Record of Decision (ROD)

Campo Wind Project with Boulder Brush Facilities

U.S. Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
Sacramento, California

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BUREAU OF INDIAN AFFAIRS
Pacific Regional Office

AGENCY: Bureau of Indian Affairs (BIA), Pacific Regional Office

ACTION: Record of Decision (ROD) for the development, construction, operations and maintenance of the Campo Wind Project with Boulder Brush Facilities on land within the Campo Indian Reservation in San Diego County, California.

SUMMARY: The Campo Band of Diegueno Mission Indians supports economic development initiatives through green energy systems as sustainable vehicles promoting the long-term economic independence of the Tribe. The Tribe in partnership with Terra-Gen Development Company, LLC proposes to develop, construct, operate, maintain and decommission a Commercial Wind Generation Facility (CWGF) capable of producing an estimated 252 Megawatts (MW) of electrical power from approximately 60 turbines. Siting of the proposed facility would occur on approximately 2,200.0 acres within the exterior boundaries of the Tribe's Reservation. The development, construction, operations, maintenance and decommissioning of the CWGF is subject to the final approval of a 25-year lease by the Regional Director, Pacific Region-Bureau of Indian Affairs.

The Campo Wind Project with Boulder Brush Facilities was originally analyzed as Alternative 1 in the Environmental Impact Statement (EIS) prepared in compliance with the National Environmental Policy Act (NEPA) under the direction and supervision of the BIA Pacific Regional Office. The Pacific Region issued notice that a Draft Environmental Impact Statement (DEIS) was available for public review on May 24, 2019. The Pacific Region completed a 45-day comment period; one (1) public hearing; and reviewed and analyzed comments received during the 45-day comment period. The Pacific Region incorporated comments received into the Final Environmental Impact Statement (FEIS) and issued notice on January 31, 2020 regarding the availability of the FEIS for public review. The DEIS and the FEIS considered a reasonable range of alternatives designed to meet the stated purpose and need for authorizing this CWGF. The DEIS and FEIS also analyzed the potential effects of those alternatives and feasible mitigation measures.

With the issuance of this ROD, the Department announces the approval of Alternative 1. Alternative 1 is identified as the Agency Preferred Alternative (APA) and consists of 60 turbines and related infrastructure capable of producing approximately 252 MW of electrical power. Alternative 1 supports the Tribe's long-term economic viability, establish resources to address chronic social issues and increase capacity to respond to population pressure, climate variability and resource impacts.

The Department considered potential effects to the environment, including those to local governments and other tribal nations; adopted all practicable means to avoid or minimize environmental harm; and determined that potentially significant effects will be adequately addressed by the mitigation measures detailed in the DEIS and FEIS.

This decision is based on a thorough review and consideration of the business proposal and material submitted; the applicable statutory and regulatory authorities governing

CWGF; the DEIS, the FEIS, the administrative record; and comments received from potentially affected Tribal Nations; the public; and local, state and federal agencies.

FOR FURTHER INFORMATION CONTACT:

Mr. Dan (Harold) Hall
Bureau of Indian Affairs
Pacific Region
2800 Cottage Way
Sacramento, California 95825

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1 Comments on the Final EIS
2 (Revised) Final EIS
3 (Revised) Appendix H to the Final EIS
4 (Revised) Appendix O to the Final EIS
5 (Revised) Appendix P to the Final EIS
6 USFWS Biological Opinion

1.0 INTRODUCTION

1.1 Description of the Proposed Action

The proposed action is the approval of Alternative 1 consisting of the development, construction, operations, maintenance, and ultimately decommission of Commercial Wind Generation Facilities (CWGF) on land within the Reservation Boundary. The "Campo Wind Project with Boulder Brush Facilities" or "Project" for short, consists of both the Campo Wind Facilities (CWF) located on land within the Reservation Boundary and the Boulder Brush Facilities, which are located on adjacent private lands within the Boulder Brush Boundary under the jurisdiction of the County of San Diego (County). Throughout this document, the term "On-Reservation" refers to anything within the Reservation Boundary while the term "Off-Reservation" refers to anything outside of the Reservation Boundary. The development, construction, operations, maintenance and decommissioning of the CWGF is subject to the final approval of a 25-year lease by the Regional Director, Pacific Region-Bureau of Indian Affairs (BIA).

The CWGF consists of the construction and operation of 60 wind turbines and associated infrastructure, would be located within a corridor of approximately 2,200 acres of land (Campo Corridor) within the approximately 16,000 acres under the jurisdiction of the Tribe (Reservation Boundary). The Boulder Brush Facilities, which would consist of the portion of the gen-tie line and related facilities to connect energy generated by the Project to the existing San Diego Gas & Electric Company (SDG&E) Sunrise Powerlink, would be located within a corridor of approximately 320 acres of land (Boulder Brush Corridor) consisting of private leased parcels adjacent to the northeast portion of the Reservation. These private parcels are under the land use and permitting jurisdiction of the County. Collectively, the Campo Corridor and the Boulder Brush Corridor compose the approximately 2,520-acre Project Site, which is the subject of this analysis. Disturbances within the Project Site would be less than 2,520 acres. Adjustments to the locations of Project components within the Project Site to accommodate micro-siting constraints, such as geologic conditions or sensitive resources are accounted for in the analysis for effects. In addition, the physical disturbance required to install the number of turbines necessary to generate the identified capacity of approximately 252 megawatts (MW) (60 approximately 4.2 MW turbines) would be less than the 76 turbine locations evaluated.

1.2 Purpose and Need

The purpose and need of the Project is to utilize readily available wind resources on the Reservation to develop economic income to support needed governmental programs for the Tribe. The purpose and need of the BIA's proposed action is to provide a full and fair discussion of significant environmental impacts related to reasonable range of alternatives to avoid and minimize adverse impacts or enhance the quality of the human environment. The BIA considers Alternative 1 to be the Agency Preferred Alternative (APA) resulting from the internal weighting of economic benefits to the Tribe and the mitigation of environmental impacts to natural resources on trust lands within the exterior boundaries of the Reservation.

The development, construction, operations, maintenance and future decommissioning of the CWGF is subject to the final approval of a 25-year lease by the Regional Director, Pacific Region-BIA. Federal law states that the Secretary of the Interior may approve leases of trust lands for a variety of uses including public, religious, educational, recreational, residential, or business purposes. Prior to approval of any lease, the Secretary of the Interior is required to first determine that adequate consideration has been given to the factors in 25 USC 415(a). Further information regarding Project components and the regulations implementing 25 USC 415 are located in 25 CFR, Part 162. According to Part 162, in reviewing a proposed lease, the BIA will defer to the landowners' determination that the lease is in their best interest to the maximum extent possible.

In addition, the leasing of tribal trust lands furthers tribal interests, including economic development, revenue, tribal governance, and self-determination. Approval of the CWGF Lease will satisfy several needs/interests, including improving the economic conditions of the Tribe through lease revenue and job creation, and utilizing the renewable wind resource.

Additional purposes in considering approval of the CWGF Lease include the increase of national and tribal renewable energy sources to increase federal energy independence and decrease greenhouse gas emissions as encouraged by federal law and required by California law, including the Energy Policy Act of 2005, Executive Order 13212 ("Actions to Expedite Energy-Related Projects"), Secretarial Order 3285A1 ("Renewable Energy Development by the Department of the Interior"), and California's Renewables Portfolio Standard and Senate Bill 100, which together require California's energy supply to be from carbon-free sources by 2045. Wind has been identified as the most readily available and easily attainable renewable resource on the Reservation to provide renewable energy for existing and future regional electricity demands.

1.3 Procedural Background and Cooperating Agencies

The BIA, a bureau within the Department of the Interior (DOI), was the lead agency in preparing the EIS.

The BIA published the Notice of Intent (NOI) for the proposed action in the Federal Register (FR) on November 21, 2018. The NOI described the proposed action and the reasons why an EIS was to be prepared. A public notice announcing the proposed action and the scoping meeting was published in the San Diego Business Journal on November 26, 2018 and the San Diego Union-Tribune on November 21, 2018. A public scoping meeting was held on December 6, 2018, and a total of 27 people attended.

The Draft Environmental Impact Statement (DEIS) was available for public review starting on May 24, 2019. The public review period for the DEIS was 45 days. A public meeting on the DEIS was held during the review period and noticed at least 15 days prior. In addition to comments received at public hearings, written comments on the DEIS were received during the scoping period; responses to those comments were included as an appendix to the Final Environmental Impact Statement (FEIS) and relevant information in the DEIS was revised as appropriate to address those comments. The FEIS was issued on January 31, 2020. Comments on the FEIS were received timely from the agencies, organizations and individuals listed below.

Commenter	Comment Topic(s)
Environmental Protection Agency	NPDES Application Necessary
Boulevard Planning Group	Opposition, Turbines Heights/Setbacks, Aviation, Noise, Eminent Domain, Water Resources, Health Effects, Cumulative Effects, Property Values
Adams Broadwell Joseph and Cardozo on behalf of Citizens for Responsible Wind Energy	Opposition, NEPA compliance, Tribal Governance, Biological Resources, Water Resources, Health Effects
Stephen C. Volker on behalf of Back Country Against Dumps	Opposition, NEPA compliance, Alternative's, Tribal Governance, Shadow Flicker, Aviation, Biological Resources, Noise, Eminent Domain, Water Resources, Health Effects, Cumulative Effects, Global Warming
Starlight Spiritual Retreat Center	Opposition
Barbara Kennerly	Opposition, Turbines Heights/Setbacks, Aviation, Hazards-Fire
Barrance Q Zakar	Opposition, Biological Resources, Turbines Height/Setbacks, Decommissioning
Clifford and Concepcion Caldwell	Opposition, Hazards-Fire, Water Resources, Property Values

Commenter	Comment Topic(s)
Donna Tisdale (Morning Star Ranch)	Opposition, Visual Effects, Turbines Alternatives, Noise, Tribal Governance, NEPA Compliance, Water Resources, Health Effects, Greenhouse Gases, Air Quality, Decommissioning, references, Property Values
Dennis Wilson	Opposition
Erin and Tafale Tuatagaloa	Opposition, Health Effects, Biological Resources
Jeffery Morrison	Opposition, Property Values
Laura Buehning, MD MPH	Opposition, Health Effects
Leslie Mauris	Opposition, Turbine Heights/Setbacks, Property Values
Mary Dauphine	Opposition, Health Effects
Monica Albair	Opposition
Monique LaChappa	Opposition, Tribal Governance
Michele Strand	Opposition, Tribal Governance, Effects noted in EIS
Marie and Scott Morgan	Opposition, Noise, Turbine Heights/Setbacks
Tammy Daubach	Opposition, Hazards-Fire, Property Values
Tammy Morrison	Opposition, Health Effects, Noise, Lights and Property Values
Teresa DeGroot	Opposition, Hazards-Fire
Tim Harjo on behalf of Michelle Cuero	Opposition, Tribal Governance
York Heimerdinger	Opposition, Tribal Governance, Property Values

Copies of the comments received are included in an appendix to this document and responses to those comments are included herein.

2.0 ANALYSIS OF ALTERNATIVES

The EIS identified Alternative 1 as the proposed Project. Alternative 1 would best further tribal interests, including economic development, revenue, tribal governance, and self-determination. Additionally, Alternative 1 would increase national and tribal renewable energy sources, thus increasing federal energy independence and decreasing greenhouse gas emissions.

While Alternative 1 would have greater environmental effects than Alternative 3 (No Action Alternative) and would have incrementally greater environmental effects than Alternative 2 (Reduced Intensity), a full build-out provides a greater amount of energy produced, and thus a greater economic benefit to the Tribe and greater reduction in national greenhouse gas emissions.

2.1 Alternative Screening Process

A range of reasonable alternatives to meet the purpose and need for utilizing wind resources and developing economic income for the Tribal government were considered in the screening process, including solar energy utilization and reduced intensity alternatives. Alternatives, other than the No Action Alternative, were first screened to determine if they met the purpose and need for the Project while taking into consideration resource constraints. Remaining alternatives were selected for their ability to meet the purpose and need and reduce environmental effects.

Each of the alternatives fully evaluated in the EIS, with the exception of the No Action Alternative, would achieve the generation of electricity from wind turbines installed by the Developer on the Reservation. The alternatives identify different electricity generation capacities and include consideration of different numbers of wind turbines. The alternatives propose a varying number of wind turbines to be constructed and installed, resulting in modifications to the turbine layout, and specific turbine designs as described in FEIS

Section 2.2, Features Common to Each Design Alternative. These are based on topography and preliminary design information, and locations may change slightly based on engineering feasibility, micro-siting, and consideration of environmental effects during the final engineering process.

2.2 Alternatives Eliminated from Consideration

Additional alternatives were considered as candidates for detailed analysis in the EIS but were eliminated from further consideration for the reasons described below. Furthermore, alternatives to the Boulder Brush Facilities have been considered by the County and addressed through their environmental review process.

2.2.1 Reduced Capacity Turbines

In response to comments received during the scoping process, smaller turbines at the low end of the intended turbine range (i.e., 2.5 MW) were considered as an alternative. The smaller turbines would reduce the overall capacity of turbines (60 2.5 MW turbines would generate approximately 150 MW) and reduce visual effects. Effects to the environment would have been similar to those of the larger capacity turbines considered in Alternative 1 as a consequence of similar disturbance footprint. A slight reduction in severity of aesthetics effects would have been likely, but effects would have remained of similarly adverse as those from the two chosen alternatives. Because this alternative would have generated significantly less electricity for minimal reduction in visual effects, this alternative was eliminated from detailed study.

2.2.2 Minimal Build-Out

The Minimal Build-Out Alternative was removed from consideration due to lack of economic feasibility. Alternative components would have included 15 turbines with a capacity of 4.2 MW each, for a total energy generation of 63 MW. The distance and cost of connecting the scaled down project to the planned switchyard would be cost prohibitive and the delivered cost of energy from 15 turbines would be too expensive for a potential buyer to enter into a contract for such a scaled-down project based on current energy market conditions. Effects to the natural environment would have been reduced in severity while still being similar in significance to those from the two chosen alternatives; however, the goals and objectives of the Project would not have been met.

2.2.3 Mixed Renewable Generation (Wind and Solar)

The Mixed Renewable Generation (Wind and Solar) Alternative was anticipated to have similar effects to the two chosen alternatives evaluated in the FEIS. The location for wind turbines was consistent with that for the chosen alternatives. This alternative would have had a mixture of solar panels and wind turbines to increase electrical generation capacity within a similar total development footprint. This alternative was considered with the development of 50 turbines (approximately 4.2 MW capacity each) and approximately 40 MW solar panel arrays. However, the CWGF Lease does not allow the use of solar panels as one of the approved forms of renewable electrical generation and further solar is a high-intensity effect of ground disturbance per megawatt. It is speculative whether the Tribe and the Developer would be willing to enter into a lease to allow the use of solar. Therefore, this alternative was eliminated due to its incompatibility with the Developer and the Tribe's goals and needs as set out in the CWGF Lease.

2.2.4 Off-Reservation Location

An Off-Reservation Location Alternative was eliminated from analysis because the site would not have provided benefits to the Tribe and would have been outside of the Tribal governance and thus outside of the Tribe's ability to enter into a lease.

2.2.5 Distributed Generation

Under this alternative, distributed generation, including residential and commercial roof-top solar panels, distributed wind turbines at residences or commercial buildings, biofuels, hydrogen fuel cells, and other

renewable distributed energy sources, would be installed throughout San Diego County. Distributed generation facilities would be numerous and would have to be located primarily at Off-Reservation locations to generate the same approximate amount of energy that would be produced by the Project. This was eliminated from analysis because it would not provide benefits to the Tribe and would be outside of the Tribal governance.

2.3 Reasonable Alternatives Considered in Detail

The DEIS and FEIS evaluated the following reasonable alternatives and the mandatory No Action Alternative in detail. *See* Sections 2.4 through 2.6.

2.4 Alternative 1 – Full Build-Out – Approximately 252 MW (Proposed Project and Preferred Alternative)

Alternative 1 would include 60 turbines rated at approximately 4.2 MW each, for a total production capacity of approximately 252 MW. A total of 76 turbine sites have been evaluated, of which only 60 could be constructed under the CWGF Lease unless otherwise permitted by the Tribe. The potential turbine sites have been selected to avoid and minimize effects to sensitive resources and receptors. Section 1.1 above provides a description of the proposed action.

2.5 Alternative 2 – Reduced Intensity – Approximately 202 MW

Alternative 2 would include reducing the number of Project turbines to 48 turbines. These turbines would still be rated at approximately 4.2 MW each, for a total production capacity of approximately 202 MW. All Alternative 2 components and their locations, including the 48 turbines would be similar to those of Alternative 1.

The 12 turbines eliminated relative to Alternative 1 would be those in areas having the potential to affect sensitive resources, specifically biological resources, and certain locations close to sensitive tribal receptors. This would reduce the adverse effects of the CWF on sensitive tribal resources and receptors and would reduce the amount of energy produced as a whole. Alternative 2 construction and operational characteristics would otherwise be the same as Alternative 1.

2.6 Alternative 3 – No Action Alternative

The No Action Alternative would entail the BIA not approving the CWGF Lease and the CWF would not be constructed. In addition, both the On-Reservation and Off-Reservation segments of the gen-tie line and associated access roads would not be constructed under this alternative. This would not preclude future development of the Reservation for other uses, and some or all of the Campo Corridor could be considered for other potential uses by the Tribe. However, no alternative renewable energy development on the Reservation is reasonably foreseeable at this time. No wind development is proposed under the No Action Alternative, and, for the purposes of NEPA analysis in the FEIS, no wind energy development would occur if the No Action Alternative were selected. Other components within the Boulder Brush Facilities including the high-voltage substation and switchyard and in and out connection legs may be permitted by the County and constructed as part of another project, such as the Torrey Wind Project.

3.0 ENVIRONMENTAL IMPACTS AND PUBLIC COMMENTS

3.1 Environmental Impacts

Implementation of the Project's Preferred Alternative 1, including construction and operation, and Alternative 2 could result in direct, indirect, and cumulative effects to the environment. A number of specific environmental issues were raised during the EIS process. The categories of the most substantive environmental issues raised during the EIS process include:

- Land Resources
- Water Resources
- Air Quality
- Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Socioeconomic Resources
- Resource Use Patterns
- Traffic and Transportation
- Noise
- Visual Resources
- Public Health and Safety

Each of the alternatives considered in the FEIS were evaluated for the potential to impact environmental issues as required under NEPA, including the issues listed above. Evaluation of potential Project-related effects included consultations with entities that have jurisdiction or special expertise to ensure that the impact assessments for the FEIS were accomplished using accepted industry standard practice, procedures, and the most currently available data and models for each of the issues evaluated in the FEIS at the time of preparation. Alternative courses of action and mitigation measures were developed in response to the identified environmental concerns and substantive issues raised during the EIS process. Effects associated with the On-Reservation CWF and associated mitigation measures and project design features are under the jurisdiction of the BIA. Effects associated with the Off-Reservation Boulder Brush Facilities and associated mitigation measures and project design features are under the jurisdiction of the County. In addition, the BIA is implementing mitigation measures and project design features, as feasible, to the effects of the CWF on Off-Reservation lands, such as noise and visual (including shadow flicker). However, the BIA recognizes that these Off-Reservation effects cannot be mitigated entirely. A summary of the analysis of the environmental issues within the FEIS, including the issues raised during the EIS process, is presented below.

3.1.1 Land Resources

Topography: All development alternatives would involve clearing and grading. Wind turbine foundations would be designed based on geotechnical design parameters, wind turbine manufacturer requirements, local design codes, and standards of the wind turbine industry, as determined by the Project's certified professional engineer. The certified geotechnical engineer would perform a geotechnical investigation at each proposed wind turbine site. The geotechnical investigations would evaluate the suitability of each specific turbine site's geological composition to support the turbine foundation. A similar process would be followed for access roads, Met towers, and other Project components.

Because the Project would entail proper engineering of turbine foundations, turbines, roads, and all other Project features by certified professional engineers in full consideration of the site-specific geotechnical investigations, the Project would not result in adverse effects to topography On- or Off-Reservation. No mitigation is warranted. See FEIS Section 4.1.2.

Soil Erosion: Grading activities associated with the Project would expose soil to erosion by removing the vegetative cover and compromising the soil structure. Rain and wind may potentially further detach soil particles and transport them to areas beyond the Project Area. The term "Project Area" is used to describe the broader area potentially affected by the Project alternatives. This area is generally consistent with the Reservation Boundary and Boulder Brush Boundary (as defined in the EIS) unless otherwise specified. A US Environmental Protection Agency (USEPA) approved Stormwater Pollution Prevention Plan (SWPPP) is required for the construction phase of the Project as well as facility decommissioning; and

site-specific design measures will be developed to ensure the Project will not result in adverse effects from erosion. The Project would not result in adverse effects to soil erosion On- or Off-Reservation. See FEIS Section 4.1.2.

Geologic Stability: Liquefaction potential is low and would not have a significant adverse effect at the Project Site based on the lack of saturated, unconsolidated, well-sorted silt or sand. Similarly, differential settlement, which is a type of ground failure that results from the compaction of unconsolidated sediments due to seismic shaking, is not likely to occur, based on a lack of unconsolidated sediments beneath or immediately adjacent to the locations for installation of components and specific geotechnical studies would be undertaken to ensure design is suitable for conditions present at each location. The Project would not result in adverse effects to geologic stability On- or Off-Reservation. See FEIS Section 4.1.2.

Seismicity: The closest fault to the Project Area that has demonstrated Holocene movement is the Elsinore Fault zone. The closest fault segment in this zone is the Coyote Mountain segment, located approximately 19 miles from the Project Site. Since no evidence of Holocene faulting has been identified near the Project Area, there is little potential for damage due to fault rupture On- or Off-Reservation. See FEIS Section 4.1.2.

Paleontological Resources: Because the Project Area is in the Peninsular Range Batholith, a geologic formation with a zero-significance sensitivity rating for paleontological resources, the likelihood for any ground-disturbing activities in the area to encounter paleontological resources is extremely low. As such, Project facilities would not damage paleontological resources and no adverse effects would occur On- or Off-Reservation. See FEIS Section 4.1.2.

3.1.2 Water Resources

Water Quality: Degradation of groundwater resulting from excavation is unlikely to occur, primarily because encountering groundwater in the Project Area is not expected at the depths of excavation necessary for construction. Construction and decommissioning must comply with the CWA (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit for the Project, and the SWPPP prepared for the Project, as well as other applicable water quality and waste discharge regulations. Conformance with the SWPPP and all applicable regulations pertaining to water quality will avoid adverse effects during construction and decommissioning.

The Project does not result in any major sources of pollutant discharges. During operation, the operations and maintenance (O&M) facility sanitary system would collect wastewater from sanitary facilities such as sinks and toilets. This waste stream would be sent to an on-site sanitary waste septic system. Operation must comply with the CWA and the NPDES Permit program, as well as other applicable water quality and waste discharge regulations. Given this mandatory regulatory compliance, adverse operational effects to water quality are not anticipated. The Project would not result in adverse effects to water quality On- or Off-Reservation. See FEIS Section 4.2.2.

Groundwater: Approximately 123 acre-feet of water would be required over the 14-month construction period of the CWF and an additional 50 acre-feet (AF) of water for the Boulder Brush Facilities. The total water demand in the Project Area during construction would be approximately 196 AF. A soil moisture balance analysis was performed, determining that even in years with 0 AF of rainfall recharge, the total depletion in groundwater storage is within the limits set by the County. Groundwater drawdown at off-site wells would also be within the limits set by the County therefore, long-term depletion of groundwater storage due to Project construction, operations and maintenance is not anticipated.

Due to the limited amount of compaction and grading during construction in comparison with the size of the area recharging groundwater, no adverse effects on groundwater recharge are anticipated from Project activities. Additionally, PDF-HY-1 ensures that construction activities will not adversely affect groundwater supply On-Reservation in the event that On-Reservation wells are utilized. Groundwater levels remaining within drawdown limits On-Reservation per PDF-HY-1, will also ensure that the further away Off-Reservation groundwater levels remain within limits. The Project would not result in adverse effects to groundwater On- or Off-Reservation. See FEIS Section 4.2.2.

Surface Water Drainage Patterns: Construction and decommissioning of the Project would expose erodible soils on steep slopes due to ground surface disturbance, heavy equipment traffic, and alteration of surface runoff patterns. Additionally, weathering of freshly exposed soils from trenching, foundation excavation, or access road construction could release various chemicals through oxidation and leaching processes. A SWPPP will be prepared and implemented as part of Project construction. The Project will incorporate additional measures to manage runoff, including locating roads away from drainage bottoms, wetlands, and erodible soils to the greatest extent practicable; constructing drainage components to capture and direct stormwater flow across the site as part of site preparation; graveling of areas of the collector substation to minimize surface runoff and erosion and for fire protection; minimal clearing and grading of turbine work sites; and installing silt fencing at the limits of disturbance to control runoff and erosion.

As stated under Impact WAT-3 of the FEIS, construction of the Project would not involve activities that alter the drainage pattern of the area. In addition, no stream or river would be altered in a manner that would result in substantial runoff or flooding. Coordination with the U.S. Army Corps of Engineers (USACE) and USEPA as part of the CWA 401/404 permitting process will further ensure that effects to streams, wetlands and rivers are avoided to the extent practicable during construction.

During Project operations, no grading, trenching, or excavation activities are expected. As such, the drainage pattern of the Project Area would not be altered. In addition, no stream or river would be altered that would result in substantial erosion effects, directly or indirectly. No adverse operational effects are anticipated. The Project would not result in adverse effects to surface water drainage patterns On- or Off-Reservation. See FEIS Section 4.2.2.

Stormwater Drainage: Construction and decommissioning of the Project could result in on-site stormwater runoff, potentially altering existing drainage patterns if adequate measures are not implemented to channel and direct runoff. A SWPPP will be prepared and employed during Project construction, and site-specific design measures will be developed to ensure that no adverse effects related to exceeding existing capacities of the stormwater drainage system and polluted stormwater would occur. The Project would not result in adverse effects to stormwater drainage On- or Off-Reservation. See FEIS Section 4.2.2.

Flood Hazards: The Project Site is located outside the 100-year floodplain and development would not impede or redirect flood flows, alter floodplain elevations, or affect floodplain management. The Project would not result in adverse effects to flood hazards On- or Off-Reservation. See FEIS Section 4.2.2.

3.1.3 Air Quality, Greenhouse Gas Emissions

Air Quality: The Project's potential VOC, NO_x, and CO emissions from both construction and operation would be less than the federal *de minimis* emissions thresholds for these pollutants, even conservatively including emissions related to activities outside the BIA's control. Therefore, the Project would not have an adverse effect on air quality On- or Off-Reservation. No mitigation is therefore warranted. See FEIS section 4.3.2.

Greenhouse Gas Emissions: Greenhouse Gas (GHG) emissions generated during construction of the Project would be short term in nature, lasting only for the duration of the construction period, and would not represent a long-term source of GHG emissions. This source of emissions is not considered material due to the overall emission reductions that would be generated by the renewable energy generated by the Project as noted below.

The Project's operation would provide a source of renewable energy. Renewable energy capacity has the potential to replace GHG emissions generated by, among other things, burning fossil fuels to generate electricity or for transportation. Therefore, the Project would likely assist long-term net reduction in GHG emissions for the region. The Project would not result in adverse effects to GHG emissions On- or Off-Reservation. See FEIS Section 4.4.2.

3.1.4 Biological Resources

Riparian Habitat and Sensitive Natural Communities: Direct effects to habitat could potentially occur during construction On- and Off-Reservation as a result of direct removal through grading, as well as inadvertent vegetation crushing or grading or intrusion outside the effect footprint.

In addition, potential indirect habitat effects On- and Off-Reservation could occur during construction and operations as a result of hydrology changes and erosion, polluted soils or runoff, excessive dust, presence of trash, introduction of invasive species, nighttime lighting, and alteration of the natural fire regime. The Project includes standard Best Management Practices (BMPs) to reduce these potential effects, but indirect effects would remain adverse. As Project structures would be spread out through the Project Site and includes access roads that will be infrequently used, the Project would not result in habitat fragmentation.

Direct and indirect adverse effects associated with decommissioning would be temporary because the Project Site would be restored at the completion of decommissioning consistent with the requirements of the CWGF Lease. Therefore, decommissioning would not have adverse effects on vegetation communities. See FEIS Section 4.5.2.

Jurisdictional Wetlands and Waters: Direct and indirect adverse effects associated with construction and operation of the Project to riparian and wetland vegetation communities that potentially coincide with jurisdictional waters of the United States (e.g., regulated under Section 404 of the CWA) would be adverse. Mitigation measures MM-BIO-1 and MM-BIO-2 are applicable to jurisdictional waters of the United States, both On- and Off- Reservation and are discussed in FEIS Section 4.5.3 (see Impact BIO-2). In addition, direct and indirect adverse effects resulting from the Project on upland, riparian, and wetland vegetation communities supporting federally protected species would be adverse (see Impact BIO-3). Mitigation measures MM-BIO-1, MM-BIO-3, and MM-BIO-4 will be implemented to reduce effects to federally protected species, both On- and Off-Reservation. These measures are described in FEIS Section 4.5.3, Mitigation Measures. With implementation of MM-BIO-1 through MM-BIO-4, the Project would not result in adverse effects to jurisdictional waters of the United States.

It is anticipated that the Project would qualify for an authorization under the CWA Section 404 Nationwide Permit 51, Land-Based Renewable Energy Generation facilities (33 CFR 330) and/or Nationwide Permit (NWP) 12, Utility Line Activities. Adverse effects on federally regulated waters and wetlands would be reduced to less than adverse with implementation of NWP 51 and/or NWP 12 permit conditions and MM-BIO-1 and MM-BIO-2. With implementation of MM-BIO-1 and MM-BIO-2, the Project would not result in adverse effects on jurisdictional waters On- or Off-Reservation. See FEIS Section 4.5.2.

Sensitive Species: The Project has the potential to result in direct and indirect construction and operational effects to Quino checkerspot butterfly (*Euphydryas editha quino*) habitat. In addition, Quino checkerspot butterflies fly close to the ground and could be susceptible to collisions with equipment during construction or collisions with vehicles associated with O&M activities. The BIA has completed a Section 7 consultation process with the U.S. Fish and Wildlife Service (USFWS) and a Biological Opinion (BO) has been issued by the USFWS with identified terms and conditions. Adverse effects on the Quino checkerspot and its habitat would be reduced to less than adverse with implementation of MM-BIO-1 and MM-BIO-3 (see FEIS Section 4.5.3), which includes compliance with the conservation measures identified in the USFWS BO, both On-Reservation and Off-Reservation.

Eagle use on site is infrequent and the chance for collisions is low; therefore, it is not expected that there would be adverse effects on eagles. The BIA's review of the Project is consistent with the USFWS guidance for golden eagles.

Land within the Campo Corridor will be restored to as near the same condition the Leased Property was in as of the Effective Date of the Wind Lease and in a condition consistent with the Restoration and Reclamation Plan and the requirements of the Wind Lease; therefore, decommissioning would ultimately not result in adverse effects on Quino checkerspot butterfly On-Reservation. Similar requirements for decommissioning of the Boulder Brush Facilities on the private lands would be implemented through the County process and Off-Reservation adverse effects to this species would not occur. See FEIS Section 4.5.2.

Species Protected under the Migratory Bird Treaty Act: Direct effects on avian species protected under the Migratory Bird Treaty Act resulting from Project construction and operation may include collisions with wind turbines and Met towers, and electrocution from overhead transmission lines. Absent mitigation, these direct effects would be adverse. Increased noise and vibration can also affect breeding behaviors for avian species. Indirect effects would result from effects to foraging habitats. Based on the distributed development of the Project and the abundant remaining foraging areas, indirect construction and operational effects on migratory birds would not be adverse.

Decommissioning activities associated with the Project would result in direct and indirect adverse effects similar in nature to those described for Project construction. Land within the Campo Corridor will be restored to as near the same condition the Leased Property was in as of the Effective Date of the Wind Lease and in a condition consistent with the Restoration and Reclamation Plan and the requirements of the Wind Lease; therefore, it would ultimately not result in On-Reservation adverse effects. Similar requirements for decommissioning of the Boulder Brush Facilities on the private lands would be implemented through the County process and Off-Reservation adverse effects would not occur.

With implementation of MM-BIO-3 and MM-BIO-4 (see FEIS Section 4.5.3), the Project would not result in adverse effects to migratory birds On- or Off-Reservation. See FEIS Section 4.5.2

3.1.5 Cultural Resources

Historic Properties: The area of direct impacts (ADI) has been designed to ensure that all Historic Properties would be avoided or preserved. The Project ADI does not contain subsurface deposits or features that convey the significance of a site eligible for listing in the California Register of Historical Resources or the National Register of Historic Places (NRHP). Pursuant to Section 106 of the National Historic Preservation Act (Section 106), the Project would have *No adverse effect* on Historic Properties On- or Off- Reservation. See FEIS Section 4.6.2. Furthermore, the required consultation with the State Historic Preservation Officer (SHPO) consistent with Section 106 has been completed with concurrence from SHPO.

Cultural and Paleontological Resources: Project-related ground disturbance has the potential to uncover previously unknown archaeological sites. To ensure detection and proper treatment of inadvertent discoveries, a Monitoring and Treatment Plan shall be prepared prior to the start of construction that dictates the procedures for professional archaeological and Native American monitoring that shall be conducted for all primary ground disturbance and prolonged construction activities near significant avoided historic properties or identified Native American human remains. The Monitoring and Treatment Plan will also detail the procedures for implementing significance evaluation and data recovery mitigation for inadvertent discoveries that cannot be avoided during construction, including treatment of Native American human remains.

No On-Reservation cultural resources within the ADI have been identified as significant under NRHP eligibility criteria AD; therefore, none of the identified resources would be affected in such a way that the provided mitigation would be insufficient to resolve Project-related effects.

Development of the Off-Reservation Boulder Brush Facilities has potential to affect cultural resources within 50 feet of the Boulder Brush ADI, as well as resources that are important under the County Guidelines. These resources are subject to California Environmental Quality Act (CEQA) guidelines and County guidelines, and have been addressed further in the Draft Campo Wind Project with Boulder Brush Facilities Environmental Impact Report (EIR) by the County.

Mitigation measures MM-CUL-1 through MM-CUL-3 (see FEIS Section 4.5.2) will be implemented to reduce potential effects to cultural resources On- and Off-Reservation, as well as avoid inadvertent effects to previously undiscovered cultural resources. Therefore, the Project would not result in adverse effects to cultural resources On- or Off-Reservation. See FEIS Section 4.6.2.

3.1.6 Socioeconomic Resources and Environmental Justice

Income and Employment: Construction and operation of the Project would generate substantial economic activity within the Reservation which is considered a beneficial effect. Project construction and operation would generate employment for Tribal members, and members of the surrounding community. The Project would also create a consistent source of revenue for the Tribe via lease payments, which could contribute to housing, healthcare, and other development projects through the Tribal general fund. There would be no adverse effects to income and employment On- or Off-Reservation. See FEIS Section 4.7.2.

Housing and Property Values: Project construction and operation under Alternative 1 would not require the demolition or displacement of any residential homes; thus, the Project would not result in a decrease in housing stock in the area.

Deflation of home or property value is a common concern regarding the presence of wind turbines located near existing homes or property. While the future property values cannot be easily predicted and many economic and social factors influence the value of homes and property in an area, studies have suggested that the presence of wind turbines is not one of these factors. Any changes in property values as a result of the Project are expected to be insignificant; thus, the Project would not have an adverse effect on housing stock, housing prices, or property values. There would be no adverse effects to housing and property values On- or Off-Reservation. See FEIS Section 4.7.2.

Public Services: The Project would not result in a substantial permanent increase in population creating a significant increased demand on fire services, police services, schools, library services, health services. Water and sewer, as well as solid waste, would be disposed of in accordance with all federal, state, regional, and local laws. Therefore, the Project would not result in an adverse effect on public services or utilities On- or Off-Reservation. See FEIS Section 4.7.2.

Environmental Justice: Tribal members would directly benefit from the Project through the creation of jobs/income and may be indirectly benefited through overall On-Reservation economic development. Populations Off-Reservation may also benefit through employment. Further, local communities throughout the County may also benefit through the purchase of materials, services, and supplies associated with the construction and operation of the Project.

The Project would have unavoidable adverse noise effects and unavoidable adverse effects on visual resources. These effects would be most strongly experienced in the vicinity of the Project Site. Due to the high percentage of minority and low-income populations living On-Reservation and the fact that those living On-Reservation would experience adverse effects of the Project the most, the Project would result in disproportionately high and adverse effects on minority and/or low-income populations. MM-NOI-1 (see FEIS Section 4.10, Noise) would reduce the severity of the Project's effects of construction-related noise to less than adverse; however, operations-related noise effects would remain unavoidable and adverse. For visual effects, MM-VIS-1 through MM-VIS-7 (see FEIS Section 4.11, Visual Resources) would not reduce effects to less than adverse; thus, effects would remain unavoidable. However, the same minority and low-income populations that would benefit the most economically from the Project (directly through the lease On-Reservation and indirectly through employment and commerce opportunities Off-Reservation) would also experience adverse and unavoidable noise and visual effects. See FEIS Section 4.7.2.

3.1.7 Resource Use Patterns

Resource Access: There are currently no significant hunting, fishing, gathering, or agricultural resources On-Reservation or on the adjacent private lands. Timber is not expected to be removed as a result of Project implementation, nor are mining activities located On-Reservation or adjacent private lands. Effects to recreational land would be temporary or avoided completely, therefore land used for recreation activities would not be adversely affected by the Project. The Project would not result in effects to resource use patterns On- or Off-Reservation, and no mitigation is warranted. See FEIS Section 4.8.2.

Land Use: Renewable energy projects are expressly allowed in all land use categories if reviewed and approved by the Tribe's General Council.

In addition, the CWGF Lease provides a minimum setback for Project turbines of 1,320 feet (i.e., 0.25 mile) from any existing residential structure or Tribal building. The Project will be consistent with the setback requirement in the CWGF Lease.

The Project would result in a land use change as it would introduce additional industrial renewable energy facilities into a rural environment. While the Tribe's Land Use Plan's main goal is to ensure development is consistent with its economic and social goals and does not threaten environmental or cultural resources, the Land Use Plan also recognizes the importance of long-term planning that ensures future growth will not harm the existing environment. The Project is generally consistent with the Tribe's Land Use Code and Land Use Plan.

The Boulder Brush Facilities on land within the County's jurisdiction are compatible with the County's Land Use designations (Zoning and General Plan) with a Major Use Permit (MUP), application for which is under review by the County. Therefore, the Project would not result in adverse effects on resource use patterns, and no direct or indirect conflicts with applicable plans or policies would occur. See FEIS Section 4.8.2.

3.1.8 Traffic and Transportation

Traffic Load and Capacity: Construction-generated traffic would be temporary and therefore would not result in and long-term degradation in operating conditions on roadways in the Project Area. Most construction traffic would be dispersed evenly throughout the day and would not significantly disrupt daily traffic flow on roadways in the Project vicinity. Peak construction traffic would occur before the typical AM peak period (7:00-9:00 AM), and during the PM peak hour. For these reasons, construction traffic would not result in adverse effects On- or Off-Reservation. See FEIS Section 4.9.2.

Intersections/Freeways: Absent mitigation, the Project traffic would add to the background congestion of the freeway mainline and ramps during the PM peak hour (4:00 to 6:00 p.m.). It should be noted that the intersection of Crestwood Road/Interstate (I) 8 westbound ramps would operate at a lower Level of Service (LOS) with the addition of the Project. During the PM peak hour, there would be an increase in delay greater than 2 seconds. Implementation of MM-TRA-1 which includes a traffic flagger during PM peak hour (see FEIS Section 4.9.3, Mitigation Measures) will minimize delays and improve intersection LOS at the affected intersection. Therefore, the Project's direct effects would not be adverse On- or Off-Reservation. See FEIS Section 4.9.2.

Road Conditions: The Project would be accessed from a combination of existing public roads and newly constructed dirt roads. Damage to existing roadways by construction vehicles and equipment could occur from vehicles entering and leaving roadways during construction, resulting in adverse effects; however, with implementation of mitigation measure MM-TRA-2 (see FEIS Section 4.9.3), entailing repair and restoration of roadways to their preconstruction condition at a minimum, effects would not be adverse. There would be no adverse effects to road conditions On- or Off-Reservation. See FEIS Section 4.9.2. In addition, the party responsible for maintaining appropriate road conditions is governed by the CWGF Lease.

Hazardous Traffic Conditions: Construction of the Project would involve the use of public roads by trucks for transportation of turbine components and construction materials and movement of heavy equipment for turbine construction. In addition, dump trucks, concrete trucks, water trucks, and subcontractor trucks would all use public roads. All of these trucks are expected to use Crestwood Road and Ribbonwood Road.

Large wind turbine components are delivered on specialized trucks of up to approximately 180 feet in length when loaded. The turn for these specialized trucks would potentially require use of the entire available pavement, requiring all other traffic to be stopped to ensure safe conditions. In addition, depending on the exact route for the turbines, the varying widths of lanes and shoulder clearance on public roads and the slow speeds at which these trucks travel would represent a hazard to motorists without appropriate warning. These potential hazards to motorists on public roadways would be an adverse effect of the Project; however, implementation of a Traffic Control and Management Plan (MM-TRA-3; see FEIS Section 4.9.3) would reduce these effects to less than adverse. There would be no adverse effects resulting in hazardous traffic conditions On- or Off-Reservation. See FEIS Section 4.9.2.

3.1.9 Noise

Generated Noise and Vibration Levels: On-Reservation and Off-Reservation Noise-Sensitive Land Uses (NSLUs) are not expected to be adversely affected by construction activity with respect to Federal Transit Administration (FTA)-based guidance and County code requirements, respectively. Project-related construction traffic noise and construction vibration are not expected to produce adverse effects on NSLUs. Best Management Practices (BMPs) will be implemented as set out in MM-NOI-1 (see FEIS Section 4.10.3), which would further reduce construction-related noise effects and ensure construction remains within applicable standards for noise levels.

Anticipated blasting events would be sufficiently distant from both On- and Off-Reservation receptors and designed with appropriate charge weights and confinement to keep groundborne vibration below the FTA guidance criteria to avoid adverse effects related to human annoyance and building damage risk. See FEIS Section 4.10.2.

Operational Noise: Project operation would create stationary noise sources On-Reservation from operating wind turbines, the collector substation and O&M building, transmission lines, and maintenance and inspection activities.

With few exceptions, predicted noise levels from operation of Project turbines would not exceed County standards or FTA-based guidance thresholds for Off-Reservation or On-Reservation NSLUs, respectively. Where adverse noise effects are currently predicted for On-Reservation NSLUs, the requirements of the CWGF Lease that turbines be located no closer than 0.25-mile from a residential structure or Tribal building would reduce operation noise exposure at NSLUs.

While consideration of noise effects as part of the selection of the final 60 turbine locations would help reduce adverse noise effects from operations, it would likely not eliminate all instances. New noise levels would exceed applicable standards in certain On-Reservation locations under conditions where more than one turbine is located proximate to the 0.25-mile setback distance from residences required by the CWGF Lease. Additionally, generated noise would result in noise effects to residents Off-Reservation. Wind turbine operational noise effects would remain adverse and unavoidable On- and Off-Reservation.

Operation of the Off-Reservation transformers and transmission line that are part of the Boulder Brush Facilities on private land would not cause predicted noise levels that exceed applicable County requirements. Predicted noise levels for operation of the Project transformers and transmission components would not exceed County standards or FTA-based guidance for Off-Reservation NSLUs. Therefore, no adverse operational noise effects are anticipated from these facilities Off-Reservation. See FEIS Section 4.10.2

3.1.10 Visual Resources

Visual Character: During Project construction, vegetation clearing, grading, occupancy, facility construction, nighttime lighting, and revegetation associated with Project construction would result in areas of disturbed soil surface, human activity, and dust and would result in short-term strong color, line, and texture contrast that would be prominent, especially when viewed from higher elevations. As aboveground facilities are installed, short-term changes would likely be most pronounced in specific development areas. These short-term adverse effects, together and individually, would represent a strong visual contrast as seen from Key Observation Points (KOPs), historic and scenic trails, recreational use areas, and residential areas, and would not repeat the basic elements found in the predominant natural features characteristic of the landscape. Construction activities would temporarily result in direct adverse visual effects On- and Off-Reservation; however, these effects will be reduced with implementation of mitigation measures MM-VIS-1 through MM-VIS-5 (See FEIS Section 4.11.3).

Contrast ratings found that wind turbines, combined with all other aboveground Project components, including the transmission line, substations, and O&M facility, would result in moderate to strong degrees of contrast with the existing environment. Mitigation measures would reduce contrast in form, line, color, and texture changes; however, the size, geographic extent, and multiple facility types would not repeat the elements of form, line, color, and texture of the characteristic landscape. The number, size, and spatial extent of Project components would be visible from large portions of the area and would dominate the landscape as seen from KOPs and other locations within the Project Area. While some natural to rural landscape characteristics of the Project Site would be partially retained, the majority would have a strong

industrial component. There is existing infrastructure development in the Project Vicinity, including tall wind turbines, transmission lines, electrical substations, and O&M facilities. Visual effects from the aboveground CWF (transmission, substation, and O&M building) and associated Boulder Brush Facilities (transmission line and substation facilities) would not be adverse, both On- and Off-Reservation, with implementation of MM-VIS-6 and MM-VIS-7. Implementation of MM-VIS-1 through MM-VIS-8 (See FEIS Section 4.11.3) will mitigate the visual effects of wind turbines to the greatest extent practicable, although unavoidable adverse effects would persist. Effects to visual character would be present both On-Reservation and have spillover visual effects to receptors Off-Reservation. See FEIS Section 4.11.2.

Scenic Vistas: The large scale of individual wind turbines, coupled with the large number of wind turbines located in the Project Area, results in a high degree of visibility. Groups of wind turbines would be visible from many Off-Reservation roadways, recreational use areas, communities, and residences in the area. The long-term visibility of Project components would result in adverse effects to scenic vistas from county and state-designated scenic highways. Mitigation measures MM-VIS-1 through MM-VIS-7 (see FEIS Section 4.11.3) will restore land contours of the turbine sites to the extent practicable, limiting the long-term adverse effect of landscape alteration. However, no mitigation is available to reduce the visibility of the Project turbines themselves. Additionally, implementation of mitigation measures MM-VIS-6 and MM-VIS-7 would reduce adverse effects associated with the visibility of substation components, fencing, and transmission lines and poles. Because of the absence of feasible mitigation to reduce adverse effects to scenic vistas, operation of the Project would result in unavoidable adverse effects both On- and Off-Reservation.

Light and Glare: Construction activities would occur during daylight and after daylight hours. The work area would be lit after dark with portable lighting powered by a diesel-fueled generator. Direct or indirect light sources would still be visible from specific KOPs. Short-term effects from the use of exterior lighting for safety and security during construction at Project facilities may contribute substantially to ambient after dark lighting conditions. However, given the anticipated duration of construction-related lighting, any effects to scenic quality would be temporary. Over the duration of Project construction, construction lighting would occur intermittently as cranes would be lit. Construction lighting effects would not be adverse.

Upon implementation of the Project, new nighttime lighting sources would be added to the Project Site. New sources of nighttime lighting at the collector substation would be kept to the minimum required to ensure adequate lighting for O&M staff to perform as-needed and/or emergency maintenance. The total amount of facility (i.e., non-wind turbine and Met tower) related lighting operating on the Project Site would be relatively low and would be hooded, directed downward, and turned off when not required. While the County has no land use jurisdiction over the CWF, facility lighting installed at the Project would be fully compliant with the County Light Pollution Code. No adverse effects associated with nighttime lighting at facilities (i.e., Boulder Brush Facilities, and On-Reservation collector substation and O&M facility) are anticipated.

Wind turbines and Met towers would exceed 200 feet above ground level, marking and lighting of these components would be required by the Federal Aviation Administration (FAA) to ensure the safety of aircraft pilots and the efficient use of navigable airspace. During evening, nighttime, and morning hours, FAA-compliant lighting installed atop Met towers and a portion of wind turbines could be visible throughout the viewshed. While implementation of an FAA-approved lighting system MM-VIS-8 (see FEIS 4.11.3), lighting effects due to the visibility of simultaneously flashing red obstruction lights and the general lack of bright night lighting installed to the south of I-8, the operation of obstruction lights adverse effects to existing nighttime views will be reduced, both On- and Off-Reservation.

Project wind turbines would be painted a standard off-white matted color to minimize glint and glare potential. Additionally, wind turbines would be located on a ridge avoiding alignment with roads in

the Project Area to the extent feasible. The presence of existing oak trees (*Quercus* spp.) in the area would further block potential blade glint from the view of motorists. As such, effects from glare would not be adverse. See FEIS Section 4.11.2.

3.1.11 Public Health and Safety

Hazardous Materials: Project construction and operation would entail potential adverse effects associated with the use, transport, and storage of hazardous materials during construction, operation, and decommissioning. Additionally, the potential exists for previously unidentified or nearby soil and/or groundwater contamination to be encountered during site preparation and construction activities, which is considered a potentially adverse effect. Although not anticipated, construction personnel could encounter contamination during construction related earth moving activities.

Implementation of a Hazardous Materials Management Plan (HMMP) and a Health and Safety Program (HSP) (See FEIS Section 4.12.3) would reduce these potential effects to less than adverse. Therefore, the Project would not result in adverse effects related to hazardous materials On- or Off-Reservation. See FEIS Section 4.12.2.

Safety Hazards: Construction and operations, as well as decommissioning activities associated with the Project, could expose residents or workers in the Project Area to safety hazards. All workers on the Project Site will be subject to OSHA safety regulations and standards stated in the Occupational Safety and Health Act of 1970, compliance with which must be ensured by the Developer's contractor(s). Potential safety issues include site access, construction, security, heavy equipment transportation, traffic management, emergency procedures, and fire control. Unauthorized public access to the Project Site may result in injuries or hazardous conditions for workers and the general public in the form of accidental spills and releases of hazardous materials.

A primary safety hazard that may occur during operation of a wind turbine project is breaking of a rotor blade, typically referred to as a "blade throw." The Project would implement the latest in modern wind turbine technology, which includes a safety system to ensure that the wind turbines shut down immediately at the onset of mechanical disorders, including abnormal vibrations, overspeed, grid electrical disorders, or loss of grid power. Tower collapse is extremely unlikely because the towers and foundations would be designed to withstand extreme earthshaking, 100-year flood erosion, and high winds. The foundations for the steel tubular towers supporting the turbines would be steel-reinforced concrete and would use either spread footings or rock anchors, depending on existing soil conditions.

Implementation of a HSP and Safety Assessment, as well as Wind Turbine Safety Zone and Setbacks (see FEIS Section 4.12.3) would provide adequate safety zones and reduce potential effects related to safety hazards during construction, operation, and decommissioning. See FEIS Section 4.12.2.

Wildfire Risk: The Project would increase the potential for a wildfire and could affect the public and the environment by exposure to wildfire due to construction and decommissioning activities and ground disturbance with heavy construction equipment. The risk of wildfire would be related to combustion of native plants caused by refueling and operating vehicles and other off-road equipment. To ensure adequate response to the threat of wildfire during construction, operation, and decommissioning activities, the Developer and contractor will be responsible for developing and implementing a Fire Protection Plan to the satisfaction of Campo Reservation Fire Protection District (CRFPD) that will reduce direct and indirect adverse effects associated with fire hazards under Alternative 1. Implementation of a HSP and Wind Turbine Safety Zone and Setbacks (See FEIS Section 4.12.3) would minimize potential effects related to safety hazards during construction, operation, and decommissioning. See FEIS Section 4.12.2.

Tower Collapse: Tower collapse is extremely unlikely because the towers and foundations would be designed to withstand extreme earthshaking, 100-year flood erosion, and high winds. The foundations for the steel tubular towers supporting the turbines would be steel-reinforced concrete and would use either spread footings or rock anchors, depending on existing soil conditions. With implementation of mitigation measures detailed in FEIS Section 4.12.3, effects associated with the potential collapse of wind turbines would be reduced to less than adverse both On- and Off-Reservation.

3.1.12 Other Issues Discussed in FEIS:

Wind Production Tax Credit: Wind facilities are eligible to receive the federal production tax credit under Section 45 of the Internal Revenue Code. The production tax credit provides a per kilowatt-hour tax credit for the first 10 years of a facility's operation. The 2019 production tax credit is 2.5 cents per kilowatt-hour for facilities that commenced construction prior to January 1, 2017. The production tax credit is subject to inflation indexation and structured step-downs. See FEIS Section 4.13.1.

Wind Flow and Downwind Effects: The issue of wind flow and downwind effects has been and will continue to be a topic of discussion and research for both the public and for scientists in order to better understand the potential local and global consequences of wind turbines as an alternative energy source on the overall atmosphere. Research shows the importance of understanding how gusts and changes in wind flows can affect wind turbine operations and how turbine "wakes" move within and throughout the atmosphere. As technology and knowledge becomes available, the evolution of wind turbine design may reflect increase deficiency potentially reducing sizes or increasing per turbine megawatt output capacity that could affect the footprint of wind projects in the future. Based on available research, the Project alternatives analyzed in the FEIS are not expected to result in adverse wind flow and downwind effects, and no mitigation is necessary. See FEIS Section 4.13.2.

Electric and Magnetic Fields: The Project includes the types of facilities that are often associated with the emitting of EMFs. It is unknown at this time what levels, if any, of EMFs would be associated with the proposed wind turbines, transmission lines, switchyard and substation, and other Project components. Several studies have been conducted regarding potential public health risks from exposure to EMFs; however, much of the research remains contradictory or inconclusive. In addition, the 34.5 kV ECCS would be buried underground and would not have the potential to emit EMFs.

The nearest sensitive receptors include two existing Tribal residences located within approximately 0.25 miles to the north of the Project's proposed 230 kV circuit and eight Tribal residences located within approximately 0.25 miles to the west of the proposed 230 kV circuit. No empirical evidence exists on the adverse health effects of EMF exposure and no adverse health effects are anticipated to occur as a result of implementation of the Project; therefore, no mitigation is warranted.

The CWGF Lease requires implementation of certain setbacks for turbines from residences On-Reservation. The turbines would therefore be constructed and operated with at least a 0.25-mile required setback from any existing residential building. No adverse effects would occur with respect to EMFs as a result of implementation of the Project, and no mitigation is warranted. See FEIS Section 4.13.3

Shadow Flicker: There is no applicable regulation for shadow flicker that may be experienced by On-Reservations receptors; i.e., there is no legal threshold in terms of minutes per day or hours per year of shadow flicker exposure. Numerous jurisdictions, however, both in the United States and abroad, have adopted a general benchmark that fewer than 30 minutes per day and 30 hours per year of shadow flicker exposure is acceptable to receptors in terms of nuisance-level disruption. These levels of shadow flicker exposure would not pose a human health hazard, as any health hazard would be dependent on the rate of rotation of the turbines, as opposed to the duration of exposure.

While the anticipated shadow flicker effects are far below health hazard thresholds for flickering light, two project design features (PDF-AE-1 and PDF-AE-2) will be implemented to reduce the potential visual intrusion of shadow flicker above 30 minutes in a given day or 30 hours in a given year. PDF-AE-1 will be implemented to reduce nuisance-level potential shadow flicker effects experienced by On-Reservations receptors within BIA jurisdiction. A similar project design feature (PDF-AE-2), will be implemented for spillover shadow flicker effects to Off-Reservations receptors. Shadow flicker is associated with wind turbines and not applicable to the components Off-Reservation (Boulder Brush Facilities). Full details of these project design features are located in FEIS Appendix P. See FEIS Section 4.13.4.

3.1.13 Cumulative Effects

The Project when considered with past, present, and reasonably foreseeable future actions, as well as project design features and proposed mitigation, would potentially result in adverse cumulative effects related to biological resources, socioeconomics, traffic and transportation, noise, and visual resources. See FEIS Section 4.14.

Cumulative Effects Analysis			
Resource	*Potential Direct Cumulative Effects*	*Potential Indirect Cumulative Effects*	*Would Potential Cumulative Effects Be Adverse?*
Biological	• Direct loss of special-status plant or wildlife species, resulting in reduction of distribution and population size • Loss of suitable habitat • Wildlife behavior modifications and area avoidance due to construction noise and increased human presence. • Barriers or constraints to wildlife movement	• Introduction and spread of invasive, non-native, or noxious plant species • Degradation of vegetation from fugitive dust • Changes in wildlife habitat usage would potentially affect species fitness and productivity.	Yes – mitigation will be implemented On-Reservation; Off-Reservation subject to County discretion
Socioeconomics	• Increased temporary construction and decommissioning jobs • Environmental justice	• None foreseeable	No – construction and decommissioning are temporary activities; therefore, the Project would not adversely affect local demographics or economic status. Yes – significant unavoidable effects from construction noise and operations visual affects affecting the low-income community both On- and Off-Reservation.
Traffic and Transportation	• Increased traffic during peak traffic hours • Construction vehicles and equipment utilizing local transportation system	• Increase road hazards due to higher volume of traffic and construction vehicles	Yes – mitigation will be implemented On-Reservation; Off-Reservation subject to County discretion

Cumulative Effects Analysis			
Resource	*Potential Direct Cumulative Effects*	*Potential Indirect Cumulative Effects*	*Would Potential Cumulative Effects Be Adverse?*
Noise	• Increased ambient noise levels from operations • Temporarily increase ambient noise levels from construction	• None foreseeable	Yes – unavoidable operation effects On-Reservation and also effects Off-Reservation, construction mitigation will be implemented On-Reservation; Off-Reservation subject to County discretion
Visual Resources	• Obstruction of scenic vistas • Decreased visual character and quality of the Interstate's viewshed • Diminish intactness and unity of the landscape	• None foreseeable	Yes – unavoidable effects On-Reservation and also effects to Off-Reservation. Mitigation and PDFs will be implemented On-Reservation; Off-Reservation subject to County discretion

3.1.14 Unavoidable Adverse Effects

The FEIS identified effects that may occur as a result of the implementation of the Project that cannot be avoided or reduced through Project design or implementation of mitigation measures. Turbines less than 0.25 mile for Off-Reservation residences could have an unavoidable adverse effect to noise that cannot be mitigated. Each of the build alternatives could have an unavoidable adverse effect on a scenic vista, despite implementation of mitigation measures (See FEIS Section 4.11.3) with On- and Off-Reservation effects. Environmental Justice effects as minority and low-income communities are subjected to adverse visual effects would also remain adverse and unavoidable despite application of mitigation measures for visual resources. See FEIS Sections 4.10 and 4.11.

3.2 Comments on the FEIS and Responses

The BIA received 24 comment letters from agencies, organizations and individuals following release of the FEIS (see section 1.3 of this ROD). All comments received are included in the record.

Most comments that the BIA received on the FEIS express opposition to the Project or repeat issues raised in comments on the DEIS, which were addressed as part of the BIA's responses to those comments (see FEIS, Appendix T). Several commenters on the FEIS erroneously suggest that a supplemental EIS is required; none of the comments, however, result in substantial changes to the proposed action, nor do they present significant new circumstances or information relevant to environmental concerns not already disclosed in the FEIS.

However, the BIA takes this opportunity to clarify certain Project details and issues below. In addition, the County has prepared a Draft Environmental Impact Report (DEIR) Pursuant to CEQA for the Campo Wind Project with Boulder Brush Facilities, which is hereby incorporated into the record (State Clearinghouse #2019029094). The DEIR was released in December 2019 and fully evaluates the Project under the County's specific CEQA thresholds and guidance, including additional analysis of potential effects on certain resources and the County's independent determinations concerning the scope of those effects.

3.2.1 Responses

Quino Checkerspot Butterfly

Consultation with USFWS for Analysis of the Project's Potential Effects on Quino Checkerspot Butterfly

Certain comments on the FEIS questioned the modeling effort implemented to analyze the Project's potential effects on Quino checkerspot butterfly. In accordance with USFWS direction, Dudek modeled potentially occupied Quino checkerspot butterfly habitat for inclusion in the Biological Assessment (BA) as part of the Section 7 consultation pursuant to the Endangered Species Act. Quino checkerspot butterfly populations vary yearly based on a variety of factors, including rainfall, temperature, timing of rain events, and host plant growth patterns, among others. Low rainfall and other factors can cause larva to extend diapause and delay emergence. Lack of adult Quino checkerspot butterfly observations in one year may not be considered adequate evidence that a site is unoccupied. Therefore, potentially occupied habitat was originally modeled based on Quino checkerspot butterfly records and host plants observed in 2010.

The USFWS has suggested a number of modeling methods over the years. One of those modeling methods is the connected habitat patch model which has been used for various projects in the region (e.g., County of San Diego Quino Amendment; Santee Subarea Plan). Those parameters have included:

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

The potential occupied patch model begins with a Quino checkerspot detection, which includes a 200-meter buffer. That is a Quino checkerspot detection polygon. Plant population buffers, hilltops, and ridgelines were added to the Quino checkerspot butterfly detection polygon or each other if they are linked. If the link was broken by distance or unsuitable habitat, then the potentially occupied patch would end. Based on the five Quino checkerspot butterfly positive identifications within one general location (all within meters of each other) within the Boulder Brush Corridor, Quino checkerspot butterfly habitat was also modeled within the Boulder Brush Corridor. The model methods as described above were the same as presented in the EIS.

Consultation with the USFWS on methods that would be used for the BA for the Project began on October 10, 2018, when Dudek initiated coordination with representatives from USFWS, the BIA, the Tribe, and Terra-Gen to discuss the Project. During this time, Dudek provided a summary of surveys conducted to date and discussed potential surveys based on impacts to habitat. Dudek submitted a final draft of the 2018 Focused Quino Checkerspot Butterfly Survey Report for the Campo Wind Project and 2018 Focused Quino Checkerspot Surveys for the Torrey Wind Project (includes the Boulder Brush Corridor) on April 2, 2019. An initial draft of the 2019 Focused Quino Checkerspot Surveys for the Torrey Wind and Boulder Brush Facilities Project was submitted to the USFWS in July 2019 and a revised report submitted to the USFWS in August 2019 incorporating USFWS – recommended edits. In July 2019, Dudek, USFWS, and the Tribe met multiple times to discuss the analysis methods used in the BIA's BA.

Based on discussions during a July 2, 2019, meeting with the USFWS, Dudek revised the analysis methods to include all Project components that occurred within 1 km of any Quino checkerspot butterfly observation where suitable habitat occurred. In order to generate this modeling, a 1 km buffer was applied to all known (CNDDB or USFWS) data points from the Project vicinity. Quino checkerspot butterfly

suitable habitat was then identified where it overlapped the 1 km buffer and the total acreage was calculated using these modeling methods. Areas that were excluded only included areas that were either excluded by both AECOM and Dudek or constituted unique habitat assessment areas that were excluded by either AECOM or Dudek. Areas excluded by one entity, but not the other were included in the model as potentially suitable habitat. Additionally, exclusion areas that were not surveyed were determined based on the USFWS survey protocol (2014) and consisted of developed areas and densely vegetated chaparral with tall shrubs. The USFWS reviewed and approved this modeling methodology as part of the Section 7 consultation. The results of this modeling identified approximately 332.62 acres of suitable, potentially occupied habitat within the Action Area that would be impacted and mitigated.

Impacts and Mitigation per the Biological Opinion

Based on the USFWS-directed revised modeling and impact analysis, it is estimated that the Project would impact approximately 332.62 acres of potentially occupied Quino checkerspot butterfly habitat. In addition to the measures outlined in the EIS and BTR (Appendix H), implementation of the conservation measures presented in section 4.5 of this ROD are required per the USFWS BO to further reduce effects on the Quino checkerspot butterfly. With implementation of these conservation measures the USFWS concluded that the proposed action is not likely to jeopardize the continued existence of the species.

Tecate tarplant

Tecate tarplant is an annual herb that generally blooms from August through October in a variety of habitats. Dudek conducted late season rare plant surveys with a focus on Tecate tarplant (*Deinandra floribunda*) (two seasons in late July and August in 2017 and 2018) for the Off-Reservation portion of the Project. Tecate tarplant is typically found in eastern San Diego County within ephemeral washes or swales with sandy soils. Dudek conducted focused surveys after detecting species in full bloom at a reference site less than 1 mile from the Off-Reservation portion of the Project. Dudek identified numerous reference locations for Tecate tarplant within Jacumba, Boulevard and Protero, California. For this study all reference locations were in full bloom. Therefore, timing was optimal. The Off-Reservation-focused surveys were conducted during the time of year the species is detectable, and the species was observed within the Boulder Brush Corridor. Within the Boulder Brush Corridor there were approximately 3,059 individuals of Tecate tarplant, based on the survey conducted in 2018. Tecate tarplant occurs in the south-central portion of the Boulder Brush Corridor and did not occur in the northernmost sections of the Boulder Brush Corridor. Tecate tarplant is not a federally-listed species, and therefore focused surveys were not conducted On-Reservation. However, Tecate tarplant was not observed incidentally On-Reservation during other biological resource surveys conducted during the time of year the species is detectable.

Swainson's hawk, tricolored blackbird, willow flycatcher and bank swallows

A commenter criticized the EIS's analysis of the Project's potential effects on Swainson's hawk, tricolored blackbird, willow flycatcher and bank swallows, erroneously suggesting that such effects had not been considered in the EIS. In the EIS, the BIA focused its review on the full effects of the Project with respect to federally-protected species, as is appropriate for the review under NEPA and the federal action that BIA would consider. The EIS also reviewed habitat-based impacts, which would encompass habitat impacts to non-federally listed species. In response to comments on the DEIS, the BIA's analysis expanded to analyze impacts to a number of state and locally protected species, as discussed in Response to Comment NFP-1 (see FEIS, Appendix T). Additionally, the EIS contains a robust analysis of potential effects on avian species due to vegetation removal, as well as avian collisions with wind turbines and meteorological towers, and electrocution from overhead transmission lines. The EIS also analyzes the

potential effects of the Project on migrating raptors, such the Swainson's hawk. This ROD requires implementation of several mitigation measures (e.g., MM-BIO-1 through MM-BIO-4), which will substantially reduce impacts on all avian species, including the Swainson's hawk, tricolored blackbird, and bank swallows to the extent those species are present in the Project Site during construction or operation activities.

In addition, the County is also conducting review of the Project under CEQA and has prepared a DEIR along with an associated biological resources technical report that informs its conclusions. The County's DEIR was released for public review in December 2019. The DEIR fully evaluates the Project's potential effects on locally and state-protected species, including the following non-federally listed special-status species: Swainson's hawk, tricolored blackbird, and bank swallows, as well as the federally-listed southwestern willow flycatcher. The BIA has reviewed the DEIR and agrees with the County's conclusions that:

- Swainson's hawk has low potential to nest in the Project Area. This species is uncommon in San Diego County; however, two Swainson's hawks were detected during bird count surveys (AECOM 2012). Due to lack of additional observations in the area (Unitt 2004; CDFW 2018), Swainson's hawk has low potential to nest on site.
- Tricolored blackbird has moderate potential to nest in the Project Area. There is some suitable freshwater emergent wetland present and this species was recorded on site (AECOM 2012). The closest CNDDB occurrence is 4.0 miles southeast of the project area east of Tule Lake.
- Bank swallows have no potential to nest in the Project Area due lack of nesting habitat and there are currently no known nesting colonies in San Diego County (Unitt 2004). This species was recorded on site (AECOM 2012) and has potential to forage on site during migration.

Potential effects of the Project on these species therefore are addressed both in the EIS and the County's analysis in the DEIR. In addition, the mitigation measures required by this ROD will reduce potential effects of the Project on these species.

Golden Eagles

Certain commenters criticized the EIS's analysis of Project's potential effects on the golden eagle, asserting that the EIS does not accurately reflect the eagle use of the Project Area. In part, this criticism is related to the erroneous conclusion that the studies of golden eagle use did not conform with USFWS Land-Based Wind Energy Guidelines. BIA and Dudek utilized the USFWS Guidelines to develop the appropriate methodology, data sets, and industry-standard practices to evaluate Project effects on the golden eagle. The USFWS, the BIA, and Dudek consulted with the USFWS regarding the survey methods for eagles (and all other migratory birds), as directed by the USFWS Guidelines. The USFWS approved those survey methods on October 10, 2018. The USFWS did not request any changes to the to the survey methods, nor request any additional surveys. Under USFWS, no further surveys were required due to the USFWS's approval of these methods.

Commenters also suggest that the results of the Project's potential effects on the golden eagle using the Draft USFWS Collision Fatality Model contradicts the EIS's conclusion that the risk of golden eagle fatalities at the site are low. There is no contradiction. Avian mortality from collisions with wind turbine generators is difficult to predict and depends on a variety of factors including behavior and flight characteristics of avian species present; migratory patterns; site characteristics including habitat, weather and proximity to water and other features that concentrate migrants. While modeling is one tool to ascertain the potential risk to the species, no amount of data collection and modeling can determine with

certainty on whether a proposed wind facility will result in the take of an eagle. The BIA's conclusion on the probability of take is based not only on the modeling effort, but also data from recently constructed and operational wind projects in the area. The modeling results indicate a relatively low potential for take as compared to other recent wind projects that have since been constructed and are operational. To ensure that the any risks to eagles are adequately addressed, the BIA requires through this ROD the preparation of a Bird and Bat Conservation Strategy that will include fatality monitoring and adaptive management strategies to reduce the risk to this species in the event that a golden eagle facility occurs. Should that happen, the Developer would undertake appropriate consultation with the USFWS.

Valley Fever

Several commenters express concern regarding public health impacts associated with Valley Fever and impacts to sensitive receptors. Potential impacts related to Valley Fever were addressed in common response to comment VF-1 (see FEIS, Appendix T section 2.16). BIA has considered Valley Fever-related comments on the FEIS, in particular, the February 28, 2020 letter of Phyllis Fox attached to the comment of Adams Broadwell. None of the comments present significant new information relevant to the public health and safety impacts disclosed in the FEIS.

Regarding comments on MM-BIO-1, commenters are directed to the common response INT-4 (see FEIS, Appendix T section 2.2). California Department of Health guidelines will be consulted in implementing project design features and mitigation related to Valley Fever. In addition to MM-BIO-1, the following mitigation and other Project details included in the FEIS and implemented through this ROD will reduce potential effects of Valley Fever:

- MM-BIO-1 entails a Fugitive Dust Control Plan that would regulate dust emissions during construction and would reduce potential risk for exposure if Coccidioides were present in the soils at the Project Site. It also includes a worker environmental awareness program that would be required for construction contractors and all on-site personnel and include information on how to identify the symptoms of Valley Fever and require reporting when personnel express symptoms or general health concerns.
- MM-PH&S-2 requires the preparation of a HSP for each phase of the Project (i.e., construction, operation, and decommissioning). The HSP would be developed to protect both workers and the general public during all phases of the Project and would be implemented to educate construction workers about the hazards associated with the Project Site and the safety measures that must be taken to prevent injury. The HSP would be amended, if appropriate, to include additional measures to protect construction workers from Valley Fever.
- MM-PH&S-3 provides that, prior to commencing construction activities, a safety assessment will be prepared that describes potential safety issues associated with the Project, how safety prevention measures would be implemented, the appropriate response action for each safety hazard, and procedures for notifying the appropriate authorities and agencies involved. The safety assessment would address issues related to construction hazards and safe work practices, including, if appropriate, Valley Fever.
- PDF-AQ-3 would reduce emissions associated with blasting and rock-crushing activities.

Property Values

Several commenters express concern regarding the potential for the Project to impact property values in the Boulevard area. These concerns echo those raised during the comment period on the DEIS and addressed in common response to comment PROP-1 and other individual response to comments (see

FEIS, Appendix T). BIA has considered the data on home listings and sales submitted by commenters on the FEIS and determined the data are consistent with the conclusion that existing or planned wind energy projects have not impacted overall residential sales in the Boulevard area.

Ribbonwood Road Expansion

One commenter suggests that the Developer would use the power of eminent domain to widen Ribbonwood Road. As part of the Project, an existing one-mile unpaved segment of Ribbonwood Road that currently ranges from 12- to 40-feet wide would be widened up to 30 feet and paved. While not an environmental effect that requires review under NEPA, the BIA will take the opportunity to clarify that eminent domain would not be required for Project access along Ribbonwood Road nor for widening the road. The property within the Boulder Brush Boundary has legal access through both public and private access easements that begin at the intersection of Opalocka Road and Ribbonwood Road and end at the Boulder Brush Boundary. South of this intersection, Ribbonwood Road is a public road maintained by San Diego County. The EIS fully evaluates potential effects associated with use and widening of Ribbonwood Road for the Project in Appendix J (Traffic Impact Analysis) as well as Appendix H (Biological Technical Report).

Turbine Heights and Setbacks

Turbine Height

Several commenters suggest that the maximum overall turbine height could be greater than the height described in the FEIS, based on the maximum hub height and the maximum blade length being used in combination. The EIS indicates that since wind turbine technology is continually improving, and the cost and availability of specific types of turbines varies from year to year, final Project specifications are not available; however, the EIS lists elements that are representative for turbines that would be used for the Project. With respect to overall turbine height, the dimensions quoted in the EIS for both hub height and turbine rotor diameter were identified as "up to approximately" 374 ft and 460 ft, respectively. These dimensions as quoted are mutually exclusive and not additive. A combination of the maximum potential hub height and turbine rotor diameter is not reasonably foreseeable at this time, as the maximum values in both parameters are mutually exclusive based on current technology.

In addition, turbine capacity, whether it be 3.83 or 4.2 megawatts is generally irrelevant when it comes to turbine dimensions. The 3.83-137 turbine model/type was chosen for conservatism because it has a hub height of approximately 360 ft, a rotor diameter of approximately 449 ft, and a combined total tip height of approximately 586 ft as indicated in Table 4.1 in the Shadow Flicker analysis.

Regardless, the difference in the maximum theoretical height described by the commenter is unlikely to result in significantly greater impacts than those described in the FEIS. The commenter presents no analysis showing that the theoretical difference in height would be a significant difference relative to environmental concerns disclosed in the FEIS. In addition, as previously described, relevant impacts are conservatively addressed based on the evaluation of all 76 turbine locations, even though a maximum of 60 turbines would ultimately be built. Thus, the assessments of potential noise, visual, shadow flicker and other impacts all conservatively evaluate impacts based on 16 more turbines than will ultimately be developed.

Turbine Setbacks and Public Safety

Several commenters raise concerns related to the setback distance for turbines from nearby residences. The 1/4-mile (1,320 ft) turbine setback described in the FEIS is a requirement in the CWGF Lease and is

also consistent with the setback provisions in the Campo Land Use Code. The Tribe has determined the 1/4-mile setback to be an appropriate buffer, and this setback distance also exceeds what other local jurisdictions have deemed sufficient with regards to siting of wind energy facilities. For example, San Diego County's Zoning Ordinance Related to Large Wind Energy Turbines requires that the minimum setback for wind turbine generators from all property lines and existing residences shall be 1.1 times the wind turbine height. Another California jurisdiction with substantial wind energy development, Kern County, has established the following turbine setback requirements:

F.(3) Setback from Off-site Residence(s) on Adjacent Parcels. In all cases, regardless of parcel area, a minimum wind generator setback of one and one-half (1 1/2) times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blades) or 500 feet, whichever is greater, shall be maintained from any off-site residence.

F.(5) Setback from On-site Residences and Accessory Structures Designed for Human Occupancy. A minimum wind generator setback of one (1) times the overall machine height (measured from grade to the top of the structure, including the uppermost extension of any blade) shall be maintained from any on-site residence or accessory structure designed for human occupancy.

At least one commenter discusses industry-recommended setback distances, stating that turbine manufacturer Vestas recommends a 1,640 ft. setback. To clarify, commenter cites language from an outdated Vestas O&M manual specifying that, in case of fire, the turbine should be evacuated and a radius of 1,640 ft. should be roped off. The referenced Vestas recommendation is thus out of context with respect to turbine siting and appropriate setback distances.

Concerns regarding setback distances are motivated by public safety issues, which can arise related to turbine rotor failure and tower integrity. Rotor failure and tower integrity can become safety issues with excess rotor speed, which most commercially available turbines are equipped to address with safety and engineering features. The wind turbine generators considered for the Project will be equipped with safety and engineering features to prevent excess rotor speed, which will minimize personnel health and safety risks due to potential rotor failure.

Monitoring operations would be conducted from computers located in the base of each wind turbine generator tower and technicians would test and maintain the wind power facilities on a daily basis. In addition, an operations and maintenance plan would be prepared per the requirements of the equipment specification and good industry practices. The plan would include policies for training, performance monitoring, environmental monitoring, scheduled and unscheduled maintenance of turbines, as well as scheduled and unscheduled maintenance and balance of plant. Preparation of and conformance with an operation and maintenance program would substantially reduce opportunities for facility failure.

Storage Component

One commenter, with reference to San Diego County's DEIR for Campo Wind with Boulder Brush Facilities, suggests that plot plans for the Boulder Brush substation indicate an intent to install energy storage capacity at the facility. What the commenter has identified are batteries in the substation control building that serve two main purposes: powering equipment in the control building itself, and also equipment out in the substation yard. This is standard equipment for electrical substations and is not a proposed energy storage component for the facility.

Cumulative Impacts Analysis

Commenters have identified several other renewable energy projects they feel should have been included as cumulative projects for the purpose of disclosing potential environmental impacts. BIA has examined these projects and confirmed they were properly excluded from the list of cumulative projects analyzed. These projects were either outside the geographic scope set by BIA for the purpose of analyzing cumulative effects, or it is not reasonably foreseeable these projects would be implemented such that they would affect resources of concern within the geographic scope and the timeframe of analysis. Commenters are also directed to common response CUM-1 in Appendix T of the FEIS.

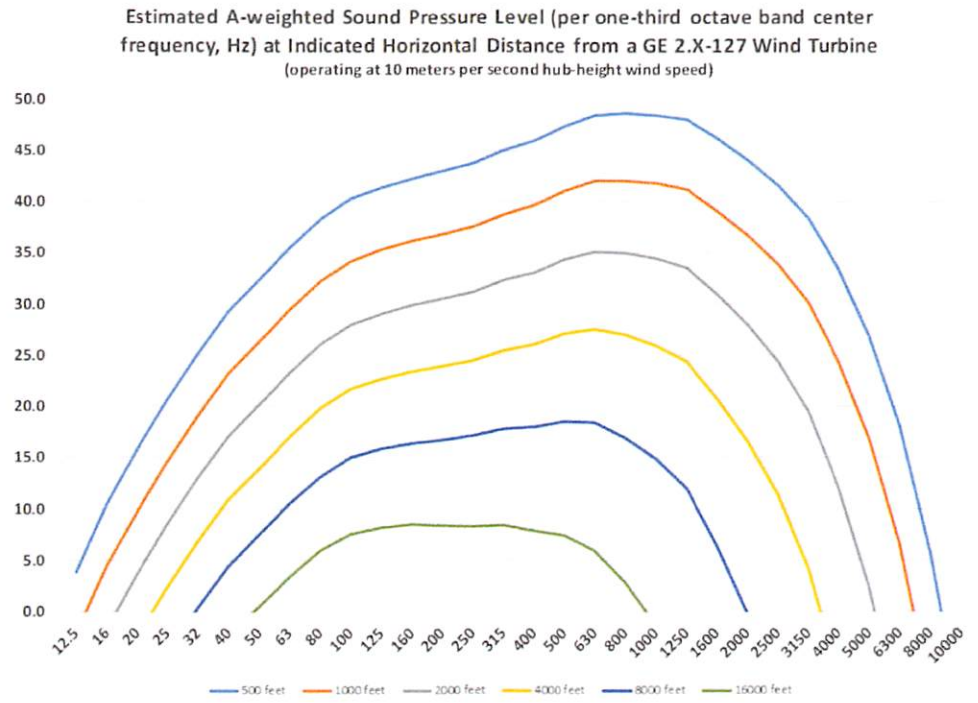
Noise

Several commenters critique the FEIS's analysis of noise impacts. The predictive wind turbine operation noise analyses for the FEIS (as well as the County's DEIR) noise assessments conservatively used octave band center frequency (OBCF) sound power data from a GE 2.X-127 model wind turbine, which exhibits an overall A-weighted sound power level (at a hub height wind speed of at least 10 meters per second) that is at least 3 dBA louder than the overall sound power level for a Vestas V136-4.2MW model under same hub height wind speed conditions.

Using available one-third OBCF resolution data for this GE 2.X-127 model, the following figure displays plots of predicted A-weighted sound pressure level (SPL) at various horizontal distances between this sample wind turbine and a receptor location. The calculation accounts for both distance (i.e., geometric divergence) and frequency-dependent atmospheric absorption (i.e., air attenuates sound more readily at higher frequencies). Any attenuation due to ground effects are conservatively ignored. None of the plotted SPL creates a condition that would result in a "pure tone" as defined by the County of San Diego Zoning Ordinance Related to Large Wind Energy Turbines, 10262 Section 6952.f.3 as follows:

"A 'pure tone' exists if one-third of the octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of sound pressure levels of the two contiguous one-third octave bands by five dBA for center frequencies of 500 Hz or more, by eight dBA for center frequencies between 160 Hz and 400 Hz, or by 15 dBA for center frequencies less than or equal to 125 Hz."

None of the plotted curves in the figure below exhibit peaks or undue prominence that would visually hint at the appearance of a pure tone. The prediction method used to generate the plots in the figure was also used to predict SPL at the same presented sample distances, but for lower hub-height wind speeds for which sound power data is available for the GE 2.X-127 model: 4, 5, 6, 7, 8, and 9 meters per second. Pure tone conditions were not found to occur for any of these other wind speeds. These findings, including the figure, provide support for an assertion that pure tone conditions are not expected to occur; thus, the County noise criteria in Section 36.404 would not need to be reduced by 5 dBA, and the thresholds discussed in the FEIS (as well as the County's DEIR) are accurate as-is and properly reflect County hourly L_{eq} requirements.



Tribal Governance/Leasing

Several commenters address the tribal political process with respect to the validity of the CWGF Lease. The validity of the CWGF Lease under tribal law is a non-NEPA issue (see FEIS Appendix T, 2.25, TR-1). The Tribe confirmed in a letter to BIA on February 4, 2020 that the approval of the CWGF Lease by the General Council of the Tribe is in full compliance with the Constitution, Laws and Ordinances of the Tribe and remains valid and effective, subject to BIA approval.

Comparison to CEQA Impacts

One commenter indicates that the FEIS identifies a fewer number of adverse unavoidable effects compared to the number of significant and unavoidable impacts identified in the DEIR for the Campo Wind Project with Boulder Brush Facilities. NEPA and CEQA create distinct legal frameworks for a lead agency undertaking environmental review of a discretionary action. The County, for instance, has County-specific CEQA significance thresholds which, for a number of resource areas, prescribe additional or more stringent requirements than standard CEQA or NEPA review requirements. These and other differing legal requirements contribute to why the BIA and County characterize potential impacts differently in their respective environmental reviews.

As stated in Response to Comment INT-3 (see FEIS, Appendix T), the EIS is a federal document prepared under NEPA guidelines to analyze the potential effects of the approval APA and the subsequent approval of the CWGF Lease by the Regional Director, Pacific Region. The EIS also discloses potential environmental impacts of the Off-Reservation Boulder Brush Facilities, which is subject to County jurisdiction. The County is analyzing the Project as a whole pursuant to CEQA, and as reflected in its DEIR. The BIA and the County each have an independent obligation to analyze the record before them and make independent determinations about the scope of the potential effects of the Project.

Aviation Related Issues

Commenters express concerns regarding the Project's potential impacts on aviation, including Department of Defense and aerial firefighting efforts. As stated in response 1-23 in the FEIS, the Project Site is in an area where existing wind turbines and transmission lines are located and would comply with any applicable Federal Aviation Administration (FAA) requirements to ensure that FAA, military, and emergency responders navigate the area safely.

FAA Requirements and Approvals

The United States Congress has charged the FAA with the responsibility to promote air commerce in the United States. As a part of this responsibility, the FAA is tasked with ensuring air safety and preserving the National Airspace System (NAS). Under these mandates, FAA conducts aeronautical studies of tall structures, including evaluating wind turbines (14 CFR Part 77). In conducting each study, the FAA's prime objective is to ensure the safety of air navigation, and the efficient utilization of navigable airspace (FAA Order 7400.2M Paragraph 6-3-1(a)).

Each wind turbine aeronautical study includes soliciting feedback from ten different government offices, including: Airports, Instrument Flight Procedures Impact Team, Flight Standards, Technical Operations, Frequency Management, United States Air Force, United States Navy, United States Army, Department of Homeland Security (DHS), and the Department of Defense (DoD) Siting Clearinghouse. Specific to the DoD Clearinghouse review, all military services assess the project to determine if there is a risk associated with adverse impacts on the military's operations and readiness. To date, there have been no objections or concerns raised by any of the military services nor the DoD Siting Clearinghouse. There are no military training routes (MTR) nor military operations areas (MOA) overlying the Project. And, although there is no published military airspace overlying the Project Site, the Developer has committed to installing FAA-approved obstruction lighting that ensures nighttime conspicuity for both civilian, military, and emergency operators. This lighting will comply with FAA's marking and lighting guidance described in FAA Advisory Circular 70/7460-1L.

As the Project is required to obtain Determinations of No Hazard from the FAA, safety and efficiency of air traffic operations throughout the Project Area will be maintained after the Project is constructed and during the Project's operation.

Emergency Services

The FAA does not protect for emergency operations because they are, by their very nature, unpredictable and can happen anywhere at any time. If any regulator were to limit development based on unpredictable emergency operations, then no development above ground would be acceptable. That said, it is important to note that smoke jumpers and repel helicopter operations are not used to fight wildfires in the Project Area or throughout most of southeastern San Diego County where road access is available. These firefighting resources are focused on accessing remote areas where roads do not allow ground-based transportation of firefighting personnel. Project-related roads would provide additional access points to effectively fight wildfires, should one occur in the Project Area.

In addition, the Developer is required to coordinate with the Campo Reservation Fire Protection District (CRFPD) and California Department of Forestry and Fire Protection (CAL FIRE) to incorporate agency requirements both during the Project planning stage as well as post-construction review of as-built drawings and completed structures of all projects to ensure compliance. The CWF include fire and emergency access and circulation throughout the Campo Corridor. The CWF would be provided

defensible space by a Fuel Modification Zone (FMZ) buffer, which serves as a fire break, around each gen-tie power line pole, the collector substation, and Project access roads. Prescribed FMZs would be maintained on at least an annual basis or more often, as needed. The CWF Fire Protection Plan, prepared to the satisfaction of the CRFPD, will outline fire protection measures for Project construction and operations, including emergency response.

CAL FIRE staff will also review aviation hazards and work with the Developer to plan for potential hazards associated with suppression efforts and how to avoid collisions. The Project is required to comply with all applicable state, national, and international fire codes and additional measures required by regulatory agencies to directly address fire concerns as well as emergency response associated with the Project.

3.2.2 FEIS Revisions

The FEIS has been revised to provide clarifications in response to comments as follows:

[Page 87] The Off-Reservation portion of the Project would not adversely affect any federally listed plants ~~or wildlife~~, because none are present. An additional set of Quino checkerspot butterfly surveys are being conducted within the Off-Reservation portion of the Project in 2019 identified 5 individuals in the southwestern most portion of the Boulder Brush Corridor and was analyzed during the Section 7 consultation with USFWS.

[Page 90] **MM-BIO-3** (Implementation of USFWS-Issued Terms and Conditions)

(a) Construction Flagging/Fencing and Signage
~~(b) Seasonal Avoidance~~

Appendices H and P have been revised to include clarifying text to MM-BIO-1 (g) Weed Management.

The reference in Appendix O listed as "Dudek. 2019. Torrey Wind Project Noise Study" is removed. The document was not cited or used in the preparation of the Acoustic Technical Report or EIS.

Appendix P has also been corrected to remove the repeated components of PDF-AQ-2 under (m) and (n) and include the omitted correct component under (b).

4.0 MITIGATION MEASURES

4.1 Land Resources

The Project would result in no adverse effects on land resources, and no mitigation is warranted. See FEIS Section 4.1.3.

4.2 Water Resources

No adverse effects would occur from construction or operation of the Project and no mitigation is warranted; however, the Developer will implement PDF-HYD-1 to minimize potential effects to groundwater during construction:

PDF-HYD-1 **Groundwater Monitoring:** Campo Environmental Protection Agency (CEPA) will monitor the depth to groundwater in wells located between existing On-Reservation production wells anticipated to be a source of groundwater supply for Project construction and other nearby On-Reservation production wells. A groundwater level drawdown threshold for On-Reservation monitoring wells should be established to ensure that declines in groundwater levels in On-Reservation wells remain at less than 20 feet resultant from On-Reservation pumping for Project construction. Groundwater level

monitoring should be conducted at least weekly during Project construction and do not interfere with individual and Public Water System (PWS) wells that provide drinking water to residents and others. Should the groundwater drawdown threshold be exceeded, CEPA will require the cessation of on-site pumping for Project construction, from such production wells as is necessary, until groundwater levels in the monitoring wells rise above the threshold.

4.3 Air Quality

The Project would not result in adverse effects on air quality and no mitigation is warranted; however, the Developer will implement PDF-AQ-1 through PDF-AQ-5 to minimize air pollutant emissions during construction:

PDF-AQ-1 Prior to the Tribe's approval of any construction-related permits, the lessee or its designee shall place the following requirements on all plans, which shall be implemented during each construction phase to minimize volatile organic compound (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_x) emissions:

a. Prior to the commencement of any construction activities, the lessee or its designee shall provide evidence to the Tribe that for off-road equipment with engines rated at 75 horsepower or greater, no construction equipment shall be used that is less than Tier 4 Final. An exemption from these requirements may be granted by the Tribe in the event that the Developer documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the Tribe, the Developer shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within the San Diego region.
b. Vehicles in loading and unloading queues shall not idle for more than 5 minutes and shall turn their engines off when not in use to reduce vehicle emissions.
c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.
d. The use of electrical or natural gas-powered construction equipment shall be employed where feasible, including forklifts and other comparable equipment types.

PDF-AQ-2 **Fugitive Dust Control.** The Developer or its designee shall implement the following measures to minimize fugitive dust (coarse particulate matter [PM_{10}] and fine particulate matter [$PM_{2.5}$]):

a. Water or other approved dust control non-toxic agent shall be used on the grading areas at least three times daily.
b. All main roadways to be paved shall be constructed and paved as early as possible in the construction process.
c. Grading areas shall be stabilized as quickly as possible.
d. Chemical stabilizer shall be applied, a gravel pad shall be installed, or the last 100 feet of internal travel path within the construction site shall be paved prior to public road entry and for all haul roads.
e. Wheel washers shall be installed adjacent to the apron for tire inspection and washing prior to vehicle entry on public roads.
f. Visible track-out into traveled public streets shall be removed with the use of

sweepers, water trucks, or similar method within 30 minutes of occurrence.

g. Sufficient perimeter erosion control shall be provided to prevent washout of silty material onto public roads.
h. Unpaved construction site egress points shall be graveled to prevent track-out.
i. Construction access points shall be wet-washed at the end of the workday if any vehicle travel on unpaved surfaces has occurred.
j. Transported material in haul trucks shall be watered or treated.
k. All soil disturbance and travel on unpaved surfaces shall be suspended if winds exceed 25 miles per hour.
l. On-site stockpiles of excavated material shall be covered.
m. A 15 mile per hour speed limit on unpaved surfaces shall be enforced.
n. Construction Traffic Control Plans shall route delivery and haul trucks required during construction away from sensitive receptor locations and congested intersections to the extent feasible. Construction Traffic Control Plans shall be finalized and approved prior to issuance of grading permits.

PDF-AQ-3 The following measures shall be included as part of the Fugitive Dust Control Plan (FDCP) for the CWF to reduce emissions associated with blasting and rock-crushing activities:

a. During blasting activities, the construction contractor shall implement measures to control fugitive dust, including exhaust ventilation, blasting cabinets and enclosures, vacuum blasters, drapes, water curtains, or wet blasting. Watering methods, such as water sprays and water applications, shall be implemented during blasting, rock crushing, cutting, chipping, sawing, or any activity that would release dust particles to reduce fugitive dust emissions.
b. During rock crushing transfer and conveyance activities, material shall be watered prior to entering the crusher. Crushing activities shall not exceed an opacity limit of 20% (or Number 1 on the Ringelmann Chart) as averaged over a 3-minute period in any period of 60 consecutive minutes. A qualified opacity observer shall monitor opacity from crushing activities once every 30 days while crushers are employed on site. Water sprayers, conveyor belt enclosures, or other mechanisms shall be employed to reduce fugitive dust generated during transfer and conveyance of crush material.

PDF-AQ-4 All CWF phases involving blasting shall conform to the following requirements:

- Each blasting event shall employ approximately 1.2 tons of ammonium nitrate/ fuel oil (ANFO).
- Blasting activities shall be restricted to not more than two blasts per day.
- All blasting shall be performed by a blast contractor and blasting personnel licensed to operate in the County.

PDF-AQ-5 **Construction Architectural Coating Limits.** The CWF shall comply with the following volatile organic compound (VOC) content limits for architectural coatings during construction for residential and non-residential and uses: 50 grams per liter VOC for interior surfaces and 100 grams per liter VOC for exterior coatings.

4.4 Greenhouse Gas Emissions

The Project would not result in adverse effects on GHG emissions and would likely assist long-term net reduction in GHG emissions for the region. No mitigation is warranted. See FEIS Section 4.4.3.

4.5 Biological Resources

The Developer will implement the following mitigation measures to reduce effects to biological resources On-Reservation. The County has identified similar mitigation measures to reduce effects to biological resources Off-Reservation resulting from components of the Boulder Brush Facilities. Additionally, the USFWS January 16, 2020 BO includes Conservation Measures (CM) to be included in the BIA's decision.

MM-BIO-1 General Avoidance and Minimization Measures.

(a) Project Biologist(s). A Project biologist(s) approved by the USFWS and the Tribe shall be designated by the Developer. The CEPA shall enforce the duties of the Project biologist for all work conducted On-Reservation. The Developer shall submit the names, documented experience, any relevant permit numbers, and resumes for the Project biologist(s) to USFWS and the Tribe for approval prior to initiation of construction. The Project biologist(s) shall be responsible for the following:

- Providing training to all construction workers (may take the form of any documentable training platform).
- Reviewing and/or designating the construction area in the field with the construction contractor in accordance with the final grading plan prior to clearing, grubbing, or grading.
- Conducting a field review of the staking to be set by the professional surveyor, designating the limits of construction activity prior to clearing, grubbing, or grading.
- Flushing of non-listed wildlife species (i.e., avian or other mobile species) where possible from occupied habitat areas immediately prior (i.e., within 2 hours) to brush-clearing and earthmoving activities.
- Regularly monitoring construction activities to verify that construction is proceeding in compliance with all permit requirements specific to biological resources.
- Overseeing the construction site so that cover and/or escape routes for wildlife from excavated areas is provided on a daily basis. All steep trenches, holes, and excavations during construction shall be covered at night with backfill, plywood, metal plates, or other means, and the edges covered with soils and plastic sheeting such that small wildlife cannot access them, and/or excavations shall provide an earthen ramp or boards to allow for a wildlife escape route at the ends and every 30 feet.
- Maintaining communication with the appropriate personnel (construction Project manager, resident engineer) so that issues relating to biological resources are appropriately and lawfully managed.
- Verifying that grading plans include a SWPPP.
- Reporting any noncompliance issues to the BIA, the resident engineer, and the Tribe.

(b) Environmental Training Program. A worker environmental awareness program shall be developed and implemented prior to the start of construction. The Project biologist(s) shall use this program to conduct environmental training for construction personnel. All construction site personnel shall be required to attend the

environmental training in conjunction with hazard and safety training prior to working on site.

(c) **SWPPP.** The SWPPP, or equivalent shall include, at a minimum, the BMPs listed below. The combined implementation of these requirements shall protect adjacent habitats and special-status species during construction to the maximum extent practicable. At a minimum, the following measures and/or restrictions shall be incorporated into the SWPPP and noted on construction plans, where appropriate, to avoid effects to special-status species, special-status vegetation communities, and/or jurisdictional waters during construction. The measures described in the SWPPP are subject to enforcement by the CEPA On-Reservation, and the County of San Diego for Off-Reservation areas. The Project biologist(s) shall verify the implementation of the following design requirements:

- No planting or seeding of invasive plant species (per the most recent version of the California Invasive Plant Council California Invasive Plant Inventory for the Project region) shall be permitted.
- Construction activity shall not be permitted in jurisdictional waters of the United States except as authorized by applicable law and permit(s), including permits and authorizations approved by the USACE.
- Silt settling basins installed during the construction process shall be located away from areas of ponded or flowing water to prevent discolored, silt-bearing water from reaching areas of ponded or flowing water during normal flow regimes.
- Temporary structures, staging, and storage areas for construction equipment and/or materials shall not be located in jurisdictional waters, including wetlands and riparian areas.
- Any equipment or vehicles driven and/or operated within jurisdictional waters of the United States shall be checked and maintained by the operator daily to prevent leaks of oil or other petroleum products that could be deleterious to aquatic life if introduced to the watercourse.
- No stationary equipment, such as motors, pumps, generators, and welders, or fuel storage tanks shall be located within 200 feet of jurisdictional waters of the United States.
- No debris, bark, slash sawdust, rubbish, cement, concrete, oil, or petroleum products shall be stored where it may be washed by rainfall or runoff into jurisdictional waters of the United States.
- When construction operations are completed, any excess materials or debris shall be removed from the work area.
- No equipment maintenance shall be performed within 200 feet of jurisdictional waters of the United States where petroleum products or other pollutants from the equipment may enter these areas.
- Fully covered trash receptacles that are animal-proof and weather-proof shall be installed and used by the construction contractor(s) to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Littering shall be prohibited and trash shall be removed from construction areas daily. All food-related trash and garbage shall be removed from the construction sites on a daily basis.

(d) **Fugitive Dust Control Plan (FDCP).** The Developer shall develop an FCDP in compliance with San Diego County Air Pollution Control District regulations to

reduce particulate matter less than 10 microns (PM_{10}) and fine particulate matter less than 2.5 microns ($PM_{2.5}$) emissions during construction and decommissioning. The FDCP shall include names, addresses, and phone numbers of the person or persons responsible for the preparation, submission, and implementation of the plan; description and location of operation(s); and listing of all fugitive dust emissions sources included in the operation.

The following dust control measures shall be implemented:

- All on-site unpaved roads shall be effectively stabilized using soil stabilizers that can be determined to be as efficient, or more efficient, for fugitive dust control than California Air Resources Board-approved soil stabilizers, and shall not increase any other environmental effects including loss of vegetation. Application of the soil stabilizer shall be undertaken strictly to the manufacturer's directions for application and cognizant of the weather forecast to avoid application immediately before a rain event.
- All material excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed areas.
- All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
- Soil loads shall be kept below 18 inches of the freeboard of the truck.
- Drop heights shall be minimized when loaders dump soil into trucks.
- Traffic speeds on unpaved roads shall be limited to 15 miles per hour.

New disturbance in previously undisturbed areas shall be minimized to the extent feasible.

(e) Revegetation. Disturbed areas that are not required to be clear for operations and maintenance activities (i.e., temporarily impacted areas) shall be revegetated or stabilized using soil binders within 90 days of construction completion. If soil binders are used they shall be as efficient, or more efficient, for fugitive dust control than California Air Resources Board-approved soil stabilizers. Soil would be revegetated with native plant species found within adjacent habitats. Locally available seed will be used, and seed from species that are unavailable for collection would not be incorporated into the final seed palette. Revegetation of temporarily disturbed areas shall provide a minimum of 40% cover of plant species native to adjacent habitats within a 2-year time frame. If 40% cover of native species is not achieved within 2 years, adaptive management measures (e.g., supplemental seeding, erosion control, pest control) will be pursued until 40% cover of native species is achieved.

A preliminary decommissioning plan shall be prepared on the fifteenth (15th) anniversary of the Commercial Operations Date of the CWF, and revisited/updated as needed every five (5) years thereafter until intended initiation decommissioning of the facilities. Prior to decommissioning of CWF, a Final Decommissioning Plan would be prepared and implemented. The decommissioning plan shall include revegetation of the previously disturbed areas. Soil would be revegetated with native plant species found within adjacent habitats. Locally available seed will be used, and seed from species that are unavailable for collection would not be incorporated into the final seed palette. Revegetation of disturbed areas shall provide a minimum of 40% cover of plant species native to adjacent habitats within 2 years of construction

completion. If 40% cover of native species is not achieved within 2 years, adaptive management measures will be pursued until 40% cover of native species is achieved.

(f) Erosion and Runoff Control. During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns. This will protect jurisdictional resources from being inundated with sediment-laden runoff. Design of drainage facilities shall incorporate long-term control of pollutants and stormwater flow to minimize pollution and hydrologic changes.

(g) Weed Management. A weed management plan shall be developed by the Tribe and approved by BIA prior to commencement of construction activities On-Reservation. The plan will cover a Weed Management Area (WMA) which includes all project disturbance areas, and a 50-foot buffer. The plan shall include the following:

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

All herbicide application shall be in compliance with all ~~state and~~ federal laws and regulations under the prescription of a Pest Control Adviser and implemented by a licensed applicator.

(h) Fire Protection. To minimize the potential exposure of the Project to fire hazards, a Boulder Brush Fire Protection Plan and a Campo Wind Project Fire Protection Plan-equivalent shall be prepared to the satisfaction of the CRFPD and implemented in conjunction with development of the Project.

MM-BIO-2 **Jurisdictional Waters and Wetlands Compensation.** Temporary and permanent impacts to jurisdictional waters and wetlands shall be mitigated per the Project's federal CWA permit conditions. Temporary impacts shall be restored in place to pre-activity functions; permanent impacts shall be mitigated through a USACE Engineers-approved mitigation bank and/or in-lieu fee program. Either of these mitigation options would result in no net loss of jurisdictional aquatic resources. A functional assessment, such as the California Rapid Assessment Method, of the jurisdictional areas proposed to be impacted and preserved at the mitigation site shall be conducted. The purpose of the functional assessment is to evaluate the existing functions and services within the jurisdictional drainages and ensure that the functions and values of the jurisdictional areas lost are replaced at the mitigation site. The precise mitigation ratio shall depend on the functions and values of the mitigation site and any restoration activities that may be conducted to further increase the functions and values of the mitigation site. Refer to MM-BIO-1 for success criteria for revegetation areas.

MM-BIO-3 **Implementation of USFWS-Issued Terms and Conditions.** All terms and conditions developed as part of the Section 7 consultation process with USFWS and provided in the Project's BO shall be implemented. Terms and conditions shall apply to any ESA-listed species that may be impacted by the Project. Ratios for habitat-based mitigation (if any) shall be determined during the Section 7 consultation process. The mitigation shall focus on habitat preservation and creation for long-term conservation of metapopulation dynamics. Terms and conditions outlined in the Project's BO shall take precedence over the measures outlined herein. The measures described below are subject to enforcement by the CEPA On-Reservation, and the County for Off-Reservation areas. The Project's BO was issued to the BIA and the BIA is be responsible for implementing the terms and conditions of the BO (See Conservation Measures below).

(a) Construction Flagging/Fencing and Signage. Construction flagging/fencing and/or signage will be installed when construction of the Project occurs immediately adjacent to mapped occupied Quino checkerspot butterfly habitat (i.e., within a 200-meter radius around host plant concentrations or Quino checkerspot butterfly detections that are located within 1 kilometer of a mapped Quino checkerspot butterfly location) to prevent unnecessary intrusion into occupied Quino checkerspot butterfly habitat. Signage shall be installed where construction activity high-use areas border suitable Quino checkerspot butterfly habitat to prevent intrusion into sensitive habitat and remind personnel of restrictions regarding activities within these areas.

MM-BIO-4 **Avian-Specific Avoidance, Minimization, and Mitigation Measures.**

(a) Vegetation Clearing Seasonal Avoidance/Nest Clearance Surveys. Vegetation clearing shall take place outside of the general avian breeding season (February 15 through August 15) when practicable. If not practicable to conduct vegetation clearing outside the general avian breeding season, a Project biologist with a minimum of 3 years' experience conducting migratory bird surveys shall conduct a nest-clearance survey within 500 feet (152 meters) of a vegetation clearance area no more than 5 days prior to vegetation clearing. In the case of neotropical migrant riparian species, surveys are pre-construction only. Those species arrive during different times in the spring. Therefore, surveys for these species should occur weekly in conjunction with normal biological monitoring, when working within 500 feet of suitable riparian habitat during the breeding season (March through August). Vegetation clearing crews shall coordinate with the Project biologist prior to the start of construction to verify that the area has been adequately surveyed. If no active nests are discovered, vegetation clearing may proceed. If an active nest is discovered, the nest and an avoidance buffer (at least 300 feet (91 meters) for passerines and at least 500 feet (152 meters) for raptors) shall be flagged or otherwise marked for avoidance. The Project biologist shall monitor any active nest discovered on at least a weekly basis to track the status of each nest. Vegetation clearing shall not take place within the avoidance buffer until nesting is complete (i.e., nestlings have fledged or nest has failed), as determined by the Project biologist. If clearing in a given area ceases for five or more consecutive days during the nesting season, repeat nest clearance surveys shall be required to verify that new nesting locations have not been established.

(b) Construction Seasonal Avoidance/Pre-Construction Surveys. Construction (non-vegetation-clearing activities; see MM-BIO-3(a) for vegetation clearing restrictions) that cannot occur outside the general avian breeding season (February 15 through August 15) shall proceed under the following protocols. If

nest clearance surveys (see MM-BIO-3(a)) have not been conducted within 5 days of the start of construction, the Project biologist shall conduct a pre-construction nest survey within 500 feet (152 meters) of the construction area no more than 5 days prior to the start of construction in a given area of the construction footprint. In the case of neotropical migrant riparian species, surveys are pre-construction only. Those species arrive during different times in the spring. Therefore, surveys for these species should occur weekly in conjunction with normal biological monitoring, when working within 500 feet of suitable riparian habitat during the breeding season (March through August). Construction crews shall coordinate with the Project biologist prior to the start of construction to verify that the area has been adequately surveyed. If no active nests are discovered, construction may proceed. If an active nest is discovered, the nest and an avoidance buffer (at least 300 feet (91 meters) for passerines and at least 500 feet (152 meters) for raptors) shall be flagged or otherwise marked prior to the start of construction. The Project biologist shall coordinate with construction crews to determine the types of construction activities that may take place within the avoidance buffer. The following shall be taken into consideration when determining whether a construction activity may take place within the avoidance buffer: (1) location of nest; (2) status of nesting; (3) species-specific sensitivity to potential disturbances associated with an activity; (4) type, duration, and timing of construction activity; (5) existing level of disturbances; and (6) influence of other environmental factors on potential disturbances. The Project biologist shall be responsible for monitoring any active nests discovered on at least a weekly basis to track the status of each nest. Should the Project biologist determine that construction activities may disturb the nesting activity, then construction activities shall cease within the avoidance buffer until nesting is complete. If construction in a given area ceases for 5 or more consecutive days during the nesting season, repeat pre-construction surveys shall be required to verify that new nesting locations have not been established.

(c) **Bird and Bat Conservation Strategy.** The Developer shall prepare a Bird and Bat Conservation Strategy (BBCS). The BBCS shall be prepared by a qualified biologist and shall include methods and results of avian and bat surveys conducted in 2017, 2018, and 2019 at the Project Site; a risk assessment associated with potential collisions/barotrauma with Project turbines and meteorological towers and electrocution associated with overhead transmission lines; avoidance, minimization, and mitigation measures shall address this risk; methods and protocols associated with post-construction monitoring; and adaptive management actions that can be taken based on monitoring results. The BBCS shall be submitted to USFWS for review. The BBCS may include the following:

- **Implementation of an Initial Monitoring Program (IMP).** The IMP shall provide a means of methodically recording and collecting information on dead or injured birds and bats within the Project Site by professional biologists. This monitoring program will include standardized survey methods, observer trials, and carcass removal trials to assist in determining accurate collision estimates for the Project. These rates will allow for comparison to other projects and assist in determining what, if any, adaptive management activities should be implemented. This IMP will occur for a minimum of 2 years and be initiated right after completion of Project construction.
- **Implementation of a Worker Response Reporting System (WRRS).** The WRRS shall provide a means of recording and collecting information on

incidental discoveries of dead or injured birds and bats within the Project Site by site personnel. The WRRS shall be used by site personnel who discover bird and bat carcasses during construction and routine maintenance activities. Site personnel shall be provided a set of standardized instructions to follow in response to wildlife incidents in the Project Area.

- **Notification and Implementation Activities.** In accordance with the WRRS, during construction, site personnel shall notify the Project biologist to collect the following data on the incidentally detected avian and bat wildlife: species, date, time, location (e.g., nearest Project structure), and how the animal died, if known. Results shall be reported to the Tribe and the Developer on a quarterly basis unless federally protected species are involved. During operations, a procedure shall be developed for site personnel to collect the same data, take photographs, and notify the Project's environmental manager, who shall then notify the Tribe and the Developer unless listed species are involved, in which case USFWS shall be notified within 48 hours. In the event of an injury to federally protected species, the USFWS shall be contacted immediately for instruction on how to handle the situation. Workers shall be trained on the WRRS during Worker Environmental Awareness Program training. The WRRS shall be used for the life of the Project. To accommodate these requirements, a Project biologist shall be on retainer throughout the construction period, and one shall be available during the life of the Project to assist in avian and bat identifications, data collection, determination of cause of death or injury, and implementing the WRRS.

(d) Removal of Carcasses. All large animal carcasses (e.g., any domestic livestock, feral animal, or big game) incidentally found within the Project Site during operation and maintenance activities shall be removed from the site to prevent attraction of carrion-consuming birds of prey.

(e) APLIC Standards. The Project shall implement 2006 and 2012 recommendations by the Avian Power Line Interaction Committee (APLIC) to protect raptors and other birds from electrocution. When properly designed and implemented, these measures can be sufficient to protect even the largest birds that may perch or roost on transmission lines or towers from electrocution. Specifically, these measures will include design specifications regarding proper pole and crossmember dimensions, phasing, and insulator design and dimensions to preclude wire-to-wire contact with a goal of providing appropriate separation between energized conductors and energized hardware and ground wire. In addition, bird diverters or other means to make lines more visible to birds will be installed where appropriate to help avoid collisions.

Full details of these mitigation measures are located in FEIS Appendix P. The Conservation Measures (CM) listed below from the USFWS BO (issued January 16, 2020) must also be implemented by the Developer:

CM-1 **Off-site Land Conservation.** To offset loss of Quino habitat and protect the viability of Quino in the project vicinity, the Applicant will acquire land at a minimum 1:1 ratio of conservation to direct and indirect impacts as defined in the BA. The conservation site will be approved by the Service and will minimally be in escrow by the time operations commence (i.e., wind turbines are operational and sale of energy occurs per a power purchase agreement). Lands within the eastern San Diego County

vicinity (specifically in and around the Southeast San Diego and eastern Southwest San Diego Recovery Units) will be prioritized, and lands will be considered occupied following the definition of occupied habitat used in this analysis (i.e., within a 1 kilometer buffer of known Quino locations) or within 2 kilometers between known Quino clusters will be prioritized. First priority will be given to land within the Campo Core Occurrence Complex defined in the draft Quino recovery plan amendment (Service 2019).

As described in section 7.3.1 of the DEIR for the Campo Wind Project with Boulder Brush Facilities, prepared by Dudek and dated December 2019, pre-construction surveys for Quino host plants will be conducted during the spring and summer of 2020 within an approximately 2.6-acre portion of the Boulder Brush development footprint that has not been surveyed. If any Quino host plants are found, the Quino habitat model will be updated, and consultation will be reinitiated under which additional habitat acquisition maybe required.

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

CM-2 **Limiting Impacts to Occupied Habitat.** To prevent unnecessary intrusion into occupied Quino habitat, construction fencing and/or signage will be installed where impacts will occur immediately adjacent to Quino Focal Areas, defined as within a 200-meter radius around host plant concentrations or within 1 kilometer of known Quino observations.

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

A project biologist(s) will be designated by the Applicant and approved by the Service for both sites, as well as the Tribe for work On-Reservation and by the County for work Off-Reservation on Boulder Brush. The CEPA will supervise the duties of the project biologist for all work conducted On-Reservation. The Applicant will submit the names, documented experience, any relevant permit numbers, and resumes for the project

biologist(s) to Service and the Tribe for approval prior to initiation of construction. The project biologist(s) will be responsible for the following:

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

CM-3 **Avoidance of Vehicle Strikes.** To minimize the potential for vehicle collisions, vehicle speeds during construction and operations will not exceed 15 miles per hour (mph) from February 15 through May 15, when Quino are most likely to be in the adult stage and in flight. New project access roads in Quino habitat will have 15 mph speed limit, and signs will be posted indicating no off highway vehicle (OHV) use.

CM-4 **Revegetation of Temporary Impacts.** Disturbed areas that are not required to be clear for operations and maintenance activities will be revegetated or stabilized using soil binders within 90 days of construction completion.

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

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

To maximize benefits of revegetation for the Quino within Quino Focal Areas, the Applicant will coordinate with the Service to determine the appropriate seed mix once it is determined precisely where revegetation will occur. Seed mixes may include Quino host plants throughout revegetation area areas, Quino host plants beyond a predetermined buffer from ongoing project impacts, or no Quino host plants to discourage Quino occupancy and minimize future impacts. The seed mix that most benefits Quino depends on the location of the restoration relative to specific project operations (or non-project related operations).

Prior to decommissioning of the CWF, a Final Decommissioning Plan will be prepared and implemented. A preliminary decommissioning plan shall be prepared on the fifteenth (15th) anniversary of the Commercial Operations Date of the CWF, and revisited/updated

as needed every five (5) years thereafter until intended initiation decommissioning of the facilities. The decommissioning plan will include revegetation of the previously-impacted areas. Soil will be revegetated with native plant species found within adjacent habitats and locally available seed will be used. By revegetating with native plants, suitable Quino habitat may be recovered within the project area following decommissioning. Revegetation shall provide a minimum of 40 percent cover of plant species native to adjacent habitats within 2 years. If 40 percent cover of native species is not achieved within 2 years, adaptive management measures will be pursued until 40 percent cover of native species is achieved.

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

CM-5 **Weed Control.** To minimize spread of non-native invasive plant species, no planting or seeding of invasive plant species [per the most recent version of the California Invasive Plant Council's (CIPC) California Invasive Plant Inventory for the Project region] will be permitted. The County will provide a list of County-approved plants for revegetation within Boulder Brush that will minimally comply with CIPC standards.

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

CM-6 **Trash Control.** To avoid attracting wildlife to the site, including potential Quino predators, fully covered trash receptacles that are animal-proof and weather-proof will be installed and used by the construction contractor(s) to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Littering will be prohibited, and trash will be removed from construction areas daily.

CM-7 **Dust Control.** Dust can impact Quino by reducing digestibility of host plants and blocking spiracles (breathing organs). Therefore, dust control measures will reduce impacts to Quino. The Applicant will develop a FDCP in compliance with San Diego County Air Pollution Control Regulations to reduce particulate matter less than 10 microns (PM_{10}) and fine particulate matter less than 2.5 microns ($PM_{2.5}$) emissions during construction and decommissioning. The following dust control measures will be implemented:

1. All on-site unpaved roads will be effectively stabilized using soil stabilizers that can be determined to be as efficient, or more efficient, for fugitive dust control than California Air Resources Board-approved soil stabilizers, and will not increase any other environmental impacts including loss of vegetation;
2. All material excavated or graded shall be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas;

3. All haul trucks hauling soil, sand, and other loose materials will be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions);
4. Soil loads will be kept below 18 inches of the freeboard of the truck;
5. Drop heights will be minimized when loaders dump soil into trucks; and
6. Traffic speeds on unpaved roads will be limited to 15 miles per hour.

CM-8 **Fire Prevention.** Although fire is a natural component of Quino habitat, artificially frequent fires can severely degrade habitat quality. Therefore, minimization of project-related ignitions and spread of wildfires will benefit the Quino. In addition to fuel modification zones included in the project, a Campo Wind Project Fire Protection Plan will be prepared and implemented in conjunction with development of the project.

4.6 Cultural Resources

The Developer will implement MM-CUL-1 through MM-CUL-3 as discussed in FEIS Section 4.6.3, which would reduce potential effects on cultural resources to less than adverse On-Reservation. The County has identified similar mitigation measures to reduce effects to cultural resources Off-Reservation resulting from components of the Boulder Brush Facilities. No cultural resources within the ADI have been identified as significant under Section 106 Criteria A–D; therefore, none of the identified resources would be affected in such a way that the provided mitigation would be insufficient to resolve Project-related effects:

MM-CUL-1 **Monitoring and Treatment Plan.** A post-environmental review cultural resources monitoring and discoveries treatment plan (Monitoring and Treatment Plan) will be prepared prior to the start of construction and shall outline the specific requirements for monitoring at the conclusion of stakeholder consultation. The Monitoring and Treatment Plan shall clearly identify roles and responsibilities of Project personnel, and lines of communication and authority for reporting and management. The Monitoring and Treatment Plan shall include the procedures to be followed when construction results in an inadvertent discovery including work stoppage, protection of the discovery to allow for inspection by a qualified archaeologist, significance evaluation if the resource is not an isolated find, coordination with the BIA and Developer to attempt avoidance of further effects if the resource is found to be significant, and the procedures for data recovery mitigation if avoidance is not feasible. The Monitoring and Treatment Plan shall be prepared by the Developer's Secretary of the Interior-qualified archaeologist and submitted to the BIA for review and approval prior to the start of construction.

MM-CUL-2 **Archaeological and Native American Monitoring.** Monitoring will be required for all primary ground disturbance and for extended excavations when construction encroaches on historic properties that are avoided but are near to ground-disturbing activities, and at those locations where sensitive remains or significant deposits are more likely to be unearthed during construction-related ground disturbance.

Ground-disturbing activities include, but are not limited to, brush clearance, grubbing, excavation, trenching, grading, and drilling. Any archaeological monitors shall be qualified archaeologists or work under the direct supervision of a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's standards for professional archaeology, and shall be approved by the BIA. The monitors shall be familiar with the types of historical and prehistoric resources that could be encountered on the Project Site.

The archaeological monitors shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis. The archaeological monitors shall be present on the Project Site according to a schedule as detailed in the Monitoring and Treatment Plan and shall maintain a daily log of activities, which will be appended to a final monitoring report that shall be submitted to the BIA and South Coastal Information Center at the conclusion of monitoring. Specific monitoring reporting procedures shall be detailed in the Monitoring and Treatment Plan.

In the event of inadvertent discovery of human remains, all work shall immediately be halted within a 100-foot radius and temporary protective measures shall be implemented. The Developer shall immediately contact the Tribe, and follow the Native American Graves Protection and Repatriation Act (NAGPRA) plan of action provided in the Monitoring and Treatment Plan. The NAGPRA plan of action will minimally include coordination with County Coroner (Coroner) for formal determination of the remains. If the Coroner determines that the remains are Native American, the Tribe has ownership and control of the remains as provided under NAGPRA at U.S.C. § 3002(a). If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et seq.) directing identification of the next of kin will apply.

MM-CUL-3 **Significance Evaluation and Data Recovery.** Requirements for treatment of inadvertent discoveries that occur during construction, operation and maintenance, and decommissioning, shall be detailed in the Monitoring and Treatment Plan (MM-CUL-1), and shall minimally include stoppage of all activity within 100 feet of the find until a qualified archaeologist can assess the significance of the find. The BIA and the Tribe shall also be contacted. If the qualified archaeologist, in consultation with the BIA, determines the resource is significant (i.e., qualifies as a historic property), then the archaeologist shall determine appropriate avoidance measures or other appropriate mitigation. Preservation in place shall be the preferred manner of mitigation to avoid effects on significant cultural resources. If it is demonstrated that resources cannot be feasibly avoided, the qualified archaeologist shall implement the provisions for mitigation detailed in the Monitoring and Treatment Plan. Work shall not resume within 100 feet of the discovery until permission is received from the BIA.

Where preservation in place of a significant archaeological resource is not feasible, a qualified archaeologist, in consultation with the BIA, the Tribe, and the Project Developer shall complete archaeological data recovery. The standard for completion of data recovery may vary for individual archaeological sites, but is understood herein to be collection of a statistically representative sample of the archaeological deposits such that data redundancy is achieved and the unique properties of the archaeological sites are addressed. Implementation of data recovery mitigation shall include the following steps:

1. The Monitoring and Treatment Plan (MM-CUL-1) will include a research design and archaeological data recovery plan prior to ground disturbance for the recovery of resources in unavoidable sites that will capture those categories of data for which the site is significant, and implement the data recovery plan.
2. The data recovery phase shall focus on recovering archaeological data sufficient to mitigate the destruction of a portion of the site or the entire site within the area of direct impacts.

3. If, in the opinion of the qualified archaeologist and in light of the data available, the significance of the site is such that data recovery cannot capture the values that qualify the site for inclusion on the National Register of Historic Places (NRHP), the Developer shall reconsider Project plans in light of the high value of the cultural resource, and implement more substantial modifications to the Project that shall allow the site to be preserved intact, such as Project redesign or capping the site with fill soil.
4. Standard archaeological collection and/or excavation units may be used, with methods consistent with those employed during previous investigations in the region. Following completion of the excavations, all cultural materials shall be washed, cataloged, and analyzed. Technical analyses may include artifact analysis, radiocarbon dating, obsidian hydration, pollen and protein residue, and other analyses as needed to describe the cultural materials and archaeological deposits. A data recovery report shall be prepared and filed with the BIA, the Tribe, and the South Coastal Information Center.
5. The Developer shall provide for the permanent curation of recovered materials during construction at a federally recognized archaeological repository, such as the San Diego Archaeological Center or the Imperial Valley Desert Museum. Alternatively, the Tribe may take possession of all recovered materials.

For archaeological sites considered significant and eligible for NRHP listing that can be avoided, reasonable protective measures shall be provided, including protective fencing around an avoided resource with an appropriate buffer, silt fencing to avoid indirect effects through Project-related runoff, and other measures as applicable. In certain instances, avoidance through capping using sterile fill matrix, use of rubber mats, or other measures may be deemed appropriate to achieve avoidance.

4.7 Socioeconomics

Both construction noise and operational visual effects were identified as affecting the disadvantaged communities including the Tribe (On-Reservation) and surrounding community (Off-Reservation). The Developer will implement MM-NOI-1, which will reduce potential noise effects to less than adverse for construction noise, however operational noise is not feasible to mitigate. Adverse visual effects will remain despite the Developer's implementation of MM-VIS-1 through MM-VIS-7. See Sections 4.10 and 4.11 below and FEIS Section 4.7.3.

4.8 Resource Use Patterns

The Project alternatives' effects on resource use patterns would not result in adverse effects and no mitigation is appropriate. See FEIS Section 4.8.3.

4.9 Traffic and Transportation

The Developer will implement the following mitigation measures, which will reduce effects on traffic and transportation resulting from Project implementation On-Reservation. The County has identified similar mitigation measures to reduce effects to traffic and transportation Off-Reservation resulting from components of the Boulder Brush Facilities:

MM-TRA-1 **Use of Traffic Flagger during PM Peak Hour.** The Project shall utilize a trained and qualified traffic flagger for the duration of the peak construction phase of the Project construction (i.e., approximately 27 days during the overlap of Phases 2, 3, and 8) at the Project access roads at the end of the day shift (PM peak hour) to stagger outbound Project traffic to minimize delays at the impacted intersection of Crestwood Road/Interstate 8 westbound ramps.

MM-TRA-2 **Repair and Restoration of Roads.** The Developer, along with the Tribe and the BIA Roads Branch shall perform site inspection before Project start and again after Project completion to ensure that the quality of roadways is not compromised by construction traffic. If damage to roads is found to have resulted from construction activities, the Developer shall coordinate repairs with the affected Tribal and public agencies to ensure that any impacts to area roads are adequately repaired at the Developer's cost, pursuant to the CWGF Lease and all applicable permits. Roads disturbed by construction activities or construction vehicles shall be properly restored to ensure long-term protection of road surfaces. This would include consideration of damage to roadside drainage structures. BIA roads damaged by Project construction would be repaired, resurfaced, and restriped by the Developer after completion of Project construction.

MM-TRA-3 **Traffic Control and Management Plan (TCMP).** The Developer will implement a TCMP, which may include the following measures:

- Temporary traffic control devices in accordance with the California Department of Transportation (Caltrans) California Manual on Uniform Traffic Control Devices to identify locations/sections where construction is ongoing. This may include slow-moving-vehicle warning signs, signage to warn of merging trucks, barriers for separating construction and non-construction traffic, use of traffic control flagmen, and any additional measures required for the sole convenience of safely passing non-construction traffic through and around construction areas.
- Coordination with Caltrans in order to secure the necessary encroachment and trip permits necessary for specialized haul trucks. Also, any excessive height/length vehicles should use pilot car services to provide safe over-the-road operations and overhead height warnings, if necessary.
- Coordination with Caltrans and California Highway Patrol (CHP) in order to secure necessary encroachment permit for overnight highway closure along I-8 to string the gen-tie line across the freeway.
- Notification of CHP in order to facilitate slowing freeway traffic to ensure safe access for motorists.
- Coordination with Caltrans, CHP, and County officials, including the Sheriff's Department.
- Employment of a contract transport company that would be responsible for surveying the route to determine how turns on existing roads would be accomplished, and ensuring that this is reflected in the TCMP.
- Establishment of procedures for coordinating with local emergency response agencies to ensure dissemination of information regarding emergency response vehicle routes affected by construction activities.
- Encouragement of carpooling among workers to reduce worker commute trips entering and exiting the study area.

4.10 Noise

The Developer will implement the following mitigation measure discussed in FEIS Section 4.10.3, which will reduce construction related noise effects from the Project build alternatives:

MM-NOI- 1 **Construction Noise BMP.**

- Ensure that all construction equipment driven or powered by internal combustion engines is equipped with a factory-approved or recommended muffler. If traffic control

and construction signs that require power for lighting or flashing are located near residences, the source of power should be batteries, solar cells, or another quiet source.

- Where and when construction activity is expected to occur within 200 feet of an Off-Reservation noise-sensitive land use (NSLU), provide the owner/occupant at least one week's advance notice of anticipated construction schedule and activities. Information should include a contact phone number so that noise concerns can be brought to the contractor's attention.
- Restrict the use of engine exhaust compression braking (a.k.a., "jake braking") on all trucks.
- All stationary construction equipment (especially pieces that are expected to operate frequently, or in a continuous or otherwise "steady-state" manner) should be located as far as practicable from NSLUs.
- Vehicles should observe limitations on duration of engine idling, as defined by applicable standards (e.g., air quality regulations and policies).
- For roadway improvements to Ribbonwood Road, which would benefit members of the community that use this roadway, the Project applicant or its contractors shall apply for a variance per Sections 36.423 through 36.427 of the San Diego County Code. This variance, granted after review and approval by the County's designated noise control officer, provides a means for "non-emergency work on a public right-of-way, public utility facility, public transportation facility or some other project for the benefit of the general public" to temporarily deviate from the 75 dBA L_{eq}(8hr) construction noise standard per 36.409 of the County Noise Ordinance.

4.11 Visual Resources

The Developer will implement the following mitigation measures On-Reservation, which would reduce Project's visual resources effects On-Reservation and Off-Reservation:

MM-VIS-1 **Temporary Screening.** If visible from nearby roads, residences, public gathering areas, recreational areas, or trails, stationary construction sites and staging areas shall be visually screened (to the extent feasible) using temporary screening fencing. Temporary screening fencing shall be of an appropriate design and color intended to compliment the surrounding landscape. Where practical, construction staging and storage shall be screened with opaque fencing.

MM-VIS-2 **Activity Limits Signposting Guidelines.** No paint or permanent discoloring agents shall be applied to rocks or vegetation to indicate survey or construction activity limits.

MM-VIS-3 **Minimization of Views of Graded Terrain.** Permanent access or spur roads shall be constructed at appropriate angles from the originating primary travel facilities to minimize extended in-line views of newly graded terrain, when feasible. Contour grading should be used where feasible to better blend graded surfaces with existing terrain.

MM-VIS-4 **Revegetation of Disturbed Areas.** All graded roads and areas not required for ongoing operation, maintenance, or access shall be returned to preconstruction conditions.

MM-VIS-5 **Minimization of Vegetation and Topsoil Removal.** To the extent feasible and wherever the limits of grading areas are adjacent to sensitive vegetation communities or other biological resources, the minimum amount of vegetation necessary for construction of structures and facilities shall be removed.

MM-VIS-6 **Color Mitigation.** Substation components and fencing shall be painted Shadow Gray from the BLM Standard Environmental Colors Chart CC-00 (or similar dark gray color). Color treatment shall not be required on facilities that are treated in accordance with safety and engineering concerns.

MM-VIS-7 **Conductor Design Requirements.** All new transmission line conductors are to be non-specular in design to reduce conductor visibility and visual contrast.

MM-VIS-8 **FAA-Approved Lighting.** The Developer shall implement a lighting plan in accordance with current Federal Aviation Administration (FAA) FAA standards. These lights would have the minimum number of flashes per minute and the briefest flash duration allowable per current FAA standards. The number of wind turbines that would be lit would be minimized to the extent allowable by the FAA.

PDF-AE-1 **Shadow Flicker (On-Reservations).** The Developer will coordinate with the relevant Tribe to assess shadow flicker complaints made within one year from the initial operations date of the Project by the resident of any existing (existing as of the date of Record of Decision approval) On-Reservations receptor located within a distance of 15 x Rotor Diameter (i.e., approximately 6,750 feet) of a Project turbine. This assessment would include possible remedies that the Developer may implement depending upon the level of shadow flicker impacts occurring at the On-Reservations receptor, including financial assistance for the installation of screening vegetation or window coverings. Requests for assistance can be made through a Project hotline to be established by the Developer and published to the Developer's website.

PDF-AE-2 **Shadow Flicker (Off-Reservations).** While BIA lacks jurisdiction to impose Project conditions implemented Off-Reservations, the Developer has committed to coordinate with the resident of any existing (existing as of the date of Record of Decision approval) Off-Reservations receptor located within a distance of 15 x Rotor Diameter (i.e., approximately 6,750 feet) of a Project turbine to assess their shadow flicker complaints made within one year from the initial operations date of the Project. This assessment would include possible remedies that the Developer may implement depending upon the level of shadow flicker impacts occurring at the Off-Reservations receptor, including financial assistance for the installation of screening vegetation or window coverings. Requests for assistance can be made through a Project hotline to be established by the Developer and published to the Developer's website.

4.12 Public Health and Safety

The Developer will implement the following mitigation measures, which will reduce adverse effects on public health and safety from the Project On-Reservation. The County has identified similar mitigation measures to reduce effects to public health and safety Off-Reservation resulting from components of the Boulder Brush Facilities:

MM-PH&S-1 **Hazardous Materials Management Plan.** Prior to approval of final construction plans, the Developer and/or contractor(s) shall prepare a HMMP for the construction phase of the Project, which would be reviewed and approved by the coordinating agencies. The HMMP would be included as part of all contractor specifications and final construction

plans to the satisfaction of the appropriate agency. The HMMP will include the following components:

- The HMMP will identify all hazardous materials that will be present on any portion of the construction site, including, but not limited to, fuels, solvents, and petroleum products. The HMMP will address storage, use, transport, and disposal of each hazardous material anticipated to be used at the site. The HMMP will establish inspection procedures, storage requirements, storage quantity limits, inventory control, nonhazardous product substitutes, and disposition of excess materials.
- The HMMP will identify secondary containment and spill prevention countermeasures, as well as a contingency HMMP to identify potential spill hazards, how to prevent their occurrence, and responses for different quantities of spills that may occur. Secondary containment and countermeasures would be in place throughout construction so that if any leaks or spills occur, response would be immediate. Emergency spill supplies and equipment will be clearly marked and located adjacent to all areas of work and in construction staging areas.
- The HMMP will identify adequate safety and fire-suppression devices for construction-related activities involving toxic, flammable, or explosive materials (including refueling construction vehicles and equipment). Such devices would be readily accessible on the Project Site, as specified by the Campo Reservation Fire Protection District and per the Uniform Building Code and Uniform Fire Code.
- Prior to construction, the Developer/all contractor and subcontractor personnel will receive training regarding the components of the HMMP, as well as applicable environmental laws and regulations related to hazardous materials handling, storage, and spill prevention and response measures.
- The Developer or Developer's contractor will designate a qualified environmental field representative who would be on-site to observe, enforce, and document adherence to the plan for all construction activities. The HMMP will be submitted to the appropriate agencies at least 30 days prior to construction.

MM-PH&S-2 **Health and Safety Program.** Prior to approval of final construction plans, the Developer or Developer's contractor(s) shall prepare a HSP for each phase of the Project (i.e., construction, operation, and decommissioning). The HSP will be developed to protect both workers and the general public during all phases of the Project and would be implemented to educate construction workers about the hazards associated with the particular Project Site and the safety measures that must be taken to prevent injury. The HSP would include standards regarding occupational safety, safe work practices for each task, hazard training requirements for workers, and mechanisms for documentation and reporting.

Regarding occupational health and safety, the HSP will identify all applicable federal and Tribal occupational safety standards; establish safe work practices for each task (e.g., requirements for personal protective equipment and safety harnesses; follow OSHA standard practices for safe use of explosives and blasting agents; identify measures for reducing occupational electromagnetic field exposures); establish fire safety evacuation procedures; and define safety performance standards. The HSP will include a training program to identify hazard training requirements for workers and establish procedures for providing required training to all workers. The HSP will include worker training regarding how to identify potentially contaminated soils and/or groundwater.

Documentation of training and a mechanism for reporting serious accidents to appropriate agencies will be established.

The HSP will identify requirements for temporary fencing around staging areas, storage yards, and excavation areas during construction or decommissioning activities. Such fencing will be designed to restrict transient traffic, off-highway vehicle use, and the general public from accessing areas under construction and would be removed once construction or decommissioning activities are complete. The HSP will also identify appropriate measures to be taken during operation of the Project to limit public access to hazardous facilities (e.g., permanent fencing, locked access).

MM-PH&S-3 **Safety Assessment.** Prior to commencing construction activities, the Developer or Developer's contractor(s) will prepare a safety assessment to describe potential safety issues associated with the Project, how safety prevention measures will be implemented, where medical aid kits will be located, the appropriate response action for each safety hazard, and procedures for notifying the appropriate authorities and agencies involved. The safety assessment will address issues such as site access/hazards, construction hazards, safe work practices, security, heavy equipment transportation, traffic management, emergency procedures, and fire control.

MM-PH&S-4 **Wind Turbine Safety Zone and Setbacks.** Prior to approval of final construction plans and as part of the HSP (MM-PH&S-2), the Developer shall demonstrate to the Tribe adequate setbacks for wind turbine generators from residents and occupied buildings, roads, right-of-ways, transmission lines, and other public access areas, consistent with the CWGF Lease. Plans detailing the proposed setbacks will be submitted to the Tribe for review and approval prior to construction. Project turbine locations will be included in the Resource Development Plan to be prepared pursuant to 25 CFR, Section 162.563(h).

Additionally, the Developer's implementation of biological resources mitigation measure **MM-BIO-a(h)** (Fire Protection) will further reduce adverse public health and safety effects. See FEIS Section 4.12.3.

4.13 Additional Project Design Features

The Developer will implement following PDFs as part of the Project to reduce potential effects during Project construction On-Reservation, Off-Reservation and from either spilling over to Off-Reservation receptors:

PDF-CON-1 On-site access roads will be staked at the outermost perimeter of 40 feet, to ensure no Project personnel go beyond these boundaries. Stakes will be placed every 200 feet in accordance with industry standards. Additionally, on-site construction workers performing ground-disturbance activities will be equipped with GPS units that would clearly delineate the limits of grading.

PDF-CON-2 Prior to construction of roadway improvements, the off-site, up to 30-foot roadway improvement boundaries will be marked by stakes every 200 feet in accordance with industry standards, to delineate the extent of allowed grading limits. Additionally, on-site construction workers performing ground-disturbance activities will be equipped with GPS units that would clearly delineate the limits of grading.

PDF-CON-3 Prior to commencement of construction activities for the Project, the Worker Environmental Awareness Program (WEAP) training for on-site personnel will be

submitted for approval to the CEPA. CEPA may require additional information to be added to the WEAP training, and must approve the finalized WEAP training prior to its implementation. All construction personnel will be required to attend the WEAP training prior to working on site and monthly updated lists, to include full name, phone number, and position/company of personnel who have received the WEAP training, will be provided to the CEPA. In addition, temporary personnel delivering equipment and supplies to the site will be aware of the requirements and required to comply with the WEAP training, including, but not limited to, speed limit, stopping for wildlife observed in the access road, driving within the approved right-of-way, observing bird buffer signs and not stopping within the buffers, and driving slower than the approved speed limit, should dust occur on the access road.

PDF-CON-4 Stockpiles of soil shall be properly contained to eliminate or reduce sediment transport from the site to on-site access roads, drainage facilities, or adjacent properties via runoff, vehicle tracking, or wind. Stockpiles will be stabilized using temporary cover best management practices to protect stockpiles and prevent erosion and runoff through the application of seeding, soil blankets, mulches, mats, soil binders, positioning of fiber rolls and silt fence around the stockpile, or other cover on bare soil. Additional methods such as applying water or installing wind barriers will also be used to reduce wind erosion. Temporary disturbance areas will be reseeded with native species in accordance with the applicable requirements.

PDF-CON-5 Blasting operations will be in general conformance with the blasting specifications prepared by the U.S. Bureau of Mines. The blasting contractor would be required to limit the blasting intensities so as to prevent damage to all existing structures, and in no case would intensities exceed the safety standard of particle velocity recommended by the U.S. Bureau of Mines.

5.0 ENVIRONMENTALLY PREFERRED ALTERNATIVE(S)

Among all of the alternatives, the No Action Alternative would result in the fewest environmental effects. Under the No Action Alternative, the CWF would not be constructed. In addition, both the On-Reservation and Off-Reservation segments of the gen-tie line and associated access roads would not be constructed. This would not preclude future development of the Reservation for other uses, and some or all of the Campo Corridor could be considered for other potential uses by the Tribe. However, no alternative renewable energy development on the Reservation is reasonably foreseeable at this time. No wind development is proposed under the No Action Alternative, and no wind energy development would occur if the No Action Alternative were selected. Other components within the Boulder Brush Facilities including the high-voltage substation and switchyard and in and out connection legs may be permitted by the County and constructed as part of another project, such as the Torrey Wind Project. However, the No Action Alternative would not provide economic benefits to the Tribe. It also would not increase energy and tribal energy generation, nor facilitate the reduction of the nation's GHG emissions as encouraged by federal and California law. Put simply, the No Action Alternative would not fulfill the purpose and need for the Proposed Action stated in the EIS.

Among the Development Alternatives, Alternative 2 (Reduced Intensity) would be environmentally preferred. Under Alternative 2, the number of Project turbines would be reduced to 48. The 12 turbines eliminated relative to Alternative 1 would reduce the potential effects to sensitive resources, specifically biological resources and sensitive tribal receptors. However, this Development Alternative would produce less energy output and less revenue for the Tribe. The reductions in potential impacts would be

incremental, and no adverse effects would be avoided such that the beneficial reduction in effects is less than the detrimental reduction in potential output and revenue. Therefore, while Alternative 2 would incrementally reduce the environmental effects of the Project, Alternative 2 would not provide the full extent of economic benefits to the Tribe. Alternative 2 would also not generate as much renewable energy, impeding the increase of the national and tribal energy generation as well as the reduction of GHG emissions as encouraged by federal and California law.

6.0 AGENCY PREFERRED ALTERNATIVE

The Agency Preferred Alternative is Alternative 1, because it meets the purpose and need for the Proposed Actions. BIA's mission is to enhance the quality of life and to promote economic opportunity in balance with meeting the responsibility to protect and improve the trust resources of American Indians, Indian Tribes, and Alaska Natives. Of the alternatives evaluated within the EIS, Alternative 1 would best meet the purposes and needs of the BIA, consistent with its statutory mission and responsibilities to promote the long-term economic vitality, self-sufficiency, self-determination and self-governance of the Tribe. Alternative 1 would further tribal interests, including economic development, revenue, tribal governance, and self-determination. Additionally, Alternative 1 would increase national and tribal renewable energy sources, thus increasing federal energy independence and decreasing greenhouse gas emissions.

Alternative 2 would have similar environmental effects to those of Alternative 1, but such effects would be generally less than those under Alternative 1 due to the decreased development scope of Alternative 2. While Alternative 1 would have greater environmental effects than the No Action Alternative and would have incrementally greater environmental effects than Alternative 2, a full build-out provides a greater amount of energy produced, and thus a greater economic benefit to the Tribe and greater reduction in national greenhouse gas emissions. The environmental effects of the Preferred Alternative are adequately addressed and will be reduced by the mitigation measures adopted in this ROD.

In summary, Alternative 1 is the alternative that best meets the purposes and needs of the Tribe and the BIA while preserving the key natural resources of the Reservation. Therefore, Alternative 1 is the Department's Preferred Alternative.

7.0 DECISION TO APPROVE

With this ROD, the Department selects implementation of Alternative 1 of the FEIS. This decision is based upon the environmental effects identified in the FEIS and corresponding mitigation, a consideration of economic and technical factors, and the purpose and need for utilizing readily available wind resources On-Reservation to develop economic income to support needed governmental programs. Of the alternatives evaluated in the FEIS, Alternative 1 would provide the Tribe with the best economic opportunities and produce the greatest reduction in national greenhouse gas emissions. This would enable the Tribe to establish, fund, and maintain governmental programs that offer a wide range of health, education and welfare services to tribal members, as well as provide the Tribe and its members with greater opportunities for employment and economic growth. Alternative 1 will also promote national and tribal renewable resources, thereby promoting national energy independence and decreasing GHG emissions as encouraged by federal law. The Department has considered potential effects to the environment, has adopted all practicable means to avoid or minimize environmental harm, and has determined that potential significant effects will be adequately addressed by the mitigation measures adopted in the Record of Decision. Accordingly, the Department selects implementation of Alternative 1 of the FEIS subject to implementation of the applicable mitigation measures identified in **Section 4.0**.

7.1 Preferred Alternative 1 Results in Substantial Beneficial Impacts

The Preferred Alternative 1 is reasonably expected to result in beneficial effects for the residents of the County and the Tribe and its members. Key beneficial effects include:

- Creation of a new source of revenue will allow the Tribe to support needed government programs.
- Revenue from the leasing of tribal trust lands will further tribal interests, including economic development, tribal governance, and self-determination.
- Improvement of economic conditions of the Tribe through job creation and utilization of the renewable wind resource.
- Increase of tribal and national renewable energy sources to increase federal energy independence and decrease greenhouse gas emissions
- Provision of renewable energy for existing and future regional electricity demands

7.2 Alternative 2 Results in Fewer Beneficial Effects

Alternative 2 would generate less revenue and wind energy than the Preferred Alternative. As a result, it would limit the Tribe's ability to meet its needs and to foster tribal economic development, self-determination, and self-sufficiency. The development of Alternative 2 would result in a reduced intensity project, thus having less environmental effects, however it would decrease greenhouse gas emissions on a smaller scale. We believe the reduced economic and emissions benefits of Alternative 2 make it a less viable option.

7.3 No-Action Alternative Fails to Meet Purpose and Need of Project

The No-Action Alternative would not meet the purpose and need for the development, construction, operation, maintenance, and eventual decommissioning of renewable wind energy generation facilities. Specifically, it would not provide the Tribe with the economic benefits to allow for greater self-sufficiency, self-determination, and a strong tribal government. This alternative would also likely result in fewer economic benefits to San Diego County and surrounding communities than the Development Alternatives, and it would not reduce national greenhouse gas emissions.

8.0 SIGNATURE

By my signature, affixed herewith, approving this Record of Decision, I authorize the Pacific Regional Director, Bureau of Indian Affairs, to approve the 25-year lease (with the possibility of a 13 year extension) for the development, construction, operations, maintenance and decommissioning of the Commercial Wind Generation Facility subject to any remaining regulatory requirements to be met, between the Campo Band of Diegueño Mission Indians and Terra-Gen Development Company, LLC for the Agency Preferred Alternative, capable of producing an estimated 252 Megawatts (MW) of electrical power from approximately 60 turbines and developed on approximately 2,200.0 acres within the Reservation boundaries of the Campo Band of Diegueno Mission Indians Reservation.

Dated: APR – 7 2020

Tara Sweeney,
Assistant Secretary-Indian Affairs.