

Panoche Valley Solar Farm

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US Army Corps of Engineers
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San Francisco District

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Panoche Valley Solar Farm Public Scoping Meeting

Agenda

- 6:00 – 6:30 PM: Open House
- 6:30 – 8:00 PM: Presentation and Public Comment
 - USACE Presentation
 - Overview of NEPA
 - USACE Procedures
 - Applicant's Presentation
 - Description of the proposed project
 - Public Comment
 - Please sign up at the sign-in table if you would like to speak tonight
 - Please keep your initial public comments under 3 minutes so that all have time to speak
 - Comment cards are available for those who would like to make written comments
- **All Comments are DUE Friday, September 7, 2012**

U.S. Army Corps of Engineer Regulatory Program

Program Goals

- Protect the aquatic environment
- Enhance regulatory program efficiency
- Make fair, reasonable, and timely decisions
- Achieve No Net loss of Aquatic Resources

U.S. Army Corps of Engineer Regulatory Program

Authorities

- Section 10 of the Rivers and Harbor Act of 1899
 - Activities that affect location and navigable capacity
 - All work (e.g. dredging)
 - All construction (docks, marinas, jetties, etc) except bridges. Protect the aquatic environment
- Section 404 of the Clean Water Act (1972)
 - All waters of the US (including wetlands)
 - Discharge of dredged or fill material
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972
 - Authorizes the Corps of Engineers to issue permits for the transportation of dredged material for the purpose of dumping it into ocean waters

Limits of Jurisdiction

- Waters of the US
 - ▶ Navigable waters, interstate waters, tributaries, all other waters the destruction of which could affect interstate commerce

- Ordinary High Water Mark (OHWM)
 - ▶ Line on shore established by fluctuation of water and indicated by physical characteristics

- Wetland Boundary
 - ▶ Hydric soils, hydrology, hydrophytic plants

Typical Site

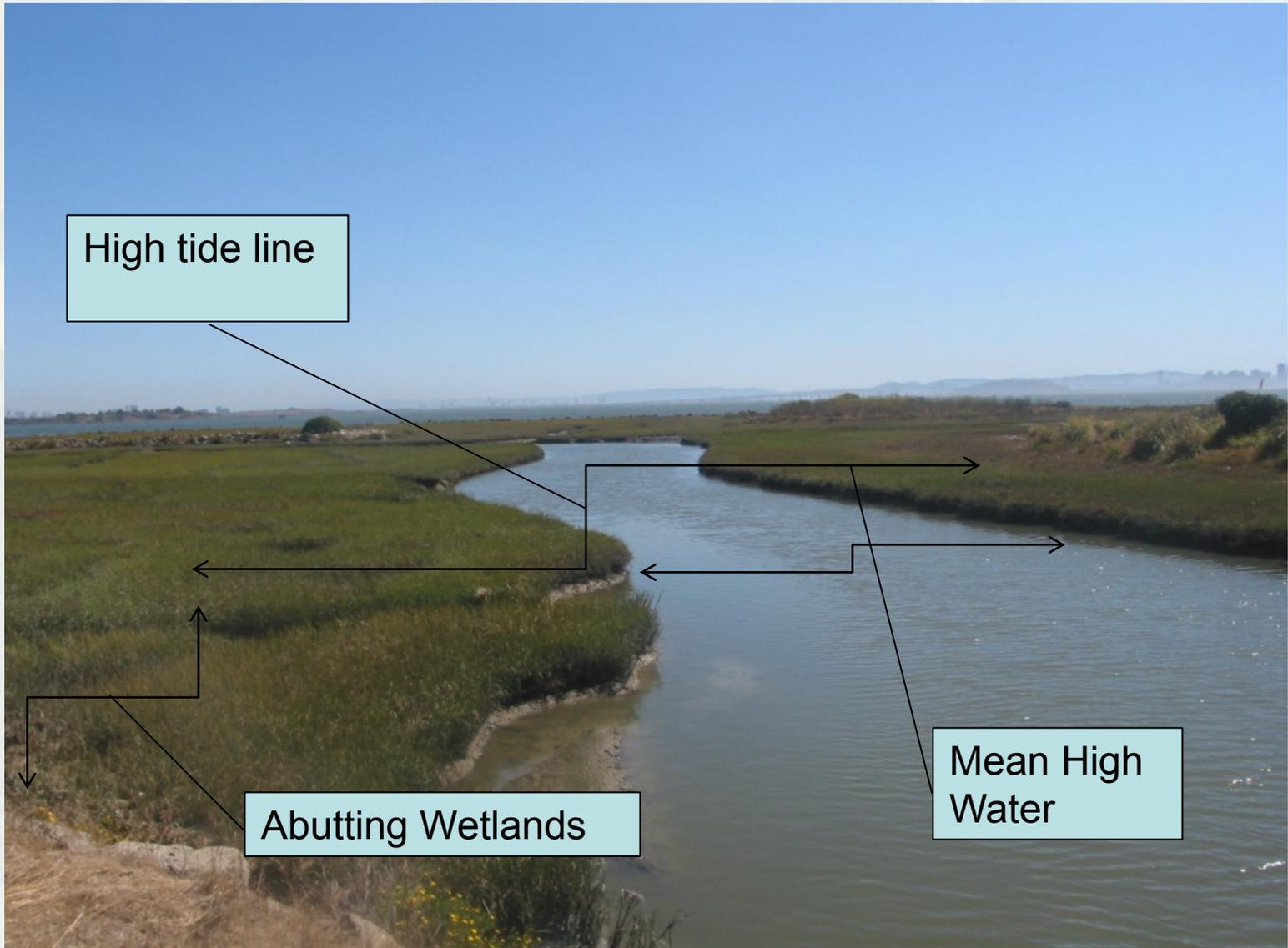


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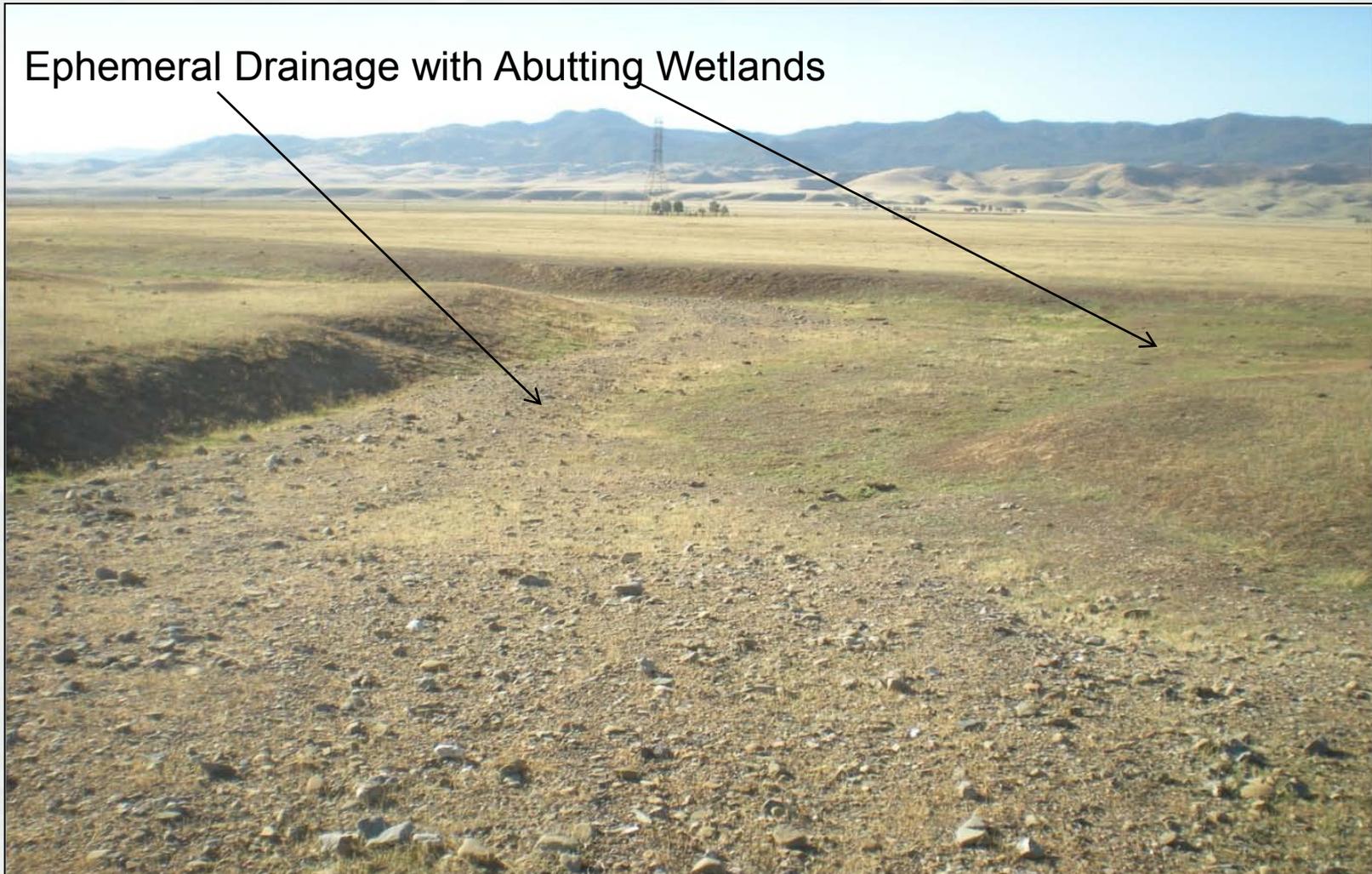


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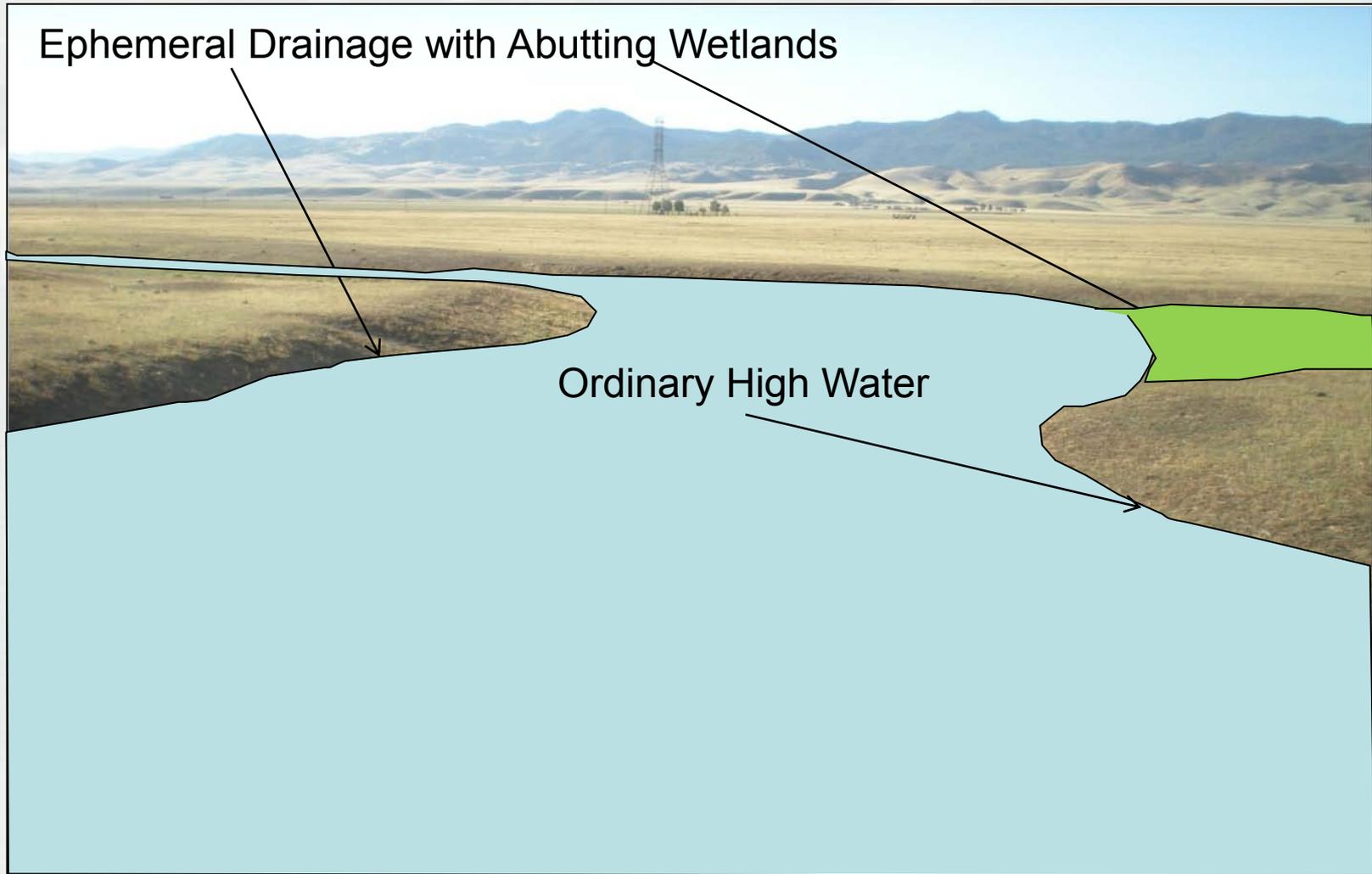
Typical Site



Typical Arid Site



Typical Arid Site



NEPA Overview

How Does NEPA Work?

- National Environmental Policy Act of 1969
- NEPA requires federal agencies to undertake an assessment of the environmental effects of their proposed actions prior to making a decision
- Federal Action is the decision whether to issue a Clean Water Act Permit (or not)
- Two Major Purposes
 - Better-informed decisions
 - Citizen involvement

NEPA Overview

Legislation and Regulation

- National Environmental Policy Act of 1969
 - ▶ Overarching federal statute that only applies to federal agencies
- 40 CFR Parts 1500-1508 CEQ Regulations
 - ▶ Sets out government-wide requirements for NEPA compliance
- 33 CFR Part 230 USACE NEPA Procedures
 - ▶ Sets out requirements for NEPA Compliance for USACE programs

NEPA and Panoche Valley Solar Farm Project

Some Resource Areas to be Examined

- Air quality and Greenhouse Gas Emissions
- Biological Resources
- Threatened and endangered species
- Cultural and Socioeconomic Resources
 - Historic structures and sites of significance to Tribes
- Environmental Justice
- Geology and Soils
- Hazardous and Solid Waste Management
- Land Use and Agriculture
- Noise
- Public Health and Safety
- Socioeconomics
- Traffic and Transportation
- Visual Resources
- Water Resources
- Wetlands and Floodplains Assessment
- Cumulative Impacts
 - Impacts on resources in combination with other actions

NEPA Overview

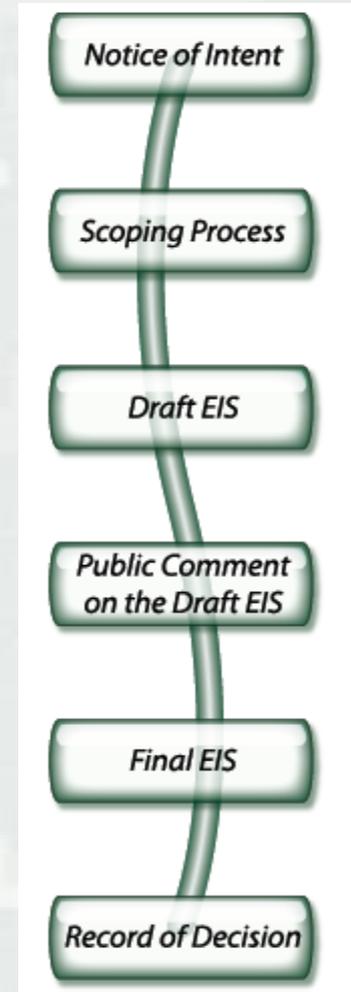
How Does NEPA Work?

- USACE determines appropriate level of NEPA review based on potential environmental impacts
- Environmental Impact Statement (EIS)
 - ▶ For major federal actions that may significantly affect the quality of the human environment
- Environmental Assessment (EA)
 - ▶ When the need for an EIS is unclear, USACE prepares an EA to determine significance of effects
- Categorical Exclusion
 - ▶ Actions that do not have the potential for significant environmental impacts

NEPA Overview

EIS Process

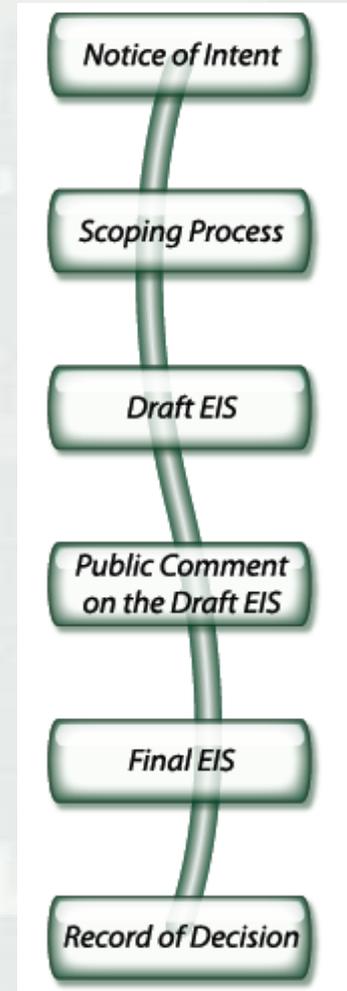
- Notice of Intent (NOI)
 - ▶ States the need for action and provides preliminary information on the EIS scope, including the alternative actions to be evaluated
- Public Scoping
 - ▶ USACE requests comments from the public on the scope of the EIS (alternatives to be evaluated and environmental impacts to be analyzed)
 - ▶ Minimum 30 days scoping period
- Draft EIS
 - ▶ USACE considers scoping comments
 - ▶ EIS includes a comparison of various alternatives including the “no action” alternative



NEPA Overview

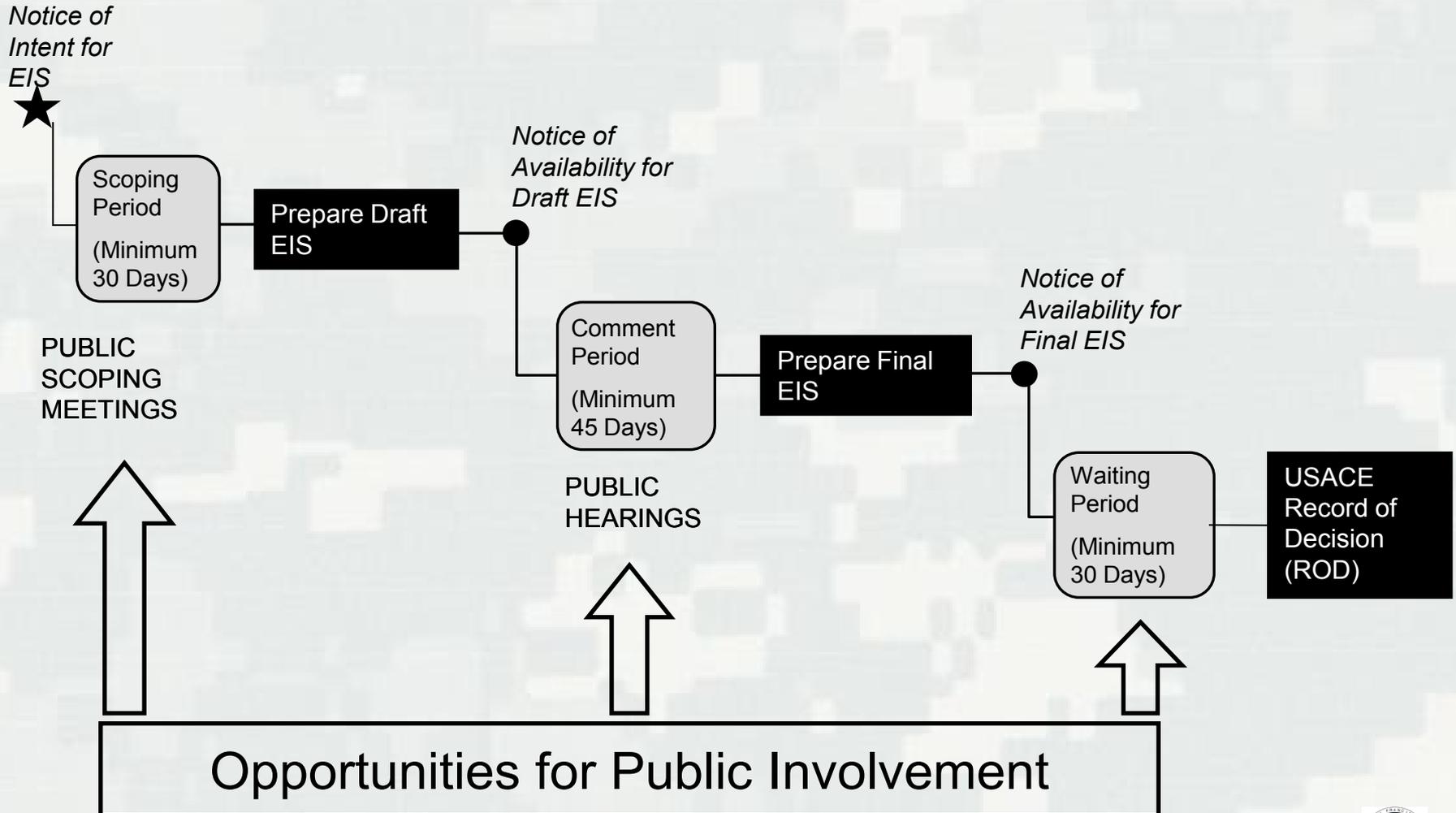
EIS Process (continued)

- Public Comment on the Draft EIS
 - ▶ Comment period lasts at least 45 days
 - ▶ Public hearing conducted to receive questions and concerns on the content of Draft EIS
- Final EIS
 - ▶ USACE considers all timely public comments on the Draft EIS
 - ▶ USACE identifies its preferred alternative
- Record of Decision
 - ▶ USACE announces and explains USACE's decision and describes any commitments for mitigating potential environmental impacts



NEPA Overview

EIS Process



NEPA and Panoche Valley Solar Farm Project

Current Activities and Next Steps

- Applicant has applied for a Clean Water Act, Section 404 Permit
- USACE determined that an EIS was the appropriate level of NEPA review
- Issued Notice of Intent and announced public meeting
- Scoping process underway – **comments due
Friday, September 7, 2012**
- USACE will consider comments and begin preparation of Draft EIS
- Draft EIS available for public comment in Spring 2013*
- Final EIS announced in Summer-Fall 2013*
- ROD issued Fall 2013*

*Target Date



How to Provide Comments

All Comments are DUE Friday, September 7, 2012

- Provide verbal comments tonight
- Submit written comments tonight to a USACE official
- Email written comments to:
spn.eis.panoche@usace.army.mil by Friday, September 7, 2012
- Mail written comments to the address listed in NOI:

Katerina Galacatos
US Army Corps of Engineers, San Francisco District
Regulatory Division
1455 Market Street, 16th Floor
San Francisco, CA 94103-1398

Additional Information

USACE Web Site for Panoche Valley Solar Farm EIS

<http://www.spn.usace.army.mil/regulatory/actionsofinterest.html>

