultural Management Plan should be made a part of the EIR or, in the alternative, the DEIR should be revised to include this information so that the public and decision-makers will be able to determine if the proposed agricultural uses are viable.</p>	
163	006	<p>Tamara Reus, Friends of Open Space and Vineyards</p>	<p>4.4 Biological Resources</p> <p>BIO-1 Potentially Significant Impacts on Species</p> <p>California Tiger Salamander (CTS) and California Red Legged Frog (CRLF)</p> <p>The DEIR confirms there is suitable dispersal habitat on the project site for CTS and CRLF. (DEIR, Table 4.4-2.) The project design includes 2 stormwater detention basins. The DEIR should evaluate whether these basins would provide dispersal habitat for these species, and whether mitigation measures are needed at the site of the detention basins during construction and operation to protect CTS and CRLF.</p> <p>Raptor Foraging Habitat</p> <p>The DEIR confirms that suitable foraging habitat will be provided on the project site and that raptors, in particular, will be able to forage in between solar panels based on studies conducted on Swainson's Hawks. (Section 4.4.4.2.) The DEIR fails to identify the number of rows of solar panels to be constructed, the number of acres available for foraging within the arrays, the size of the panels, and the distance between rows. In the absence of this information, it is not possible to judge the efficacy of the project for raptor foraging. Additional information should be provided.</p> <p>In the absence of the availability of the Agricultural Management Plan, it is unclear how sheep grazing will impact the availability of foraging habitat. Sheep graze plants to a</p>	<p>As noted by the commenter, the proposed project would include the construction of two stormwater detention basins to prevent the discharge of off-site stormwater runoff and to protect downstream properties. A narrow, linear stormwater detention basin totaling approximately 0.4-acre in size is proposed in the southeastern corner of the central section of the project site along Hartman Road and terminating at North Livermore Avenue. An additional, approximately 0.5-acre stormwater detention basin is proposed along the southern boundary of the southwestern section of the project site (see Figure 3-1).</p> <p>Because the site is generally flat with slopes up to 3 percent, stormwater runoff sheet flows through the site to the southeast where it ultimately discharges. The proposed detention basins would have surface areas of 0.4-acre and 0.5-acre as noted above and a depth of five feet. The basins would also have three feet of dead storage below the bottom of the detention basins. Because infiltration of the stormwater runoff would be delayed due to the clay soils on-site, collected stormwater would be discharged from the basins through an outlet to discharge water across the rest of the site (away from Cayetano Creek and its tributaries) to avoid water ponding in the detention basins and allow for infiltration within 48 hours. The detention basins would be routinely maintained to remove any vegetative growth. Outlet drainage of collected stormwater to prevent water ponding and routine maintenance of vegetative growth in the detention basins would keep the detention basins devoid of cover for CRLF and CTS and inundation would only persist for short periods of time after precipitation events, which would further deter these species from attempting to use the basins for breeding habitat.</p> <p>Page 3.3 has been edited to add additional information regarding the solar panels. Exact size of the solar panels would vary depending on what model are used. If First Solar modules were used, they would be 6.7 ft by</p>

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			<p>lower level than cows. (https://forages.oregonstate.edu/nfgc/eo/onlineforagecurriculum/instructormaterials/availabletopics/grazing/livestock.) It is unclear how appropriate quantities of forage at appropriate heights will be maintained year-round to provide suitable foraging habitat for raptors and other predators while sheep are on the property. The DEIR should be revised to provide more detail on this topic.</p> <p>Rodenticide Use</p> <p>Mitigation Measure BIO-5c.g, pertaining to the San Joaquin Kit Fox, states that if rodenticides must be used, zinc phosphide should be used because of lower toxicity to the species. However, BIO-7b, discussing mitigation for avian effects during operations specifies that no rodenticides are to be used. This contradiction should be resolved.</p> <p>In addition, zinc phosphide remains highly toxic to mammal species, and poses a danger to prey species on the proposed project site and to predators. Pursuant to EPA findings:</p> <p>Zinc phosphide is a very toxic substance and will kill most animals to which it is administered. Rodents are more sensitive than carnivores. Gallinaceous birds (pheasants, turkeys, other large terrestrial birds) are more sensitive than other avian species, however, some passerines (songbirds) are also sensitive. The Agency also concludes that predators or scavengers who eat a target animal that has been killed by zinc phosphide will not die, however, they may become ill, listless, and regurgitate.</p> <p>“Ingestion of zinc phosphide by non-target mammals or birds leads to the liberation of phosphine and subsequent toxicosis in the same manner that target mammals are affected. Zinc phosphide is highly toxic to sheep, cows, and goats as well as non-ruminants. . . . Secondary poisoning appears to be rare in wildlife, although it has occurred in experimental settings. Risk appears to be dependent at least in part on the consumption of the gastrointestinal tract of the poisoned animal by either a</p>	<p>4.1 ft; if Jinko modules were used, they would be 7.5 ft by 3.7 ft. Edge to edge distance between panels at horizontal (noon) position would be 6.4 feet, and at their most vertical position (early morning, late afternoon, and through the night) would be 9.2 feet. Pages 3-10 and 4.2-6 have been updated to provide additional grazing information. Grazing would likely be confined to a 2 month period in the late spring and early summer, after the primary blooming period of onsite vegetation. This would allow for pollinator foraging prior to removal of vegetation by the sheep. The site is expected to support up to 820 head of sheep annually, though the exact number and the exact window of grazing would vary from year to year based on weather conditions and forage productivity. Sheep grazing would cease once vegetative growth stops for the year at the end of the wet season. Thus, once sheep graze the vegetation onsite to a suitable height to allow for raptor foraging, it would remain at that height for the duration of the dry season. EIR page 4.4-45 states that, at one of the study sites used to inform the raptor foraging discussion, “grass cover at these sites is maintained between 4 and 12 inches in height through a sheep grazing program.” Similar heights would be used in this project to create suitable foraging opportunities for raptors, although sheep may graze closer to the ground in certain areas.</p> <p>Page 4.4-65 has been updated to remove the reference to zinc phosphide and to ensure consistency with BIO-7b. No rodenticides shall be used.</p>

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			<p>predator or scavenger. Domestic dogs and cats appear to be more likely to consume the gastrointestinal tract of poisoned prey than are wild animals.” http://npic.orst.edu/factsheets/archive/znpotech.html.) The Merck Veterinary Manual also states:</p> <p>Vomiting, often hemorrhagic, is a common presenting sign in animals capable of vomiting. Tachypnea, ataxia, weakness, trembling, collapse, seizures, and death may ensue. If there is no food in the stomach, undegraded zinc phosphide can be absorbed systemically. An animal surviving for 48 hr can then have liver and/or renal failure within 5–14 days due to absorption of intact zinc phosphide. Zinc phosphide is thought to block cytochrome C oxidase, leading to formation of highly reactive oxygen compounds, which cause most of the tissue injury; the most severe damage is in tissues with the highest oxygen demand, ie, brain, lungs, liver, and kidney.</p> <p>https://www.merckvetmanual.com/toxicology/rodenticide-poisoning/zinc-phosphide.)</p> <p>Based on these considerations, it would appear that zinc phosphide poses an unreasonable risk to the endangered San Joaquin Kit fox, prey species they rely on for food, raptors that may forage on the site, as well as to sheep that may be grazing the project site. No rodenticide use should be permitted during construction or operation of the project.</p>	
163	007	Tamara Reus, Friends of Open Space and Vineyards	<p>4.5 Cultural and Tribal Cultural Resources</p> <p>The DEIR confirms that the proposed project may cause a substantial change in the significance of an historical resource, indicating that the barn and shed on the property at 4400 North Livermore Ave. qualify as historical resources under CEQA. It further states that the “proposed project will indirectly impact these historical resources by disrupting the integrity of their setting and feeling, causing a potentially significant impact under CEQA.” The planned mitigation is to take photographs of the buildings in their natural settings as part of an historical survey (MM CUL-1). This mitigation measure is insufficient to mitigate the harm from the</p>	<p>Historic-era structures located on the 4400 North Livermore property have been shown to be eligible for listing in the NRHP, CRHR, and the local County register under Criterion C/3, for their embodiment of the distinctive characteristics of a type, period or method of construction. The barn and shed display the distinctive characteristics of vernacular post-and-beam ranch structures constructed within Murray Township during the late nineteenth to mid-twentieth centuries. The barn was constructed sometime between 1878 and 1904, while the shed was constructed by rancher Leland E. Stanley between 1949 and 1958. The Stanley family continues to utilize the barn and shed for ranching activities to the present day (April 2020). The Stanley Ranch barn and shed feature this regional approach to construction referred to as post-and-beam construction (Brandt et al. 2007).</p>

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			<p>disruption of the site caused by construction of a large-scale solar generation plant. The harm here is the loss of open ranch land which destroys the historic context of the structures. It is akin to tearing down Disneyland, leaving only Sleeping Beauty’s Castle surrounded by solar panels, houses, freeways etc. The DEIR should be revised to acknowledge that the impact on historical resources is significant and unavoidable.</p>	<p>The barn and shed would not be demolished or directly impacted by the proposed project. However, it is understood that the property’s integrity of feeling and setting are necessary for it to qualify as an historical resource under CEQA, and the proposed project would result in changes to the existing setting in addition to changes that have already occurred over time. While these alterations of integrity may constitute a potential impact, the impact would not be irreparable or permanent (although it could potentially be long-term), and therefore not significant with implementation of the proposed mitigation. The solar facility would ultimately be decommissioned in accordance with a Decommissioning Plan that would restore the site to its former use and conditions. The Historical American Buildings Survey (HABS) documentation required in Mitigation Measure (MM) CUL-1 would document the structures in the context of their current setting prior to project implementation, therefore establishing baseline conditions for the property’s current feeling and setting. The HABS documentation would then be used to guide the portions of the Decommissioning Plan that specifically address restoration of the project site’s visual appearance. Therefore, the use of the HABS documentation to inform future reclamation efforts would effectively result in a reduction of impacts to the property’s integrity of feeling and setting to a less than significant level.</p>
163	008	<p>Tamara Reus, Friends of Open Space and Vineyards</p>	<p>4.8 Greenhouse Gas Emissions</p> <p>The DEIR discusses climate change but fails to include a discussion of the Photovoltaic Heat Island Effect. This effect has been documented to raise temperatures in the vicinity of solar energy generation facilities between 3 to 4 degrees Celsius, particularly at night. (See https://www.nature.com/articles/srep35070.) This effect has the potential for numerous impacts such as contributions to climate change, risk of animal habitat loss, increased wildfire risks, and generalized temperature increases affecting the suitability of the surrounding areas for agricultural operations both during operation of the facility and after decommissioning. The DEIR should provide a discussion of the heat island effect and its environmental impacts in these areas.</p>	<p>Section 4.8, Greenhouse Gas Emissions, was amended to discuss this issue. In summary, there is no empirical evidence for a “heat island effect” from solar PV projects. Rather, one empirical study (the Nature article cited in the comment letter) conducted in a desert environment found that temperatures at a PV facility was no different than temperatures within native desert during daylight hours. Temperatures within the solar arrays were higher by up to 3 to 4 degrees C compared with native desert during the night. This small night-time temperature change is highly localized. Another study cited in the EIR found that at a distance of 300 meters (984 feet) from a solar array the temperature anomaly was less than 0.3 degrees C (0.5 degrees F). Compared with a desert environment with sparse vegetation, the vegetation at the proposed project site would be expected to further mitigate any effect of heat becoming trapped under solar panels; the panels studied in the Nature article were in an unvegetated area; the panels in the proposed project would be intermixed with forage grasses. The effect, if any, would be extremely localized and would have detectable effect on local climate, wildfire risk, or the viability of agriculture in the vicinity.</p>

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163	009	Tamara Reus, Friends of Open Space and Vineyards	<p>4.11 Land Use and Planning</p> <p>The DEIR asserts that the proposed project is consistent with the Floor Area Ratio (FAR) requirements of the ECAP. Pursuant to the ECAP, as amended by Measure D, parcels designated as Large Parcel Agriculture, such as the site of the proposed project, have a FAR of .01 for non-residential buildings, with a minimum of 20,000 square feet, with non-agricultural uses limited to a 2 acre building envelope.(ECAP, p. 47.)</p> <p>Alameda County staff has historically taken the position that a “building” within the meaning of the ECAP is any structure under roof. The structure is not required to have walls. Thus, horse arenas, and open covered storage areas are buildings subject to the .01 FAR. Given this interpretation, solar panels, which can be deployed in a manner that creates a roof-like coverage area, should be subject to the FAR.</p> <p>The solar panels and supporting structures are clearly non-agricultural by nature. As non agricultural buildings they should, at minimum, be limited to the two acre building envelope. They are not appropriate in parcels designated as LPA. Any prior analysis to the contrary notwithstanding, solar facilities are commercial uses. As stated earlier in this comment letter, when the ECAP was amended by Measure D, solar facilities were not listed as an approved use, and language that had allowed industrial uses was deleted from the ECAP. Solar energy generation facilities can readily be distinguished from windfarms and utility corridors as noted above.</p> <p>The DEIR fails to include the panels in the calculation of the FAR. It inappropriately concludes that an industrial scale solar project of the scale proposed is consistent with the Agricultural A Zoning District. The analysis should be revised to reflect the full extent of covered acreage and inconsistency with Measure D.</p> <p>The DEIR acknowledges that the proposed project is inconsistent with the portion of the project site designated as</p>	<p>As described in the Draft EIR, the maximum building intensity for non-residential buildings located on lands designated for LPA, RM, and WM is .01 FAR but not less than 20,000 square feet for lands designated LPA and RM. Therefore, the range of the allowable building intensity for the 350-acre lot where buildings are proposed is between 20,000 square feet and 3.5 acres (.01 FAR of 350 acres). The nonresidential buildings proposed as part of the project include an approximately 5,000-square-foot project substation located in a 0.9-acre dedicated area, 400-square-foot Operations & Maintenance building, and a battery storage system that would have foundations with a cumulative floor area of 3 acres or less, which would be below the maximum allowable building intensity of 3.5 acres. County staff argues that the definitions of buildings vs. development vs. structures are nuanced, but are adequate in this case to demonstrate that panels are not “development” as defined in ECAP. It would be unreasonable to consider solar panels “buildings” given that they are not intended to provide shade, overhangs, or shelter, nor is any use intended for beneath them apart from an open pasture for forage of sheep and honeybees. The structures cited in the comment (i.e., horse arenas and covered storage facilities) are built with the sole intention that the space under them be occupied and actively used. Solar facilities, though not mentioned explicitly, can be considered a compatible use given their similarity to explicitly allowed uses such as windfarms and utility corridors, and the issuance of a Conditional Use Permit from the County would signify that this interpretation is acceptable.</p> <p>This comment offers opposition to the use of land zoned Resource Management for solar panels as part of the proposed project. The Resource Management Avoidance Alternative evaluated in this EIR is actively being considered by the project applicant. The Resource Management Avoidance Alternative would reduce the footprint of the overall project to avoid lands designated for Resource Management.</p>

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			Resource Management land because it would conflict with the intent of long term preservation of open space intent of that designation (p. 4.11-10; see ECAP Policy 53). FOV concurs with this assessment and recommends that this area be excluded from the project site.	
163	010	Tamara Reus, Friends of Open Space and Vineyards	<p>Section 4.18 Wildfire</p> <p>The proposed project is located in a moderate risk fire area in a State Responsibility area and is served by CAL FIRE with the closest station located 18 miles away in Clayton (Section 4.14.1.2, 4.18.1.2). The Alameda County Fire Department would respond to emergency fires with the closest station located in Dublin, 10 miles away. (Section 4.14.1.2.) A wildfire risk may be significant within the meaning of CEQA if it would pose a risk “due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.” (Section 4.18.2). The DEIR concludes that the proposed project would not exacerbate fire risks (FIRE-2, FIR-3.). It further acknowledges that “damage to the overhead distribution lines from fallen trees or high wind and storm conditions could cause live wires to fall onto nearby dry grass and potentially start a fire” but determines that the project would not exacerbate the fire risk in part because of the average wind speed of 9.6 mph and because sheep will be utilized for grazing on the property. (p. 4.18-7.)</p> <p>Within the past 3-4 years there have been an increasing number of high wind events in the North Livermore Area associated with climate change. An analysis based on average wind speeds as referenced in the DEIR is inadequate to assess the significance of the wild fire risk. The DEIR should be revised to reflect the risks associated with high wind events including the possibility of rapid fire expansion in view of the closest fire station being 10 miles away, risks to neighboring properties and structures, including, but not limited to, the historic barn and shed on the project site.</p>	<p>Sections 3.0, 4.14, and 4.18 have been amended to better address concerns regarding wildfire. Descriptions of existing conditions were clarified, and training and pre-incident planning requirements were clarified and made more specific, as were plans for coordinating with CAL FIRE and ACFD. Regarding the classification of the project site as a fire hazard severity zone (FHSZ), the project is located in an SRA. SRA lands (which cover approximately 1/3 of the state and can most generally be defined as non-federal, unincorporated wildlands) are generally all classified into fire hazard severity zones (PRC 4202) of moderate, high, and very high. The project site’s classification as a moderate FHSZ, along with its flat topography (which favors ingress and egress and helps to limit rapid fire spread) and short, fine fuels (i.e., annual grasses) indicate that it is not in an area at unacceptable wildfire risk. Climate change was not discussed with regard to wildfire since many of the impacts of climate change on fire severity are not relevant here. In fuel types such as forests, climate change-induced prolonged drought and heat waves can lead to increased tree stress and mortality and can severely exacerbate existing fire risks. However, the fuels on the project site are annual forage grasses, which grow and die off (above ground) every season in this part of California regardless of variations in climate. Climate change would not increase risks related to fuels in this fuel type. Other impacts of climate change on fire risk, such as an increase in the number of days per year with red flag warnings, can occur regardless of any actions implemented through this project. To limit those potential impacts, fuels would be managed, ignition sources would be minimized, and firefighters would be trained and made available. Additionally, this project would help to address the root issue of climate change by providing utility-scale power from a renewable source.</p> <p>An analysis of wind would not be required. Factors such as wind and topography are taken into account during the designation of SRA lands as FHSZs. This area has already been designated moderate, the lowest category commonly used on SRA lands.</p>

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			<p>Further, the DEIR references that fire control will be aided by the sheep grazing on the property to control vegetation. Sheep are expected to be on site only during the growing season, from January to May. (p. 3-10.) It is unclear how sheep grazing will be an effective fire control tool given that the DEIR also indicates that appropriate forage habitat will be maintained for birds and mammals. Additional explanation is needed to explain how this will be accomplished while providing adequate fire control measures through sheep grazing.</p>	<p>Sheep grazing would limit fuel height and density. Sheep grazing would be limited to the growing season but, after the growing season, additional growth would not occur, and thus the absence of sheep during that time would not limit the effectiveness of their fuel management.</p>
163	011	<p>Tamara Reus, Friends of Open Space and Vineyards</p>	<p>5.0 Project Alternatives</p> <p>The DEIR evaluates a no-project alternative, a Resource Management Avoidance Alternative, and a Reduced Footprint Alternative. It concludes that the proposed project, as designed, is the environmentally superior alternative primarily because it enables the production of more solar energy than the other alternatives. FOV disagrees with this assessment. Of the alternatives analyzed, the Reduced Footprint Alternative would be the environmentally superior alternative because it would allow for the generation of a still-significant 75 megawatts of energy while also protecting the environmentally sensitive RM & WM areas on the proposed project site. It provides a better balance of protection for the competing environmental interests affected by the proposed project.</p> <p>Moreover, if the Reduced Footprint Alternative were to be analyzed in conjunction with a Distributed Generation Alternative (otherwise rejected as infeasible in the DEIR), it would be possible to achieve the project objective of generating 100 megawatts of solar power with fewer site-specific impacts. Under this analysis, the Reduced Footprint Alternative would provide for 75 megawatts of power while the balance could be obtained on distributed generation sites either through Intersect Power or through other power producers. This would satisfy the goal of 100 megawatts of power in total that contributes to meeting state renewable targets. FOV recommends that the Final EIR include an analysis of this</p>	<p>The commenter has expressed their support for the Resource Management Avoidance Alternative. The Resource Management Avoidance Alternative analyzed in this EIR is actively being considered by the project applicant. Additionally, page 5.4 of the Draft EIR states: "On a per MW basis, commercial and industrial rooftop solar is substantially more expensive than utility-scale solar. The cost of generating the electricity would go up substantially, deeming the EBCE rooftop sites infeasible." See full discussion in Section 5.0, Alternatives.</p>

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			“hybrid” alternative.	
163	012	Tamara Reus, Friends of Open Space and Vineyards	<p>Conclusion</p> <p>In closing, FOV appreciates the opportunity to comment on the Draft Environmental Impact Report for the Aramis Solar Energy Facility. We expect that the County will respond to these comments in the Final EIR</p>	The comments have been acknowledged and responded to in the comment responses above.
164	001	Jim Hanson, East Bay California Native Plant Society	<p>The East Bay Chapter of the California Native Plant Society East Bay Chapter (EBCNPS) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Aramis Solar Energy Generation and Storage Project.</p> <p>The California Native Plant Society is a statewide non-profit organization that works to protect California’s native plant heritage and preserve it for future generations. The Society’s mission is to increase the understanding and appreciation of California’s native plants and to preserve them in their natural habitat. We promote native plant appreciation, research, education, and conservation through our five statewide programs and 33 regional chapters in California. The East Bay Chapter covers Alameda and Contra Costa Counties and represents some 1,000 members.</p> <p>In response to the Project Notice of Preparation (NOP) in June, 2020, EBCNPS requested that the EIR address environmental impacts from the Project’s utility-scale development to land use and planning.</p>	This comment introduces the organization which the commenter represents and references a prior letter submitted in response to the NOP. The Draft EIR addressed impacts related to land use and planning in Section 4.11.
164	002	Jim Hanson, East Bay California Native Plant Society	<p>Existing Conditions</p> <p>There are good reasons that the voters selected the North Livermore Valley as an area that, in addition to agriculture, has important natural resource and water management benefits to the County.</p> <p>The Project is proposed to be built within an area that EBCNPS identifies as the “Springtown Botanical Priority Protection Area,” one of only fifteen Botanical Priority Protection Areas within Alameda and Contra Costa counties. The area’s unique Springtown alkali sink ecosystem is supported by the adjoining North Livermore Valley watershed. Springtown is home to</p>	<p>The comment provides background information about the natural resources and designations of the North Livermore Valley including the EBCNPS “Springtown Botanical Priority Protection Area,” the East Alameda County Conservation Strategy “Conservation Zone 4,” and the Metropolitan Transportation Commission and the Association of Bay Area Governments “Priority Conservation Area.” This is general information and does not specifically address the adequacy of the impact analysis in the Draft EIR.</p> <p>The commenter has summarized the comments about the project’s environmental impacts contained within the letter. Responses to each comment about environmental impacts are included below in comments 164-003, 164-004, and 164-005.</p>

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			<p>locally-unique plant species, natural plant communities, and state and federally-listed rare plants, including Hearthscale (<i>Atriplex cordulata</i>), Hispid bird's beak (<i>Cordylanthus mollis</i> ssp. <i>hispidus</i>), Palmate-bracted bird's beak (<i>Cordylanthus palmatus</i>), and Livermore tarplant (<i>Deinandra bacigalupii</i>).</p> <p>The North Livermore Valley is also identified in the East Alameda County Conservation Strategy as "Conservation Zone 4," an area that "contains 22% (189 acres) of the study area's unprotected acres of alkali meadow and scald, 64% (343 acres) of the study area's unprotected seasonal wetland, and 99% (410 acres) of the study area's valley sink scrub." The East Alameda Conservation Strategy states that the the Springtown Alkali Sink, "as well as the watersheds that feed the sink," should be a conservation priority for this Conservation Zone.</p> <p>In addition, the North Livermore Valley has also been designated as a "Priority Conservation Area" by the Metropolitan Transportation Commission and the Association of Bay Area Governments.</p> <p>The proposed Project would cause significant environmental impacts arising from conflicts with the ECAP land use plan and policies that were adopted by the voters for the purpose of avoiding or mitigating environmental effects. The EIR does not adequately address or mitigate Project impacts to land use and planning under the East County Area Plan (ECAP). The FEIR also does not adequately describe the cumulative effects of the proposed project on land use and planning. In addition, the FEIR does not adequately discuss alternatives for developing utility-scale solar project in other areas of the County that are already developed or disturbed and do not present the unique resource management, agriculture, and water management values of the North Livermore Valley.</p>	
164	003	Jim Hanson, East Bay California Native Plant Society	<p>1. The EIR does not adequately discuss the Project's environmental impacts to land use and planning.</p> <p>The FEIR confirms that the Project does not comply with the County General Plan and associated land use plans and</p>	<p>The Draft EIR discloses that approximately 367 acres of the project site are designated as Large Parcel Agriculture (LPA), 22 acres as Resource Management (RM), and 21 acres as Water Management (WM). As explained in response to comment #141-005, there is not an independent requirement for consistency with Measure D. The Draft EIR assesses</p>

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			<p>ordinances, especially since the project area is designated specifically for Large Parcel Agriculture (LPA), Resource Management (RM), and Water Management (WM) uses.</p> <p>The East County Area Plan (as amended by Alameda County Initiative Measure D) includes several policy statements that express the intent of the LPA, RM and WM land uses. For LPA designations the County shall give priority to agriculture and agricultural support and visitor services.¹ Policy 51 states that “The County shall work with East County cities to preserve a continuous open space system outside the Urban Growth Boundary with priority given to the permanent protection of the Resource Management area between Dublin and North Livermore and the area north of the Urban Growth Boundary in North Livermore, as established through Program 19.”</p> <p>Policy 53 states that “the County shall preserve a continuous band of open space consisting of a variety of plant communities and wildlife habitats to provide comprehensive, rather than piecemeal, habitat conservation for all of East County. This open space should, as much as possible, be outside of the Urban Growth Boundary and contiguous to large open space areas of Contra Costa, Santa Clara, and San Joaquin Counties. Table 4.11-1, Consistency with ECAP Policies Related to Land Use EIR, confirms that “the project proposes the construction of a solar facility on open land designated for RM uses outside of the Urban Growth Boundary which is not consistent with Policy 53.”</p> <p>Further, the County’s NOP stated that, “the County does not generally consider utility-scale solar energy facilities to be compatible with the RM (Resource Management) land use designation and its emphasis on, in addition to agriculture, “recreational uses, habitat protection, watershed management, public and quasi-public uses”, and its intent of preserving open space.” The NOP also stated that “the County considers the WM designation suited to established quarries with their-highly regulated reclamation plans and specialized permits, and not meant for large solar energy facilities.”</p>	<p>consistency with the General Plan and Zoning Ordinance, including those changes made by Measure D.</p> <p>With respect to the LPA designation, the Draft EIR finds that solar development is comparable to other uses specifically allowed, including windfarms, utility corridors, and similar uses compatible with agriculture. The Project, inclusive of primarily solar arrays, vegetation, compacted dirt and graveled access roads, and activities including equipment maintenance, sheep grazing, and honeybee foraging, would be consistent with the LPA land use designation. Further, there is precedent within the County for approving utility-scale solar projects within the LPA designation, including the GreenVolts and Altamont Solar Energy projects. As described in the Agricultural and Forestry Resources section of the Draft EIR, in 2008, the County Planning Commission made findings pursuant to Sections 17.54.050 and 17.54.060 (Determination of Use) of the Alameda County Municipal Code regarding district classifications of uses not listed within the ordinance. The Planning Commission found that a solar electric facility would not be contrary to the specific intent clauses or performance standards established for the Agricultural District and could be permitted under a conditional use permit. The County reiterated these findings to confirm the conditional permissibility of similar solar uses under the Agriculture zone district for the GreenVolts project, approved in 2008, and the Altamont Solar Energy Project, approved in 2011 (ECBZA 2008 and 2011).</p> <p>As discussed in a September 13, 2012 memorandum regarding draft solar policies for the ECAP, County Counsel determined that “solar facilities are consistent with ECAP policies. Solar facilities constitute quasi-public uses consistent with ‘windfarms and related facilities, utility corridors and similar uses compatible with agriculture,’ which are allowed on parcels designated Large Parcel Agriculture.” Operation of the Project would promote continued agricultural use of the project site through sheep grazing and planting and maintaining honeybee forage. The majority of the project site would be grazed by sheep from January until the end of the growing season in May. The project operator would work with commercial beekeepers to promote pollination services in the surrounding area and honey production on-site. Pollinator-friendly species would be used in landscaping and seed mixes to promote honeybee forage. The proposed program for concomitant agricultural land uses during operation of the solar facility would be outlined in an</p>

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			<p>The current Project alternative does not conform to land uses and planning policies for Large Parcel Agriculture (LPA). An exaggerated definition of “quasi-public” uses in LPA’s to include large scale utility development is not supported by ECAP policies or the intent of the “Save Agriculture and Open Space Lands Initiative” (Measure D; effective date, December 22, 2000).</p> <p>The EIR also confirms the Project’s conflict with the Agricultural zoning designation for this area. Section 4.11.3 of Land Use and Planning states that “the project site is located entirely within land that is within the Agricultural (“A”) zoning district, pursuant to the APMC (see Figure 2-3; ACOA 2020). Surrounding properties are also within the “A” district. According to Section 17.06.030 of the APMC, the uses permitted within the “A” district include the following: single-family dwelling, secondary family dwelling, crop, vine or tree farm, truck garden, plant nursery, greenhouse, apiary, aviary, hatchery, horticulture, raising or keeping of poultry, fowl, rabbits, sheep or goats or similar animals, grazing, breeding or training of horses or cattle, winery or olive oil mill, fish hatcheries, and public or private hiking trails.” Therefore, this section goes on to acknowledge that “there is no direct or indirect reference to solar electric facilities (SEFs) in either the ECAP or zoning ordinance...”</p> <p>The impacts from the proposed Project to land use and planning are significant and unmitigatable.</p>	<p>Agricultural Management Plan prepared for the project. The Plan would be implemented to sustain agricultural operations on lands designated as grazing land and to address grazing operations throughout the project site for the duration of the life of the project.</p> <p>With respect to the WM land use designation, the Draft EIR concludes that the Project is consistent with the WM category based on the findings of a site-specific hydrological engineering study, provided as Appendix G of the Draft EIR, as the project applicant has designed the facility so that all structures would be located outside of high flow areas and the 100-year floodplain of Cayetano Creek as determined through hydrologic modeling and a minimum of 50 feet from the banks of Cayetano Creek or its tributaries. The project will avoid high flow areas modeled and the 100-year floodplain, and therefore it maintains the water quality and floodplain maintenance attributes of the WM designation and is consistent with the WM land use category. Overall, the hydrological engineering study shows low water depths and velocities across the majority of the site. During a 100-year storm the flood depths across the majority of the project area are less than 2 feet with velocities less than 2 foot/second. Areas with higher flood depths and velocities exists and are generally located along or near defined flow paths. The current site layout avoids all areas of high flow and FEMA floodplains. Based on experience on other similar projects, the hydrological engineering study concludes that the site is suitable for the planned development.</p> <p>With respect to the RM land use designation, the Draft EIR concludes that, although proposed activities within the RM designation would include sheep grazing, honeybee foraging, and wildlife passage, which are consistent with the low-intensity agriculture and grazing allowable uses, the Project would conflict with the long-term preservation of open space intent of the RM designation. As a result of this finding, the applicant has notified the County that it no longer intends to place project facilities within the RM designation and is requesting instead that the County approve the RM Avoidance Alternative described in Section 5.0 of the Draft EIR.</p> <p>The NOP was circulated prior to the preparation of the site-specific hydrological study that support the finding that the Project will maintain the water quality and floodplain maintenance attributes of the WM designation and is consistent with the WM land use category. The</p>

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				analysis in the Draft EIR is consistent with County staff's current position regarding the land use impacts of the project. The Draft EIR finds that the Project would result in a partial inconsistency and a significant and unavoidable impact with respect to the RM category. As stated above, the applicant has indicated that it no longer intends to develop the portion of the project within the RM category. The RM Avoidance Alternative would eliminate the General Plan inconsistency and significant and unavoidable land use impact.
164	004	Jim Hanson, East Bay California Native Plant Society	<p>2. The EIR needs to address cumulative impacts of large-scale utility development in the North Livermore Valley</p> <p>The NOP describes the adjacent uses on the properties surrounding the proposed Project as a combination of agricultural, grazing, and very low-density residential. The NOP also mentions a second proposed solar project on the east side of North Livermore Avenue, north of May School Road, in an area that contains important plant and animal habitat that is partly in association with Cayetano Creek.</p> <p>The FEIR verifies these cumulative impacts in section 4.11.4 Cumulative Impacts – L.U.P. 3 as follows: “The proposed project would contribute to a significant cumulative impact with respect to land use and planning.” This EIR section confirms that “approval of project development within the RM ECAP land use designation would set a new precedence in Alameda County to conditionally allow for utility-scale solar developments in lands designated for RM which could contribute to a cumulatively considerable land use and planning impact.”</p> <p>Siting a utility-scale solar operation in an area specifically intended for agriculture, resource management, and water management uses has significant cumulative impacts that are unmitigatable.</p>	The Draft EIR analyzed the project's cumulative impacts related to Land Use Planning in Section 4.11.4 and concluded the impacts would be significant and unavoidable. Refer also to Response to Comment No. 164-003.
164	005	Jim Hanson, East Bay California Native Plant Society	<p>3. The EIR should include alternatives and an analysis of alternatives, including siting energy production services in locations that significantly lessen environmental impacts.</p> <p>The proposed Project is intended to supply alternative energy and thereby reduce greenhouse gas emissions. However, the</p>	The Draft EIR has fully complied with the requirements of CEQA Guidelines Section 15124(b) pertaining to project objectives. The alternative sites, and combinations of alternative sites examined in the Draft EIR in Section 5.3 were evaluated for their ability to provide the same scale of benefit in the generation of solar energy as the proposed project site as well as the potential for reduced environmental impacts

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			<p>NOP states that the Project is proposed to be sited within an area that the citizens of Alameda County voted be dedicated to agriculture and its related support and visitor services and for specific resource and water management uses. According to CEQA Article 9 Guideline § 15126.6(a) "Consideration and Discussion of Alternatives to the Proposed Project," the EIR "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (italics added).</p> <p>A policy on the siting of alternative energy projects in Alameda County has been awaiting development for more than a decade, even as the need for alternative energy development has increased every year since then. In lieu of County policy development, we recommend that the FEIR develop and analyze a Project alternative or alternatives that obtain most or all of the project objectives by siting the project in an already developed or previously disturbed landscape that would substantially lessen the environmental impacts.</p> <p>Thank you for the opportunity to comment on the Environmental Impact Report for the Aramis Solar Energy Generation and Storage Project.</p>	<p>and the project applicant's control or access to those alternative site for the purpose of developing viable utility scale solar electricity generation and storage. The commenter has not provided other alternative sites for consideration that could meet the project's objectives and have the potential for reduced environmental impacts.</p>
165	001	Donna Cabanne	<p>I am submitting the following letter and comments as a forty-year resident of Livermore. For decades I have worked to help preserve open space, visual resources, wildlife and habitat corridors necessary for wildlife survival. Dedicated Livermore residents fought to pass Measure D, defeat Newtown, Pardee, Measure C, and numerous other developments that would have compromised the North Livermore Valley and destroyed its ranches, agricultural activities, and unique wildlife. The Aramis Industrial Power Plant (and SunWalker) violate numerous provisions of Measure D and City of Livermore Scenic Policies. It not only violates the letter of</p>	<p>The Draft EIR has fully complied with the requirements of CEQA Guidelines Section 15124(b) pertaining to project objectives. The commenter's disagreement with the project objectives listed in the Draft EIR, specifically with regard to the project's 100-MW solar capacity and land use, and the analysis of alternative sites is noted. The local generation, storage, and transmission of solar energy is a project benefit in meeting State and Regional renewable energy goals, as defined in the project objectives. As such, the scale of that benefit is an important part of the project objectives. A comparison of the project's potential solar capacity to that which could be produced by alternative sites is an important factor in determining the feasibility of alternative sites to result in the same scale of benefit to meet State and Regional renewable energy goals. In Section 5.3 of the Draft EIR, alternative locations, and</p>

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			<p>the law, it violates the spirit of the law and all that was clearly intended for this area to remain large parcel agriculture and one of the last remaining ranching areas in the county and the Bay Area. The DEIR must be recirculated to address the questions and points contained in the remainder of this letter.</p> <p>Comments are made in the following areas analyzed in the Aramis DEIR: Project Objectives, Aesthetics, Agriculture, Biological Resources, Water Quality, Land Use and Planning, Project Alternatives, and Significant Unavoidable Impacts. In short, the Aramis DEIR inadequately analyzes the environmental impacts of the project. It must be revised and recirculated for additional public comment before any action is taken on the project.</p> <p>Project Objectives – The project objectives section is largely a description of the project itself and what would be entailed to construct and operate it. By defining the objectives as the project itself, it becomes impracticable for any alternative to meet most or all of the objectives. This is a clever way to avoid sincere analysis of alternatives that would have significantly fewer environmental impacts yet accomplish most of the same renewable energy and environmental benefits of the project. The business model of IP Aramis, LLC, is not the proper lens through which to evaluate project objectives.</p> <p>In particular, having as a project objective the generation of 100 MW of solar capacity at this particular site makes alternative sites infeasible even if they would satisfy to a large degree the remaining objectives (e.g., assist Californians in meeting state renewable energy goals, create up to 400 living wage jobs, etc.)</p>	<p>combinations of alternative locations for the project were considered and the control or access to the site for development by the project applicant was a key consideration in addition to the potential scale of solar capacity compared to the project site.</p> <p>The commenter’s disagreement with the use of the term “disturbed lands” as a descriptor of the existing conditions of the project site is noted. The descriptor, as used in the objectives description in the Draft EIR, is intended to characterize the project site having been disturbed from its natural state by anthropogenic activity. As described in the Biological Resources analysis (Section 4.4.3 of the Draft EIR): “The project site is currently in use for cattle grazing and production of dryland grain crops. Dryland grain crop occurs in the northern parcel north of Manning Road and in the two southern parcels. The central parcel south of Manning Road is used for cattle grazing and exhibits evidence of prior agricultural use (e.g. disking/furrowing), likely production of feed for cattle such as hay crops.” The commenter’s opinion on the definition of “disturbed lands” is noted, however, the commenter has not explained how the use of the term “disturbed lands” in the description of project objectives might have any bearing on the analysis of the project’s potential environmental impacts. Similarly, the commenter, referring to current and past agricultural uses of the project site, asserts that “No evidence has been presented in the Draft EIR that the fertility of the soils has been significantly reduced by these activities.” The commenter has not explained how they believe the fertility of the soils on the project site has a bearing on the project’s potential environmental impacts as it relates to the alternatives analysis.</p>

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			<p>Further, the objectives section describes siting the facility on disturbed lands. The lands in question are described in the DEIR as land that has been grazed and dry land farmed for over 100 years. No evidence has been presented in the DEIR that the fertility of the soils has been significantly reduced by these activities. Agricultural practices that have not undermined the quality of the soils for more intensive agricultural use are not “disturbed lands” except in the most trivial sense. Indeed, much of eastern Alameda County’s open space lands satisfy this description, and most people would describe such lands as natural lands. Only truly virgin, unsettled territory meets the true definition of undisturbed. Siting a renewable energy facility on disturbed lands should be removed from the project objectives. It is a misleading if not disingenuous description of the project site.</p>	
165	002	Donna Cabanne	<p>Aesthetics – We agree with the DEIR’s conclusion that the project itself will create a significant and unavoidable impact on the visual character of the North Livermore area. We also agree that it will contribute to cumulative impacts on the visual character of the North Livermore area in conjunction with other proposed projects in the area.</p>	<p>This comment offers agreement with statements made in the EIR regarding aesthetics. Please see Section 3.1 Aesthetics for further analysis of these impacts.</p>
165	003	Donna Cabanne	<p>Agriculture – The DEIR concludes that the Aramis project impacts on agriculture and the agricultural character of the North Livermore area will be less than significant. That conclusion is based primarily on proposed limited sheep grazing beneath and between solar modules for several months out of the year for at least 50 years. In fact, the agricultural character of the area will change significantly. Not only would sheep grazing replace cattle grazing and dry land farming, but a vast area (410 acres) will be covered in solar collectors. The magnitude of this transformation in North Livermore is significant. Indeed, the transformation from open</p>	<p>The commenter has mischaracterized the Draft EIR’s conclusion regarding agricultural resources. Impacts on agricultural resources were evaluated in Section 4.2, Agriculture and Forestry Resources, using the Significance Thresholds listed in subsection 4.2.2. “Agricultural character” is not defined nor is it a criterion against which to evaluate project impacts. There are no statements in the Draft EIR that impacts on “agricultural character” will be less than significant.</p> <p>The commenter is of the opinion that the development of the project site (“nearly 500 acres”) with concomitant solar electricity generation and agricultural uses would make the entire North Livermore Intensive Agriculture Area untenable for intensive irrigated agriculture. The commenter has provided no substantial evidence that development of the project would result in significant environmental impacts related to agricultural resources by precluding any form of agriculture on any parcel</p>

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			<p>agricultural land to a primarily industrial land use is what makes accurate the Significant and Unavoidable Impact on visual character in the Aesthetics section. The two are inextricably linked. The significant and unavoidable change in visual character is a direct result of the significant and unavoidable change from primarily agricultural use to primarily solar industrial use.</p> <p>Further, the project area was designated in Measure D as the North Livermore Intensive Agriculture Area. The purpose of this designation is to enhance agriculture in North Livermore by providing residential density bonus and smaller minimum parcel size incentives for irrigated, cultivated agriculture to take place. This is consistent with the goals of Measure D to “preserve and enhance agriculture and agricultural lands,” among other important goals. Removing nearly 500 acres of high quality land based on innate soil quality (when counting the Sunwalker project) from participating in the North Livermore Intensive Agriculture Area may make the entire area impracticable for intensive agriculture because bringing irrigation water to the area likely requires an economy of scale (i.e., enough participants) to pay for laying the irrigation water supply lines.</p> <p>In addition, the Association of Bay Area Governments and Metropolitan Transportation Commission have designated the North Livermore area as a Priority Conservation Area (PCA) for its Natural Landscapes/Agricultural Lands/Rural Recreation qualities. Nearly 500 acres of industrial solar energy facilities in this area will undermine the PCA designation, which is a consensus agreement among multiple jurisdictions to conserve the area for its current uses. For all of the above reasons, the DEIR must be revised to state that the impacts on agriculture</p>	<p>outside of the project site in the North Livermore Intensive Agriculture Area.</p> <p>The commenter also asserts that development of concomitant solar electricity generation and agricultural use would “undermine the PCA designation [...]” of the North Livermore Area. The commenter has not provided substantial evidence how the project’s proposed concomitant solar electricity generation and agricultural uses would conflict with the designation of the North Livermore Area as a Priority Conservation Area, or how such an alleged conflict would result in new or more severe environmental impacts than those described and analyzed in the Draft EIR.</p>

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			<p>from the project and cumulatively in conjunction with other proposed projects are Significant and Unavoidable.</p>	
165	003	Donna Cabanne	<p>Biological Resources – The DEIR claims that with proposed mitigations all impacts on special status species will be less than significant. The DEIR, however, fails to provide adequate evidence for this conclusion, nor does it recognize that habitat mitigation land is very likely to be required. Two listed amphibian species, the California red-legged frog (CRLF) and the California tiger salamander (CTS), are acknowledged to have potential upland refugia and dispersal habitat throughout the project site. These threatened-with-extinction species are likely to traverse or inhabit the project site at the onset of and throughout the wet season as they move towards or away from breeding areas. This is the same time when intensive sheep grazing (many hundreds of sheep) will also be present on the site because that is when forage will be growing fastest and in need of control. Yet no evidence is presented for why the sheep will not trample or otherwise disrupt the life cycles of these protected species. The DEIR refers to an Agricultural Management Plan, but no such plan is available to analyze potential impacts to the CRLF or CTS. The DEIR refers to a contract with a sheep-grazing operator, but no contract is available to analyze its terms or how the operator will prevent harm to or has experience in protecting listed species. The DEIR claims that raptors will be able to forage for rodents among the solar modules, yet rodents create the burrows that CRLF and CTS use for summer estivation or for temporary shelter during dispersal. It is entirely likely that incidental take of these species will occur. These omissions must be corrected and the DEIR recirculated for public review.</p> <p>The East Alameda County Conservation Strategy (EACCS) requires mitigation habitat land be provided for CRLF and CTS at least at a 3 to 1 ratio (EACCS, Chapter 3). The DEIR claims that</p>	<p>The commenter incorrectly asserts that the Draft EIR fails to provide substantial evidence that impacts to special status species would be less than significant. The biological resource evaluation for the project described in Section 4.4 Biological Resources included database and literature review to determine regionally-occurring special-status species and habitats with the potential to occur on the site and immediate vicinity and numerous biological surveys to document habitat types and flora and fauna present on and adjacent to the site including biological reconnaissance surveys, focused botanical surveys, a California red-legged frog (CRLF; <i>Rana draytonii</i>) habitat assessment and protocol surveys, a burrowing owl (<i>Athene cunicularia</i>) habitat assessment and protocol surveys, and an assessment of wetlands and other waters of the U.S. and State. Substantial evidence of the special status species impact analysis conclusions is provided in the complete details of the methods, resources consulted, and finding of the database and literature search and on-site surveys, and are documented in the Biological Technical Report (Appendix E to the Draft EIR), and in Section 4.4, Biological Resources of the Draft EIR.</p> <p>The commenter speculates that sheep will trample or otherwise disrupt the life cycles of CRLF and CTS. Existing conditions on the project site include livestock grazing. The commenter does not provide substantial evidence that the project’s proposed grazing would result in increased impacts to CRLF and CTS, compared to existing site conditions. Similarly, the commenter speculates that, because the Draft EIR concluded that raptors would be able to forage for rodents among the solar modules, fewer rodent burrows would be available for CRLF and CTS refuge. The existing conditions of the project site includes raptors foraging for rodents. The commenter does not provide substantial evidence that the implementation of the project would result in fewer rodent burrows or result in changes to raptor predation of rodents on the project site, resulting in increased impacts to CRLF and CTS, compared to existing site conditions.</p> <p>The commenter has mischaracterized the purpose of the Agricultural Management Plan. The preparation of an Agricultural Management Plan is an applicant-proposed document and is not intended to reduce a</p>

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			<p>no habitat mitigation land is required because no significant impacts to these species will occur. However, incidental take of these species and others is likely during construction, operation, maintenance, and decommissioning of the project over a 50-year period. The California Department of Fish and Wildlife (CDFW) will almost certainly require an Incidental Take Permit if the project is approved, and this permit will almost certainly require that habitat mitigation lands be acquired. For example, the CDFW required an Incidental Take Permit (ITP) for the Sullivan Road Solar Project located west of I-5, six miles west of Gustine.¹ The Sullivan Road Solar Project is a 40 MW utility scale solar energy facility covering 214 acres of grazing land. Three special status species, California tiger salamander, San Joaquin kit fox, and Swainson’s hawk, were part of the ITP. The CDFW required that 100 acres of mitigation land be acquired in addition to numerous other requirements for the ITP to be granted. All three of these species are analyzed in the Aramis project DEIR because they inhabit the project vicinity. In addition, Burrowing owls inhabit the project vicinity. CTS, CRLF, and Burrowing Owl impacts all require acquisition of habitat mitigation land at a 3 to 1 ratio. Burrowing owl mitigation land may be in a different location than amphibian mitigation land. In short, it is entirely likely that the CDFW will require IP Aramis, LLC, to acquire hundreds of acres, perhaps over a thousand acres, of habitat mitigation land in eastern Alameda County. None of this is discussed in the DEIR, which therefore fails to adequately analyze the impact on biological resources or to adequately mitigate those impacts. The DEIR must be revised and recirculated for public review.</p>	<p>potentially significant impact. The Plan would be implemented to sustain the proposed concomitant agricultural operations on lands designated as grazing land and to address grazing operations throughout the project site for the duration of the life of the project. Although some of the mitigation measures in the Biological Resources section identify language and standards to be included in the Agricultural Management Plan, mitigation measures in the Biological Resources section of the Draft EIR do not rely on the Agricultural Management Plan to mitigate a potentially significant impact.</p> <p>The commenter is incorrect in stating that The Draft EIR refers to a contract with a sheep-grazing operator. The Draft EIR does not refer to or discuss a contract with a sheep-grazing operator.</p> <p>The commenter asserts that CRLF and CTS are likely to traverse or inhabit the project site at the onset of and throughout the wet season. As discussed, in Section 4.4 of the Draft EIR, based on the results of 16 protocol surveys, the project site does not provide suitable breeding habitat for CRLF or CTS and is not being used by CRLF or CTS for breeding based on the results of 16 protocol surveys. For both CRLF and CTS, potentially suitable upland refuge habitat in the form of mammal burrows is mostly limited to the portion of the project site north of Manning Road. The commenter did not provide any data or technical analysis contradicting the results of the protocol surveys presented in the Draft EIR.</p> <p>The commenter’s statement that an ITP and acquisition of mitigation land will likely be required is speculative. The commenter has not provided any substantial project site-specific evidence or surveys which indicates the potential for incidental take of CRLF and CTS would be different than that analyzed in the Draft EIR or that potential impacts to CRLF or CTS upland habitat would be different from that described in the Draft EIR, requiring compensatory mitigation lands.</p>
165	004	Donna Cabanne	Water Quality - How many times per year will the huge number of solar panels be washed? What chemicals will run	As stated in EIR section 4.10, the panels would be washed with water only as the use of soap or detergent for panel washing would not be

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			<p>into nearby creeks, water aquifers, water tables and wells ranchers depend on for their families and their livestock? A complete list of chemicals and their levels of toxicity must be provided for all activities associated with the project's operation.</p>	<p>necessary and is not proposed for this project. Section 3.6.1 stated that the panels would be washed once annually, and that information has also been added to section 4.10 of the Final EIR for clarity. See section 4.9 Hazards and Hazardous Materials for a discussion of potentially hazardous or toxic materials to be used during project construction and operation.</p>
165	005	Donna Cabanne	<p>Land Use and Planning – As mentioned above, the East County Area Plan as amended by Measure D is intended to protect and enhance agriculture and agricultural lands as well as to protect other natural resources outside the County urban growth boundary. ECAP contains numerous policies to that effect. The Aramis project is clearly an industrial use outside the county UGB; whatever its agricultural uses, they are a minor secondary activity at best.</p> <p>Only a very contrived interpretation of numerous ECAP provisions allows this project to be considered as a permissible use. Unlike wind turbines, which do not interfere with grazing or other agricultural activities to any significant extent, hundreds of thousands of solar modules covering hundreds of acres of land will interfere with real agriculture. (The proposed sheep grazing is really just weed control, not true agricultural production.) The Aramis facility is clearly not a quasi-public use; the public will have no access to the solar facility itself despite the possibility of a trail along Cayetano Creek owned by another entity. Nor is the project located in a utility corridor, which is a narrow swath of land used to convey utility services from one location to another. The Aramis project site obviously is an expansive area (410 acres) for generating electricity, not moving electricity as is the case for electrical transmission lines that</p>	<p>The commenter has stated an opinion that the proposed sheep grazing is “not real agriculture.” As described in Section 4.11.1.2 of the Draft EIR, the project site is located entirely within land that is within the Agricultural (“A”) zoning district and the list of permitted uses within the “A” district includes apiary, sheep or goats or similar animals, and grazing. Therefore, the proposed agricultural uses of the project are defined as agriculture and are permitted within the “A” zoning district. The commenter also speculates that “it is our understanding that most of the electricity will be consumed outside of the East County and outside of Alameda County entirely.” The commenter has provided no source or data to support this assertion. The project would connect to California’s electrical grid through the PG&E Cayetano substation and transmission lines. The power supplied by the project would become a small portion of the power supplied to the entire PG&E service area, including Alameda County. In addition, the project would be a source of supply for renewable power to Alameda County residents who have selected the option to purchase renewable sourced electricity through a Community Choice Aggregator program.</p> <p>Updates to the County’s zoning ordinance that may be required as a result of Measure D is a procedural issue for the County and is not relevant to the analysis of the environmental impacts of the project in the Draft EIR.</p> <p>The commenter’s opinion about the ECAP, as amended by Measure D, and the project’s consistency with the ECAP land use designation is noted. As provided in Appendix G of the CEQA Guidelines, the question to be answered whether the project would “cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.” A plan or policy inconsistency is considered to be</p>

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			<p>are located in utility corridors; indeed, electrical transmission lines define an important type of utility corridor. Moreover, Measure D deleted a previous provision of the ECAP, which much more closely describes a utility scale solar energy facility. Measure D deleted from the Large Parcel Agriculture designation “industrial uses appropriate for remote areas and determined to be compatible with agriculture.” Even if utility uses are permitted outside the UGB as infrastructure, it is our understanding that most of the electricity will be consumed outside of the East County and outside of Alameda County entirely. Measure D explicitly requires that the County neither provide nor authorize public facilities or other infrastructure in excess of that needed for permissible development consistent with the Initiative or needed to provide adequate service for the East County. A facility the size of Aramis violates the infrastructure provision of Measure D.</p> <p>Finally, the County has never updated the Zoning Ordinance to be consistent with the changes to the General Plan enacted by Measure D. Government Code section 65860(c) requires that when a general plan has been amended, the zoning ordinance must be amended to be consistent with the general plan “within a reasonable time.” It has been 20 years almost to the day that the voters approved Measure D, yet the zoning ordinance has never been amended for consistency. Had that been done, the Planning Commission decision of a decade ago determining on an ad hoc basis that utility-scale solar energy facilities are a use similar to wind turbines is erroneous. That determination was not an amendment to the zoning ordinance and cannot set a precedent for consistency with the general plan as amended by Measure D.</p> <p>In summary, a utility-scale solar energy facility is not a permissible use in this location, and the impact on Land Use and Planning must be described as Significant and Unavoidable both for the</p>	<p>an adverse significant environmental impact only when it conflicts an adopted plan or policy and it is anticipated the inconsistency would result in a significant adverse physical impact. The commenter did not provide a link between their opinion that the project would not be consistent with the ECAP land use designation and any potential environmental impact that may result from such an inconsistency. The Draft EIR has fully evaluated the changes in land use at the project site and has identified where potential environmental impacts would occur, including those identified as significant and unavoidable.</p>

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			entire Aramis project itself (not just for its Resource Management component alone) and for its cumulative impact together with other nearby projects.	
165	006	Donna Cabanne	<p>Project Alternatives – The DEIR analyzes several alternatives but unsurprisingly rejects the ones that will reduce environmental impacts the most. That’s because the business model of Intersect Power involves large utility-scale solar energy facilities. Smaller projects that might in total provide as much renewable energy and with significantly fewer environmental impacts are rejected because they do not satisfy enough of the Aramis project objectives. Some of those objectives, as described at the beginning of this letter, are really just descriptions of the project, particularly a single 100 MW project.</p> <p>A potential alternative site that might accommodate 100 MW of generation potential within the urban growth boundary is located within the East Pleasanton Specific Plan area and in the adjacent unincorporated area. According to a 2015 analysis examining this area for potential development, there appears to be over 400 acres of contiguous industrial zoned land that was formerly quarried and may be available for this type of proposal. Moreover, there is a PG&E substation directly across Stanley Blvd that appears to have a vacant bay. The identified properties are:</p> <p>The Legacy/Lionstone Group property consists of 331 acres within the southern portion of the Pleasanton East Plan Area that straddles the Pleasanton city-limits.</p> <p>The City of Pleasanton’s Operations Service Center consists of 17 acres on the north side of Busch Road within the city-limits.</p> <p>The Pleasanton Gravel Company (PGC) lands consist of 115.5 acres in the northeastern portion of the Plan Area,</p>	<p>Section 15126.6(a) of the State CEQA Guidelines state that:</p> <p>“An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”</p> <p>The Draft EIR considered alternative locations (Alternative Location: Formerly Proposed Solar Development Sites and Other Large-Scale Sites) and distributed solar (Alternative Location: East Bay Community Energy Solar Sites) alternatives but rejected these alternatives as infeasible. The Draft EIR considered two project action alternatives that eliminate one of the two significant and unavoidable impacts identified and lessen impacts to other resource sections, including biological resources. The Draft EIR considered a range of reasonable alternatives as required by CEQA Section 15126.6.</p> <p>The County acknowledges the information regarding potential alternative sites in the City of Pleasanton. However, as stated above in Section 15126.6(a) of the State CEQA Guidelines, “an EIR need not consider every conceivable alternative to a project.” Additionally, similar to the alternatives considered in the Draft EIR but rejected from further consideration, the consideration of the alternative proposed in this comment would be infeasible as the project applicant does not currently own or control these other potential sites nor can the project applicant reasonably acquire or otherwise have access to such alternate sites.</p>

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			<p>The Kiewit property consists of 50.4 acres on the south side of Busch Road within the city limits at the southwest corner of the Plan Area.</p> <p>Since these properties truly are disturbed lands with enough acreage for a potential 100 MW project with energy storage and near to a substation for connection to the electrical grid, this alternative should be analyzed. It is likely to have far fewer environmental impacts than the current proposal and its presently proposed alternatives.</p>	<p>In review of the East Pleasanton Specific Plan Draft Opportunities and Constraints Report that was drafted by the East Pleasanton Specific Plan Task Force (October 2012; http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=24346), challenges identified with developing this area includes the following:</p> <ul style="list-style-type: none"> • Future potential development may be challenged by the fact that the Plan area is currently held by multiple property owners and occupied by several existing economic activities. Multiple property owners and existing uses can often complicate economic development activities by making it more difficult to coordinate area-wide infrastructure investment, urban design, and entitlement activities. For example, individual property owners may have different or even conflicting economic (or non-economic) objectives and time frames for the use of their land. Meanwhile, existing uses and tenants can add buy-out and relocation costs to the equation. Over the long-term, such circumstances are generally manageable so long as the fundamental economic values that are likely to result from new development are sufficient to entice investment. • The majority of the plan area occurs within FEMA Flood Hazard Zones: The portions of the Specific Plan area labeled “AH” and “AO” are within the 100 year flood zone, which is recognized as a threshold of significance for planning purposes under CEQA. As defined by FEMA, the 100 year flood zone is also known as a Special Flood Hazard Area (SFHA), which are areas that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. Moderate flood hazard areas are areas between the limits of the base flood (100 year flood zone) and the 0.2-percent-annual-chance (or 500-year) flood. Development within the areas labeled AH and AO may be restricted in accordance with FEMA Planning Considerations for Floodprone Areas, or may require specific construction techniques to raise structures above the flood zone without adversely affecting the floodplain for downstream development. • Valuable habitat such as wetlands generally preclude the potential for urban development. Wetland habitats are defined as those areas that are inundated by water at a frequency and duration sufficient to support vegetation typically adapted for

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				<p>life in saturated soil conditions. Given Pleasanton’s location within “Pacific Flyway”, the EPSP lakes and wetlands attract winter migratory waterfowl and some year-round local waterfowl. These rich habitat areas are regulated by the Regional Water Quality Board (RWQCB), California Department of Fish and Games (CDFG), U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service (USFWS).</p> <p>Given the challenges presented above, further consideration of the sites identified in the East Pleasanton Specific Plan area is not warranted.</p>
165	007	Donna Cabanne	<p>Significant and Unavoidable Impacts – In addition to Aesthetic impacts already identified in the DEIR, based on the comments above, Significant and Unavoidable Impacts should be listed for Agriculture and for Land Use and Planning (beyond the single S&U impact with the Resource Management land use designation).</p> <p>In view of these comments, please revise the Aramis Environmental Impact Report and recirculate it for public comment.</p>	<p>Responses to the comments summarized here have been provided above in Comments 165-001 through 165-007. No substantial evidence has been provided in this letter of a new or more severe impact than those analyzed in the Draft EIR.</p>
166	001	Jerald A. Britten, Mt. Diablo Audubon Society	<p>Mt. Diablo Audubon Society is committed to the sustainable balance of our community’s people, birds, other wildlife, and habitat through conservation, education, and advocacy. Together with the National Audubon Society and Audubon California, we respectfully submit the following comments on the Aramis Solar Energy Generation and storage Project (Project) draft Environmental Impact Report (dEIR), the Project in general, and the development of solar policy in Alameda County (County). The National Audubon Society protects birds and the places they need, today and tomorrow. Audubon works throughout the Americas using science, advocacy, education, and on-the-ground conservation. State programs, nature centers, chapters, and partners give Audubon an unparalleled wingspan that reaches millions of people each year to inform, inspire, and unite diverse communities in conservation action. A nonprofit conservation organization since 1905, Audubon believes in a world in which people and wildlife thrive.</p>	<p>This comment introduces the organization’s background and its intent to comment. No substantive comments regarding the EIR are offered, and no further response is required.</p>

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166	002	Jerald A. Britten, Mt. Diablo Audubon Society	<p>In our review of Project documents and stakeholder comments made thus far, we find that:</p> <ol style="list-style-type: none"> 1. Appropriate Location – industrial-scale photovoltaic (PV) solar as proposed by the Project is, according to Audubon bird impact criteria, an appropriate use of the Project site given its disturbed condition, proximity to PG&E’s Cayetano substation (Substation) and location outside of any designated Important Bird Area (IBA). 2. Need for bird monitoring – protocol level pre- and post-construction monitoring of the Project’s effects on birds, especially on grassland birds which may use the site, should be required to understand the Project’s biological impacts and provide data to inform future review and decisions on similar projects. Such monitoring would also make up for the lack of quality pre-site selection surveys to date. 3. Solar policy needed for long term – we strongly recommend that the County develop a comprehensive solar policy based on a model that has already been applied successfully elsewhere in California in order to guide potential future industrial-scale solar projects. <p>We elaborate on these points below and provide additional information on the catastrophic effect that human-induced climate change will have on birds (and humans) unless, as the UN Intergovernmental Panel on Climate Change (IPCC) stated more than two-years ago, “rapid, far-reaching and unprecedented changes in all aspects of society” are made.</p>	This comment summarizes comments to be made in further detail later in the letter that are addressed individually below. No further response is required.
166	003	Jerald A. Britten, Mt. Diablo Audubon Society	<p>The Project is Sited in an Appropriate Location</p> <p>The Project proposes to construct an industrial-scale PV solar energy and storage facility with a construction footprint of 410 acres. The site is currently used for oat and hay cultivation as well as cattle grazing, activities that have been taken place there over many decades.</p> <p>Audubon has a set of criteria to determine the suitability of a site for industrial-scale solar that was applied to this Project.</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR.

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			<p>Given the consistent level of disturbance that has occurred over many decades, the area can be characterized as one degraded from its natural state that retains some value as foraging habitat for various bird species that typically use grassland and agricultural lands in the region. Given the large amount of high-quality habitat nearby that is already under various levels of official protection, and the abundance of grassland and agricultural land cover types in the region, the conversion of the Project site to industrial-scale solar and subsequent loss of foraging habitat (we address this issue more in our comments on the need for monitoring) for bird species would be unlikely to negatively impact bird populations.</p> <p>The site is also adjacent to an existing PG&E Substation, eliminating the need for the miles of transmission lines that similar solar facilities would require to deliver energy to the grid. The dEIR indicates that while some transmission lines would be above-ground around Cayetano Creek, and potentially near a road intersection, most utility lines would be placed underground. Overhead utility lines are a significant cause of bird mortality associated with PV solar projects. Since the need for such energy infrastructure would be greatly reduced given the Project's location next to the Substation, siting the Project here avoids potentially high bird mortality risks.</p> <p>We also note that the Project is not being proposed in a designated IBA. The IBA Program is a global initiative which aims at identifying and conserving the most important places for bird populations. IBAs are distinct areas that provide essential breeding, wintering or migration habitat for one or more species of birds.</p> <p>Because the Project's location lies outside of an IBA, eliminates the need for a large amount of above-ground transmission lines that pose a threat to birds, and is degraded from its natural state due to decades of dry-farming, we find it seems appropriate for industrial-scale PV solar insofar as it will minimally impact native birds. We remain concerned about</p>	

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			the lack of quality avian monitoring to date and recommend changes to mitigate impacts below.	
166	004	Jerald A. Britten, Mt. Diablo Audubon Society	<p>Need for Monitoring Before, During and After Project Construction</p> <p>The dEIR states that the Project would have a less than significant impact on biological resources when proposed mitigation measures are applied. However, there was no regular bird-specific monitoring of the Project site conducted to determine a baseline of bird use. While the dEIR includes monitoring birds for a time during Project operation, this would be for the purpose of investigating bird collisions with PV infrastructure.</p> <p>Research cited in the dEIR and comments made by the Applicant during Project review indicate that the Applicant believes the Project site will still serve as useful foraging habitat to some degree. It is also possible that grassland birds may nest and forage in the converted habitat. Yet without a proper baseline, there can be no useful comparison of pre- and post-construction site use to measure mortality or displacement impacts for sensitive species that may require mitigation.</p> <p>There is a general lack of high-quality information on bird use of sites dedicated to industrial-scale solar, in part because there are not a great number of studies, but also because solar companies often do not conduct sufficient monitoring activities, or do not make the results of such monitoring readily available for review by outside biologists.</p> <p>In order to fully mitigate the potential biological impacts of the Project and provide high-quality data on the various effects of industrial-scale solar PV on birds, the Applicant should prepare a Bird Bat Conservation Strategy document in consultation with California Department of Fish & Wildlife and/or US Fish & Wildlife Service for inclusion in the final EIR. That document will provide clear plans for monitoring, adaptive management (a crucial component) and best management practices to be implemented at the project site</p>	<p>A discussion of potential bird and bat fatalities resulting from the proposed project has been included in Section 4.4, Biological Resources. The Draft EIR acknowledges the potential for avian impacts and includes mitigation measures to reduce avian impacts as a result of collisions with power lines and solar panels (MM BIO-7, Avian Effects During Operation of the Solar Facility) including requirements for undergrounding electrical wiring to the maximum extent feasible, a requirement that all transmission lines and electrical components shall be designed, installed, and maintained in accordance with Avian Power Line Interaction Committee’s guidance, Reducing Avian Collisions with Power Lines: State of the Art in 2012, development of an Avian Monitoring Plan to be prepared by qualified biologists, and a requirement that solar panels shall include, if feasible, a light-colored, UV-reflective, or otherwise non polarizing outline, frame, grid, or border, which has been shown to substantially reduce panel attractiveness to aquatic insects (Horvath 2010) and may reduce avian mortality by avoiding collisions with panel faces (NFL 2014).</p> <p>A qualified biologist shall prepare an Avian Monitoring Plan to assess and monitor the potential for avian collisions with solar panels and fencing on the site. The Plan will include monitoring for levels of avian activity as well as avian mortality in treated and untreated (control) portions of the solar facility to determine if avian mortality is occurring and if there is any apparent difference in avian mortality between treated and untreated panels and fencing. The Plan shall also include methods to install visual deterrents or cues to encourage bird avoidance of the Project site. Implementation of the Plan will provide quantitative data on the effectiveness of the avian deterrent in terms of overall bird use and large-bird mortality in treated portions of the project versus an untreated control.</p>

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			<p>over the 20 or 30 years of the project life. Such an effort would not only help mitigate Project impacts, but also inform future review and decisions on similar projects.</p>	
166	005	<p>Jerald A. Britten, Mt. Diablo Audubon Society</p>	<p>A Comprehensive Solar Policy Model</p> <p>There is a pressing need for the County to comprehensively plan for large-scale solar and its potential impacts on birds, other wildlife and native plant communities. We strongly recommend that County staff examine the planning process implemented in the San Joaquin Valley several years ago to develop a successful least-conflict solar policy. The “Mapping Lands to Avoid Conflict for Solar PV in the San Joaquin Valley” effort convened leaders from the agricultural, conservation, and solar development communities, and included tribes and key agencies. They asked the groups where the least-conflict lands for solar development in the San Joaquin Valley, from each of their perspectives, were located. More information is HERE.</p> <p>The County has seen the negative long-term impacts of first generation, poorly planned and uncoordinated wind power projects in the Altamont Pass. It is in the interest of County residents and all stakeholders that solar power in the region is developed in an efficient, well-planned manner that avoids and mitigates impacts by, among other things, appropriate siting. If future solar projects are guided by a comprehensive policy that has incorporated key stakeholder input, it will reduce conflict and facilitate renewable energy development rather than invite controversy.</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR. The project applicant is proceeding in accordance with all County requirements as they currently stand. No further response is required.</p>
166	006	<p>Jerald A. Britten, Mt. Diablo Audubon Society</p>	<p>The Catastrophic Effects of Climate Change on Birds</p> <p>As we discuss below, Audubon understands the severe danger that climate change poses to people and birds, and recognizes that well-sited, properly-mitigated large-scale renewable energy projects are necessary to substantially and quickly reduce greenhouse gas (GHG) emissions. The dramatic impacts of human-induced climate change become clearer and more extreme each year. Given that the Project could provide 100 MW of clean renewable energy that would reduce the need for energy derived from fossil fuels, there is</p>	<p>This comment discusses the recent and potential impacts of climate change and argues that large-scale changes must be made. It offers general support for the project, which is acknowledged. No further response is required.</p>

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			<p>an obvious need to weigh the Project’s various potential impacts against the imperative to take immediate, dramatic action to limit global warming as much as possible.</p> <p>In October 2018, the IPCC reported that the planet would reach the crucial threshold of 1.5 degrees Celsius (2.7 degrees Fahrenheit) temperature rise above pre-industrial levels by as early as 2030, precipitating the risk of extreme drought, wildfires, floods and food shortages for hundreds of millions of people, unless “rapid, far-reaching and unprecedented changes in all aspects of society” are made.</p> <p>Produced just one year later, Audubon’s Survival by Degrees Report (found HERE) shows that the unprecedented pace and magnitude of climate change make it an existential threat to birds, people and the natural systems we depend on. Two-thirds of North American birds are at increasing risk of extinction from global temperature rise. While historically birds are known to respond to climate change by shifting their ranges, climate change is occurring 20 times faster today than it has during any historical period over the past 2 million years. In California, under 3 degrees Celsius (5.4 degrees Fahrenheit) temperature rise, 146 of 307 modeled species are climate vulnerable, meaning they would lose more of their range than they would gain. In reality, 3 degrees Celsius temperature rise is a conservative estimate of the high-end of global warming. Research shows that if humans continue GHG emissions as we have been, the high-end of warming is a 4.8 degrees Celsius (8.6 degrees Fahrenheit) increase in 60 to 80 years.</p> <p>Stabilizing warming at a global average of 1.5 degrees Celsius (2.7 degrees Fahrenheit), as recommended by the IPCC, would help improve the chances of survival for 76% of at-risk bird species. In addition, it would go hand in hand with ensuring a more sustainable and equitable society. The same year that the IPCC released their report, California legislators passed SB 100, setting a goal for the state to achieve 100% renewable and zero-carbon electricity by 2045.</p>	

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			<p>In the two years since the IPCC report and passage of SB 100, what has occurred?</p> <ul style="list-style-type: none"> • 11,000 scientists signed a statement saying the Earth is facing a climate emergency. • Millions of people around the world participated in the Youth Climate Strike of 2019. • This year California suffered its worst fire season in history, with more than 4 million acres burned, shattering the 1.8 million acres burned in 2018, which in turn blew away the horrendous fire season of 2017. • This September, 5 of the 10 largest wildfires in recorded California were burning at the same time. This year, the carbon released into the atmosphere by the fires, literally going up in smoke, dwarfed the state’s fossil fuel emissions. • This year, Earth experienced its hottest September ever recorded. • It was confirmed that the Great Barrier Reef lost half its corals over the last three decades. • Last month, a Colorado wildlife grew by 100,000 acres in one day, and the two largest wildfires in that state’s history burned at the same time. • Also last month, the UN warned that the world risks becoming an “uninhabitable hell” for millions of people unless leaders take climate action, and that the last two decades saw near double the number of recorded natural disasters around the world compared to the two decades before that. 	
166	007	Jerald A. Britten, Mt. Diablo Audubon Society	<p>Alameda County must be a leader to immediately and substantially reduce GHG emissions, increase clean energy and protect the natural systems that we need to buffer us from the worst effects of climate change. This Project, improving it to require bird monitoring and adaptive management, and crafting a sound comprehensive solar policy that will allow future clean energy projects to win quick, non-controversial approval provide opportunities to lead. The County must lead, because everyone must lead.</p> <p>Thank you for considering our comments.</p>	<p>This comment offers general support for the project, which is acknowledged, summarizes earlier requests to improve monitoring and adaptive management (addressed above), and requests that the County develop a comprehensive solar policy (addressed above). No further response to this comment is required.</p>
167	001	Jean King	<p>There are several areas that need to be studied more.</p>	<p>1. The applicant is proceeding in accordance with all currently applicable County zoning requirements. Solar production is a compatible use on the</p>

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			<p>1. Industrial power should not be placed on Agricultural land, Resources Management land nor Water Resource lands. This is an industrial project and should be in an industrial area. 75% of the power is for San Francisco and not for local power in the Tri Valley.</p> <p>2. Mitigation of the scenic corridor should be evaluated from different siting locations. Shrubbery protecting the view from North Livermore Avenue is not adequate.</p> <p>3. A study of protection of native plants and animals should be done by a professional in the field. Include effects during the construction as well as for the long term conditions. Effect on movement of animals during different times of the year.</p> <p>4. What will be the source of water for the site and what environmental problems will it have if it is trucked in or secured on the site. Also, need to study the effects of the run-off from the water used for landscape and for washing the panels.</p> <p>5. The environmental impact of the battery storage. Possible leakage, mitigation of view obstruction, exact description of the facility that houses the batteries.</p> <p>6. Study of the ground cover that will grow in the shade of panels and provide forage for sheep and still be habitat for animals. What percentage of the year will this agricultural use of sheep grazing will be possible.</p> <p>7. Specific plan for funding and implementing restoration of area if facility is no longer being used for solar.</p> <p>8. Impact of initial construction on access roads, traffic, land with determination of the number of jobs and length of time of jobs, amount of construction materials that need to be transported into the area. Specify how many jobs will be created and for what length of time.</p>	<p>project site and the issuance of a Conditional Use Permit by the County would authorize the construction of this solar facility on the project site. The project would connect to California's electrical grid through the PG&E Cayetano substation and transmission lines. The power supplied by the project would become a small portion of the power supplied to the entire PG&E service area, including Alameda County. In addition, the project would be a source of supply for renewable power to Alameda County residents who have selected the option to purchase renewable sourced electricity through a Community Choice Aggregator program. See section 5.0 for a discussion of project alternatives including alternative sites. With respect to General Plan consistency, refer to Response to Comments #141-005 through 141-007.</p> <p>2. See section 4.1 for a discussion of aesthetic impacts and see the new section 3.8.10 for a discussion of landscaping species, sizes, and estimated time to maturity. Section 4.1 acknowledges that some impacts to aesthetics would be significant and unavoidable even with mitigation. Refer to Responses to Comments #141-012 and 141-066.</p> <p>3. See section 4.4 for a full discussion of impacts on biological resources, including pre-construction surveys (which were conducted by qualified biologists), mitigation measures, and monitoring during construction and post construction. Several of the survey and monitoring protocols and mitigation measures have been updated and/or clarified in response to other comments received.</p> <p>4. Water supplies considered in the WSA for project construction, operation, and decommissioning include groundwater pumped from the Livermore Valley Groundwater Basin via an on- or off-site groundwater well, surface water imported to the project area and distributed via the Zone 7 Water Agency, and local groundwater banking operations that receive surplus water supplies during wet years and provide supply reliability during dry years. Washing of panels would be done once annually with water only. See section 4.10 for a complete discussion of hydrology and water quality. Additional water for dust suppression may be trucked to the site during construction. See section 3.5.2 for that discussion and section 4. 16 for project transportation impacts.</p>

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				<p>5. See section 4.9 for a discussion of battery safety. See response to 2. (above) for a discussion of visual impacts of the projects. See section 3.4.4 for a detailed description of the battery storage facility.</p> <p>6. See sections 3.6.2 and the newly added 3.8.10 for a discussion of vegetation. Grazing would likely be confined to a 2 month period in the late spring and early summer, after the primary blooming period of onsite vegetation. This would allow for pollinator foraging prior to removal of vegetation by the sheep. The site is expected to support up to 820 head of sheep annually, though the exact number and the exact window of grazing would vary from year to year based on weather conditions and forage productivity. Sections 3.6.2 and 4.2 have been updated to reflect this information.</p> <p>7. The project applicant would submit a bond to the County prior to construction to ensure that decommissioning would be adequately funded, even in the case of bankruptcy. See section 3.8.1 for complete discussion.</p> <p>8. See section 4.16 for a discussion of transportation impacts during construction and operation. See sections 3.0 and 4.13 for a discussion of jobs. The project is anticipated to create up to 400 living wage, union jobs for approximately nine months during project construction, and up to four long-term jobs for operations and maintenance during the life of the project.</p>
168	001	David Rounds, Friends of Livermore	When I first heard about the Aramis project I found it unbelievable that county leadership would consider such a project to be consistent with the language and the intent of Measure D. Studying the detail of the project and the Draft EIR only served to reinforce my incredulity around this development. Nevertheless, in the spirit of providing specific comments/objections to the content of the Draft EIR let me focus on the Scenic Route Element of the General Plan.	The commenter expresses general opposition to the project and expresses their intent to raise specific concerns. Please see responses to specific comments below.
168	002	David Rounds, Friends of Livermore	Pasted below is a paragraph from Section 4.1 of the DEIR talking about the local visual character of North Livermore Valley. This is an eloquent and simple description of what makes this part of North Livermore unique and live up to its designation as a rural scenic route. Kudos to whoever wrote this piece. The DEIR says that scenic quality will degrade from high to moderately high and moderately high to moderate,	Section 4.1, Aesthetics, of the Draft EIR concludes that the proposed project would result in significant and unavoidable impacts to a scenic vista and the visual quality and character of the area, even with the proposed mitigation measure. Section 8.0, Significant and Unavoidable Impacts, also addresses these conclusions. See also responses to comments #141-012 and 141-066.

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			<p>depending on which view is being considered. This determination is inadequate.</p> <p>Apparently the assumption in the DEIR is that the hills can be seen over the top of the screening and the screening is visually attractive so the impacts are not significant. Your own description of Local Visual Character below counters this assumption. I have been driving and riding on North Livermore Avenue and Manning Rd for 53 years. The grasslands sweeping up to the hills with occasional oak trees, cows and buildings is what makes this a unique scenic route. The very act of putting solar panels covering the grasslands makes it impossible for the Aramis project to not have a significant impact on the scenic corridor. If putting up a screen of trees and shrubs to "hide" the panels (and hide the grasslands) is considered adequate mitigation, then Highway 880, back when the median and shoulders were covered with oleanders, must have been considered a scenic corridor too. This draft EIR does not mitigate the visual impacts because it is impossible to do so for this type of development on this unique landscape.</p> <p>Local Visual Character North Livermore Avenue and Manning Road provide views of undulating ridgelines with grassland landcover, oak tree clusters, trees along North Livermore Avenue, and riparian trees and shrubs along Cayetano Creek and its tributaries. Rural residences, ranches, and electrical utility infrastructure are interspersed along these roads, and views of barns, agricultural outbuildings, and rustic fencing are common.</p>	
168	003	David Rounds, Friends of Livermore	And there are options in East Alameda County for solar development that do not involve covering scenic corridors and preserved agricultural land with solar panels. The recent study conducted by an expert solar siting company for the Friends of Livermore identified significant areas of opportunity for both utility scale and distributed solar projects. Specifically, this study identified sixteen parcels that could be grouped into three distinct areas totaling 756 acres with space for a potential of over 135MW of solar power. None of these	<p>Section 15126.6(a) of the State CEQA Guidelines state that:</p> <p>“An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making</p>

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			<p>parcels are on land that is protected and scenic like North Livermore. Additionally, five parcels of developed land totaling 233 acres were identified with the potential to produce over 38MW of distributed energy.</p> <p>The county should be looking for solar energy solutions on already developed land or marginal land, not in the North Livermore Valley.</p>	<p>and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”</p> <p>The Draft EIR considered alternative locations (Alternative Location: Formerly Proposed Solar Development Sites and Other Large-Scale Sites) and distributed solar (Alternative Location: East Bay Community Energy Solar Sites) alternatives but rejected these alternatives as infeasible. The Draft EIR considered two project action alternatives that eliminate one of the two significant and unavoidable impacts identified and lessen impacts to other resource sections, including biological resources. The Draft EIR considered a range of reasonable alternatives as required by CEQA Section 15126.6.</p> <p>See responses to comments #141-023 and 141-063.</p>
169	001	Laura Mercer, Tri-Valley Conservancy	<p>Tri-Valley Conservancy’s mission is to promote economically sustainable vineyards and orchards, and increase permanently protected, biologically diverse open spaces. Since our founding over 25 years ago, we have protected more than 4,500 acres of agricultural and open space land and connected over 50 miles of hiking and walking trails. Our organization needs more information regarding the Aramis Solar Energy Generations and Storage Project in areas that we believe were not adequately addressed in the Draft Environmental Impact Report:</p>	<p>The commenter expresses their general intent to comment on the Draft EIR and briefly describes their organization. No specific concerns are raised about the adequacy of the EIR are raised.</p>
169	002	Laura Mercer, Tri-Valley Conservancy	<p>Aesthetics (AES): The visual representations of the project are incomplete because they do not include the impact of neighboring projects. Although other projects are acknowledged, they are not depicted in the visual conceptualizations. This is especially obvious in the KOP C viewshed. The view is from neighboring properties but does not model the Livermore Community Farm Solar Project.</p>	<p>The visual simulation is a rendering of the proposed project and not a cumulative visual simulation. The nearby project being referred to is the Livermore Community Solar Farm project which is located northeast of the intersection of North Livermore Avenue and May School Road. If the project were to be approved and constructed, the Livermore Community Solar Farm project would be visible from KOP C. However, the project has not been approved and it would be speculative to include a rendering of that project in the simulation. However, Section 4.1, Aesthetics, concluded that the proposed project would result in a significant and unavoidable cumulative impact.</p>
169	003	Laura Mercer, Tri-	<p>Agriculture and Forestry Resources (AG): In addressing the agricultural uses of the property under the Williamson Act, the</p>	<p>The Draft EIR incorrectly asserted that a portion of the project site was under Williamson Act contract. In fact, during review it was discovered</p>

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		Valley Conservancy	party responsible for the maintenance of sheep grazing and honeybee foraging remains unclear. As has been seen elsewhere in Livermore, solar projects have been started and then abandoned. What guarantees are there that the land will remain in agricultural production for the life of the project?	that the property owners had filed a Notice of Nonrenewal of Agricultural Preserve Contract on October 2, 1990 to notify the County of Alameda that the land conservation contract would not be renewed, effective January 1, 1991. Section 4.2 (Agriculture and Forestry Resources) has been updated throughout to reflect this information. Sheep grazing is an integral part of the project design and is necessary for both fuels management and for ensuring that vegetation does not grow so tall as to shade the panels. However, the applicant is not required to identify the parties responsible for grazing and/or apiculture in the EIR.
169	004	Laura Mercer, Tri-Valley Conservancy	Biological Resources (BIO)/Hydrology and Water Quality (HYD): Most mitigation measures for Biological Resources are focused on construction and not on the long-term stewardship of the site. Assuming that the effects of sheep grazing will be equivalent to or less than the historical impacts of cattle grazing on the land is unsupported within the report, especially the determination that “waste associated with sheep is expected to be substantially less than that associated with cattle.” Even if the impacts are less than significant, there are concerns that the models do not account for increased sheep excrement and sedimentation from the expected increase in biomass of the pastureland under the panels and its potential impact on the effectiveness of the implemented BMPs. Thank you for your consideration of our issues.	The reason that most mitigation measures are focused on the construction phase is because that is the time of greatest site disturbance when most impacts would be most likely to occur. Following site construction and during operation, soil would be vegetated and stabilized, and large disturbances would not take place (except for panel washing once annually and other maintenance and monitoring as needed, which would still be much lower intensity and shorter duration than construction activities). Section 4.2 has been updated to include a discussion of the impacts of cattle grazing versus sheep grazing. Sheep are only expected to be present on the property for approximately two months per year (Section 4.2 has been updated to reflect this new information as well) and sheep are less damaging to soil given their lower weight. BMPs would mostly be implemented during construction to mitigate impacts from exposed and disturbed soil, but soil would remain vegetated during project operation. Biomass and sedimentation are not expected to increase significantly during project operation, and the commenter does not cite any evidence to support this claim.
170	001	Susan Springer	I am submitting the following comments regarding the draft environmental impact report for the Aramis solar energy generation and storage project application #PLN2018-00117. While we understand the need for alternative energy sources and personally own solar panels at our residence, an industrial utility size facility does not belong on the precious dwindling agricultural resources in North Livermore.	The issue raised by the commenter addresses the merits of the project and does not raise any issue with the analysis presented in the EIR.
170	002	Susan Springer	Section 4.1 Aesthetics The obvious issue of placing solar panels in an otherwise picturesque landscape is the visual	The commenter’s residence is a private property and not a public highway or other publicly accessible vantage point. For the purposes of CEQA aesthetic analysis, effects must be assessed from scenic vistas (here interpreted to include the County-designated Scenic Rural

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			<p>assault to the open space. Alameda County designated North Livermore Avenue as a Scenic Rural Recreational Route with “outstanding scenic quality” in 1966. That designation was intended to conserve and protect scenic views. No amount of landscaping unnatural to the terrain will provide visual interest or screen the unsightly view of photovoltaic solar panels, a 7 foot high fence or security lighting.</p> <p>The DEIR states under 4.1.1.1 that the project is not visible from Morgan Territory Road, when in fact it is clearly visible with no obstruction from my residence off Morgan Territory Road. (see attached photo.) In addition to the panels, erection of towers as high as ten floor buildings for the proposed transmission lines are additional edifices that will have a substantial adverse effect on the scenic vista of North Livermore, permanently degrading the beauty of the surrounding area.</p>	<p>Recreation Routes including Morgan Territory Road), State scenic highways, and public viewpoints. Assessment of views solely from private property and privately-accessible vantage points is not practical and is not required under CEQA.</p>
170	003	Susan Springer	<p>4.16 Transportation</p> <p>Of high concern is safety regarding the increased traffic during construction and operation of the facility. The increase in vehicle miles travels may have a significant impact on the environment, as well as those of us who travel the roads daily, outside commuters, bicyclists and pedestrians. The planned access points off North Livermore Avenue, Manning Road and May School Road will be hazardous during construction, not to mention the damage to the asphalt by heavy trucks.</p> <p>The corner of N. Livermore Avenue and Manning has limited visibility at some points, and is already the location of numerous collisions, both vehicle and bicycle, as is the intersection of Manning and Morgan Territory Road. The single lane roads are designed for agriculture, not production facilities.</p>	<p>See section 4.16 for a detailed discussion of potential impacts to transportation. This comment does not raise any specific issues regarding the adequacy of the analysis presented in the EIR, and no further response is needed.</p>

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170	004	Susan Springer	<p>4.18 Wildfire</p> <p>The project exacerbates the potential of wildfires in the area due to both the lithium-ion battery storage and the proposed overhead wires. The area is especially prone to high winds. Damage to an overhead power line during a wind event could be disastrous for anyone nearby, including residential neighborhoods in the City of Livermore. The lines to and from the Cayetano substation were deliberately placed underground due to the fire risk. Transmission lines from the proposed solar project should also be placed underground.</p> <p>The safety of the lithium ion battery storage should be studied in light of recent explosions and fires of commercial battery stations, including an explosion and fire that nearly killed one firefighter and caused traumatic brain injury to two firefighters last year in Arizona. The latest explosion in Liverpool, United Kingdom triggered a fire that lasted over seven hours. Specialized training regarding response to lithium battery events would be necessary for public safety personnel. Undoubtedly that training would be an expense to county taxpayers.</p>	<p>Sections 3.0 Project Description, 4.14 Public Services, and 4.18 Wildfire of the Draft EIR have been revised to clarify potential wildfire impacts. Descriptions of existing conditions were clarified to note which CAL FIRE and ACFD stations were closest to the project site, and training and pre-incident planning requirements were specified to include coordinating with CAL FIRE and ACFD to conduct pre-incident planning visits and awareness training regarding any special hazards and operational considerations posed by solar facilities. It was made clear that the project applicant would cover the costs of those additional trainings if requested to do so by CAL FIRE and/or ACFD. Regarding the classification of the project site as a fire hazard severity zone (FHSZ), the project is located in a State Responsibility Area (SRA). SRA lands (which cover approximately 1/3 of the State and can most generally be defined as non-federal, unincorporated wildlands) are generally all classified into fire hazard severity zones (PRC 4202) of moderate, high, and very high. The project site's classification as a moderate FHSZ, along with its flat topography (which favors ingress and egress and helps to limit rapid fire spread) and short, fine fuels (i.e., annual grasses) indicate that it is not in an area at unacceptable wildfire risk. Recent fire codes (i.e. the 2019 California Fire Code referenced in section 4.18) have been updated based on lessons learned at recent incidents involving large battery storage facilities.</p>
170	005	Susan Springer	<p>Alternatives Exist</p> <p>There are many other areas of concern including wildlife, watershed, and the introduction of unsupervised visitors to the area. There are also many alternatives to the proposed destruction of the agricultural resources of North Livermore. I am hopeful that Alameda County will thoughtfully examine the options and identify the most appropriate alternative.</p> <p>I appreciate the opportunity to comment. Thank you for your consideration in addressing these concerns in the DEIR. Please contact me if you have questions.</p>	<p>Concerns regarding wildfire have been addressed in the response to comment 170-004 above as well as in section 4.18 Wildfire of the EIR. Concerns involving water quality are discussed in detail in section 4.10 Hydrology and Water Quality. See section 5.0 Project Alternatives for a discussion of project alternatives. Unsupervised visitors would not be allowed on the project site and visitors would be limited to construction and utility personnel, site employees, biological or other monitors, and those visiting the site for training or pre-incident planning purposes.</p>

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170	006	Susan Springer	[Attachment 1: Photo of the view from south Morgan Territory Road]	The commenter attached a picture of the Livermore Valley with the approximate location of the project site circled in red. No response is required.
171	001	William Hopper, Ohlone Audubon Society	<p>The Ohlone Audubon Society is providing comments on the Aramis Solar Energy Generation and Storage Project EIR.</p> <p>Cayetano Creek runs adjacent to the project site. Even seasonal streams have importance to wildlife. Fifteen regionally occurring special-status species are either known to occur or have the potential to occur in the project site. We do not agree that this project requires no mitigation acreage. We request that you require compensatory mitigation if this project goes forward.</p> <p>If this project must go forward, a reduced footprint should be the preferred alternative. The Resource Management Avoidance Alternative or Reduced Footprint Alternative would result in less than significant land use impact and should be considered the preferred alternative.</p> <p>Finally, we urge that any decision on this project be delayed until a full siting suitability study and policy be developed by Alameda County. Friends of Livermore have engaged a consultant who has identified a series of more suitable alternative sites. We urge you to delay action on this project until Alameda County completes a full assessment and policy.</p> <p>Thank you for the opportunity to comment on this project.</p>	<p>Section 4.4, Biological Resources, discusses the project’s potential effects on habitat and local wildlife. With implementation of the mitigation measures identified in Section 4.4, Biological Resources, to avoid take of CESA-listed species, the proposed project is not anticipated to result in take of a protected species. Therefore, take coverage is not currently sought for implementation of the proposed project, and compensatory mitigation is not required.</p> <p>The commenter has expressed their support for the Resource Management Avoidance Alternative described in the EIR. The project applicant is actively considering implementation of the Resource Management Avoidance Alternative.</p>
172	001	Jon Miller	<p>In October 2018 the United Nation’s Climate Science Body stated that we have just 12 years to make massive and unprecedented changes to global energy infrastructure to limit global warming to moderate levels. Two years later we are reminded almost daily that our world is rapidly warming with reports of melting glaciers, record high temperatures in the Artic, rising sea levels, and raging wild fires.</p> <p>The time to take action on the climate crisis is now. We have the opportunity to take such action right here in the Tri-Valley with the approval of the Sunwalker and Aramis Solar facilities.</p>	The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.

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			<p>These facilities would be a huge step toward our county becoming carbon neutral.</p> <p>As you know, there is an organized effort against these facilities, which is led and funded by three nearby landowners. They argue that it will harm wildlife and be a detriment to a scenic corridor. The fact is that this land has been used to graze cattle for decades. Besides, what is going to happen to wildlife and what will our valley look like as the world keeps on warming?</p> <p>The inconvenient truth is our world is warming a lot faster than most people realize. We must all take action now to stop it. Will you please use your influence to get these projects approved and built without delay?</p> <p>Thank you, and thank you for your work for our county.</p> <p>Jon Miller</p> <p>Please read. https://www.vox.com/2018/10/8/17948832/climate-change-global-warming-un-ipcc-report</p>	
173	001	Peter Caldwell	<p>I listened in on the TV-CCE Forum on Solar Energy Development tonight and I would like to speak in support for the project. As a Livermore resident, I think it is only a matter of time before that part of North Livermore gets developed. Building a solar farm will protect the region from huge increases in traffic, ugly big box stores and tract homes, and other blights of urban sprawl. Others complain that the solar farm is ugly but I think solar panels are beautiful and the planned vegetation border will look better than the ugly PG+E substation that's there now or the run-down barren fields. By managing the area around the plant for raptors, keeping bees, and planting drought-tolerant, native plants which attract animals, the project will actually enhance the environment for wildlife. The argument that the plant will harm endangered salamanders is ridiculous – if you look at that tract, it is already trampled by cows. Additionally, endangered animals will suffer more from the climate change this plant aims to</p>	<p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>avoid than from a few months of construction (especially since salamanders are only around during a small portion of the year which is easy to work around).</p> <p>I also find the argument that letting industrial solar panels get by measure D will open a loophole for anything to get through to be bizarre. There is a clear difference between a solar farm which causes negligible change in traffic, doesn't obstruct views of the hills, and provides clear societal good versus a housing development. Saying one will pave the way for the other doesn't make sense. My understanding is that measure D already allows other rural industrial uses like gravel pits, so I don't see how it would exclude something that is much cleaner and lower impact.</p> <p>As a climate scientist and member of Livermore's Climate Action Plan Advisory Committee, I also think that projects like Aramis are critical. Folks at the forum said "you shouldn't have to destroy the planet to save it" which is an absurd thing to say. Until we quit using electricity, we need power plants and those power plants need to go somewhere. The opportunity to have a forward-looking 100% renewable plant in our town should make us proud.</p> <p>Naysayers also argued that the Aramis site is prime farmland because it is designated as "prime farmland if watered". With all the water issues in CA right now and future decreases in summertime water availability from Sierra snowpack as the climate warms, there is absolutely no way this area will ever receive irrigation water. Opponents of the plan also argue that the land could be profitably used for dryland farming but don't have any credible plans for doing so. In general, dryland farming is a hard way to make a living.</p>	
174	001	Bruce Daggy	<p>I am a resident of Pleasanton involved regionally in issues related to energy, air quality, and the food supply. Last night I attended with interest an online Solar Energy Forum addressing the proposed Aramis Project. It was a lively event with excellent presentations from every perspective. There are pros and cons for any use of this land, and people of good will can arrive at differing conclusions. I entered the forum</p>	<p>The commenter expresses an opinion about the need for a comprehensive policy for large-scale solar development in Alameda County. Development of a solar policy is a matter of County procedure and process and is not part of the proposed project evaluated in the EIR.</p> <p>The issue raised by the commenter addresses the merits of the project and does not raise any issues with the environmental analysis presented</p>

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			<p>with an open mind, but inclined against the proposal. I left as a supporter of the solar project, with some caveats.</p> <p>It's unfortunate that years have passed without a clear plan, as was executed for South Livermore, for the development of agriculture in North Livermore. Much hinges on the water requirement. Dr. Larry Gosselin from the ACAgricultural Advisory Committee discussed ideas for new agricultural development with low water needs, such as agave for tequila production, or lavender. This idea could have merit, and could go forward on the 90+ percent of agricultural land not used by the solar project. It might also be possible to use treated water from the water treatment plant; however, there are other calls for use of that water, and the costs of the water treatment and purple pipe network are not inconsiderable; it's not clear that this water would ever be made available. Or there could be a new water district created, with e.g., water diverted from the Delta. All these are hypotheticals that can still be considered if the Aramis project goes forward.</p> <p>It's also unfortunate that years have passed without a clear policy for solar development in Alameda County. But the Aramis project appears to meet all conditions currently in place. Climate change is an existential threat. Electrification of transport and buildings is an important piece of the solution. The region is blessed with conditions favoring development of solar energy; we need to get on with it at the county level. California's grid is barely stable, and a solar plus battery storage facility is a good direction to go.</p> <p>Electrification of transport and buildings is also critical to improve air quality. The Tri-Valley communities of Pleasanton, Livermore, San Ramon and Dublin have been designated by the BAAQMD as impacted communities based on exceedances of federal and state air quality standards in our airshed. This has consequences for public health.</p> <p>As for my caveats.... It was stated at the forum by Marisa Mitchell, representing Intersect Power, that the land would be well cared for (pollinator friendly plantings, grazed by sheep,</p>	<p>in the EIR. For more information about climate change, please see Section 4.8 Greenhouse Gas Emissions. No further response is required.</p>

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			<p>apiaries, etc.) and that a bond would be posted to handle ultimate removal costs. I would like to hear that there is a firm commitment that the land will be returned to abeer state than it is at present. Proper land management can result in carbon capture, and that could be an important co-benefit of the project. And secondly, the bond must be adequate to cover actual costs. We have seen too often -- including with the California oil and gas industry -- that companies have been allowed to post bonds that were grossly insufficient to cover closure costs. California taxpayers are now on the hook to pay hundreds of millions of dollars to cap abandoned wells owned by bankrupt companies. We must learn from that, and not allow it to happen again with renewable energy.</p> <p>I am happy to discuss if you have any comments or questions concerning my position.</p>	

ⁱ An eBird account is required to view individual species observations; following this link without an account will only display raster data.