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Appendix J.5 Mitigation Outline

Appendix J.5: Perkins Renewable Energy Project Mitigation Outline

The following section discusses how Applicant intends to comply with the Desert Renewable Energy Conservation Plan (DRECP), anticipated California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (LSAA), and Colorado River Regional Water Quality Control Board (RWQCB) requirements for compensatory mitigation associated with Project impacts to native vegetation and habitat, as well as California state jurisdictional waters. This discussion covers the expected mitigation requirements and compensatory mitigation package that would be prepared for the Bureau of Land Management (BLM) managed portion of the Project Application Area, which was surveyed in 2023. The comprehensive list of impacted vegetation and habitat types, as well as the total impact acreage for each and that for California state jurisdictional waters, will be provided following the completion of Spring 2024 biological resource surveys.

Project Impacts

As is discussed in Section 4.2 Biological Resources, the Project would result in impacts to Flat-Tailed Horned Lizard (FTHL) habitat, Creosote Bush Scrub (CBS), Alkali Goldenbush Desert Scrub (AGDS), and California state jurisdictional waters. As shown in Figure 6 in the Project's Biological Resources Technical Report (BRTR), development of the portion of the Project Site on BLM managed land, which has already been surveyed, would result in impacts to approximately 4,621 acres of CBS and 64 acres of AGDS. The entire portion of the Project Site that was surveyed in 2023 was also identified as suitable habitat for FTHL, so development would result in impacts to approximately 4,685 acres of FTHL habitat. As shown in Tables 2 and 3 in Attachment A to the Project's CDFW LSAA application, total impacts to CDFW jurisdictional waters, including both temporary and permanent, amount to approximately 1.7 acres for the portion of the Project Site that was surveyed in 2023. As shown in Tables 2 and 3 in Attachment A to the Project's RWQCB Waste Discharge Requirements (WDR) application, total impacts to RWQCB jurisdictional waters, including both temporary and permanent impacts, amount to approximately 0.46 acres for the portion of the Project site surveyed in 2023.

The BAAH switchyard footprint will disturb up to 40 acres, all of which is CBS and potential FTHL habitat, so the BAAH is expected to impact 40 acres of CBS and FTHL habitat.

There were no CA state jurisdictional waters observed within the BAAH footprint, so BAAH impacts to jurisdictional waters is 0.

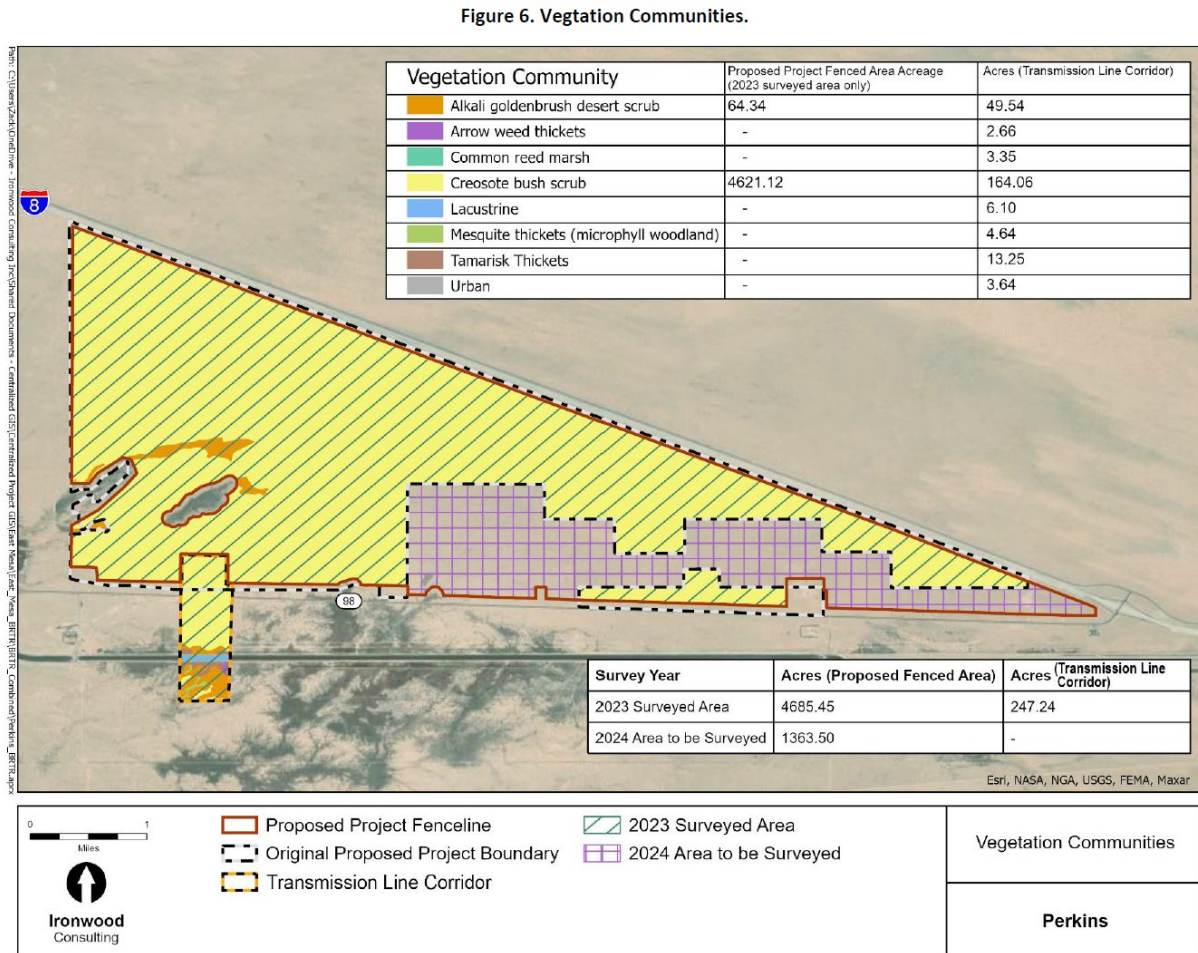
The two 200-foot wide 500 kV loop-in transmission corridors are expected to disturb up to 35 acres, including both access roads and transmission structure foundations. Within the transmission line survey corridor, the majority of vegetation north of the All-American Canal (AAC) is CBS and the majority south of the AAC is AGDS. Because the transmission lines and access roads will be strategically sited within the survey corridor to minimize impacts to biological resources, it is assumed that the loop-in transmission lines would impact only CBS and AGDS vegetation types. This discussion assumes that the loop-in transmission lines would impact approximately 18 acres of CBS and 17 acres of AGDS. The majority of the transmission corridors is potentially suitable FTHL habitat, so impacts to FTHL habitat from transmission line development are estimated at approximately 35 acres. No CA state jurisdictional waters would be impacted within the transmission line survey corridor, so loop-in transmission line impacts to jurisdictional waters is 0.

As shown in Table 1, development of the portion of the Project Application Area surveyed in 2023 is expected to result in impacts to approximately 4,760 acres of FTHL habitat, 4,679 acres of CBS, 81 acres of AGDS, and 1.7 acres of California state jurisdictional waters. CDFW jurisdictional boundaries are used as the basis for this analysis, as CDFW jurisdiction is broader than the RWQCB jurisdiction and provides a conservative basis for estimating impacts. RWQCB are a subset of CDFW impacts on waters of the State.

Table 1: Project Impact Acreage

Project Application Area	Habitat, Vegetation, State Waters Impact Acreage			
	FTHL Habitat	CBS	AGDS	CA State Waters
Project Site (BLM - surveyed 2023)	4,685	4,621	64	1.7
BAAH Switchyard	40	40	0	0
Loop-In Transmission Lines	35	18	17	0
Total	4,760	4,679	81	1.7

Figure 6 from Project BRTR: Vegetation Communities



Compensatory Mitigation Requirements

Because the Project Application Area is located on lands designated as Development Focus Area (DFA) under the DRECP, it is subject to applicable DRECP CMAs. The Project will comply with all applicable CMAs on both the public and private land portions of the Project. DRECP CMA LUPA-BIO-COMP-1 requires compensation for Project impacts to native vegetation at a 1:1 ratio. Therefore, the compensatory mitigation ratio for impacts to CBS and AGDS would be 1:1. The Project would also implement CMA LUPA-BIO-IFS-10, which requires compliance with the current Flat-Tailed Horned Lizard Rangewide Management Strategy (RMS). CMA LUPA-BIO-COMP-1 would require habitat compensation for flat-tailed horned lizard at a 1:1 ratio in compliance with the RMS. Therefore, the compensatory mitigation ratio for impacts to FTHL habitat would be

1:1. While neither California Fish and Game Code nor Title 27 on Environmental Protection dictate a standard mitigation ratio for impacts to California state jurisdictional waters, the Project intends to compensate for all impacts to California state jurisdictional waters at a 2:1 mitigation ratio. The mitigation would also be required to be in the same watershed as the Project (in this case, the Salton Sea Watershed). CDFW jurisdictional boundaries are used as the basis for this analysis, as CDFW jurisdiction is broader than the RWQCB jurisdiction and provides a conservative basis for calculating mitigation. RWQCB are a subset of CDFW impacts on waters of the State. Table 5 shows the Project’s compensatory mitigation requirements.

Note that the Project would comply with LUPA-BIO-SVF-6, which requires avoidance of impacts to microphyll woodland, except for minor incursions. Areas of microphyll woodland previously identified in 2023 surveys would be fenced out of the Project footprint and/or avoided, as shown in BRTR Figure 6 (copied above). If any microphyll woodland is identified on the private or BOR managed land during Spring 2024 surveys, it would be avoided.

Table 2: Project Mitigation Requirements

Impact Type	Impact Acreage	Mitigation Ratio	Compensatory Acreage Required
FTHL Habitat	4,760	1:1	4,760
CBS	4,679	1:1	4,679
AGDS	81	1:1	81
CA State Jurisdictional Waters	1.7	2:1	3.4

Mitigation Package Outline

Applicant is proposing to mitigate for the Perkins Project’s impacts with the acquisition and conservation in perpetuity of at least 4,760 acres of land in Imperial and San Diego Counties, which is of equal or better habitat quality than the impacted lands and which demonstrates the required key biological characteristics. The total acreage to be acquired and placed into conservation easement would be finalized following completion of Spring 2024 biological resource surveys. Total compensatory mitigation acreage would be

equivalent to the total impacted FTHL habitat (at least 4,760 acres) and the compensatory mitigation for CBS, AGDS, and CA state jurisdictional waters would be layered. See Appendix J.6 for a memo from Applicant's mitigation partner, Wildlands, on the availability of suitable mitigation lands for the Project's compensatory mitigation package. The Applicant expects to meet all compensatory mitigation requirements through land acquisition and conservation in perpetuity.

Because certain portions of the Project Application Area have not yet been field surveyed, total acreage and mitigation values included in the mitigation package will be updated following the completion of biological resource surveys and jurisdictional delineation on the private and BOR-managed lands in Spring 2024. Additionally, details on the specific parcels that would comprise the mitigation package will be provided to the CEC and BLM as part of the Habitat Management Lands for Acquisition Proposal (HMLAP) in coming months.