



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

BUILDING STRONG®

APPLICATION FOR PERMIT Ocotillo Wells Solar Project

Public Notice/Application No.: SPL-2012-00832-MBS

Project: Ocotillo Wells Solar Project

Comment Period: November 20, 2013 through December 19, 2013

Project Manager: Meris Bantilan-Smith; 760-602-4836; Meris.Bantilan-Smith@usace.army.mil

Applicant

Gildred Development Company
550 West C Street, Suite 1820
San Diego, California 92191

Contact

Rich Geisler
J. Whalen Associates Inc
1660 Hotel Circle North, Suite 725
San Diego, California 92108

Location

The proposed Ocotillo Wells Solar Project is located off Split Mountain Road off State Route (SR) 78 between El Centro and Borrego Springs, in the community of Ocotillo Wells, San Diego County, California. The project site is approximately 0.4 mile east of Split Mountain Road and approximately three miles south of SR 78 (at: Longitude: 33.09°N, Latitude-116.09°W) (Figures 1 & 2).

Activity

The proposed project consists of the construction, operation, and maintenance of a photovoltaic (PV) or a concentrated photovoltaic (CPV) solar farm on approximately 440 acres of privately held lands near Ocotillo Wells (see attached drawings). The proposed project construction would require grading and grubbing of approximately 336 acres of the project site, resulting in the permanent impact of approximately 0.66 acre (10,702 linear feet) of ephemeral desert streams. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for the activity described herein and shown on the attached drawings. We invite

you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the U.S. Army Corps of Engineers Regulatory Division (Corps), you provide information that support the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under section 404 of the Clean Water Act (CWA; 33 U.S.C. 1344).

Comments should be mailed to:

Los Angeles District Corps of Engineers
Regulatory Division, Carlsbad Field Office
Attn: SPL-2012-00832-MBS
5900 La Place Court, Suite 100
Carlsbad, California 92008

Alternatively, comments can be sent electronically to: Meris.Bantilan-Smith@usace.army.mil .

The mission of the Corps Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the U.S. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including

the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the CWA.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under section 401 of the CWA, from the California Regional Water Quality Control Board (RWQCB). Section 401 requires that any applicant for an individual section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. Gildred Development Company (the Applicant) is currently in the process of applying for section 401 water quality certification from the Colorado River Basin RWQCB.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that it would not affect coastal zone resources. After a review of the comments received on this public notice and in consultation with the California Coastal Commission, the Corps will make a final determination of whether this project affects coastal zone resources.

Essential Fish Habitat- Preliminary determinations indicate the proposed activity would not adversely affect Essential Fish Habitat. Therefore, formal consultation under Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is not required at this time.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and there are no listed or eligible resources within the proposed project site. The Corps initiated consultation with the State Historic Preservation Officer (SHPO) on March 13, 2013 pursuant to section 106 of the National Historic Preservation Act and requested concurrence with our finding of "no historic properties affected." In a letter dated June 14, 2013, the SHPO concurred that there will be no historic properties affected, pursuant to 36 CFR 800.4(d)(1). This review constitutes the extent of cultural resources investigations by the District Engineer, and she is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to construct and operate a solar photovoltaic energy generating facility, generating approximately 50 Mega-watts (MW) of energy, in San Diego or Imperial County, California. The goal of the project is to support California in meeting the Renewables Portfolio Standard (RPS) mandate which requires 20 percent of the state's electricity supply to come from eligible renewable energy sources by 2010, and 33 percent by 2020.

Additional Project Information

Baseline information- The proposed project site is located within the community of Ocotillo Wells, which is a relatively small desert community offering limited residential or commercial uses. The proposed project area is generally vacant, undeveloped land. On-site vegetation largely consists of Sonoran creosote brush scrub, desert saltbrush scrub, Sonoran wash scrub, and unvegetated playa. Topography of the site is generally flat, with limited areas of varied topography. No steep slopes, hillsides, or areas prone to landslide or subsidence occur within the proposed project area.

A jurisdictional delineation was conducted on the project site by Dudek (Dudek, January 2013) to identify and map areas within the project site that are under the geographic jurisdiction of the Corps. The Ocotillo Wells Solar project site contains several ephemeral stream channels and one large ephemeral desert wash that typically flow from the southwest to the northeast. A total of 10.03 acres (22,655 linear feet) of potential waters of the U.S. occur on site and an additional 0.06 acre (377 linear feet) occurs within the off-site access road easement (Figure 3). The ephemeral channels vary in width from 2 feet up to 7 feet; and the wash varies from 10 feet up to 18 feet in width.

Project description – Gildred Development Company is proposing development and operation of a 50-MW PV or CPV solar farm to be located on privately-held lands near Ocotillo Wells (Figures 1

& 2). The main facilities would be located on Assessor Parcel Numbers (APNs) 253-390-57 and 253-390-58, totaling 440 acres (approximately 280 acres and 160 acres, respectively); however, the proposed project development footprint would be limited to approximately 336 of the 440 acres. An additional off-site, approximately two acres of disturbed area would be used for project access. The remaining 104 acres of unaffected lands on-site would remain in their natural state (Figure 3).

To allow for flexibility in the ultimate type of technology utilized for construction of the solar farm, four variations of PV and CPV alternative technology systems are being considered by the Applicant, including:

(1) Fixed-Axis Rack System: The fixed-axis rack system (Figure 4a) would have an anticipated production capacity of 45-MW. The project design would consist of a series of PV solar panels on a fixed-axis rack system, installed on a rack piling of 4-6-inch diameter metal I-beams or 4-inch diameter round pipe. Panels would be oriented along an east-west axis with panels generally facing to the south. The panels would be rack mounted in a two-panel system (one panel mounted above a second panel). Panels would measure approximately nine feet wide and 48 feet in length, with a maximum of 10 feet in height.

(2) Single-Axis Rack System: The single-axis rack (Figure 4b) system would have an anticipated production capacity of approximately 50-MW. The project design would consist of a series of single-axis tracking PV solar panels supported on driven pier footings. The solar panels would be aligned in north/south rows and would face east in the morning and to the west in the evening hours, tracking the sun along the vertical axis to maximize solar absorption. The panels would be rack-mounted, measuring approximately seven feet in width and 90 feet in length, with a maximum height of 9.5 feet.

(3) Dual-Axis Rack System: The dual axis rack system (Figure 4c) would have an anticipated production capacity of approximately 55-MW. The project design would consist of a series of CPV solar panels installed on a dual-axis rack system. The solar arrays would be constructed on pile-driven pier footings and would be aligned in rows running along a north-south axis and would rotate to face east in the morning and west in the afternoon hours, tracking the sun along the vertical and horizontal axes. As a dual-axis system, panels could also be rotated along the north-south axis to change the angle of the panel depending on the time of year. Each array would measure approximately 18 feet in width and 80 feet in length. The total height of the arrays would be approximately 24 feet in height.

(4) Dual-Axis Tracker Units: The dual-axis tracker units (Figure 4d) would have an anticipated production of approximately 60-MW. The project design would consist of a series of CPV solar trackers installed on driven pier footings/concrete foundation system. The CPV trackers would be aligned in north/south rows and would face to the east in the morning and west in the evening hours, tracking the sun along both the horizontal and vertical axes. Each tracker would measure approximately 24.3 feet wide and 47.9 feet in length, with a maximum height of 32 feet.

The proposed development footprint and associated environmental impacts would remain the same with any of the solar technology scenarios selected. In addition to the solar panels, development would include construction of two 10,000-gallon water storage tanks and an operations/maintenance building with an on-site septic system (approximately 1,040 square-feet, height of 15-16 feet). A 10,000-gallon brine tank would also be utilized to store panel-washing waste. Additionally, a substation (development footprint of approximately 62,500 square-feet, maximum

height of 35 feet) would be dedicated to the Imperial Irrigation District (IID) and a private switchgear yard (development footprint of an approximately 96,750 square-feet) with a control house are also proposed; however, only a limited portion of these areas would support physical structures.

Energy generated by the proposed project with any of four alternative solar technology systems would be transmitted via a central overhead 34 kilovolt (kV) collection line to the substation proposed in the northeast corner of the site, adjacent to an existing 92 kV "R-Line" that runs through the northeastern corner of the affected parcel. The solar farm is proposed to be connected to the "R-Line" with an interconnection agreement with IID. The "R-Line" runs above ground and ultimately connects to the existing San Felipe Substation, located approximately 2.1 miles to the northwest of the point of interconnection (POI).

The proposed project as described above would permanently discharge approximately 2,215 cubic yards (1,950 cubic yards onsite and 265 cubic yards offsite) of clean fill within waters of the U.S.; impacting approximately 0.66 acre (10,702 linear feet), including off-site access road improvements, of ephemeral waters of the U.S. There would be no temporary impacts to waters of the U.S. associated with the proposed project.

Proposed Mitigation – The proposed mitigation may change as a result of comments received in response to this public notice, the Applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: To the extent possible, impacts to jurisdictional waters were avoided through prior consultation with Corps staff. The proposed project was designed to avoid the largest wash traversing the western boundary of the project site in its entirety (Figure 3). Additional larger tributaries were mapped on the southwest corner, or panhandle, of the site and were shown to be as wide as 7 feet. These tributaries were also avoided. The Applicant is avoiding 9.43 acres or 94 percent of all waters of the U.S. on the project site.

Minimization: The Applicant has minimized project impacts to 0.66 acre (10,702 linear feet) of permanent impacts to ephemeral waters of the U.S.

Compensation: The Applicant is currently proposing to mitigate for unavoidable impacts to waters of the U.S. through off-site enhancement of waters of the U.S. within the boundaries of the Anza Borrego State Park and adjacent upland buffer habitat. The applicant is currently working with Anza Borrego Desert State Park and other land managers to identify areas of jurisdictional waters that are infested with tamarisk. Once these offsite areas are identified, the applicant would then prepare a site specific invasive removal and wetland enhancement plan to be approved by the Corps and other regulatory agencies. The plan will include at a minimum clear objectives, site protection information, mitigation work plan, ecological performance standards, maintenance plan, monitoring requirements, financial assurances, adaptive management plan, and long-term management plan. Additionally, on-site avoided waters of the U.S. and the adjacent uplands would be protected as open space. Long term management of the on-site avoided areas would entail preparation of a Management Plan, a Property Analysis Record and ultimately, the funding of a non-wasting endowment.

Proposed Special Conditions

No Special Conditions are proposed at this time.

For additional information please call Meris Bantilan-Smith of my staff at 760-602-4836 or via e-mail at Meris.Bantilan-Smith@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

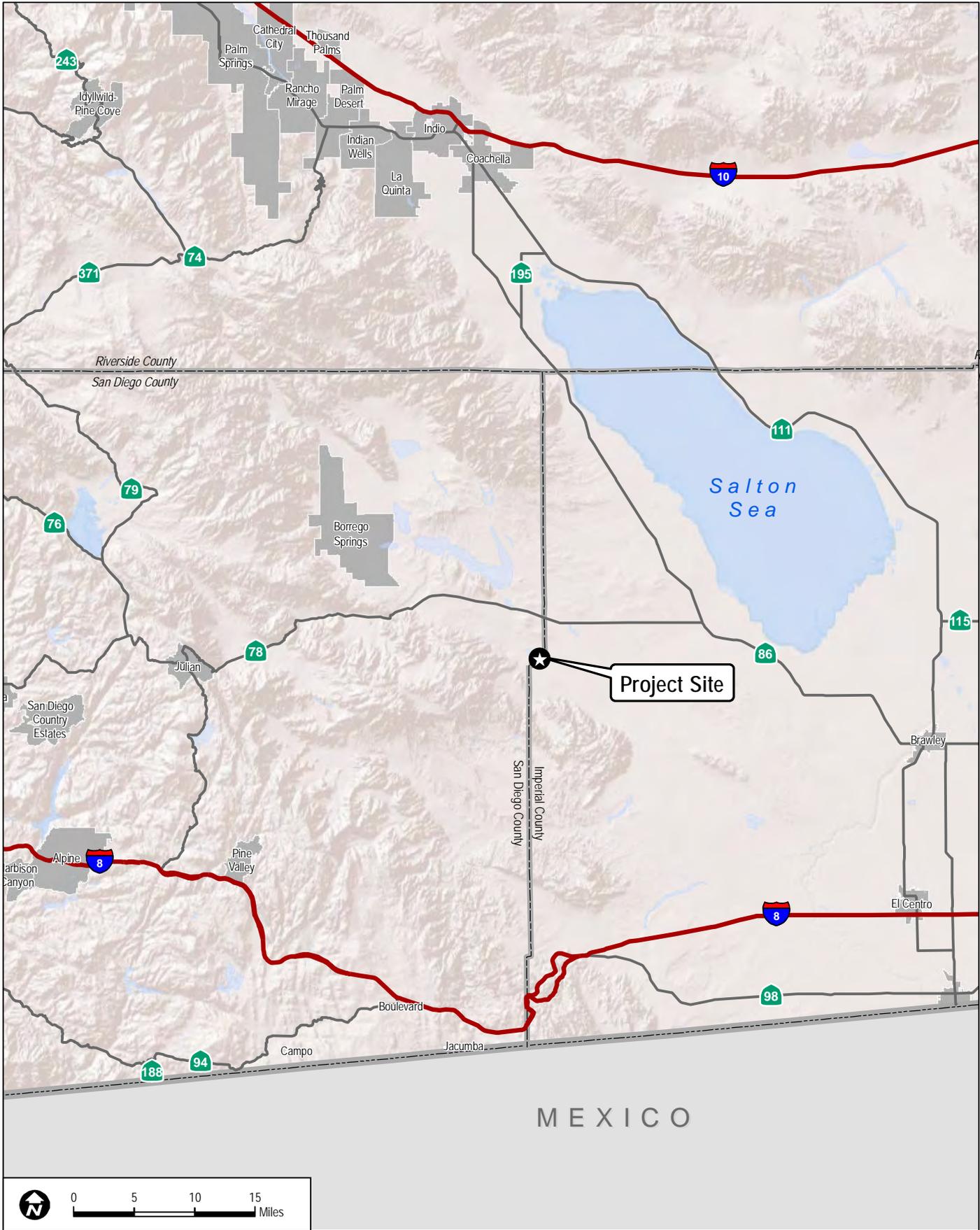
U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

Regulatory Division, Carlsbad Field Office

5900 La Place Court, Suite 100

Carlsbad, California 92008

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Project Site

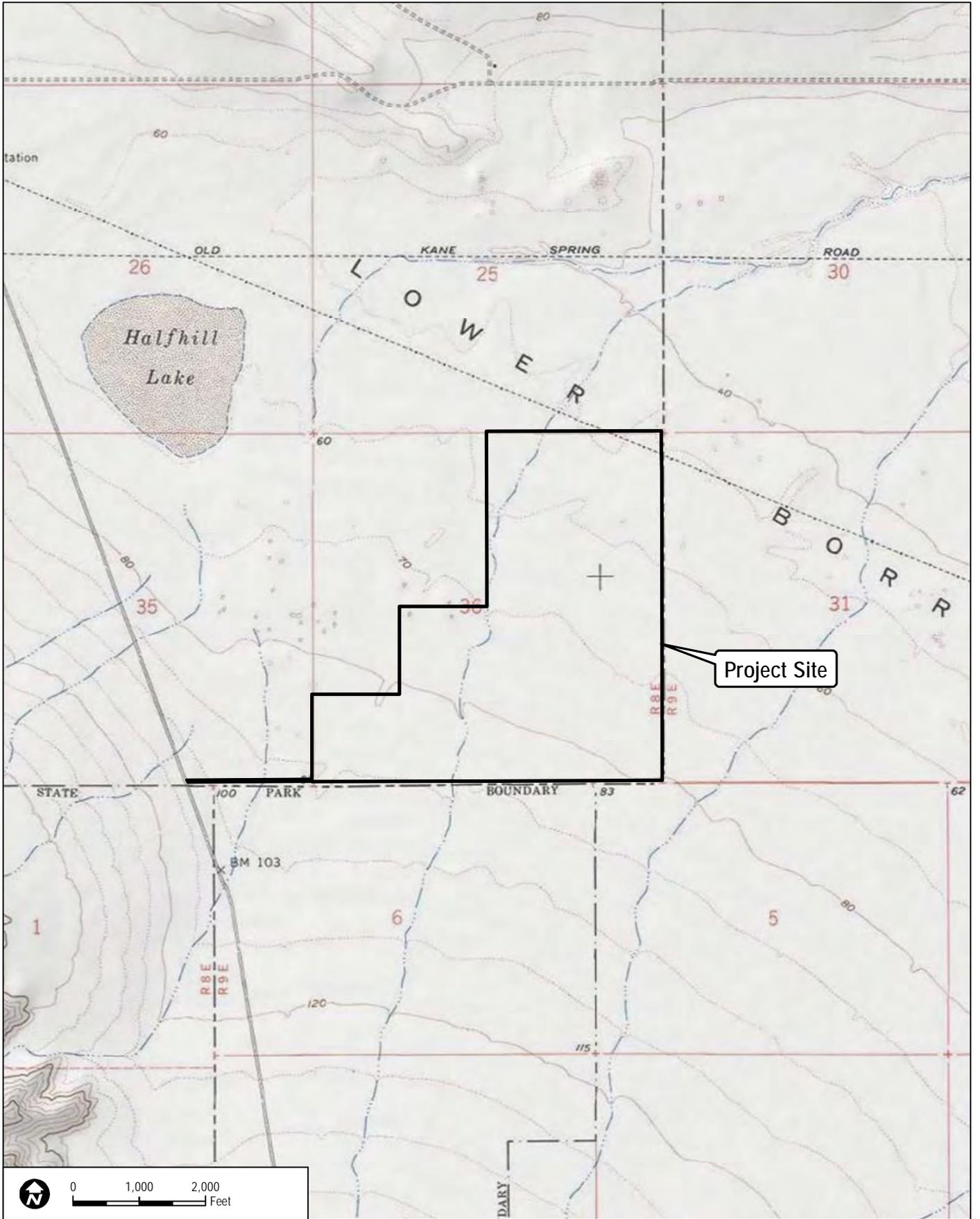


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FIGURE 1
Regional Map

BIOLOGICAL RESOURCES REPORT FOR THE OCOTILLO WELLS SOLAR PROJECT



Project Site

DUDEK

SOURCE: USGS 7.5-Minute Series Borrego Mtn. SE Quadrangle.

**FIGURE 2
Vicinity Map**

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BIOLOGICAL RESOURCES REPORT FOR THE OCOTILLO WELLS SOLAR PROJECT

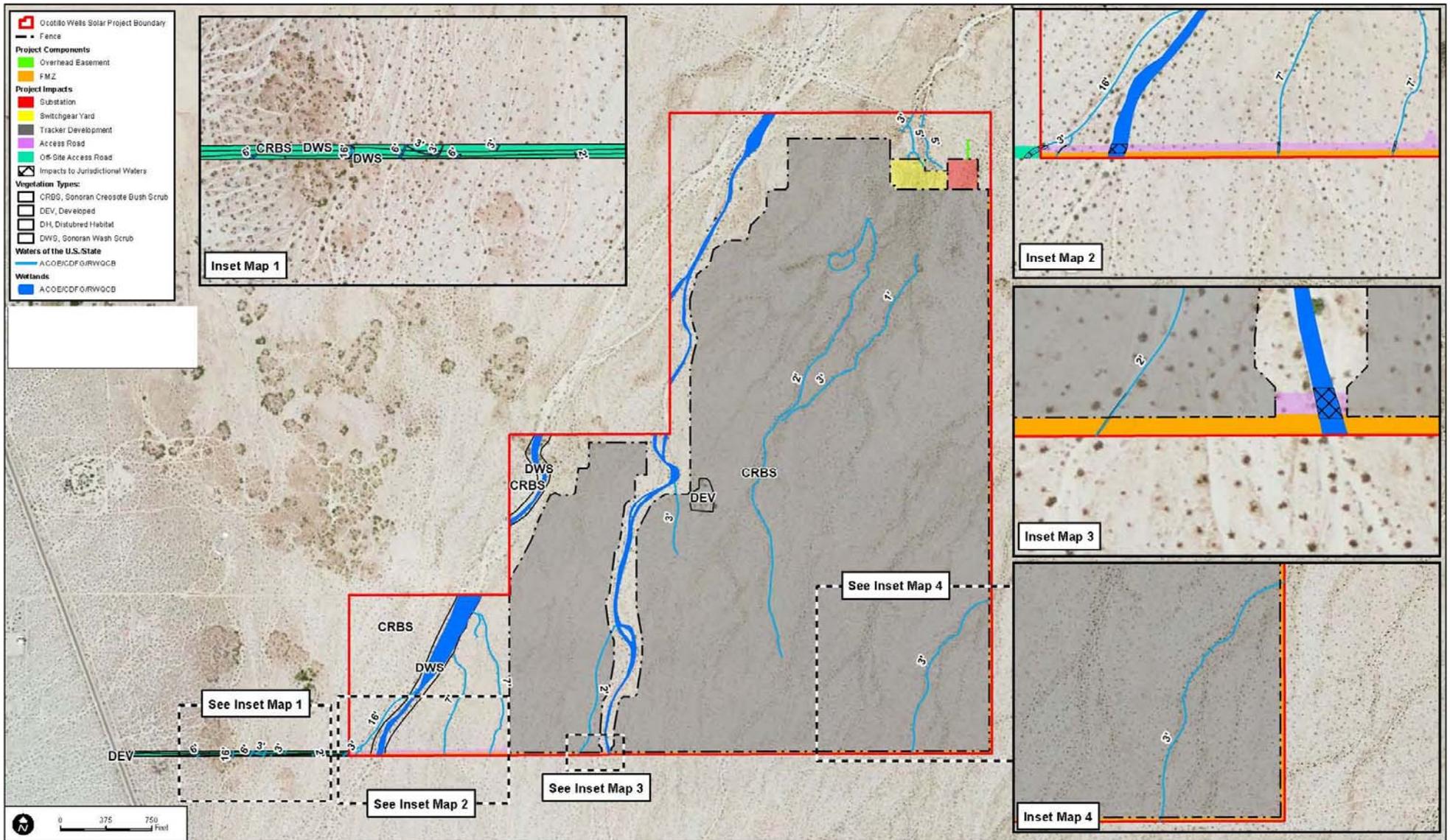


Figure 3: Biological Resources Map with Limit of Impacts

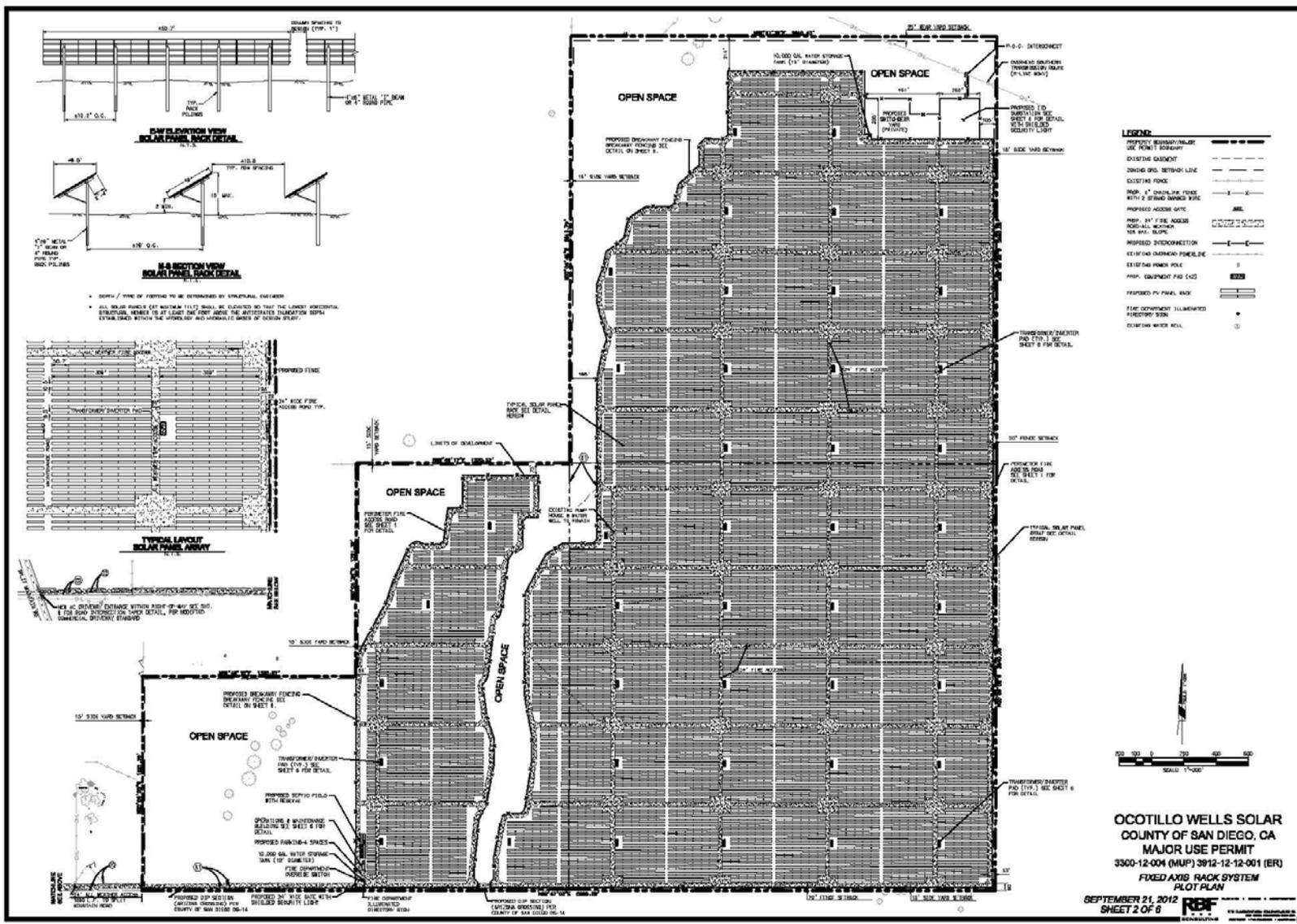


Figure 4a: MAJOR USE PERMIT PLOT PLAN - Fixed Axis Rack System

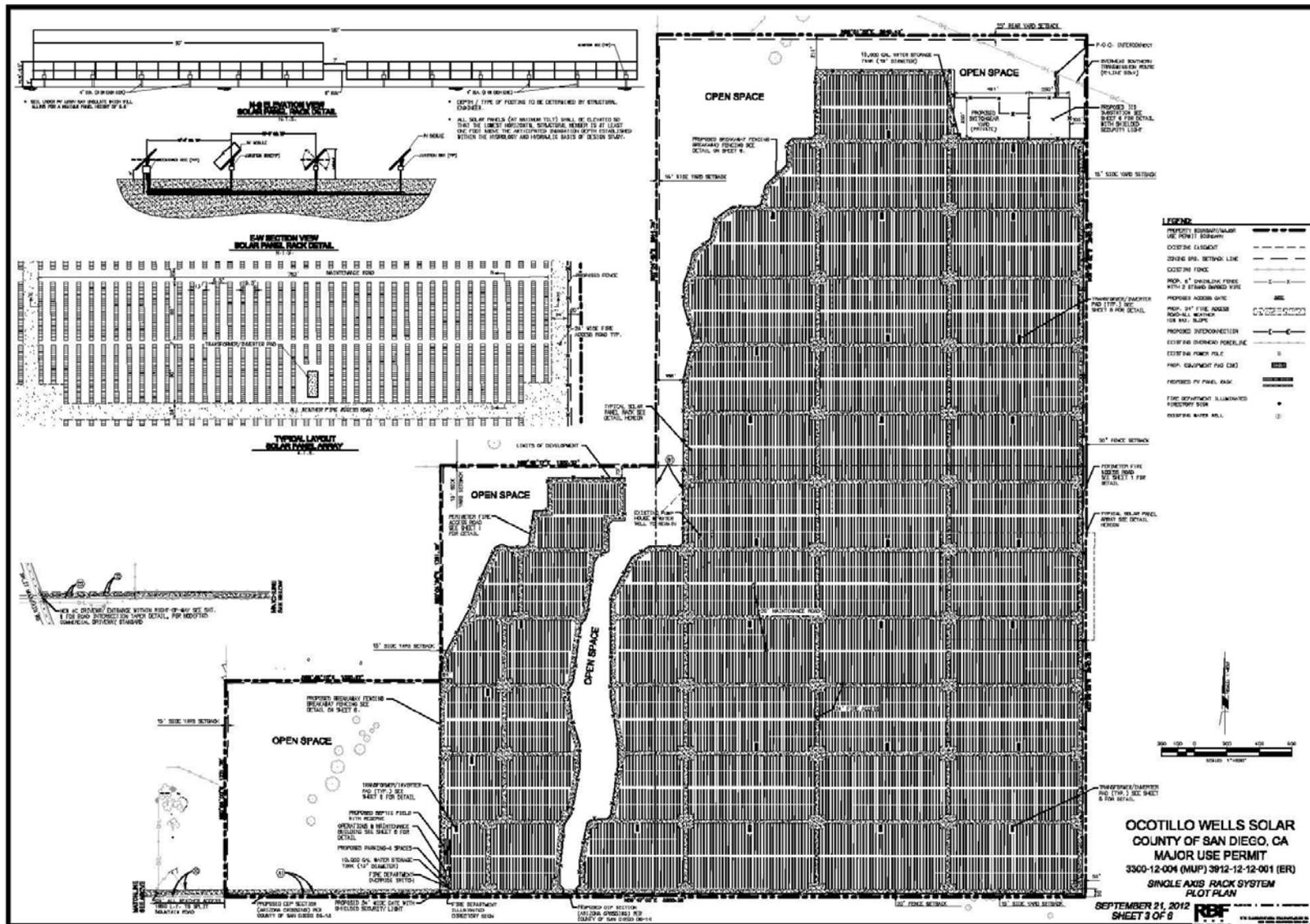
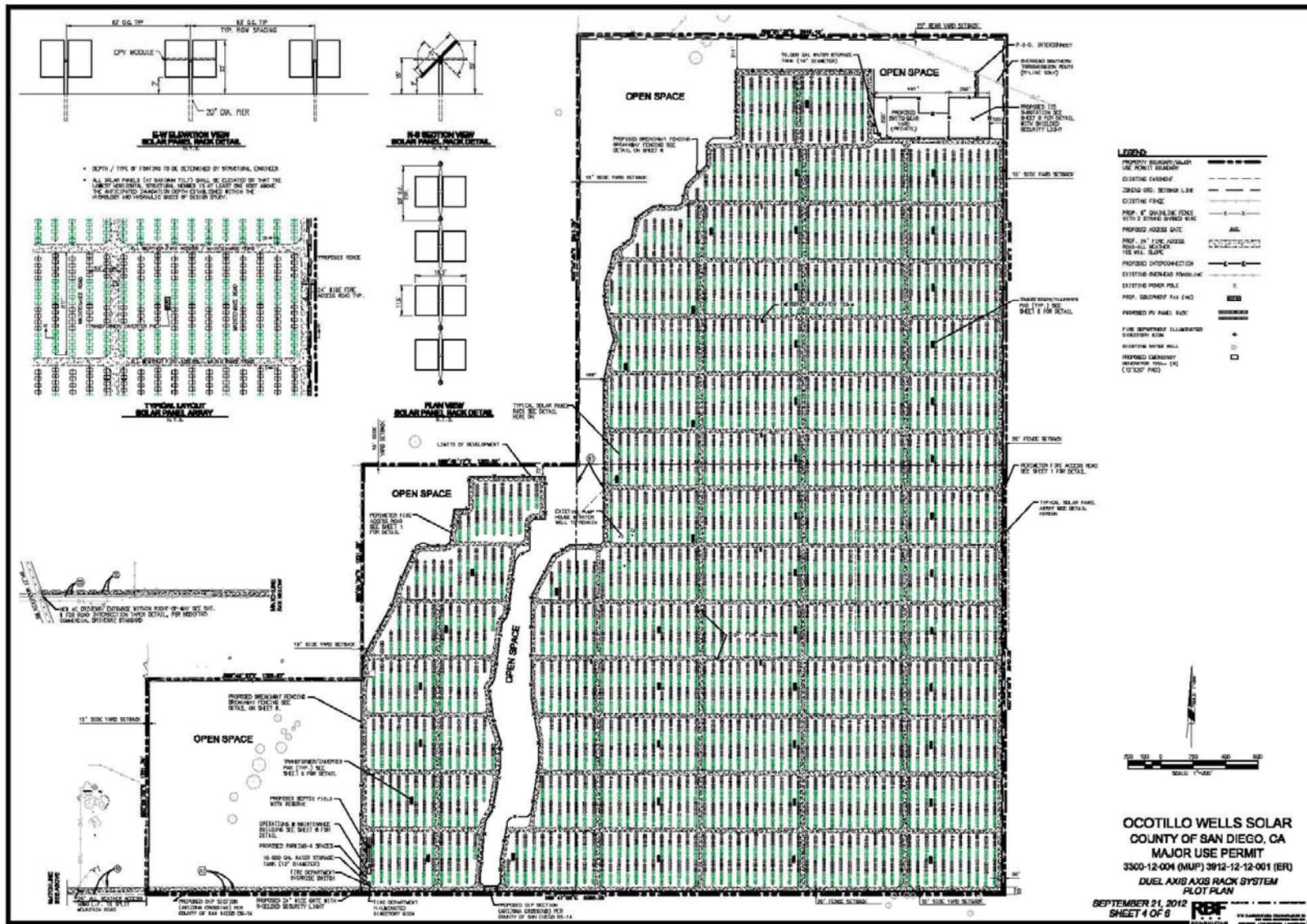


Figure 4b: MAJOR USE PERMIT PLOT PLAN - Single-Axis Rack System



OCOTILLO WELLS SOLAR
Figure 4c: MAJOR USE PERMIT PLOT PLAN - Dual Axis Rack System

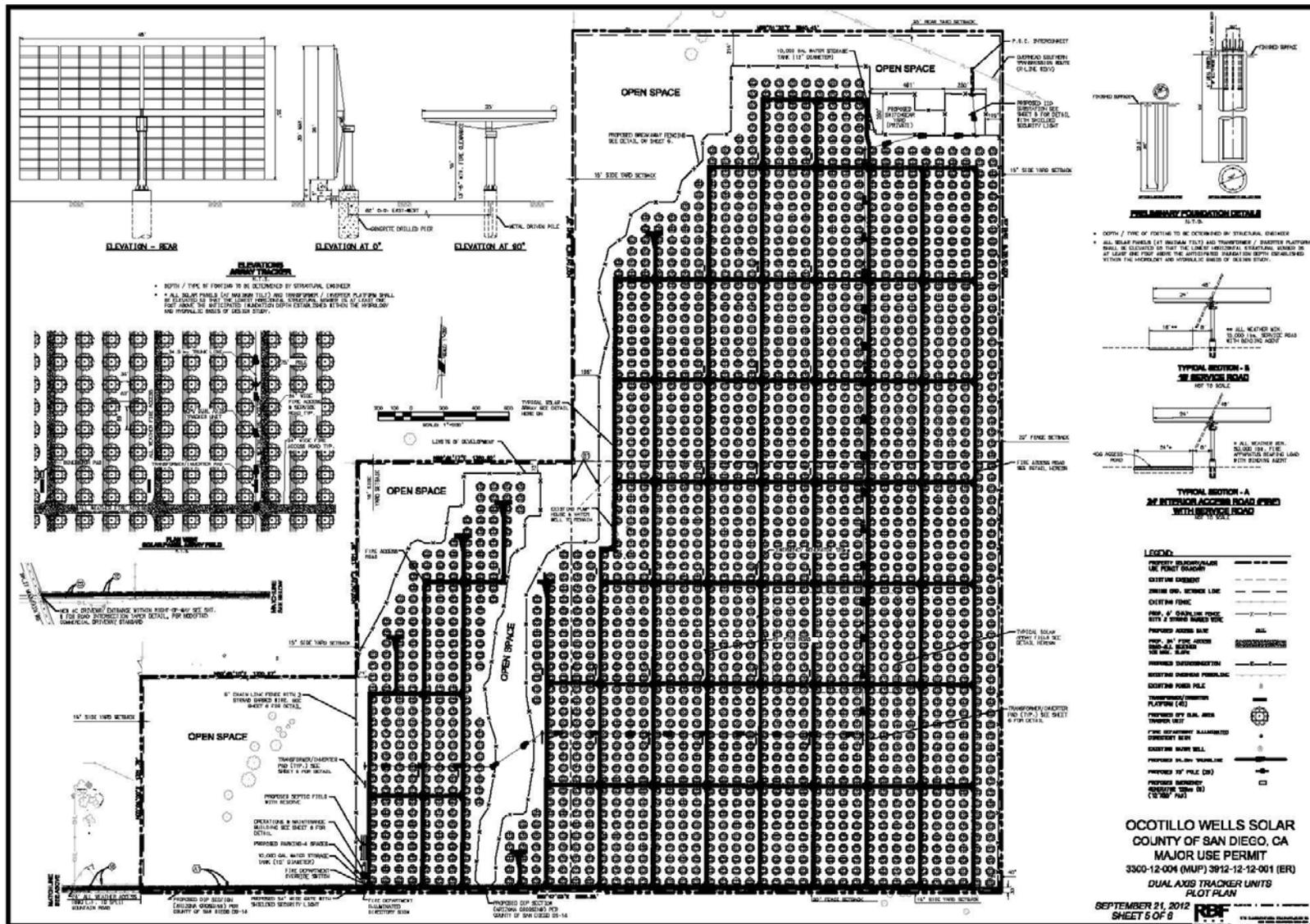


Figure 4d: MAJOR USE PERMIT PLOT PLAN - Dual-Axis Rack Units