

**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

**The California Regional Water Quality Control Board, Colorado River Basin Region,  
finds that:**

1. On August 31, 2021, IP Oberon, LLC, and IP Oberon II, LLC, submitted an application for Discharges of Dredged or Fill Material to Waters of the State to receive Waste Discharge Requirements (Dredged or Fill WDRs). The application is for discharges from a proposed solar energy production facility (Project) on 5,000 acres of land in Riverside County, near Desert Center. The proposed Project is on land managed by the U.S. Bureau of Land Management (BLM).
2. Issuing Dredged or Fill WDRs is a discretionary action that requires Colorado River Basin Regional Water Quality Control Board (Regional Water Board) to comply with the California Environmental Quality Act (CEQA) Public Resources Code section 21000 et seq., in accordance with sections 15021 and 15040 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines), California Code of Regulations, title 14, section 15000 et seq.
3. The Regional Water Board has assumed the lead agency role for environmental review of the Project and prepared an Environmental Impact Report (EIR) in accordance with CEQA, Public Resources Code, section 21000 et seq., as amended; and the CEQA Guidelines, Title 14, California Code of Regulations, section 15000 et seq.
4. On December 31, 2020, the Regional Water Board mailed certified letters to representatives of three tribes that had previously submitted a written request to the Colorado River Basin Regional Water Board to receive notification of proposed projects, in compliance with Assembly Bill 52 (AB 52). These tribes included: Colorado River Indian Tribes of the Colorado River Indian Reservation, Morongo Band of Mission Indians, and Torres-Martinez Desert Cahuilla Indians. Additionally, courtesy notification letters were mailed to fourteen additional tribes. The Quechan Tribe of the Fort Yuma Reservation and the Agua Caliente Band of Cahuilla Indians requested consultation for the proposed Project.
5. On March 18, 2021, the Regional Water Board transmitted a Notice of Preparation (NOP) of an EIR to the State Clearinghouse (SCH No. 2021030426) for the Project. Copies of the NOP were independently mailed to all agencies and

persons known to be interested in this matter. The NOP provided a description of the Project and potential environmental issues. The NOP opened a 30-day CEQA scoping period that ended on April 19, 2021.

6. On April 13, 2021, the Regional Water Board held a scoping meeting in conjunction with the BLM to discuss the Project and the environmental review process, and to provide agency representation, individuals, and other interested parties the opportunity to make oral comments regarding the scope of the EIR.
7. Concerns expressed by the consulting tribes, public and agencies at the scoping meeting, and others during the public scoping period encompassed the following resource topics: aesthetics/visual resources; air resources; biological resources; climate change; cultural resources; hazards; land use; water resources; soils; solid waste; public health and safety; land use; recreation, and transportation and traffic. Comments also were received regarding environmental justice; project description; statement of purpose and need; mitigation measures; indirect and cumulative impacts; project alternatives; document format; permitting issues; and agency consultation.
8. The Regional Water Board took the concerns and comments received during tribal consultation, at the scoping meeting, and during the public scoping period into consideration and prepared a Draft EIR.
9. On August 13, 2021, a Notice of Availability (NOA) was circulated that notified interested parties of a public review and comment period for the “Oberon Renewable Energy Project” Draft Environmental Impact Report (Draft EIR). Copies of the NOA and Draft EIR were transmitted to or made available to all agencies and persons known to be interested in these matters.
10. On August 16, 2021, the Draft EIR and Notice of Completion were transmitted to the State Clearinghouse (SCH No. 2021030426) and copies were independently mailed to all agencies and persons known to be interested in this matter, thus initiating a 45-day public review and comment period ending September 30, 2021.
11. During the public comment period, the Regional Water Board received written comments on the Draft EIR. Staff prepared responses to written comments received on the Draft EIR and included them in a Final EIR for consideration by the Regional Water Board. (See Attachment A: Final Environmental Impact Report for IP Oberon, LLC’s, Oberon Renewable Energy Project.)
12. On November 12, 2021, the Regional Water Board provided public notice of the Final EIR to the public, responsible agencies, trustee agencies, and other interested persons, and thereby provided comments and responses to significant environmental points raised in the review and consultation process on the Draft EIR in accordance with CEQA Guidelines section 15132.
13. In the Final EIR (Attachment A), the Colorado River Basin Regional Water Board has identified mitigation measures that reduce most potentially significant effects

of the program to a less than significant level. CEQA Guidelines section 15097 requires the lead agency to prepare a Mitigation Monitoring and Reporting Program (MMRP) prior to project approval. An MMRP will be incorporated into the Dredged or Fill WDRs issued for the Oberon Project, scheduled for consideration and/or approval at the December 14, 2021, Board meeting. (See Attachment B: Mitigation Monitoring and Reporting Program.)

14. It was determined as part of the EIR analysis that the Project would result in direct, indirect, and cumulative significant impacts related to aesthetics and cultural resources that cannot be fully mitigated (unavoidable) and will be only partially avoided or lessened through project design or mitigation measures. All other impacts have been addressed through project design or incorporated mitigation measures in the MMRP.
15. Due to the potentially significant impacts of the Project, if the Colorado River Basin Regional Water Board approves the Project, it will be required to adopt Findings with a Statement of Overriding Considerations consistent with CEQA Guidelines, sections 15093, 15216(b) and 15126.2(b); and discussed in the Final EIR per CEQA Guidelines, section 15132. The Statement of Overriding Considerations would clarify what benefits the Project is providing that the Regional Water Board could determine outweigh the potentially significant environmental impacts of the project. (See Attachment C: Findings of Fact and Statement of Overriding Considerations.)
16. Benefits of the Project would include, but are not limited to renewable energy, local employment, economic opportunities, and utilization of underutilized areas to promote efficient use of land while still providing natural open space. The Project would provide important benefits to the local and regional economy from employment, the purchase of equipment and supplies, and sales tax revenue.
17. Together with federal agencies, the Regional Water Board is working to ensure that the state is able to expedite siting and permitting of renewable energy projects that will assist in achieving greenhouse gas reduction targets set forth in Assembly Bill 32 while minimizing the impacts to natural resources and further mitigating the impacts of climate change. The Project would help California achieve its renewable energy goals and mandates. The production of renewable energy has the added benefit of reducing air quality impacts and greenhouse gas emissions that would otherwise be produced by fossil-fuel based generation facilities.
18. In accordance with CEQA Guidelines, section 15126.6, subdivision (a), the EIR considered and eliminated 6 alternatives based on: failure to meet most Project objectives; failure to reduce or avoid the Project's significant impacts; and/or infeasibility. The EIR fully evaluated the Land Use Plan Compliant Alternative, the Resource Avoidance Alternative with Prehistoric Resources/TCR Option, and the No Project Alternative, which constitute a range of reasonable alternatives to the Project that would feasibly attain most of the basic objectives of the Project and would avoid or substantially lessen any of the significant effects of the Project.

19. The No Project Alternative evaluated the environmental impacts resulting from a hypothetical continuance of the existing land uses, under which the Project site would remain vacant, and no development would occur. With respect to the significant unavoidable impacts of the Project (aesthetics and cultural resources impacts), this alternative would avoid all the unavoidable significant impacts of the Project; however, it would not generate substantial benefits to the local economy. None of the Project objectives would be met under this alternative because Project development would not occur. Therefore, the Regional Water Board eliminated the No Project Alternative from further consideration.
20. The EIR analyzed the Resource Avoidance Alternative with Prehistoric Resources/TCR Option, which would include a 200-foot setback from desert dry wash woodland and would further reduce the development footprint by also excluding development in desert tortoise critical habitat and the multi-species linkage corridor. The Regional Water Board rejected the Resource Avoidance Alternative, because it would not avoid the significant and unavoidable aesthetic and cultural resources/TCR impacts and cumulative aesthetics and cultural resources/TCR impacts that would occur under the proposed Project (EIR Sections 3.2 and 3.5 in Attachment A), and because it would achieve the project objectives, which include the provision of environmental benefits, to a lesser extent compared with the proposed Project (EIR Section 4.3.2).
21. The Land Use Plan Compliant Alternative with Prehistoric Resources/TCR Option was found to be the Environmentally Superior Alternative, but it would still have significant and unmitigable impacts to cultural resources/TCR and aesthetics. Given the location of the proposed Project in an area identified for solar generation, the Project's renewable energy and economic benefits would outweigh the Project's unavoidable adverse environmental impacts on aesthetics and cultural resources/TCR. The Regional Water Board's rationale for not selecting this alternative is detailed in Attachment C (CEQA Findings of Fact and Statement of Overriding Considerations). (CEQA Guidelines, § 15091, subd. (a).)
22. CEQA Guidelines, section 15126, subdivision (g) requires an EIR to discuss how a proposed project could directly or indirectly lead to economic, population, or housing growth. Based on the analysis in EIR Section 5.3 (see Attachment A), the Regional Water Board concluded that the Project would not remove an obstacle to growth, cause permanent economic expansion or growth, establish a precedent-setting action, develop or encroach into an isolated area or open space or encourage other activities which cause significant environmental effect.
23. In accordance with CEQA Guidelines, sections 15126(c) and 15126.2(c), the EIR also discusses significant irreversible environmental changes and provides an "Energy Analysis" of the proposed Project in EIR Section 3.6 and 5.2 (Attachment A). While construction would require the temporary use of energy resources, the Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction. Over the life of the Project, this renewable

energy project would contribute incrementally to the reduction in demand for fossil fuel used to generate electricity, thereby resulting in a positive effect counteracting the commitment of nonrenewable resources to the project during construction.

24. On December 14, 2021, the Regional Water Board held a public meeting.

**THEREFORE, BE IT RESOLVED THAT:**

1. In accordance with the California Environmental Quality Act, Public Resources Code section 21080 et seq., the Colorado River Basin Regional Water Quality Control Board, after considering the entire record, including written and oral testimony at the hearing, certifies that:
  - a. The Final EIR has been completed in compliance with CEQA;
  - b. The Colorado River Basin Regional Water Quality Control Board has reviewed and considered the information in the Final EIR; and
  - c. The Final EIR reflects the independent judgment and analysis of the Colorado River Basin Regional Water Quality Control Board.

**CERTIFICATION**

I, PAULA RASMUSSEN, Executive Officer, hereby certify that the following is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on December 14, 2021.

*Original Signed By* \_\_\_\_\_

PAULA RASMUSSEN  
Executive Officer