

# **Addendum No. 1 to the Negative Declaration of Environmental Impact Prepared for Robbie Barker project Renewable Energy Permit 2018-01**

[State Clearinghouse No. 2018061007]

This Addendum has been prepared pursuant to the California Environmental Quality Act (CEQA) in order to evaluate a proposed 2 Megawatt (MW) photovoltaic solar facility project. This project covers two parcels, and the entire area was evaluated in the original Initial Study and Draft Negative Declaration (IS/ND). The project was approved by the Inyo County Planning Commission on July 25, 2018. The permit subsequently lapsed due to inactivity, on the part of the applicant, toward the permitted use. The applicant has reapplied for the renewable energy permit (Renewable Energy Permit 2021-01/Barker), which includes an updated project description that increases the project's capacity. The new renewable energy permit increases the capacity of the project, from 1 MW to 2 MW, and the applicant will adhere to the setback requirements for the property, and the conditions of approval as they relate to possible environmental impacts from the project. The capacity increase is due to advances in technology that have occurred since the original application filing date. Due to these technologies, the Project can double its capacity without no new impacts to resources.

## **Authority**

CEQA Guidelines Section 15164 and Inyo County Code Section 15.36.220 indicate, in part, that an addendum to a Negative Declaration may be prepared if none of the requirements for preparation of a subsequent environmental document apply. The decision-making bodies shall consider the addendum prior to making a decision on the project. The addendum need not be circulated for public review.

## **Project Description**

The proposed renewable energy permit will allow the applicant to construct a 2 megawatt (2MW) photovoltaic solar facility using approximately 5,400 fixed tilt or single-axis tracker panels on the site. This increases the number of solar panels by 1,900. The layout of the single axis tracker solar panels would be aligned in rows in the north-south direction (or in an east-west direction if a fixed tilt tracking system were used instead). The maximum height of the single axis tracker solar panels would be up to 12 feet above grade at the beginning and end of each day. A fixed tilt tracking system would be less than 12 feet high. Each solar panel would be attached to embedded piers using a support structure. Module layout and spacing is typically optimized to balance energy production versus peak capacity and depends on the sun angles and shading due to the surrounding horizon of the site. The AC-DC electrical collection system includes all cables and combiners that collect electricity from panels, delivers it to the inverters, collects it from the inverters, and delivers it to the Project switching stations. The facility would require up to 20 inverters. The project also includes a storage shed for the 2 MW project, which would consist of solar energy meters, an air temperature sensor and wind anemometer. An on-site solar meteorological station and a wind anemometer would have an estimated height of approximately 15 feet. The Project includes a point of interconnection to an existing SCE 33 kV transmission line that bisects the properties. It should also be noted that the original project area was evaluated under the original ND.

### **Negative Declaration- Renewable Energy Permit 2018-01/Barker**

The ND prepared for the original renewable energy permit application, certified in July 2018, evaluated the project through an Initial Study (IS). The ISND identified several avoidance and minimization measures that were incorporated into project design, as conditions of approval for issuance of the permit, to avoid potentially significant impacts. No additional area has been added to the project as part of this addendum. In addition, Inyo County Code 21.20.030 requires renewable energy permits to have a reclamation plans prepared for the eventual decommissioning of the site at the end of the project's life.

### **Need for an Addendum to the Original ND Renewable Energy Permit 2018-01/Barker**

The proposed doubling of capacity to the design of the Barker renewable energy project does not affect the project footprint, as delineated in the 2018 ND, which was prepared and certified for the project, as illustrated in the study area maps (attached).

Specifically, CEQA Guidelines Section 15162 notes that once an Negative Declaration has been certified for a project, the preparation of a subsequent Negative Declaration is not necessary unless the lead agency for the project (in this case, Inyo County) determines that "substantial changes" are proposed either in or by the project itself, or changes are proposed in the circumstances under which the project is undertaken, or if substantial new information becomes available concerning the project.

Staff concluded that there is no need for a subsequent Negative Declaration, based on:

1. The project area being affected is the same under either capacity scenario, whether 1 MW or 2 MW of capacity
2. Biological and Cultural resource surveys showed no significant impacts from the project's footprint;
3. The new design of the project will be subject to the same avoidance and minimization measures, and conditions of approval, as Renewable Energy Permit 2018-01/Barker, approved with CEQA certification on July 25, 2018.

CEQA Guidelines Section 15164 notes that such an Addendum to a Negative Declaration should be prepared by the lead agency for a project. The Guidelines further note that an Addendum is appropriate "if some changes or additions are necessary but none of the conditions described in (CEQA Guidelines) Section 15162 calling for preparation of a subsequent Negative Declaration have occurred." Staff has determined this to be the case as the solar energy project will not affect an area that was not already evaluated under the original ISND, with a total area (5 acres per property) of 10 acres. The increase in electrical capacity, due to equipment improvements does not constitute a substantial change to, or substantial new information about, the project environmental impacts. It does constitute a change in the project description, given the doubling of electrical capacity and for this reason the addendum is meant to reflect this change.

CEQA Guidelines Section 15164 also states an Addendum to an EIR or Negative Declaration "need not be circulated for public review but can be included in or attached to a final EIR or

adopted negative declaration” for the project. As a result, staff has not circulated this Addendum to the ND for public review, but rather has included it as an attachment to the original ND prepared for the Renewable Energy Permit 2018-01/Barker.

### **Findings**

CEQA Guidelines Section 15162 indicates that no subsequent environmental document is required unless certain conditions apply. These conditions do not exist for the proposed left hand turn lane for the Barker solar project, as discussed below:

1. No substantial changes will result from the construction of the photovoltaic solar project, as required by a condition of approval for CUP 2021-01/Barker that will require major revisions to the previous ND, as there are no new significant effects or substantial increases in the severity of previously identified significant effects.

*The proposed project is consistent with the environmental analysis provided in the ND Prepared for Barker photovoltaic solar Project. The project impact area is unchanged; biological and cultural resource surveys supplied by the applicant showed no significant impacts from the project on plants, animals or cultural resources; and, the project area is subject to the same conditions of approval that were required for the original project.*

2. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, which might require major revisions of the previous ND due to the involvement of significant effects or a substantial increase in the severity of previously identified significant effects.

*Staff has analyzed the proposed project and found that no substantial changes have occurred with respect to the circumstances of the overall project that will result in significant environmental effects or increases in severity. All conditions of previously approved for Renewable Energy Permit 2018-01/Barker will apply to the power capacity increase for the new project (Renewable Energy Permit 2021-01/Barker). As a result, no substantial changes in the circumstances or severity of previously identified effects are expected to occur from the proposed photovoltaic solar project.*

3. No new information of substantial importance that was not known, and which could not have been known with the exercise of reasonable diligence at the time the previous ND was certified, shows or indicates that any of the following has occurred, or will occur, as a result of the proposed photovoltaic solar project:

- A. One or more significant effects not discussed previously.

*The proposed project is to increase the number of fixed tilt or single-axis tracker solar panels from 3,500 (originally proposed and approved for Renewable Energy Permit 2018-01/Barker) to 5,400 panels (Renewable Energy Permit 2021-01/Barker). This is not a substantial change and the project does not cause new impacts that were not evaluated in the certified ND prepared for Renewable Energy Permit 2018-01/Barker.*

- B. Significant effects previously examined will be substantially more severe.

*There are no significant environmental effects identified in the area subject to the photovoltaic solar project that were previously identified significant and can be*

*substantially more severe, as this 10-acre area is highly disturbed, having been graded several times in the past; biological and cultural resource surveys showed no significant impacts from the project on plants, animal or cultural resources. The project area is also subject to the conditions of approval as set forth for in Renewable Energy Permit 2018-01/Barker.*

- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project. *There were no mitigation measures or alternatives identified in the ND prepared for Renewable Energy Permit 2018-01/Barker that were found not to be feasible, that would in fact be feasible, and would substantially reduce one or more significant effects of the project that the project proponents declined to adopt. The original ND provided for conditions of approval for the project that apply to the original project area and are being implemented by the applicant for the new energy permit, which is being applied for due to the lapse of the previous approved permit.*
- D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. *All conditions of approval identified for Renewable Energy Permit 2018-01/Barker, have been adopted and are being complied with by the applicant. The area subject to the increased electrical capacity improvements is small and already highly disturbed; biological and cultural resource documentation showed no significant impacts, from the increase in solar panels, on plants, animal or cultural resources; the actual area affected by the new project will be nearly identical to the original; and, this area is also subject to the conditions of approval as set forth in Renewable Energy Permit 2018-01/Barker; therefore, no new mitigation measures are necessary. In addition, one of the design features added as a Condition of Approval has been removed, which is the treatment of the solar paneling to address light and glare. The applicant will still be required to follow County light & glare policy (VIS-1.6-Control of Light & Glare). After further review of the design, the condition was removed because (1) there are no sensitive receptors in the area and (2) the solar site is not near a major state highway, nor would it impact traffic in a way that is hazardous. Furthermore, the 2015 REGPA notes that such analysis is not needed for projects that fall within the Solar Energy Development Overlay.*

None of the above-specified conditions apply to the proposed construction of the photovoltaic solar energy project; therefore, no subsequent environmental document is required.

Consideration of this addendum is adequate to comply with CEQA for this project, pursuant to CEQA Guidelines Section 15164.