

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION R7-2021-0053

CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
OBERON RENEWABLE ENERGY PROJECT, RIVERSIDE COUNTY

AGENDA ITEM 7 – LATE CHANGES SHEET

Resolution R7-2021-0053 (Resolution), considered for adoption by the California Regional Water Quality Control Board, Colorado River Basin (Colorado River Basin Water Board or Board), shall be subject to the changes specified herein.

Changes in Response to Comments from Colorado River Indian Tribes

The changes in **Tables 1-2** are the result of comments and revisions proposed by the Colorado River Indian Tribes (CRIT) on November 23 and December 6, 2021. The subject changes pertain to:

- Section 3.5.7 of the Board’s Final Environmental Impact Report (FEIR), which is attached to the Resolution as “**Attachment A**”; and
- The Mitigation Monitoring and Reporting Program, which is FEIR Appendix E and also separately attached to the Resolution as “**Attachment B**.”

**Table 1. Late Changes to Final Environmental Impact Report, § 3.5.7
(Resolution R7-2021-0053, Attachment A)**

Page	Relevant Mitigation Measure	Paragraph, Line	Current Text	New Text
3.5-30	MM CUL-2	2nd Paragraph of MM CUL-2: Insert Text after 1st Sentence	Not Applicable—New Text	“RWQCB will determine if avoidance is feasible in consultation with the Agua Caliente Band of Cahuilla Indians (Agua Caliente), the Quechan Tribe of the Fort Yuma Indians (Quechan), and the Colorado River Indian Tribes (CRIT).”

Agenda Item 7: [Tentative] Resolution R7-2021-0053
 Certification of Final Impact Report for Oberon Renewable Energy Project
Late Changes Sheet

Page	Relevant Mitigation Measure	Paragraph, Line	Current Text	New Text
3.5-30	MM CUL-2	Last Paragraph on Page	“The CRS shall manage all monitoring, mitigation, curation, and reporting activities under the Plan. The Project Owner shall ensure that the CRS makes recommendations regarding the eligibility for listing in the NRHP and CRHR of any cultural resources that are newly discovered or that may be affected in an unanticipated manner.	The CRS shall manage all monitoring, mitigation, curation, and reporting activities under the Plan. The Project Owner shall ensure that the CRS makes recommendations regarding the eligibility for listing in the NRHP (to BLM) and CRHR (to RWQCB) of any cultural resources that are newly discovered or that may be affected in an unanticipated manner. The RWQCB shall, prior to making its determination, consult with the Agua Caliente, the Quechan, and the CRIT.
3.5-31	MM CUL-2	2nd Paragraph on Page	“based on input from consulting parties”	“based on input from the Agua Caliente, Quechan and CRIT”
3.5-31	MM CUL-2	Last 2 lines of MM CUL-2 Required Element No. 2	“will involve AB 52 consulting tribes”	“will involve the Agua Caliente, the Quechan, and the CRIT”
3.5-31	MM CUL-2	2nd to Last Line of Required Element No. 3	“in consultation with AB 52 consulting tribes”	“in consultation with the Agua Caliente, Quechan and CRIT”
3.5-33	MM CUL-3	Last Line of 2nd to Last Paragraph on Page	“shall be available to the consulting tribes upon request”	“shall be available, upon request, to the Agua Caliente, Quechan and CRIT”
3.5-34	MM CUL-4	Lines 2-4 on Page	“The CRS, in consultation with the BLM Authorized Officer and RWQCB, will have the authority to increase or decrease the monitoring effort should the monitoring results indicate that a change is warranted.”	“The CRS, in consultation with the BLM Authorized Officer, the RWQCB and the Agua Caliente, Quechan and CRIT, will have the authority to increase or decrease the monitoring effort should the monitoring results indicate that a change is warranted.”

Agenda Item 7: [Tentative] Resolution R7-2021-0053
 Certification of Final Impact Report for Oberon Renewable Energy Project
Late Changes Sheet

Page	Relevant Mitigation Measure	Paragraph, Line	Current Text	New Text
3.5-34	MM CUL-5	Lines 5-6 of MM CUL-5 Paragraph	“presented as a representative of a tribal government for one of the AB 52 consulting tribes”	“presented as a representative of the Agua Caliente, Quechan or CRIT tribal governments”
3.5-34	MM CUL-5	Lines 7-10 of MM CUL-5 Paragraph	“The Native American Monitor(s) shall be on site during all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading and trenching.”	“The Native American Monitor(s) shall be on site during all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading, trenching, mowing, disk and roll, mechanical excavation, drilling, digging, blasting, and the use of high pressure water to cut into the ground.”
3.5-34	MM CUL-6	Line 7 of MM CUL-6 Paragraph	“in consultation with the BLM and RWQCB and AB 52 consulting tribes”	“in consultation with the BLM, RWQCB, Agua Caliente, Quechan and CRIT”
3.5-34	MM CUL-8	Line 5 of MM CUL-8 Paragraph	“developed in consultation with AB 52 consulting tribes”	“developed in consultation with the Agua Caliente, Quechan and CRIT”
3.5-34	MM CUL-8	Last 2 Lines of MM CUL-8 Paragraph	“RWQCB will provide the draft plan to AB 52 consulting tribes”	“RWQCB will provide the draft plan to the Agua Caliente, Quechan and CRIT”
3.5-34	MM CUL-9	Line 5 of MM CUL-9 Paragraph	“the BLM, the RWQCB and AB 52 consulting tribes must be contacted”	“the BLM, the RWQCB, the Agua Caliente, the Quechan and the CRIT must be contacted”

Agenda Item 7: [Tentative] Resolution R7-2021-0053
 Certification of Final Impact Report for Oberon Renewable Energy Project
Late Changes Sheet

Page	Relevant Mitigation Measure	Paragraph, Line	Current Text	New Text
3.5-36	MM CUL-10	First 4 Lines of Required Element No. 4	“After completion of construction, an archaeologist that meets the requirements outlined in BLM Manual 8150, shall visit each of these resources once a year to document their condition for the life of the project.”	“After completion of construction, an archaeologist that meets the requirements outlined in BLM Manual 8150, and a tribal monitor, shall visit each of these resources once a year to document their condition for the life of the project.”
3.5-36	MM CUL-10	Lines 2-3 of Required Element No. 5	“the RWQCB, BLM and AB 52 consulting tribes must be contacted”	“the RWQCB, the BLM the Agua Caliente, the Quechan and the CRIT must be contacted”
3.5-36	MM CUL-10	Line 5 of Required Element No. 5	“must be developed in consultation with the consulting tribes and relevant agencies”	“must be developed in consultation with the Agua Caliente, Quechan and CRIT, and relevant agencies”
3.5-36	MM CUL-11	Last Line of MM CUL-11 Paragraph	“conducted by representatives of consulting tribes”	“conducted by representatives of the Agua Caliente, Quechan and CRIT”
3.5-37	MM TCR-1	Lines 2-3 of TCR-1 Paragraph	“identified by AB 52 consulting tribes”	“identified by the Agua Caliente, Quechan and CRIT”
3.5-37	MM TCR-1	Line 7 of TCR-1 Paragraph	“workshops will be determined by AB 52 consulting tribes”	“workshops will be determined by the Agua Caliente, Quechan and CRIT”
3.5-37	MM TCR-1	Lines 13-14 of TCR-1 Paragraph	“tribal members of AB 52 consulting tribes”	“tribal members of the Agua Caliente, Quechan and CRIT”
3.5-37	MM TCR-1	Line 14 of TCR-1 Paragraph	“assumed that AB 52 consulting tribal governments hosting these workshops”	“assumed that the Agua Caliente, Quechan and CRIT tribal governments hosting these workshops”

Table 2. Late Changes to FEIR Appendix E: Mitigation Monitoring and Reporting Program (Resolution R7-2021-0053, Attachment B)

Page	Relevant Mitigation Measure	Paragraph, Line	Current Text	New Text
E-35	MM CUL-2	Line 5 of Page; Insert after 1st Sentence of Paragraph	Not Applicable—New Text	“RWQCB will determine if avoidance is feasible in consultation with the Agua Caliente Band of Cahuilla Indians (Agua Caliente), the Quechan Tribe of the Fort Yuma Indians (Quechan), and the Colorado River Indian Tribes (CRIT).”
E-35	MM CUL-2	4th Paragraph on Page	“The CRS shall manage all monitoring, mitigation, curation, and reporting activities under the Plan. The Project Owner shall ensure that the CRS makes recommendations regarding the eligibility for listing in the NRHP and CRHR of any cultural resources that are newly discovered or that may be affected in an unanticipated manner.	The CRS shall manage all monitoring, mitigation, curation, and reporting activities under the Plan. The Project Owner shall ensure that the CRS makes recommendations regarding the eligibility for listing in the NRHP (to BLM) and CRHR (to RWQCB) of any cultural resources that are newly discovered or that may be affected in an unanticipated manner. The RWQCB shall, prior to making its determination, consult with the Agua Caliente, the Quechan, and the CRIT.
E-35	MM CUL-2	Last 2 Lines of Page	“based on input from consulting parties”	“based on input from the Agua Caliente, Quechan and CRIT”
E-36	MM CUL-2	Last Line of Required Element No. 2	“will involve AB 52 consulting tribes”	“will involve the Agua Caliente, the Quechan, and the CRIT”
E-36	MM CUL-2	Line 7-8 of Required Element No. 3	“in consultation with AB 52 consulting tribes”	“in consultation with the Agua Caliente, Quechan and CRIT”

Page	Relevant Mitigation Measure	Paragraph, Line	Current Text	New Text
E-38	MM CUL-3	Last 2 Lines of Last Paragraph on Page	“shall be available to the consulting tribes upon request”	“shall be available, upon request, to the Agua Caliente, Quechan and CRIT”
E-39	MM CUL-4	Lines 10-11 of MM CUL-4 Description	“The CRS, in consultation with the BLM Authorized Officer and RWQCB, will have the authority to increase or decrease the monitoring effort should the monitoring results indicate that a change is warranted.”	“The CRS, in consultation with the BLM Authorized Officer, the RWQCB and the Agua Caliente, Quechan and CRIT, will have the authority to increase or decrease the monitoring effort should the monitoring results indicate that a change is warranted.”
E-39	MM CUL-5	Lines 6-8 of MM CUL-5 Description	“presented as a representative of a tribal government for one of the AB 52 consulting tribes”	“presented as a representative of the Agua Caliente, Quechan or CRIT tribal governments”
E-39	MM CUL-5	Lines 10-15 of MM CUL-5 Description	“The Native American Monitor(s) shall be on site during all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading and trenching.”	“The Native American Monitor(s) shall be on site during all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading, trenching, mowing, disk and roll, mechanical excavation, drilling, digging, blasting, and the use of high pressure water to cut into the ground.”
E-40	MM CUL-6	Lines 8-9 of MM CUL-6 Description	“in consultation with the BLM and RWQCB and AB 52 consulting tribes”	“in consultation with the BLM, RWQCB, Agua Caliente, Quechan and CRIT”
E-41	MM CUL-8	Lines 6-7 of MM CUL-8 Description	“developed in consultation with AB 52 consulting tribes”	“developed in consultation with the Agua Caliente, Quechan and CRIT”

Agenda Item 7: [Tentative] Resolution R7-2021-0053
 Certification of Final Impact Report for Oberon Renewable Energy Project
Late Changes Sheet

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E-41	MM CUL-8	Lines 13-14 of MM CUL-8 Description	"RWQCB will provide the draft plan to AB 52 consulting tribes"	"RWQCB will provide the draft plan to the Agua Caliente, Quechan and CRIT"
E-42	MM CUL-9	Lines 5-6 of MM CUL-9 Description (Lines 2-3 on Page)	"the BLM, the RWQCB and AB 52 consulting tribes must be contacted"	"the BLM, the RWQCB, the Agua Caliente, the Quechan and the CRIT must be contacted"
E-42	MM CUL-10	MM CUL-10 Required Element No. 4 (Lines 1-4)	"After completion of construction, an archaeologist that meets the requirements outlined in BLM Manual 8150, shall visit each of these resources once a year to document their condition for the life of the project."	"After completion of construction, an archaeologist that meets the requirements outlined in BLM Manual 8150, and a tribal monitor, shall visit each of these resources once a year to document their condition for the life of the project."
E-42	MM CUL-10	MM CUL-10 Required Element No. 5 (Lines 2-4)	"the RWQCB, BLM and AB 52 consulting tribes must be contacted"	"the RWQCB, the BLM the Agua Caliente, the Quechan and the CRIT must be contacted"
E-42, E-43	MM CUL-10	MM CUL-10 Required Element No. 5 (Lines 5-6)	"must be developed in consultation with the consulting tribes and relevant agencies"	"must be developed in consultation with the Agua Caliente, Quechan and CRIT, and relevant agencies"
E-43	MM CUL-11	Last Line of MM CUL-11 Description	"conducted by representatives of consulting tribes"	"conducted by representatives of the Agua Caliente, Quechan and CRIT"
E-44	MM TCR-1	Line 3 of MM TCR-1 Description	"identified by AB 52 consulting tribes"	"identified by the Agua Caliente, Quechan and CRIT"
E-44	MM TCR-1	Line 7 of MM TCR-1 Description	"workshops will be determined by AB 52 consulting tribes"	"workshops will be determined by the Agua Caliente, Quechan and CRIT"

Page	Relevant Mitigation Measure	Paragraph, Line	Current Text	New Text
E-44, E-45	MM TCR-1	Lines 15-15 of MM TCR-1 Description	“tribal members of AB 52 consulting tribes”	“tribal members of the Agua Caliente, Quechan and CRIT”
E-45	MM TCR-1	Line 15 of MM TCR-1 Description	“assumed that AB 52 consulting tribal governments hosting these workshops”	“assumed that the Agua Caliente, Quechan and CRIT tribal governments hosting these workshops”

Changes in Response to Comments from the Basin and Range Watch and the Western Watersheds Project

The changes specified in **Tables 3-4** are based on an issue identified in a December 7, 2021 FEIR comment letter submitted by the Basin and Range Watch and the Western Watersheds Project. The subject changes pertain to:

- Section 3.4 of the FEIR, including Table 3.4.1 and Table 3.4.2 (Resolution, Attachment A); and
- The Board’s Responses to Comments in FEIR Appendix D (Resolution, Attachment A).

Table 3. Late Changes to Final Environmental Impact Report, § 3.4 and Tables 3.4.1 and 3.4.2 (Resolution R7-2021-0053, Attachment A)

Page	Relevant Section	Current Entry	New Entry
3.4-16	Discussion on Migratory Bird Treaty Act	“The MBTA prohibitions are inapplicable to ‘incidental take (USDI, 2021, 86 FR 1134).”	[remoted]
3.4-23	Table 3.4.1 Column: “Alternative 2: Proposed Action” Sub-Column: “Protected”	1,211 [acres]	1,111 [acres]
3.4-23	Table 3.4.1 Column: “Alternative 3: LUPA Compliant Alternative” Sub-Column: “Protected”	1,300 [acres]	1,200 [acres]

Page	Relevant Section	Current Entry	New Entry
3.4-23	Table 3.4.1 Column: "Resource Avoidance Alternative" Sub-Column: "Protected"	1,300 [acres]	1,200 [acres]
3.4-25	Table 3.4.2 Column: "Fenced Solar Array"	73.1 [acres]	77 [acres]
3.4-25	Table 3.4.2 Column: "Gen-tie ROW"	1.8 [acres]	1 [acres]
3.4-25	Table 3.4.2 Column: "Collector Lines and Roads"	13.9 [acres]	11 [acres]

**Table 4. Late Changes to Final Environmental Impact Report Appendix D
 (Resolution R7-2021-0053, Attachment A)**

Page	Relevant Section	Paragraph, Line	Current Text	New Text
D-9	Section D.2.1, Concentration of Development	General Response GR-1	1,200 acres	1,100 acres
D-9	Section D.2.1, EIR Significance Conclusion	General Response GR-1	1,200 acres	1,100 acres
D-469	Section D.4.2	Response to Comment B1-4	1,200 acres	1,100 acres
D-494	Section D.4.2	Response to Comment B4-17	1,200 acres	1,100 acres
D-499	Section D.4.2	Response to Comment B4-25	74 acres	77 acres
D-508	Section D.4.2	Response to Comment B4-39	1,200 acres	1,100 acres
D-592	Section D.4.2	Response to Comment D1-41	1,200 acres	1,100 acres

**Table 5. Late Changes to Final Environmental Impact Report Appendix D
(Resolution R7-2021-0053, Attachment A)**

Page	Relevant Section	Paragraph, Line	Current Text	New Text
D-9	Section D.2.1, Concentration of Development	General Response GR-1	1,200 acres	1,100 acres
D-9	Section D.2.1, EIR Significance Conclusion	General Response GR-1	1,200 acres	1,100 acres