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May 21, 2022

VIA EMAIL ONLY

Clerkoftheboard@cob.cccounty.us

Karen Mitchoff, Chair
Candace Anderson, Diane Burgis, John Gioia, and Federal Glover
Contra Costa County Board of Supervisors
1012 Escobar Street
Martinez, CA 94533

Re: E-Group Byron Solar Generation Facility
County Files: #CDZR21- 03259/CDLP21-02010

Dear Chair Mitchoff and Members Anderson, Burgis, Gioia, and Glover:

The Sierra Club makes the following comments on the East Bay Regional Park District and Save Mount Diablo appeal of the County Planning Commission's approval to proceed with the Byron Solar project.

The Sierra Club commends Contra Costa County's forward-looking policies for solar energy production and for protecting the environment. The County adopted a Solar Energy Policy in 2020 that identifies lands outside the UGB – Urban Growth Boundary and the HCP-NCCP – Habitat Conservation Plan – Natural Community Conservation Plan appropriate for large-scale solar development. The HCP-NCCP was established in 2007 to protect habitat for threatened and/or endangered species. The HCP-NCCP has been extremely effective in preserving and protecting sensitive lands of the County through mitigation banking and conservation easements. Additionally, the County amended its General Plan and Zoning Ordinance to create the Solar-Generation Combining District which identifies the lands most suitable for commercial solar development and excludes major agricultural and sensitive habitat resources, balancing the County's interest in encouraging local renewable energy with its long-term planning considerations in East County. Therefore:

The Sierra Club supports increasing solar generated power. Projects such as the Byron proposal merit consideration when they are consistent with those policies in the County's General Plan, Zoning Ordinance and the HCP-NCCP and are consistent with County policies and ordinances that protect wildlife and habitat. The Board should take all provisions of those policies into consideration when deciding on the appeal.

Sincerely yours,

/s/Paul Seger,
Chair, Delta Group

/s/Igor Tregub
Co-Chair, Energy Committee

/s/Norman La Force
East Bay Public Lands Committee



SPRAWLDEF

Sustainability, Parks, Recycling And Wildlife Legal Defense Fund

802 Balra Drive, El Cerrito, CA 94530
510 295-7657 www.sprawldef.com n.laforce@comcast.net

May 11, 2022

John Kopchik,
Director
Department of Conservation and Development
Contra Costa County
30 Muir Road
Martinez, CA 94533

Re: East Bay Regional Park District Appeal of Planning Commission Decision regarding
the E-Group Byron Solar Facility, File #CDRZ21-03259/CDLP21-02010

Dear Director Kopchik:

SPRAWLDEF submits this letter in support of the East Bay Regional Park District (Park District) appeal of the Planning Commission's decision to proceed with processing the application and environmental review pursuant to CEQA. SPRAWLDEF urges the County Board of Supervisors to grant the appeal and reverse the Planning Commission's decision.

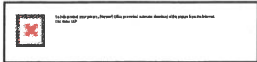
SPRAWLDEF is a 501(3)(c) corporation dedicated to protecting our environment. Its focus has been on protecting wildlife and habitat especially in Eastern Alameda and Contra Costa Counties. It also focuses on protecting, enhancing, and expanding wildlife corridors. Currently, it is a lead plaintiff in the legal actions to protect Point Molate in Richmond as a public park and open space and in legal actions to protect humans and wildlife from the toxic contamination at the Zeneca site (former Stauffer Chemical facility) in Richmond. In the past it successfully sued CalTrans to ensure that if there was ever an off-road vehicle facility in what is referred to as Tesla, it would require a protected wildlife corridor that was off limits to off-road vehicles.

The Park District's March 1, 2022 letter to you sets forth the reasons why the County should reverse the Planning Commission's decision and will not be repeated here. Suffice it to say that solar facilities should be placed where the county has zoned for them and that the proposed facility should not be placed in area that is proposed.

June McHuen

From: Smith, Robert M. <Robert.Smith@klgates.com>
Sent: Monday, May 23, 2022 9:46 AM
To: Clerk of the Board
Cc: Peter Bobro; shawn wilson; Tony Brunello; David Armanasco
Subject: Agenda Item D9 - E-Group SF Proposed Solar Project [KLG-USW_Active01.FID1050985]
Attachments: Response to Staff Report_USW_Active01_505797136_3.PDF

Please circulate the attached comments on the above-referenced agenda item to the Board. Thank you.



Robert M. Smith
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June McHuen

From: Marti Roach <martiroach@gmail.com>
Sent: Monday, May 23, 2022 9:52 AM
To: John Gioia; District5; Clerk of the Board
Cc: martiroach@gmail.com; Jody London; Will Nelson; Mike Moore
Subject: 350 Contra Costa Comments on the Sustainability sections of DRAFT general Plan



May 23, 2022

Supervisor John Gioia

Supervisor Federal Glover

Cc Jody London, Sustainability Coordinator

Mike Moore, Chair, Sustainability Commission

Will Nelson, Principal Planner

Clerk of the Board

RE Comments on Sustainability Elements of Draft General Plan (pdf below)

Dear Supervisors Gioia and Glover,

Gary Farber drafted a letter of comment, below, to the Sustainability Commission on the Sustainability Elements of the draft General Plan. 350 Contra Costa, of which he is a member, stands behind this letter and we wanted to bring it to your attention.

We have a few other comments as well. Overall, the General Plan covers so many policy issues important to us and we appreciate all the work that has gone into it.

We found agreement with many of the comments of the Sustainability Commission Members from their April meeting. (As a note, since the Commission didn't make recommendations, the comments from the General Plan review in April reflect individual comments only.) Here are Comments we choose to highlight:

- The six, by our count, comments calling out the need to "ban drilling for oil and gas on County land";

- “This may just be the way that different GOPA were pulled out, I don’t always see action items to accompany the policies. It appears that there are more policies and goals than actions. It seems we need more accountability, which comes from the actions.”
- ““Please include timelines for General Plan implementation.”
- “SC-A1.2 - With input from residents of Impacted Communities”. I want more clarity on how the public engagement can be meaningful and not tokenism.
- “Establish a First Source Hiring Program requiring developers, contractors and employers to utilize good faith efforts toward employing residents of Impacted Communities, with emphasis on residents who are economically disadvantaged.”

We also want to share some suggestions to further tighten the meaning of some of the draft language related to economic development.

SC-P1.1 - In partnership with residents of Impacted Communities, affected workers, business/industry, environmental and environmental justice advocates, community colleges, workforce development and training entities, local government, and other appropriate agencies, support transition from petroleum refining and other highly polluting industries to renewable energy and sustainable industries that provide living-wage jobs. (renewable industries is not a thing)

LU-P8.1 - Welcome industries that create living-wage jobs and career advancement opportunities for county residents without causing (REMOVE the word severe) environmental degradation. (3-44) *Or, provide further definition of what constitutes severe. Otherwise it is pretty subjective: who decides?*

Please review our letter, below.

Thank you,

Marti Roach

350 Contra Costa

April 25, 2022

County Sustainability Commission

c/o Jody London

RE: Draft Sustainability Element / County General Plan Update

Dear Commission Members,

I have reviewed the draft Sustainability Element for the update to the county’s general plan. Much of the policies contained in the draft element are in keeping with good sustainable land and resource planning. However, there are a few key areas where essential policies are either missing or warrant greater detail:

- ◆ **HIGH DENSITY RESIDENTIAL DEVELOPMENT:** The Sustainability Element ought to push for higher density residential development near commercial nodes and transit corridors, and outline the major benefits of denser urban style development:

- Frees up open space for recreation, nature and critical habitat preservation, and agriculture.
- Encourages more resident-serving commercial and cultural establishments, thus creating higher-density mixed-use neighborhoods that are more convenient and less reliant on personal powered transportation.
- Makes public transit more efficient by providing a greater number of potential riders in a concentrated area.
- ◆ FOSSIL FUELS IN BUILDINGS: The Sustainability Element ought to call for no fossil fuel systems in all new buildings, no new fossil fuel systems to serve new building additions, and for phasing out fossil fuel systems in existing buildings
- ◆ SUSTAINABLE TRANSPORTATION:
 - New multi-family developments must accommodate the growing number of EVs that residents are expected to own.
 - Encourage EV infrastructure to be added to existing multi-family developments.
 - New EV charging stations ought to include solar electric (PV) generation and battery systems, to lessen grid loads and increase resilience.
 - Encourage solar electric generation and battery systems to be added at existing EV charging stations.
- ◆ LANDSCAPE MAINTENANCE: This appears to be missing from the draft. Fossil fuel powered landscape maintenance equipment should be phased out throughout the county.
- ◆ OIL AND NATURAL GAS RESOURCES: The Sustainability Element should call for no new drilling, as well as phasing out existing drilling for, and processing of, fossil fuel products.

Thank you in advance for your consideration. Free to contact me should you have any questions or comments regarding my suggestions.

Sincerely,

Gary Farber

Walnut Creek

Member: Policy Team of 350 Contra Costa (for information only; letter not endorsed by 350 CC)

June McHuen

From: Brian Holt <BHolt@ebparks.org>
Sent: Monday, May 23, 2022 9:21 AM
To: Clerk of the Board
Cc: Adrian Veliz; John Kopchik; Abigail Fateman
Subject: EBRPD Presentation E-Group Solar Project Appeal.pptx
Attachments: EBRPD Presentation E-Group Solar Project Appeal.pptx

Ms. Nino –

I will be providing the attached presentation to the Board of Supervisors on Item D.9 during tomorrow's Board of Supervisors meeting. I will bring a copy along with myself in case there are any problems as well.

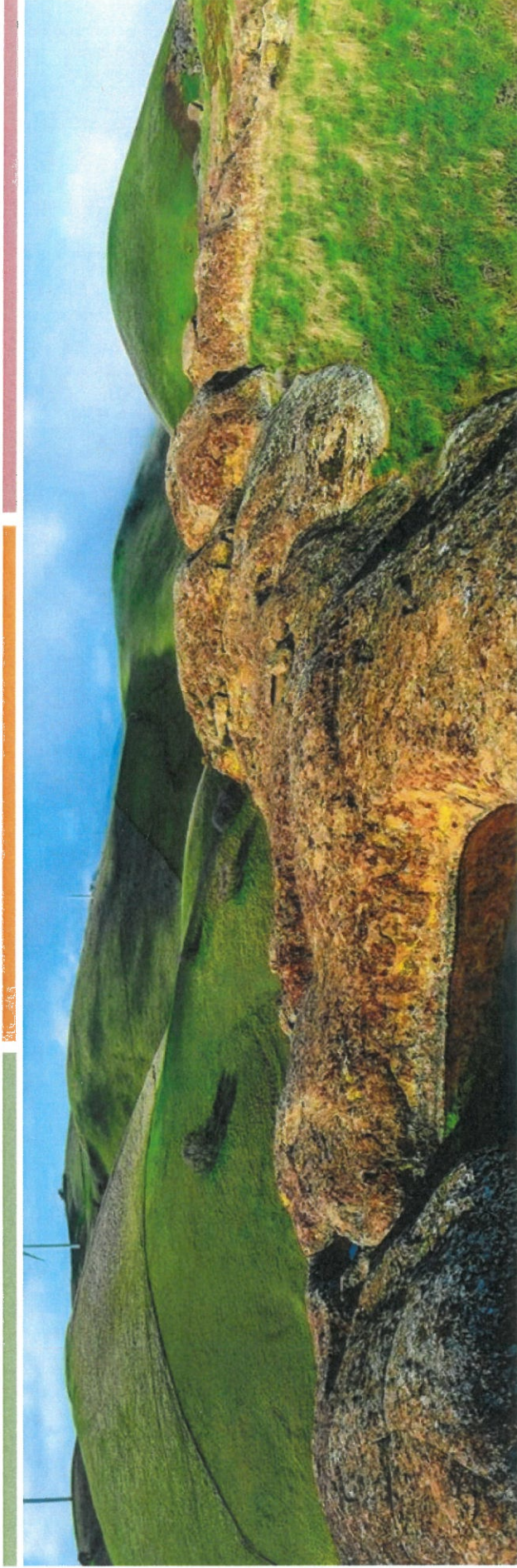
Please let me know if you have any trouble or if there is anything else I should be aware of. Thank you!



Brian Holt
Chief | Planning, Trails and GIS
 East Bay Regional Park District
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E-GROUP SOLAR PROJECT APPEAL

MAY 24, 2022

Presented by Brian Holt, Chief, Planning Trails, and GIS
East Bay Regional Park District



East Bay
Regional Park District

Healthy Parks Healthy People

EAST BAY REGIONAL PARK DISTRICT

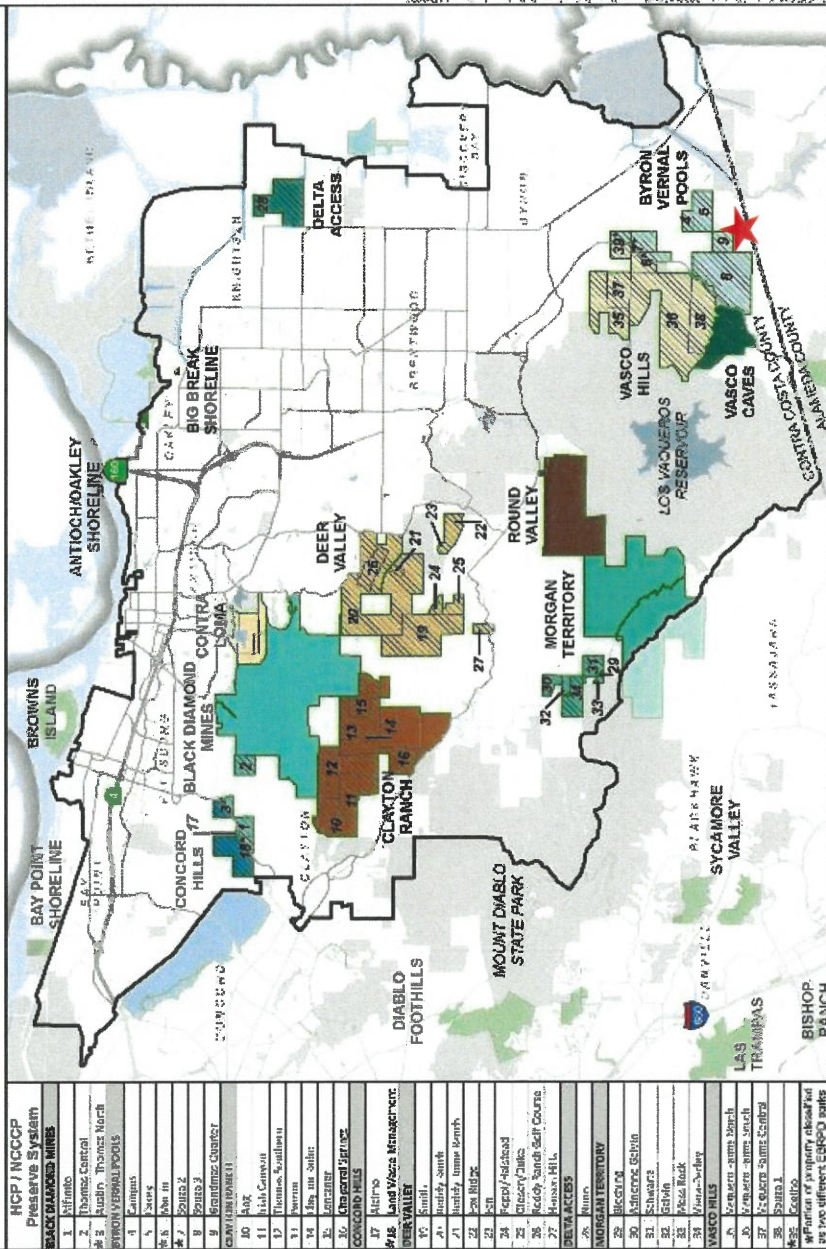
- Manages and protects 125,000 acres over 73 parks
- Dual mission of public recreation and land conservation
- Wholeheartedly support renewable energy in appropriate locations





East Contra Costa County Habitat Conservancy Lands Properties Jointly Acquired by District and Conservancy Displayed by District Park Designation

HCP Inventory Area
 Jointly Acquired



ECCC HCP / NCCCP PRESERVE LANDS

- 14,255 acres acquired since 2007
- 41 properties total (39 EBRPD)
- Brentwood, Oakley, Pittsburg, Clayton & CCC
- 30-year permit period
- Up to 30,300 acres to be preserved
- Benefit 28 species and associated natural communities
- USFWS/CDFW permits

EAST CONTRA COSTA COUNTY HABITAT CONSERVATION PLAN

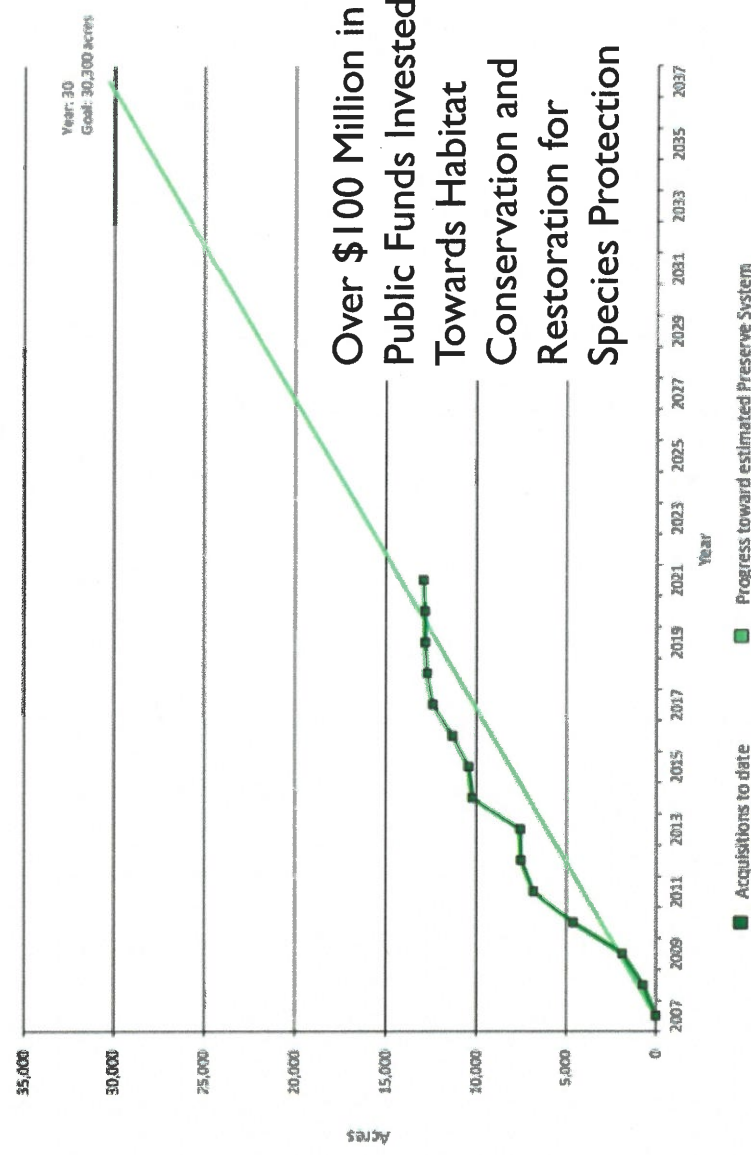
Covered Species

Table ES-1. Species Proposed for Coverage

Mammals	
Townsend's western big-eared bat	
San Joaquin kit fox	
Birds	
Tricolored Blackbird	
Golden Eagle	
Western Burrowing Owl	
Swainson's Hawk	
Reptiles	
Silvery legless lizard	
Alameda whipsnake	
Giant garter snake	
Western pond turtle	
Amphibians	
California tiger salamander	
California red-legged frog	
Foothill yellow-legged frog	
Invertebrates	
Longhorn fairy shrimp	
Vernal pool fairy shrimp	
Midvalley fairy shrimp	
Vernal pool tadpole shrimp	
Plants	
Mount Diablo manzanita	
Brittlescale	
San Joaquin spearscale	
Big tarplant	
Mount Diablo fairy lantern	
Recurved larkspur	
Round-leaved filaree	
Diablo helianthella	
Brewer's dwarf flax	
Showy madia	
Adobe navaretia	

Figure ES-4. Progress Toward Assembling the Preserve System

Note: The HCP/NCCP estimates a maximum of approximately 30,300 acres will be necessary by 2037 (Year 30) to achieve all conservation requirements.



PARTNERSHIP WITH CONSERVANCY

HCP Overview

- Regional plan for conservation & mitigation
- Developers pay fees for streamlined permitting
- State & Federal agencies provide funding and grants for conservation/restoration
- Park District partners with Conservancy to manage Preserve Lands system
- Passive recreation allowed

HCP Land Management

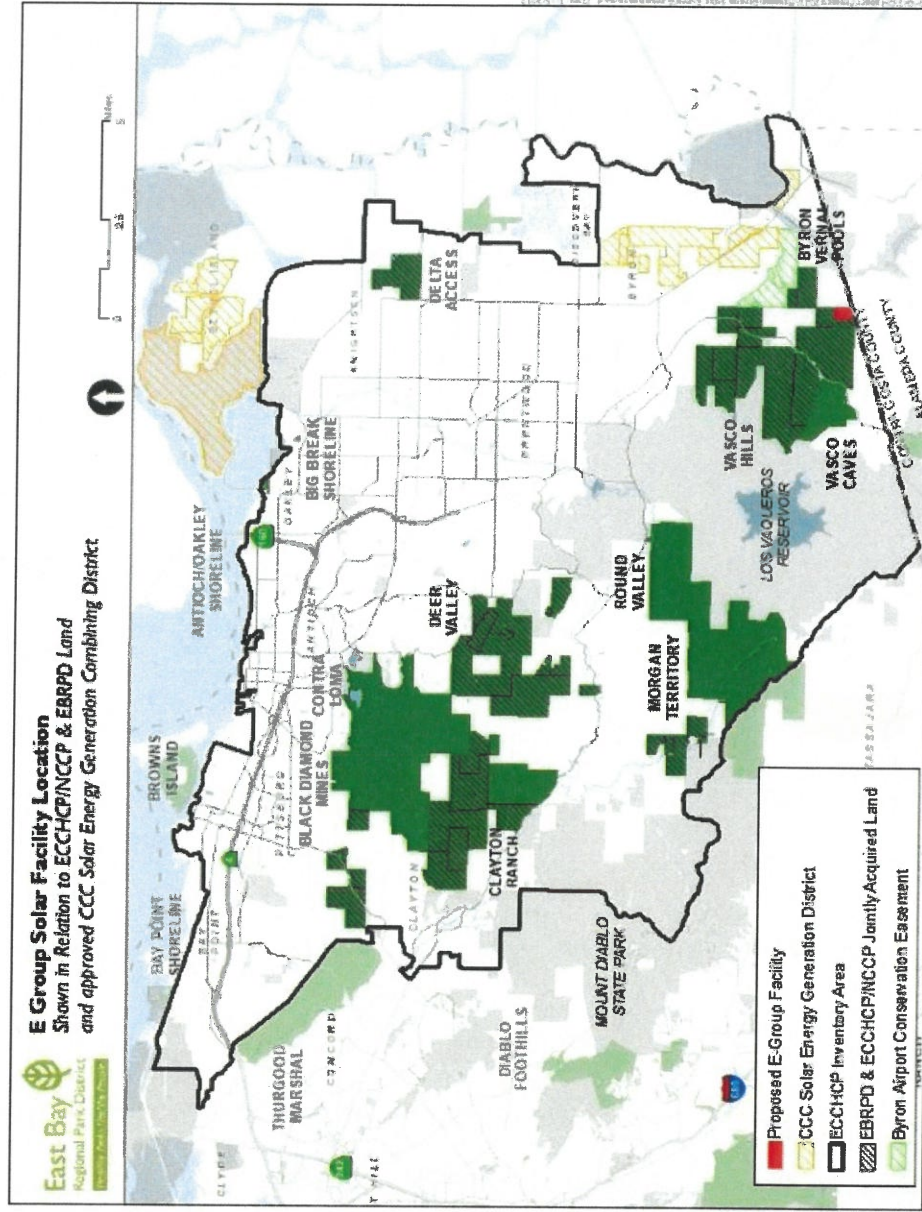
- Rigorous management standards for species protection
- Park District manages lands per HCP guidelines
- HCP required funding for long-term and interim land management costs
- HCP requires USFWS/CDFW-approved "Preserve Management Plans

Recreation on Preserve Lands

- Recreation is of "secondary importance" – perspective shift
- Monitoring of recreation use
- Guidelines outline types and intensity of recreational activities. Examples include:
 - Dogs on-leash if allowed
 - Passive recreation only
 - Set-backs from aquatic habitat

The E-Group Solar Facility:

- Conflicts with Contra Costa County General Plan Policies
- Conflicts with Contra Costa County's adopted Solar Generation Policy
- Conflicts with the Eastern Contra Costa County Habitat Conservation Plan
- Is located on ecologically sensitive land with potential to harm biological Resources
- Located on land identified as "High Priority" for protection in Habitat Conservation Plan



CONFLICTS WITH CONTRA COSTA COUNTY GENERAL PLAN

Policy 8-9: Areas determined to contain **significant ecological resources**, particularly those containing **endangered species**, shall be maintained in their natural state and **carefully regulated to the maximum legal extent**. Acquisition of the most ecologically sensitive properties within the County by appropriate public agencies shall be encouraged

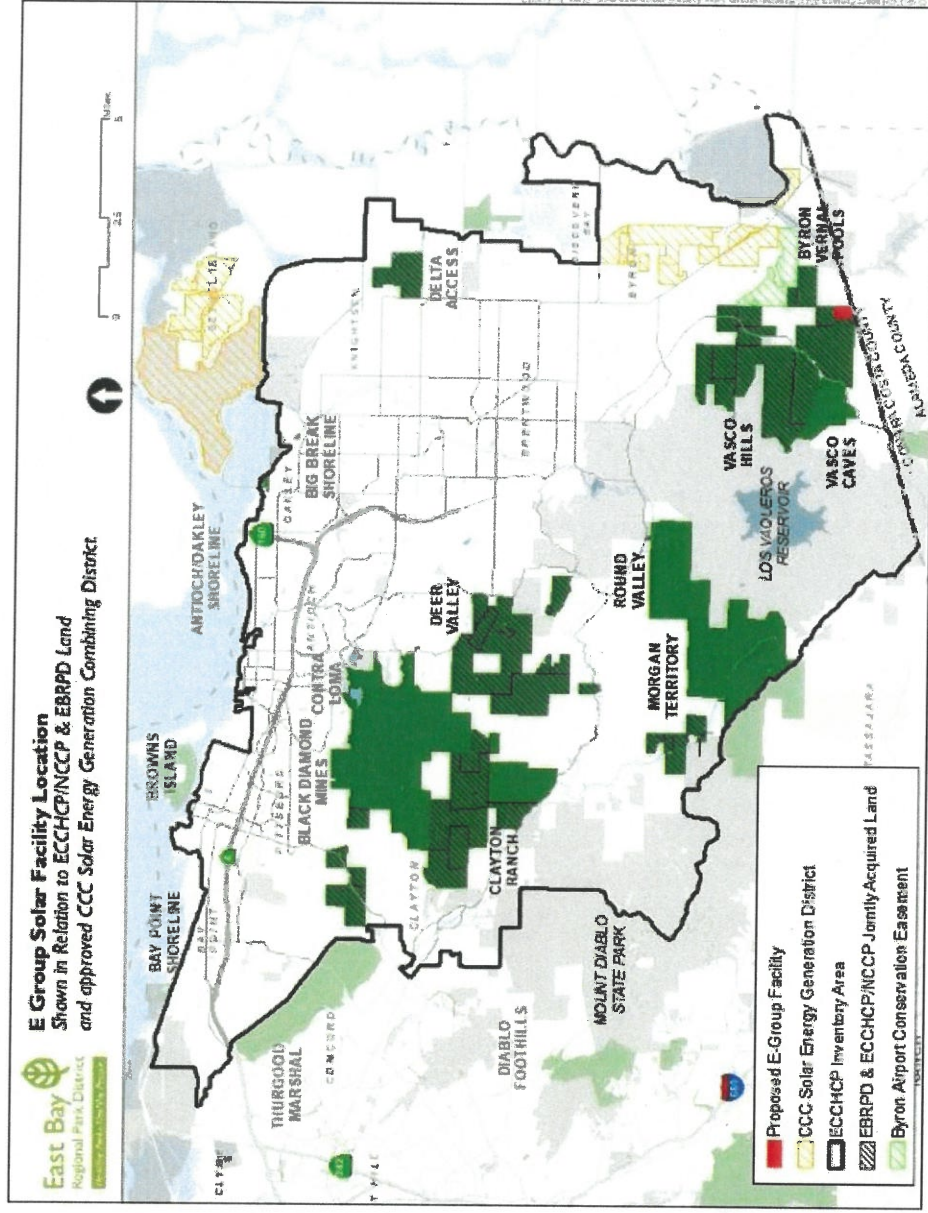
Policy 8-13: The critical ecological and scenic characteristics of **rangelands**, woodlands, and wildland **should be recognized and protected**

Policy 8-14: **Development on hillsides shall be limited to maintain valuable natural vegetation**, especially forests and open grasslands, and to control erosion. Development on open hillsides and significant ridgelines throughout the County shall be restricted, and hillsides with a grade of 26% or greater shall be protected through implementing zoning measures and other appropriate actions.

Policies 8-1, 8-7, 8-15, 8-D, 8-E also concern resource protection, plant and wildlife habitat protection, and endangered species protections which conflict with the proposed solar project

CONFLICTS WITH SOLAR GENERATION POLICY

- Contra Costa County Board of Supervisors studied and adopted the Solar Generation Policy in 2020
- Established the Solar Energy Generation Combining District on developed and disturbed properties
- The policy was a significant investment of public resources which now streamlines solar project siting



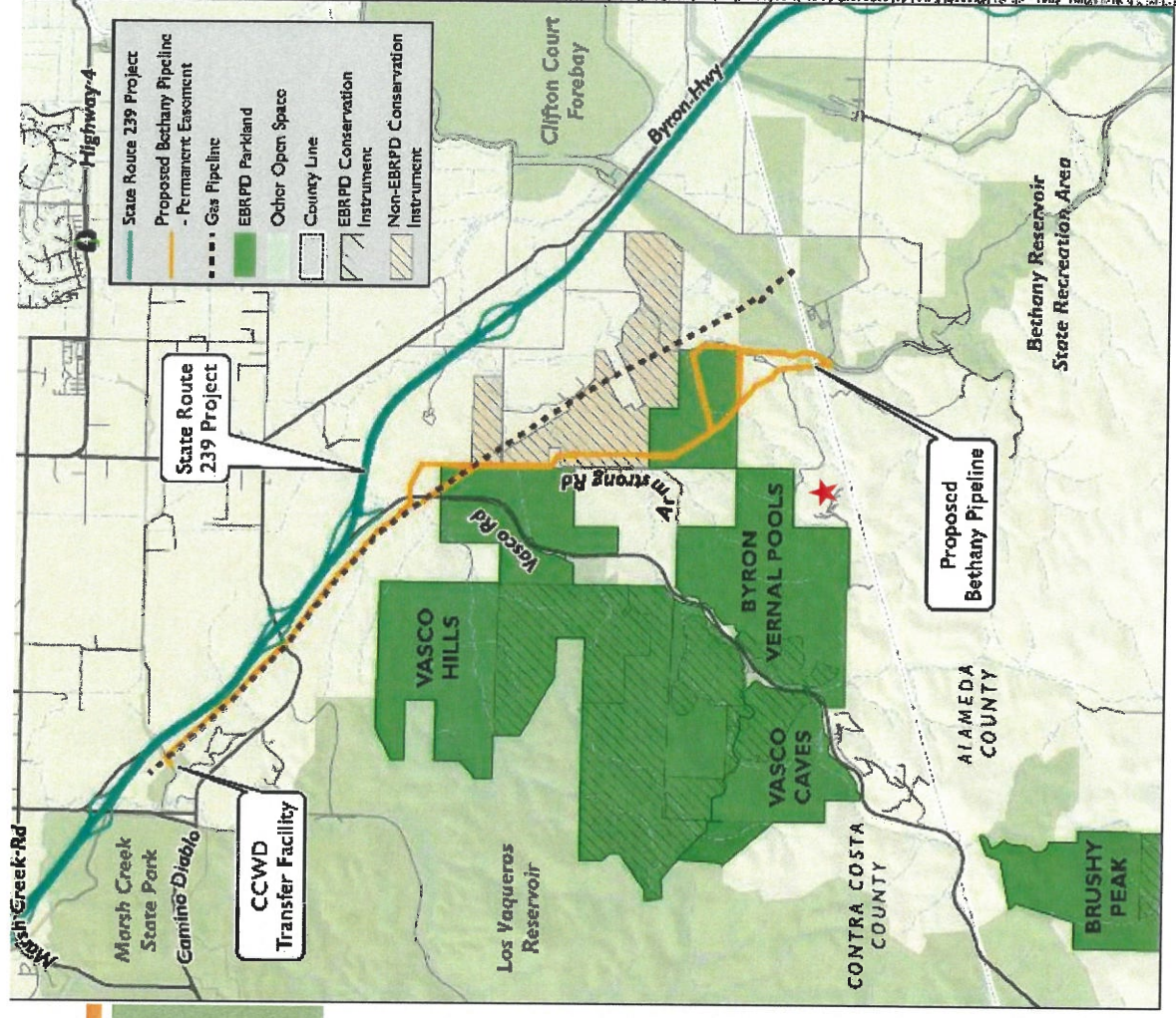
WHY NOT JUST ALLOW AN EIR TO MOVE FORWARD?

- HCP and EBRPD Biologists have reviewed potential impacts
- Wholly inconsistent w/ General Plan and HCP = Bad Precedent
- Impact's ability to continue to implement HCP by artificially inflating land values
- Staff time better utilized facilitating solar development within approved solar zones
- HCP is unable to issue permits on the project (USFWS/CDFW)



FIGHTING TO PRESERVE THE PRESERVE

- Los Vaqueros Reservoir Expansion
- Bethany Pipeline
- State Route 239
- E-Group Solar



THANK YOU

The East Bay Regional Park District requests the Contra Costa Board of Supervisors deny Byron E-groups Solar Project application due to

1. Conflicts with General Plan Policies
2. Conflicts with the adopted Solar Generation Policy
3. Conflict with the East Contra Costa County Habitat Conservation Plan
4. Impacts to Biological Resources