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Exhibit 28

Conditional Use Permit Application Written Report for the Rancho Viejo Solar Project in Santa Fe County, New Mexico August 2024

Conditional Use Permit

Application Written Report for the Rancho Viejo Solar Project in Santa Fe County, New Mexico

AUGUST 2024

PREPARED BY

Rancho Viejo Solar, LLC

CONDITIONAL USE PERMIT APPLICATION
WRITTEN REPORT FOR THE
RANCHO VIEJO SOLAR PROJECT
IN SANTA FE COUNTY, NEW MEXICO

Prepared by

Rancho Viejo Solar, LLC
282 Century Place, Suite 2000
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August 2024

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1 INTRODUCTION

Rancho Viejo Solar, LLC (Rancho Viejo), is proposing to build the Rancho Viejo Solar Project (Project). The Project would include a 680-acre solar facility, a 1-acre collector substation, a 3-acre battery energy storage system (BESS), a 2.3-mile generation tie-in line (gen-tie), a 2.1-mile access road, a 26.3-feet diameter by 7.2-feet above ground water storage tank, and a 1,400-square-feet by approximately 18 feet above ground Operations Building, on private land in Santa Fe County, New Mexico (analysis area) (Figure 1.1). The Project would be approximately 3 miles south of Santa Fe city limits and approximately 4.2 miles east of La Cienega. The Project would generate 96 megawatts (MW), and would include 48 MW of four hour duration BESS, for storage and delivery of renewable solar energy to customers throughout New Mexico. The energy supplied by the solar facility is intended to replace part of Public Service Company of New Mexico (PNM) fossil-based assets, and would help fulfill New Mexico's renewable portfolio standard of 50 percent renewable energy by 2030 and 100 percent carbon free energy by 2045 for investor-owned utilities, as promulgated by the Energy Transition Act of 2019.

This Written Report was prepared to support Rancho Viejo's Conditional Use Permit (CUP) application to Santa Fe County for compliance with Santa Fe County's Sustainable Land Development Code (SLDC), which was adopted in Ordinance 2016-9 on December 13, 2016. The 2016 SLDC governs land use and development throughout the unincorporated areas of the county. The 2016 SLDC contains the regulations that a property owner must follow when building or remodeling a structure. Santa Fe County's CUP Submittal Checklist specifies a Written Report, addressing Design Standards outlined in Chapter 7 and the Overlay Districts of the SLDC, be included with the CUP application submittal. The purpose of this Written Report is to fulfill the requirements of the CUP Submittal Checklist.

Because the solar facility's capacity would be less than 300 MW, this Project is not subject to location approval from the New Mexico Public Regulation Commission (Commission). Location approval is required when a transmission line has a capacity of 230 or more kilovolts (kV) and is associated with a power plant that requires the Commission's location approval for new generation of 300 or more MW (6293.B New Mexico Statutes Annotated [NMSA] 1978). In addition, the right-of-way width for the generation tie line, once fully designed, would not exceed the 100-foot-wide threshold for transmission line oversight by the Commission.

1.1 Project Location

The Project would be located entirely on private land to be leased by Rancho Viejo and located in Sections 2–9, Township 15 North, Range 9 East (Figure 1.1), on Parcel Numbers: 910008950, 992220715, 910008952, and 99309984. Parcel's 910008952 and 99309984 are included as they contain portions of the Project's access road and gen-tie easement. Parcel 992220715 references the underlying grazing lease.

1.1.1 Applicant or Authorized Representative

Rancho Viejo Solar LLC
AES Clean Energy Development, LLC
282 Century Place, Suite 2000
Louisville CO 80027
Attn: Joshua Mayer Sr. Development Manager / (720) 514-2957

1.1.2 Property Owner

Rancho Viejo Limited Partnership
P.O. Box 236 Santa Fe, NM 87504
Attn: Warren Thompson, President (505) 474-4870

1.2 Decision to be Made

Rancho Viejo is applying to Santa Fe County for CUP approval of the proposed Project as is required under the 2016 SLDC. This Written Report will facilitate Santa Fe County Planning Commission's review of the application. Under the 2016 SLDC, the Santa Fe County Planning Commission shall approve application for the location of the proposed Project unless it finds the location will unduly impair important environmental values.

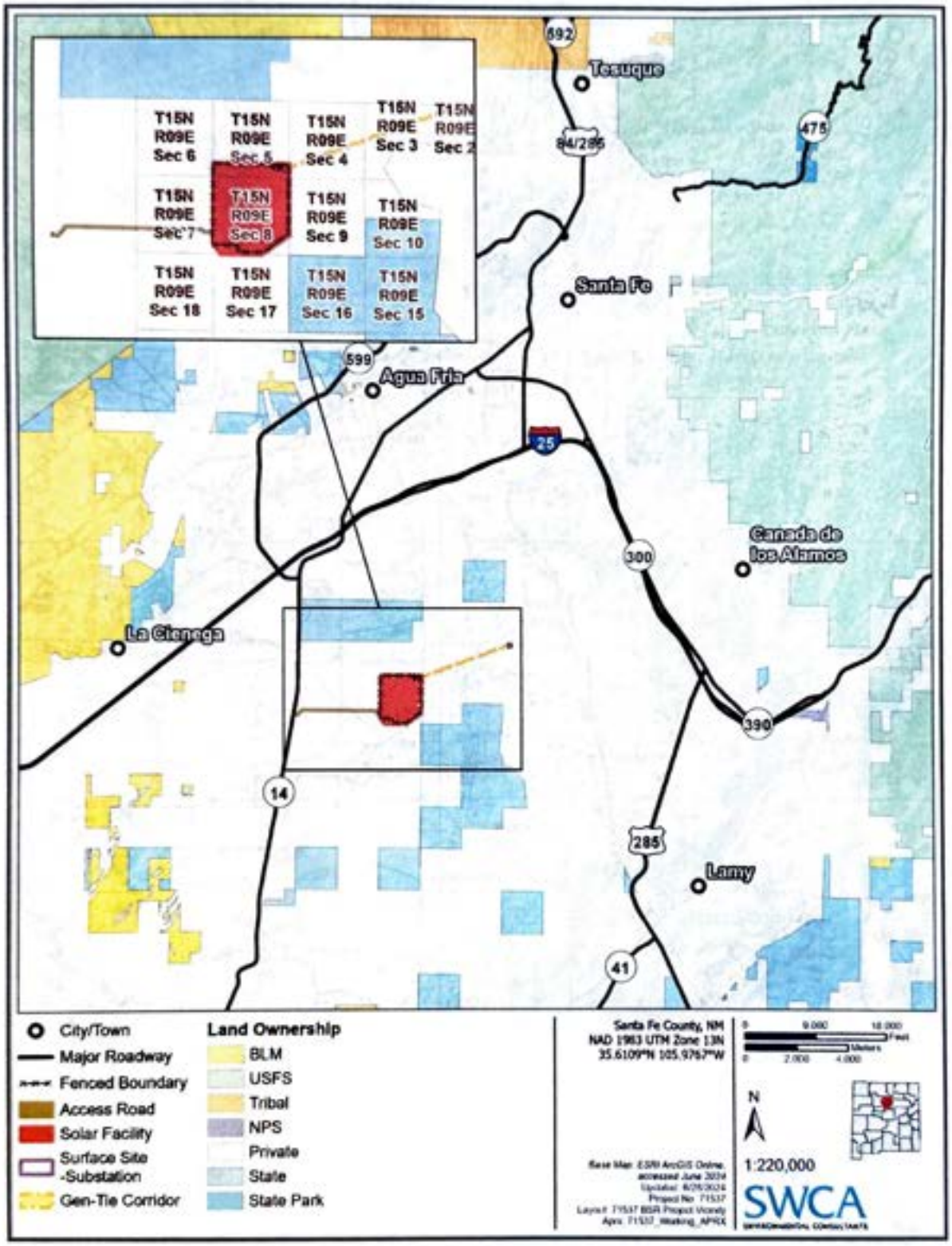

Figure 1.1. Vicinity Map.

2 DESIGN STANDARDS

2.1 Chapter 7

Rancho Viejo Solar LLC has reviewed the Sustainable Design Standards and, where applicable, has incorporated them into the Project's detailed site development plan. The final Project placement, design and engineering will comply with the below listed Conditional Use Permit (CUP) – Design Standards outlined in Chapter 7 of the SLDC, where applicable.

- 7.1 - Applicability
- 7.2 - Fire and Building Codes
- 7.3 - Residential Performance Standards (Lots, Blocks, Setbacks)
- 7.4 - Access and Easements
- 7.5 - Fire Protection
- 7.6 - Landscaping and Buffering
- 7.7 - Fences and Walls
- 7.8 - Lighting
- 7.9 - Signs
- 7.10. Parking and Loading
- 7.11 - Road Design Standards
- 7.12 - Utilities
- 7.13 - Water Supply, Wastewater and Water Conservation
- 7.14 - Energy Efficiency
- 7.15 - Open Space
- 7.16 - Protection of Historic and Archaeological Resources
- 7.17 - Terrain Management
- 7.18 - Flood Prevention and Flood Control
- 7.19 - NPDES (Reserved)
- 7.20 - Solid Waste
- 7.21 - Air Quality and Noise
- 7.22 - Financial Guaranty
- 7.23 - Operation and Maintenance of Common Improvements
- 7.24 - Swimming Pools
- 7.25 - Special Protection of Riparian Areas
- 7.26 - Infrastructure and Right-of-Way Improvements

Section 3, Site Development Considerations, provides additional details specific to Sustainable Design Standards to be addressed in the Written Report, as specified in Santa Fe County's CUP Submittal Checklist.

2.2 Overlay Districts

The project site is within the Rural Fringe (RUR-F) zoning district and the gen-tie corridor extends into the Community College District (CCD) for approximately 1 mile. The point of access is off NM 14 and portions of the access road fall within the Turquoise Trail Environmental and Resource Protection Overlay Zone.

The RUR-F zone accommodates primarily large lot residential, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas. Per Appendix B of the SLDC, commercial solar energy production facilities are permitted within the RUR-F zoning district only after review and approval of a Conditional Use Permit.

2.3 Studies Reports and Assessments

The following studies, reports, and assessments (SRAs) have been completed, as specified by the project Technical Advisory Committee (TAC) meeting letter dated March 23, 2022, and are included herein as Enclosures.

- Environmental Impact Report
- Adequate Public Facilities & Services Assessment
- Site Thresholds Analysis

The following studies have also been completed in support of the CUP application:

- Aquatic Resources Inventory Report
- Biological Survey Report
- Class III Cultural Resources Survey and Report, and State Historic Preservation Officer concurrence letters
- Visual Impact Assessment
- Noise Technical Report
- Vegetation Management and Noxious Weed Control Plan
- Geotechnical Investigation Report
- Preliminary Hazard Mitigation Analysis
- First Responder Mitigation Guidelines
- Pre-Incident Plan
- Decommissioning Plan

2.4 Conditional Use Permit Criteria (Section 4.9.6.5)

The proposed project complies with the purpose and intent of the CUP Approval Criteria listed in Section 4.9.6.5. Specifically, the Rancho Viejo Solar project will not:

1. **be detrimental to the health, safety and general welfare of the area;**

The Rancho Viejo Solar project is designed and implemented to not adversely impact the health, safety and welfare of the surrounding area. The Rancho Viejo Solar project is a static, non-obtrusive, use of land that will be compatible with surrounding land uses.

- Solar projects do not create significant noise, light, traffic, or other operational impacts.
- This project will not endanger the public health or safety in the location proposed.

2. tend to create congestion in roads;

Access to and from the solar facility will be in conformance with NM State Highway access permit standards. The property currently has an existing gated access point on NM 14 approximately 350 feet north of the existing Turquoise Trail Charter School. This entry will be improved to facilitate traffic for the construction of the solar facility and the ongoing operations and maintenance.

Bohannan Huston submitted a Site Threshold Analysis (STA) to NMDOT District 5 in support of the NMDOT Access Permit, which was approved on May 31, 2023. The STA examined existing roadway volumes and anticipated site trip generation for the purpose of determining if additional analyses are required as defined by the District Traffic Engineer. Per the STA, NM 14, at Milepost 41.5, has a Roadway ADT of 5,841. Based on the State Access Management Manual (SAMM) a TIA is required for developments that generate 100 or more peak hour total trips. Based on an analysis of the projects trip generation both during the temporary 12-month construction period and ongoing operations and maintenance, Bohannan Huston has determined that additional traffic impact studies (TIA) are not warranted per the SAMM.

On October 25, 2022, NMDOT accepted the STA as submitted and requested application for a NMDOT Access Permit. On December 19, 2022, NMDOT Environmental Design Division provided environmental clearance of the application. On January 18, 2023, the NMDOT Drainage Design Bureau provided acceptance of the application. On May 31, 2023, the NMDOT Access Permit was approved.

Construction Phase

- Temporary, 12-month period.
- Construction is anticipated to require approximately 200 workers on-site per day. The personnel will be encouraged to carpool to the site each day.
- Typical construction work schedules are expected to be from 7:00 a.m. to 7:00 p.m., Monday through Friday, with the potential for work to occur from 7:00 a.m. to 7:00 p.m. on Saturday. Work on the gen-tie may occur at night to minimize outages. In addition, certain activities, such as concrete pours, may occur outside of the specified hours when heat conditions are conducive to the activity.

Operations & Maintenance

- Operations and maintenance of the Project will be performed by qualified personnel, including 4 technicians which will work out of the onsite Operations Building generally during the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, with the potential for work to occur from 7:00 a.m. to 7:00 p.m. on Saturday.

- Maintenance of the solar facility may include periodic washing of solar panels, general equipment maintenance, and vegetation trimming.
- As a result, the number of employee vehicle trips generated by the site during typical operations is considered negligible.

In summary, this project will have higher traffic volume during construction but ultimately have exceptionally low traffic generations once operational.

3. **create a potential hazard for fire, panic, or other danger;**

Rancho Viejo Solar LLC shall comply with the most current applicable codes adopted by the State of New Mexico, Santa Fe County, and other entities, including but not limited to the following:

- International Fire Code, 2021 edition, as adopted by 10.25.2 NMAC ("Fire Prevention and Public Occupancy") and 2021 International Wildland Urban-Interface Code (IWUIC) as amended Santa Fe County Ordinance 2023-06.
- Santa Fe County Ordinance 2023-06 as adopted by the Board of County Commissioners.
- Santa Fe County Ordinance 2023-09 as adopted by the Board of County Commissioners
- National Fire Protection Association (NFPA) 855, *Standard for the Installation of Energy Storage Systems* (2023 edition)
- New Mexico Commercial Building Code as adopted by 14.7.2 NMAC ("2009 New Mexico Commercial Building Code") which adopts by reference the 2009 International Building Code.
- Proactively, Rancho Viejo Solar LLC has been working closely with Santa Fe County Fire Department to design and construct the project's access, circulation and emergency measures.

4. **tend to overcrowd land and cause undue concentration of population;**

This project will not be detrimental to the use or development of adjacent land, and in fact is entirely harmonious with its rural agricultural character. The Rancho Viejo Solar project is a static, non-obtrusive, use of land that will not overcrowd the land nor cause undue concentration of population. The facility will not change any of the existing population patterns.

5. **interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;**

As compared to the permitted uses in the Rural Fringe Zone District (RUR-F), this project will provide a net positive impact to Santa Fe County services such as schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. In terms of water and sewer requirements,

- Rancho Viejo Solar will not require a significant long-term water supply. Water for construction would be approximately 100 to 150 acre-feet over a 12-month construction period and will be delivered to the Project site by water trucks. Water may be acquired from the following offsite sources, or a combination thereof: Santa Fe County bulk water station commercial pipe water; Ranchland Utility Company Class A reclaimed water; Santa Fe

County reclaimed water; or any other legally permitted commercial water sales. Construction water will be used for equipment washing and dust abatement and to support general construction activities (concrete foundations, etc.). Long term water uses would be approximately 2 to 3 acre-feet per year and would be associated with periodic panel washing, which would occur approximately once per quarter, and to supply potable water to the 5,000-gallon potable water tank at the Operations Building.

- Portable toilets would be used during construction. Once constructed, a septic tank will be included to meet wastewater needs of the Operations Building.

6. **interfere with adequate light and air;**

Lighting – Any required lighting will be downcast, and comply with the lighting standards outlined in Section 7.8 of the SLDC. This project will not impact the County's night sky ordinance.

Air – Only minimal, short-term emissions would be expected from equipment use and fugitive dust from access road travel during the operations and maintenance phase.

7. **be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the SLDC or SGMP**

The project site is within the Rural Fringe (RUR-F) zoning district and the gen-tie corridor extends into the Community College District (CCD) for approximately 1 mile.

The RUR-F zone accommodates primarily large lot residential, ecotourism, equestrian uses and renewable resource-based activities, seeking a balance between conservation, environmental protection and reasonable opportunity for development. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas. Per Appendix B of the SLDC, commercial solar energy production facilities are permitted within the RUR-F zoning district only after review and approval of a Conditional Use Permit.

3 SITE DEVELOPMENT CONSIDERATIONS

3.1 Fire and Building Codes (Section 7.2, SLDC)

The Project has been designed to comply and conform with the New Mexico Fire Code (or other applicable fire code as established by NMAC 10.25.5.8), and the Santa Fe County Fire Code, including:

- Santa Fe County Ordinance 2023-06 as adopted by the Board of County Commissioners
- Santa Fe County Ordinance 2023-09 as adopted by the Board of County Commissioners
- 2021 International Fire Code (IFC) and 2021 International Wildland Urban-Interface Code (IWUIC) as amended by Santa Fe County Ordinance 2023-06
- National Fire Protection Association (NFPA) 855, *Standard for the Installation of Energy Storage Systems* (2023 edition)

Refer to section 3.3 (Fire Protection) for additional fire-related details.

3.2 Access and Easements (Section 7.4, SLDC)

The Project has been designed to comply and conform with applicable access and easement requirements.

Access to and from the solar facility will be in conformance with Project-specific NM State Highway access permit issued by the New Mexico Department of Transportation on May 31, 2023. The property currently has an existing gated access point on NM 14 approximately 350 feet north of the existing Turquoise Trail Charter School. This entry will be improved, as specified in the approved permit, to facilitate traffic for the construction of the solar facility and the ongoing operations and maintenance. No additional public road construction is planned.

3.3 Fire Protection (Section 7.5, SLDC)

The Project has been designed to comply and conform with the New Mexico Fire Code (or other applicable fire code as established by NMAC 10.25.5.8), and the Santa Fe County Fire Code, including:

- Santa Fe County Ordinance 2023-06 as adopted by the Board of County Commissioners
- Santa Fe County Ordinance 2023-09 as adopted by the Board of County Commissioners
- 2021 International Fire Code (IFC) and 2021 International Wildland Urban-Interface Code (IWUIC) as amended by Santa Fe County Ordinance 2023-06
- National Fire Protection Association (NFPA) 855, *Standard for the Installation of Energy Storage Systems* (2023 edition)

The project has been designed to include inside turning radii of 28 feet and gates will be equipped with emergency unlocking/opening systems (Knox Box), per the fire marshal comments on the TAC letter. In addition, AES is working with appropriate third parties to provide safety and fire management training for fire departments located within the vicinity of the project. This training will occur prior to the completion and energization of the facility. The training will also include "train the trainer" sessions for future emergency response teams.

A Preliminary Hazard Mitigation Analysis (HMA) has been prepared for the project. A Final HMA will be performed as part of the detailed engineering process. This HMA will include site and product specific fire risk assessment and a first responder plan. Local first responders will have access to these reports.

Rancho Viejo will provide on-site and in-person training to the local responders prior to commercial operation of the system. There are no special materials required to respond to a fire event for the containerized BESS units. Only standard water application to the adjacent BESS containers is required, and this is only in the case where all internal fire suppression systems may fail. All information required by the first responders will be included in the first responder plan part of the HMA.

If a battery fire is initiated, the enclosures planned for this site would release fire suppressant in large concentrations directly into the initiating cell, removing heat and preventing thermal runaway throughout the enclosure. UL 9540 certification addresses safety and requires UL 9540a test results to be available for review. The UL 9540a tests of this system indicate adequate prevention of thermal runaway. The AES Energy Storage solution will achieve UL 9540 certification prior to site commercial operation.

3.4 Landscape and Buffering (Section 7.6, SLDC)

The project site will have a minimum 1,000-foot set-back from any adjacent property line. Landscaping is not proposed as part of the project.

3.5 Fences and Walls (Section 7.7, SLDC)

The perimeter of the solar project will be enclosed by an agricultural style fence, which is wildlife friendly, and posts will be a minimum of 8 feet and maximum of 12 feet tall. The on-site collector substation and BESS may be enclosed by a chain-link fence.

3.6 Lighting (Section 7.8, SLDC)

It is anticipated there will be motion sensor, downcast shaded security lighting at the access gate, battery storage and substation location, operations building, and solar pads. Lighting will be downcast shaded, per the state and local ordinance. Downcast lighting protects the ability to view the night sky by restricting unnecessary upward projection of light.

3.7 Signs (Section 7.9, SLDC)

A small facility identification sign may be posted at the project entry gate. Within the Project site, and adjacent to the water storage tank, signage will be placed along the road, 40-feet apart and centered on the water storage tank, that states: "No Parking – Fire Lane."

3.8 Parking and Loading (Section 7.10, SLDC)

Worker parking during construction would be limited to designated parking areas within the project boundary. It anticipated that the duration of construction would be approximately 12 months. Typical construction work schedules are expected to be from 7:00 a.m. to 7:00 p.m., Monday through Friday, with the potential for work to occur from 7:00 a.m. to 7:00 p.m. on Saturday. Work on the gen-tie may occur at night to minimize outages. In addition, certain activities, such as concrete pours, may occur outside of the specified hours when heat conditions are conducive to the activity. Material delivery would generally occur during specified construction work hours. During operations, worker parking would occur at the operations building and any loading activities would generally occur during the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, with the potential for work to occur from 7:00 a.m. to 7:00 p.m. on Saturday

3.9 Road Design Standards/Plan & Profile (Section 7.11, SLDC)

Rancho Viejo will use existing state roads (NM 14) to access the general area. No additional public road construction is planned. To the extent practical, the private all-weather access road, which will traverse east from NM 14 to the project site, will be composed of compacted earth and will provide private ingress and egress access routes to project facilities, including downline gen-tie access. Where needed, additional compacted earth access roads will be developed to access solar panels, the project substation and BESS, and temporary laydown areas. This private project access road will be acquired as part of the lease. Approximately, 6 to 10 miles of private access road is estimated. Overland travel may also be used during construction.

3.10 Utilities (Section 7.12, SLDC)

Operational electrical needs will be provided to the facility via utility back feed from the project substation.

3.11 Water Supply, Wastewater and Water Conservation (Section 7.13, SLDC)

Rancho Viejo Solar will not require a significant long-term water supply. Water for construction would be approximately 100 to 150 acre-feet over a 12-month construction period and will be delivered to the Project site by water trucks. Water may be acquired from the following offsite sources, or a combination thereof: Santa Fe County bulk water station commercial pipe water; Ranchland Utility Company Class A reclaimed water; Santa Fe County reclaimed water; or any other legally permitted commercial water sales. Construction water will be used for equipment washing and dust abatement and to support general construction activities (concrete foundations, etc.). Long term water uses would be approximately 2 to 3 acre-feet per year and would be associated with periodic panel washing, which would occur approximately once per quarter, and to supply potable water to the 5,000-gallon potable water tank at the Operations Building.

Portable toilets would be used during construction. Once constructed, a septic tank will be included to meet wastewater needs of the Operations Building.

3.12 Energy Efficiency – Nonresidential Structures (Section 7.14, SLDC)

Once in operation the Project will produce energy from sun rise to sunset, seven days a week.

3.13 Open Space (Section 7.15, SLDC)

The project will be located on land that is zoned as Rural Fringe (RUR-F) and is outside of designated open space areas.

3.14 Protection of Historic and Archaeological Resources (Section 7.16, SLDC)

SWCA Environmental Consultants (SWCA) was contracted to conduct an intensive, pedestrian cultural resources inventory of all land within the proposed project area.

Fifteen archaeological sites were identified within the proposed analysis area during the cultural resources survey. Consultation with SHPO (HPD Log No.118484) after the cultural resource survey determined that 13 of these sites are not eligible to the NRHP and two (LA 200751 and LA 200755) are of undetermined eligibility. Sites of undetermined eligibility should be treated as eligible pending further testing and investigation. Rather than proceed with testing of these sites, Rancho Viejo has designed the Project to avoid these resources by at least 100 feet. In the initial letter from SHPO dated November 29, 2022 (HPD Log No. 118484), SHPO concurred with the initial findings and recommendations of SWCA's cultural resource survey with the exception of the eligibility for LA 200751 and LA 200755 (NMCRIS 150271). SHPO determined that these sites should have an undetermined status until further testing could be conducted. The site plan had already been designed to avoid LA 200751. To avoid LA 200755, adjustments were made to the access road and additional surveying was conducted. No cultural materials were identified during this survey. The report was submitted to SHPO and in a second letter, dated March 16, 2023 (HPD Log No. 119282), SHPO concurred with the report results. A third survey was conducted to accommodate another shift in the proposed Project access road. During the third and final survey of the area, an additional two archaeological sites were identified and recommended as not eligible.

In a third letter, dated April 4, 2024 (HPD Log No. 122238), SHPO concurred with the findings and recommendations in SWCA's cultural resource survey report. After the completion of all three surveys for this Project, a total of 17 sites were identified. Based on the avoidance of the two unevaluated sites (LA 200751 and LA 200755) and the remaining 15 sites being listed as not eligible, SHPO concluded that the Project will have no effect on historic properties.

The potential for subsurface cultural material within the analysis area is low; however, in the event that a previously undocumented burial site is discovered during Project construction, the appropriate authorities will be notified, which includes notifying HPD (SHPO) of an unanticipated discovery, ceasing work within the discovery footprint, and developing and following an Unanticipated Discoveries Plan. With the avoidance of the two undetermined resources, there will be *no effect* to any historic resources.

3.15 Terrain Management (Section 7.17, SLDC)

The project has been sited to avoid existing drainages. During construction, a Storm Water Pollution Prevention Plan (SWPPP) would be developed and implemented, which would meet the construction stormwater discharge permit requirements of the New Mexico Environmental Department (NMED) Surface Water Quality Bureau. The SWPPP would include several measures to control runoff and to reduce erosion and sedimentation at construction sites. Stormwater best management practices (BMPs) included in the SWPPP would be used during construction to reduce potential impacts from erosion, sedimentation, and turbidity in surface waters during construction. BMPs would generally include the placement of silt fences and/or straw wattles along the downgradient perimeter of the project to minimize stormwater sedimentation from leaving the site, and minimizing grading and vegetation removal, and limit surface disturbance during construction to the time just before solar module support structure installation.

3.16 Flood Prevention and Flood Control (Section 7.18, SLDC)

Bohannan Huston completed a Hydrologic and Hydraulic (H&H) Study of the project site to estimate existing condition flow depths, flow velocities, and scour potential for 10-year, 100-year-, and 500-year storm events. The H&H Study results indicate that flow depths, flow velocities, and scour that are significant enough to impact the layout of proposed solar improvements are generally limited to three unnamed arroyos that flow from east to west through the Rancho Viejo Solar site. Following completion of the H&H Study the project design was refined to avoid placement of solar arrays within the unnamed arroyos.

With the exception of approximately 0.5 acre of the proposed gen-tie corridor (an overhead transmission line), the project avoids Zone A floodplain. Zone A floodplains are defined as areas with a 1% annual chance flood event (FEMA 2022).

3.17 Solid Waste (Section 7.20, SLDC)

Solid waste generated during construction will be transported for disposal by a private contractor at a licensed waste management facility. Solid waste generated during project operation will be minimal and will be disposed of at a licensed waste management facility. At the conclusion of the approximate 30-year life of the project, the facility will be decommissioned and removed, and materials will be recycled or disposed of in accordance with federal, state, and local requirements.

3.18 Air Quality and Noise (Section 7.21, SLDC)

Air Quality

Project emissions would be greatest during the construction period, which is estimated to be approximately 12 months. Equipment use and ground disturbance associated with the facilities would result in a low level of localized emissions of regulated air pollutants, including PM_{10}, $PM_{2.5}$, during the construction period. While an air quality permit is not required for the Project, construction activities are governed by the applicable rules and regulations of the NMED Air Quality Bureau rules for fugitive dust emissions from construction activities and clearing of land. These include reasonable precautions to prevent dust from becoming airborne, including 1) using water or chemicals to control dust where possible, 2) covering open-bodied trucks at all times while transporting materials likely to produce airborne dusts, 3) establishing vehicle speed controls, 4) installing wind fences, and 5) promptly removing earth or material from paved streets. In addition to the dust management strategies listed above, Rancho Viejo would implement protection measures to reduce emissions from construction vehicles and equipment by decreasing idling time and maintaining equipment properly. Only minimal, short-term emissions would be expected from equipment use and fugitive dust from access road travel during the operations and maintenance phase, which consist of a small crew accessing the site once every quarter for visual inspections and routine maintenance actions. Decommissioning emissions would be similar to those emitted during initial construction in character and would be temporary.

Noise

The Rancho Viejo Solar Project is located in a semi-rural area with low existing noise levels.
The construction of the Rancho Viejo Solar Project will result in a temporary increase in ambient noise levels during the construction period as construction equipment noise levels will be expected to dissipate

to below background levels within approximately 0.15 mile to 1.2 miles of the Project area. In addition, environmental protection measures are proposed to minimize these impacts. Once in operation, the Project will have a negligible effect on ambient noise levels beyond the immediate vicinity of the Project area as the human perception for change in sound level (i.e., potential increase above ambient) is estimated as 0.3 dBA during daytime hours and 1.5 dBA during nighttime hours. These noise increases would not be able to be perceived by a human observer. Direct impacts to ambient noise will occur from the Proposed Action by increasing background noise levels from approximately 42 to 55 dBA for a short period of time (12 months). With implementation of environmental protection measures and the noise increase not being discernable by the human observer, these impacts will be less than significant and no irretrievable commitments of resources are anticipated. Refer to the Noise Technical Report, for detailed analysis.

3.19 Financial Guaranty (Section 7.22, SLDC)

To be provided prior to final plat recording and permit approval and issuance. Per Section 7.22 SLDC.

3.20 Infrastructure and Right-of-Way Dedication (Section 7.26, SLDC)

The proposed 60-foot-wide ingress and egress easement and 100-foot-wide overhead electrical easement are private and will not require infrastructure and right-of-way dedication. Said easements shall be surveyed, executed, and recorded by separate instrument.

3.21 Traffic Circulation Plan, including egress and ingress for emergency vehicles

The project has been designed to include inside turning radii of 28 feet and gates will be equipped with emergency unlocking/opening systems (Knox Box), per the fire marshal comments on the TAC letter. In addition, AES is working with appropriate third parties to provide safety and fire management training for fire departments located within the vicinity of the project. This training will occur prior to the completion and energization of the facility. The training will also include "train the trainer" sessions for future emergency response teams.

3.22 Elevations

Refer to enclosed Site Development Plan.

3.23 Plan and Profile for on-site water/wastewater

Refer to enclosed Site Development Plan.

Rancho Viejo Solar will not require a significant long-term water supply. Water for construction would be approximately 100 to 150 acre-feet over a 12-month construction period and will be delivered to the Project site by water trucks. Water may be acquired from the following offsite sources, or a combination thereof: Santa Fe County bulk water station commercial pipe water; Ranchland Utility Company Class A reclaimed water; Santa Fe County reclaimed water; or any other legally permitted commercial water sales. Construction water will be used for equipment washing and dust abatement and to support general

construction activities (concrete foundations, etc.). Long term water uses would be approximately 2 to 3 acre-feet per year and would be associated with periodic panel washing, which would occur approximately once per quarter, and to supply potable water to the 5,000-gallon potable water tank at the Operations Building.

Portable toilets would be used during construction. Once constructed, a septic tank will be included to meet wastewater needs of the Operations Building.