

Permit 2022-01/Barker Solar Permit 2022-02/Barker Solar and Renewable Energy Permit

Tom Kidder
100 Moses Lane
P. O. Box 1045
Trona, CA 93592

My name is Tom Kidder Property owner bordering on two sides of the project site. I am a retired Facilities Manager for California State Parks. While employed by CSP I was a project manager/consultant for multiple solar projects state wide. I say this so it is known that I am an advocate of solar and not against solar in the appropriate locations following the law and proper procedures. In addition to my comments, I would like it to be known that I concur with all comments and finding made by my neighbor John Mays P.O. Box 583 Trona, CA 93502

No notification from County or Applicant – REGPA 2015 General Plan Revision Gov-2.3 County shall provide the opportunity for the public to engage in the planning process at the onset. and 2.4 Developer must notify residents and/or land owners.

Applicant has stated his intent to block my driveway (Moses Ln.) Moses Ln. has been maintain by my family and has been the access to my home for more that 60 yrs.

Staff report states “Located on land that is highly disturbed with no natural habitat and has been previously graded” Applicant circumvented CEQA law by clearing the land just months before submitting project applications and with total disregard for the law or health and welfare of the nearby residents. Three of the four lots purposed in these two projects where unspoiled desert fauna with the same vegetation and wildlife habitat as the adjacent protected BLM lands. Inyo county is complicit in this action by their own admission as stated in the staff report “Has been previously graded”. The evidence is also readily available on Google Earth. In addition, work on these projects continues to move forward even though there is not a permit to do so. Crush rock has been delivered to the project site for months and continues to be delivered a recent as today 4/28/2023. There is several hundred yards of crushed rock now onsite and zero dust control measures have been taken. (Attached photos taken 4/27/2023)

The now damaged project site was habitat for the listed and endangered desert tortious and Mojave ground squirrel and potentially others. In fact, I have seen both of these species on and near my property. Because proper surveys were not completed, we do not know if there has been any take and therefore should assume there was.

Environmental Review - Mitigated Negative Declaration is the improper environmental review process for the above reasons just stated.

Staff Report states - Vacant land to the north, south and west? My home shares borders to the north and east of the project. The project is 350 feet from my front porch and directly in my viewshed. There is also a home site 30 feet from the project site. The permitted manufactured

home was removed in the 80's and the infrastructure is still there I intend on placing a new home in this location. This property value will plummet if this project moves forward.

This community is zoned Rural Residential, Residential being the word to emphasize. It is completely improper to put a purely commercial operation in a residential community. The county and the applicant are attempting to take advantage of a disadvantaged community. I have personally spoke with many of my neighbors about these solar projects. Every person I've spoken with is upset about it but not willing to speak up. Many are afraid of the county and the applicant. The county and the applicant are attempting to take advantage of an underserved low-income community. Inyo County Code clearly states the purpose for rural residential properties are "to provide suitable areas and appropriate environments for low density, single family rural estate type uses"

I have health concerns from the dust that the barren land is now producing this affects not only the residents in our Inyo County community but the residents in Trona as well.

These projects will bring increased traffic, road impacts to our unpaved roads and safety concerns in our community.

These solar projects set a bad precedent for future development. I am a 3rd generation owner of this property my daughter and grandchildren (4th and 5th generations) live in Trona and will own our little piece a paradise someday. It will be a sad day if we are over taken and surrounded by solar panels.

The REGPA 2015 General plan amendment needs to be revisited. It is inappropriate and unacceptable that all of the 5-acre rural residential parcels are included in the Trona SEDA. These purely commercial uses are a detriment and have many negative impacts to the natural environment and residents of our small community. Ultimately, I would like to see these 5-acre RR parcels removed from the Trona SEDA and returned to the Residential Estate designation.

I ask that these projects be denied and the REGPA 2015 General plan amendment be revisited and adjusted with the wildlife, environment, health wellbeing and quality of life of the residents in consideration.

From: [Amanda McNamara-Ball](#)
To: [Cynthia Draper](#)
Subject: Public Comment -Hearing March 22, 2023
Date: Tuesday, March 21, 2023 7:04:54 PM
Attachments: [Resized_20230315_133336.jpeg](#)
[Resized_20230315_133343.jpeg](#)

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Hello,

I am a resident at 33063 Bri-Mar Ln (aka 100 Bri-Mar Ln - in process of getting changed). This residence is directly South and South-East of parcels mentioned in the attached notices. I would like it to be public record that I adopt the comments entered by Mr. John M. Mays and Mr. Thomas Kidder.

Thank you for your time,
Amanda K. Ball
760-382-4101

Sent Via Email (inyoplanning@inyocounty.us)

To: County of Inyo, Planning Commission
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Re: May 3, 2023, County of Inyo Planning Commission Meeting, Agenda Item Nos. 7 (Renewable Energy Permit 2022-01/Barker) and 8 (Renewable Energy Permit 2022-02/Barker)

Dear Members of the Inyo County Planning Commission and Board of Supervisors:

My property is adjacent to the existing solar facility and adjacent to the proposed project expansion involving the two permits under consideration. I have lived with my family on my property since 1974. This includes three generations that currently live with me including my son, daughter, and granddaughter. I have experience with construction projects around Trona over the many years and retired from Caltrans several years ago.

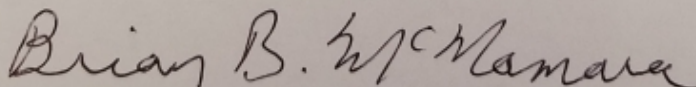
We have used the parcels on which we live for agriculture including raising animals for food including chickens, pigs, cows, and other livestock. We enjoy living in a natural area, with its wildlife and native vegetation as well as the beautiful vistas in every direction. Expansion of this project will destroy this natural area which I grew up in and ruin the quality of life for my family for generations to come. These solar plants eliminate all presence of the natural environment on the land which they are constructed and seriously degrade the surrounding native environment including wildlife, vegetation, air quality, roads, aesthetics, and human health. Inyo County has not evaluated these impacts correctly. The permit documents also do not discuss any impacts to or from power lines or corridors which will be used for transmission or other later projects.

My home is immediately downwind of the current solar plant and these associated proposed projects. We have been affected by blowing dust from them for at least a couple years now. We have repeatedly observed construction of these facilities without any dust control measures. We also have observed no protection for the desert tortoise during the construction. In my experience, it is well known that these measures need to be in place for any construction project in this area. Also, during the construction, a large amount of material was pushed onto my property and left there. We have never observed any security on the project which is unmanned. Overall, the project has been a sloppy, half-complete collection of material piles and unused equipment that shows no concern for visual appearance and protection of the public.

I oppose the construction and operation of these projects. It has been my experience that Inyo County is unable to manage anything in our remote part of the county. This area has been treated by the County for many years as: "Out of sight. Out of mind." This has been shown again with the recent construction and permitting. Also, the owner of the project shows little care for his neighbors or compliance with regulations. I was NOT notified by the owner regarding submittal of applications for the proposed projects as required by the REGPA. Since Inyo County lacks the resources to make any effort to supervise the project nor cares at all about enforcing rules and regulations, we expect even worse things to come if these permits are approved.

My family and I support the comments of John Mays, his legal counsel, and Tom Kidder. We urge the Planning Department and Board of Supervisors to deny these permits and remove all Rural Residential parcels in the area from the Trona REGPA. The solar use as proposed here is not the proper use for these areas.

Thank you,



Brian B. McNamara
101 Bri-Mar Lane
P.O.Box 592
Trona, California 93562

From: Howard Smith <hsmotorsports@msn.com>

Sent: Monday, May 1, 2023 7:47 PM

To: Cynthia Draper <cdraper@inyocounty.us>

Subject: Comments on Renewal Barker Solar and Renewable Energy Permit.

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May 1,
2023

To whom it may

concern.

My name is Howard D. Smith. I live at 2021 Homewood Canyon Road Homewood Canyon. Ca. 93592. I support the proposed Solar and Renewable Energy project near Trona. I have lived in the Trona area since 1977. I owned a 5- acre parcel of land next to the newly finished Barker Solar and Renewable Energy facility since 1980. My 5 acres were mostly fenced & used to store junk cars & scrap metal. I have spent much time on the property & did not experience any inconvenience while the present facility was being built. One big reason I support this project is I own 6 rental properties in Trona. Trona has two very large coal fired boilers. I can go to my properties on any given day & find coal dust lying on the cars. I know that Solar and Renewable Energies are clean & safe. Trona is a small town so news travels fast. I hear there maybe one or two people objecting to this project. One of the persons objecting had concerns about the area being rural residential and not industrial development is not appropriate for the area and will damage property rights and the health and lifestyle of families living in the area. It will introduce industrial activities that will create additional safety concerns for residents and children who live and play in the area. This is a ridiculous statement! Not many years ago the Inyo board of supervisors had a very good meeting at the golf course near Trona. The meeting was well posted in advance. My wife & I attended along with about 50 other local residents. The future plans for the area we are talking about were talked about, inc. solar, wind and pot cultivation at that time. NO ONE voted no to any of this. I would like to address another concern. One person in opposition is saying that, 1. Inyo County has allowed the operator to destroy existing vegetation and wildlife habitat just months prior to the permits being submitted despite the use being clearly for solar development. 2. At a minimum the public is unaware the project area is actually home to the largest habitat of the endangered Mojave Ground Squirrel in California, and likely other species of concern as Inyo County says there are none present such as the Desert Tortoise, and Burrowing Owl which are mentioned in the permit documents. This is not true. I worked for Mojave pistachio relocating the Mojave Ground Squirrel. It lives 45 miles to our north & cannot live in this heat. I also relocated the Desert Tortoise, and Burrowing Owl. Because of my previous experience I took great time & effort searching for Desert Tortoise, Burrowing Owl and snakes. I have spent over 6 months clearing my 5 acres looking for all the above. I did not find any birds, snakes or tortoise! Not one in all that time. Thank you, Howard Smith



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510 8th Street · Sacramento, CA 95814

May 1, 2023

SENT VIA EMAIL

(inyoplanning@inyocounty.us;
Cynthia Draper, Assistant Planner, cdraper@inyocounty.us)

County of Inyo
Planning Commission
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

**Re: May 3, 2023, County of Inyo Planning Commission Meeting
Agenda Item Nos. 7 (Renewable Energy Permit 2022-01/Barker)
and 8 (Renewable Energy Permit 2022-02/Barker)**

Dear Members of the Inyo County Planning Commission:

On behalf of our client, John Mays, this letter provides comments regarding the May 3, 2023, Planning Commission meeting, agenda item numbers 7 (Renewable Energy Permit 2022-01/Barker) and 8 (Renewable Energy Permit 2022-02/Barker) (collectively, the “Projects”).

The County’s approval of the Project is riddled with both procedural and substantive violations of law as set forth more fully below. Further, this letter documents some of the applicable principles that authorize the Planning Commission to deny the Projects. Specifically, section I of this letter describes the County’s violation of the Brown Act that prevents the Planning Commission from taking action on the Project at the May 3, 2023 meeting. Section II describes several substantive and procedural violations of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. [“CEQA”]) associated with the two mitigated negative declarations (“MNDs”) for the Project. Section III describes the proper framework for the Planning Commission’s discretionary action on the underlying Renewal Energy Permits (“REPs”).

I. Violations of the Brown Act

The County has violated the Brown Act by failing to properly disclose to the public that it intends to take action on (namely, adopt) two different MNDs as part of its actions regarding the Project. It is settled that the Brown Act requires agendas to identify

proposed CEQA actions. An agenda must specifically state the action that the body is proposing to take, including a proposed action under CEQA. (*San Joaquin Raptor Rescue Center v. County of Merced* (2013) 216 Cal.App.4th 1167, 1178 (*San Joaquin Raptor*) [agency violated Brown Act by failing to identify action on CEQA document in its posted agenda, reasoning that the Brown Act “mandates that each item of business be described on the agenda, not left to speculation or surmise”].) Neither the public hearing notice (See **Exhibit 1**) nor agenda for the May 3, 2023 Planning Commission meeting (**Exhibit 2**) identify any CEQA actions associated with the Project. This violates the Brown Act. (*San Joaquin Raptor, supra*, 216 Cal.App.4th at 1178.)

As a result of the inadequate public notice, the Planning Commission may not adopt the MNDs on May 3, 2023. Further, the Planning Commission may not approve the REPs subject to later consideration of the MNDs, since CEQA requires consideration of a project’s CEQA analysis prior to taking action on the underlying entitlements. (Cal. Code Regs., tit. 14, § 15000 et seq. [“CEQA Guidelines”]; CEQA Guidelines, § 15074, subd. (b) [“Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration”].) However, this does not prejudice either the County or the applicant because, as discussed in the next section, the County may not lawfully approve the Project based on the existing record.

II. Violations of CEQA

The Project, comprised of two separate REPs and MNDs, is riddled with substantive and procedural violations of CEQA. The record contains substantial evidence of a fair argument that the Project will result in significant environmental impacts, including human health impacts to nearby residents, triggering the need to prepare an Environmental Impact Report (“EIR”). (CEQA Guidelines, § 15070, subd. (d); Pub. Resources Code, § 21064.5.) At minimum, the City will need to prepare a revised MND that complies with CEQA’s substantive and procedural mandates.

A. Project Piecemealing

CEQA’s conception of the term “project” is broad to maximize protection of the environment. (*Friends of the Sierra Railroad v. Tuolumne Park & Recreation Dist.* (2007) 147 Cal.App.4th 643, 653; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730 (*San Joaquin Raptor I*). “This big picture approach to the definition of a project (i.e., including “the whole of an action”) prevents a proponent or a public agency from avoiding CEQA requirements by dividing a project

into smaller components which, when considered separately, may not have a significant environmental effect.” (*Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 270-271.)

Here, it appears that the County appears to be engaging in impermissible piecemealing by splitting apart a 4.2 megawatt photovoltaic solar facility located on 20 acres with the same operator seeking County approval at exactly the same time — and also happen to be adjacent to a previously approved 1 megawatt solar facility by that same operator. (See **Exhibit 3**, parcel map; **Exhibit 4**, Notice of Determination and Notice of Availability for 2018-01.) The relevant test is whether the activities have “substantial independent utility.” (*Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712, 736 (*Del Mare Terrace*)). It is difficult to see how exactly the same commercial activities on adjacent properties by the same operator have independent utility from each other. The County violates CEQA by apparently not even considering whether the two requested REPs have independent utility, much less elucidating facts on this issue one way or another. A court would review this issue exercising its independent judgment with no deference to the agency. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 98 [“question of which acts constitute the ‘whole of an action’ for purposes of CEQA is one of law, which we review de novo based on the undisputed facts in the record”].)

B. Failure to Analyze Cumulative Impacts

Even if is determined that the two requested REPs have independent utility and therefore are properly considered separate projects for purposes of CEQA, the two MNDs violate CEQA by not analyzing their cumulative impacts.

A lead agency must assess “whether a cumulative effect” of the project will result in a significant environmental impact, and thus require an EIR. (CEQA Guidelines, § 15064, subd. (h)(1).) CEQA requires analysis of “[t]he cumulative impact from several projects” which “can result from individually minor but collectively significant projects taking place over a period of time.” (CEQA Guidelines, §§ 15355, 15130.) “Proper cumulative impact analysis is vital ‘because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.’ [Citations.]” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214.)

Despite this mandate, the two MNDs' cumulative impacts analyses set forth in cursory fashion:

No, the proposed project does not have impacts that are individually limited but cumulatively considerable. Due to the sparseness of the natural environment and lack of plant or animal habitat, this location is well suited for solar development. More generation capacity may be added to the southern SEDA in Inyo County, but this cumulative effect would still be minimal given the lack of affected resources in the area.

This is impermissibly cursory and inadequate. The first step in a cumulative impact analysis is identifying cumulative projects. (CEQA Guidelines, § 15130, subd. (b)(1).) There is no attempt to do so. Incredibly, each MND's cumulative impact analysis omits any reference to the other concurrently requested REP by the same applicant located immediately adjacent and proposed for approval by the County on the very same day. Nor is there any discussion of the solar facility — also adjacent to each project — that was approved in 2018. (CEQA Guidelines, § 15130, subd. (b)(1)(A) [“A list of past, present, and probable future projects”].)

Neither MND includes any discussion of how each requested REP would interact with the other concurrently-requested REP or the existing REP located immediately adjacent to the two proposed REP sites. Thus, each MND fails to “determine[] whether the incremental impacts of the project are cumulatively considerable by evaluating them against the backdrop of the environmental effects of other projects. The question is . . . whether the effects of the individual project are considerable.” (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 624 [internal quotations and emphasis omitted].)

Each MND's analysis of cumulative impacts is wholly inadequate. To the extent it is claimed that the MND's cumulative impact analysis tiers from (CEQA Guidelines, § 15152) or incorporates by reference (CEQA Guidelines, § 15150) the cumulative impact analysis set forth in the Renewable Energy General Plan Amendment Program Environmental Impact Report (SCH No. 2014061039) (“PEIR”), the MND's have failed to comply with CEQA's requirements for each procedure.

The CEQA Guidelines set forth specific requirements for tiering:

When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined.

The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.

(CEQA Guidelines, § 15152, subd. (g).)

Similarly, the CEQA Guidelines set forth specific requirements for incorporation by reference:

(b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or negative declaration shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the lead agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the lead agency does not have an office in the county.

(c) Where an EIR or negative declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

(d) Where an agency incorporates information from an EIR that has previously been reviewed through the state review system, the state identification number of the incorporated document should be included in the summary or designation described in subdivision (c).

(CEQA Guidelines, § 15150.)

The MNDs failed to comply with the requirements for either tiering or incorporation by reference. The MNDs never mentioned the PEIR, much less summarized the relevant discussion[s] purportedly relied upon or identify where the PEIR was available for public inspection. Indeed, our office could only locate Volume II of II of the Final EIR, and not Volume I of the Final EIR or the Draft EIR. Thus, there is no credible claim that the MND's tiered or incorporated by reference the PEIR. Further, our comment letter addresses additional CEQA deficiencies related to the PEIR below.

C. The MND's Failed to Adequately Analyze and Mitigate Project Impacts

The MND fails to include relevant information and fully disclose Project impacts as required by CEQA. In particular, several potentially significant impacts are associated with the Project, necessitating preparation and circulation of an EIR prior to any further proceedings by the County regarding the Project. Under CEQA, an EIR is required whenever substantial evidence supports a “fair argument” that a proposed project may have a significant effect on the environment, even when other evidence supports a contrary conclusion. (See, e.g., *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74 (*No Oil I*.) This “fair argument” standard creates a “low threshold” for requiring the preparation of an EIR. (*Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754.) Thus, a project need not have an “important or momentous effect of semi-permanent duration” to require an EIR. (*No Oil I, supra*, 13 Cal.3d at 87.) Rather, an agency must prepare an EIR “whenever it perceives some substantial evidence that a project may have a significant effect environmentally.” (*Id.* at p. 85.) An EIR is required even if a different conclusion may also be supported by evidence.

In order to lawfully carry out a project based on an MND, a CEQA lead agency must approve mitigation measures sufficient to reduce potentially significant impacts “to a point where clearly no significant effects would occur.” (CEQA Guidelines, § 15070, subd. (b)(1) (emphasis added).) This is assured by incorporation into a Mitigation Monitoring and Reporting Plan (“MMRP”). (Pub. Resources Code, § 21081.6, subd (a)(1).) “The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside & Canyon v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (*Federation*).) An MND is appropriate only when all potentially significant impacts of a project are mitigated to less than significant levels. (CEQA Guidelines, § 15070, subd. (d); Pub. Resources Code, § 21064.5.) An MND is not appropriate when the success of mitigation is uncertain, as that creates a fair argument that an impact will not be mitigated to less-than-significant levels. (See *San Bernardino Valley Audubon Society v. Metropolitan Water District* (1999) 71 Cal.App.4th 382, 392.)

Furthermore, an agency will not be allowed to hide behind its own failure to gather relevant data. Specifically, “deficiencies in the record [such as a deficient initial study] may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 (*Sundstrom*).) For example, in *Sundstrom* the court held that the absence of information explaining why no alternative sludge disposal site is available

“permits the reasonable inference that sludge disposal presents a material environmental impact.” (*Ibid.*) Potentially significant impacts overlooked by the MND include, but are not limited to, impacts associated with aesthetics, air quality (including impacts to human health), biological resources, cultural resources, and noise. Moreover, the “mitigation measures” included are not legally adequate and do not sufficiently address the potential impacts. Therefore, an EIR is necessary in order to adequately analyze, disclose and mitigate the Project’s potentially significant environmental impacts.

1. The MND Impermissibly Conflates Analysis of Impacts and Mitigation

For every resource area, the MNDs violate CEQA by failing to analyze whether the Project may significantly impact the environment and then perform a separate analysis of whether feasible mitigation exists to ameliorate the impact. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 658 (*Lotus*) [“The failure of the EIR to separately identify and analyze the significance of the impacts to the root zones of old growth redwood trees before proposing mitigation measures . . . precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences”]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663 [“A mitigation measure cannot be used as a device to avoid disclosing project impacts”].) Substituting mitigation for an impact analysis violates CEQA.

For example, regarding whether the Project would “conflict with or obstruct implementation of the applicable air quality plan,” the MNDs assert, “No, control of air quality issues during construction, primarily dust mitigation, will be managed with techniques utilizing, [sic] application of water, and application of dust suppressants.” (MND, § III(a).) Regarding whether the Project would “violate any air quality standard or contribute substantially to an existing or projected air quality violation,” the MNDs assert, “No, the proposed project will be in compliance with air quality standards as the applicant is conditioned with obtaining any required permits and following best management practices as set forth by the Great Basin Unified Air Pollution Control District.” This structure that conflates analysis of project impacts and mitigation violates CEQA. (*Lotus, supra*, 223 Cal.App.4th at 658.) The MND follows this structure for all resource areas including with particularity aesthetic impacts, air quality, biological resources, cultural resources, hazards/hazardous materials, hydrology/water quality, noise, and transportation.

2. The MNDs Fail to adopt Mitigation Measures and Mitigation Monitoring and Reporting Plans

Although clearly identifying each document as a “Mitigated Negative Declaration,” and checking the box plainly stating, “A Mitigated Negative Declaration will be prepared,” and further repeated checking the Initial Study boxes finding Project impacts to be “Less Than Significant With Mitigation Incorporation,” the County incredibly fails to adopt any mitigation measures or incorporate such mitigation measures into an MMRP. This violates CEQA. (CEQA Guidelines, § 15097.) This also violates the Inyo County Code. (County Code, Ch. 15.44.) To wit:

15.44.005 General.

The county shall establish monitoring or reporting procedures for mitigation measures adopted as a condition of project approval to mitigate or avoid significant effects on the environment. Monitoring of such mitigation measures may extend through project permitting, construction and operations, as necessary. (Ord. 957 § 1 (part), 1995.)

15.44.010 Application.

A mitigation monitoring program shall be prepared for any private or public, nonexempt, discretionary project approved by the county that is subject to either a negative declaration or an EIR and that includes mitigation measures. (Ord. 957 § 1 (part), 1995.)

15.44.020 Timing.

Draft mitigation monitoring plans shall be included in proposed mitigated negative declarations and draft EIRs. The draft monitoring plan shall be subject to public review and comment. The mitigation monitoring program shall be adopted at the time the negative declaration is adopted or the CEQA findings are made on the EIR. (Ord. 957 § 1 (part), 1995.)

15.44.030 Contents.

The monitoring plan shall contain, at a minimum, the following:

- A. A listing of every mitigation measure contained in the mitigated negative declaration or final EIR;
- B. Identification of the phase (or date) when each mitigation measure shall be initially implemented (e.g., prior to tentative map application, final map application, issuance of grading permit, issuance of building permit, certificate of occupancy);

C. For mitigation measures that require detailed monitoring, such as wetlands replacement or landscaping, the frequency and duration of required monitoring and the performance criteria for determining the success of the mitigation measure, if appropriate, shall be identified;

D. Identification of the person or entity responsible for monitoring and verification;

E. The method of reporting monitoring results to the county. (Ord. 957 § 1 (part), 1995.)

15.44.040 Enforcement.

Mitigation measure implementation shall be made a condition of project approval and shall be enforced under the county's police powers. Violation of a mitigation requirement, where a mitigation measure is to be implemented during construction, may result in the issuance of a stop-work order by the appropriate county permit-issuing authority until the matter is resolved by the planning commission. (Ord. 957 § 1 (part), 1995.)

The MNDs do not contain the required MMRPs. Further, the conditions of approval cannot credibly be construed as MMRPs because they do not contain the information required by CEQA or the County Code.

3. Mitigation Measures are not adequately defined or effective

CEQA imposes substantive requirements regarding the formulation of mitigation measures. (CEQA Guidelines, § 15126.4.) First, the mitigation measure must be demonstrably effective. (See *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168 [no evidence that recommendations for reducing greenhouse gas emissions would be enforceable or effective]; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116 [impacts to adjoining groundwater users not avoided].) To be effective, mitigation measures must not be remote and speculative. (*Federation, supra*, 83 Cal.App.4th at 1260.) A court may find mitigation measures legally inadequate if they are so undefined that it is impossible to gauge their effectiveness. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281.) An agency may not defer the formulation of mitigation measures to a future time, but mitigation measures may specify performance standards that would mitigate the project's significant effects and may be accomplished in more than one specified way. *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011; CEQA Guidelines, § 15126.4(a)(1).) Examples of all of these deficiencies abound. Just a few representative examples are provided.

The MNDs claim that construction air quality will be less than significant because “dust mitigation will be managed with techniques utilizing application of water, and application of dust suppression.” The MND fails to explain what specific “techniques” are proposed. Will the operator use water trucks? If so, how frequently? Will they come on a regular schedule or on call as needed? If on call as needed, what is the trigger for requiring the water trucks? What dust specific dust suppressants are proposed? How are they applied? Can dust suppressants be used along with water trucks? None of these questions, which related directly to the effectiveness of dust mitigation, are answered. An MND cannot use a mitigation measure that does not actually avoid or substantially reduce a significant impact as a basis for finding the impact is reduced to less-than-significant. (*King & Gardiner Farms, supra*, 45 Cal.App.5th at 875.) When mitigation effectiveness is not apparent, the MND must include facts and analysis supporting the claim that the measure “will have a quantifiable ‘substantial’ impact on reducing the adverse effects.” (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 511.) The MND has failed to provide evidence that its vague mitigation will be effective. Further, the MND also fails to address substantial evidence from neighbors establishing that these same or similar measures have been ineffective to mitigate dust resulting from the applicant’s REP 2018-01 that was issued in 2018.

The MNDs claim that construction noise will be less than significant without the need for any mitigation. The MND asserts that noise “will be well under OSHA standards” because noise “will be minimized with construction during daytime business hours.” The MND does not even identify the relevant noise standard, much less disclose the noise levels from construction equipment. Nor does limiting construction to daytime hours have any effect on the actual noise level during those daytime hours, which is completely undisclosed.

Regarding aesthetic impacts, the MNDs assert there will be less than significant impacts because “[t]he County applied a set of criteria that included avoidance of areas containing scenic resources when identifying the proposed SEDAs.” Does this mean that every property located within the SEDA Overlay area cannot be observed from a scenic vista? This is apparently not the case since the MND states further, “The boundaries and locations of the SEDAs have been sighted in areas where there is no abundance of scenic resources within the SEDA boundaries themselves.” The MND fails to explain what is meant by “abundance” of scenic resources, much less “within the SEDA boundaries themselves.” In short, there is no information suggesting that the undisclosed County “criteria” will effectively reduce aesthetic impacts.

Regarding water quality impacts, the MNDs conclude that the Project will not violate any water quality standards because “[t]he Project will be subject to regulation by

the Lahontan Regional Water Quality Control Board and the Inyo County Environmental Health Department.” The MNDs, however, fail to provide the required project-specific analysis of potential impacts and the effect of regulatory compliance. (*Californians for Alternatives to Toxic v. Dept. of Food & Agriculture* (2005) 136 Cal.App.4th 1.)

In short, the MNDs’ cursory analyses fail to provide adequate information about the effectiveness of proposed “mitigation” measures relied upon by the MNDs to find Project impacts less than significant.

4. The MNDs failed to apply the PEIR’s mitigation measures

The MNDs violate CEQA because they fail to address the PEIR that the County certified in 2015 along with its MMRP. With respect to the PEIR, the staff reports for the Project assert:

An Initial Study with a Mitigated Negative Declaration (ISMND) was performed and considered for possible significant impacts to environmental resources for Renewable Energy Permit 2022-02/Barker. The County of Inyo produced a program level EIR (2015 REGPA), pursuant to Section 15168 of CEQA Guidelines, to address environmental impacts from the planned solar development areas. This document distinguishes all SEDAs that are the most environmentally suitable for solar projects, with the least amount of individual and cumulative impacts to land and resources (2015 REGPA, 3-4). A copy of the ISMND can be found at <https://www.inyocounty.us/services/planning-department/current-projects>.¹

The staff reports are correct that the PEIR was prepared “to address environmental impacts from the planned solar development areas.” What the staff reports fail to address, however, is that the County adopted an MMRP for the PEIR that includes extensive mitigation measures for later subject project-level approvals in order to reduce environmental impacts. (See **Exhibit 5**, PEIR MMRP.)² “The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation, supra*, 83 Cal.App.4th at 1261.) The County’s analysis of the

¹ The County violates CEQA Guidelines sections 15150, 15152 and 15168 by providing a link to the MNDs and not the referenced PEIR.

² Reinforcing the County’s violation of CEQA Guidelines sections 15150, 15152 and 15168, the adopted MMRP for the PEIR is not available on the County’s website. The attached **Exhibit 5** is taken from the Final EIR Volume II.

Project violates CEQA because its environmental review wholly ignores those mitigation measures. (CEQA Guidelines, § 15168, subd. (c)(3) [“An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program”]; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-1187 [“CEQA requires that feasible mitigation measures actually be implemented as a condition of development, and not merely be adopted and then neglected or disregarded”].)

It appears that the County literally ignored and disregarded the dozens of mitigation measures that are applicable to the Project through the County’s earlier adoption of the PEIR’s MMRP. These mitigation measures include, but are not limited to AES-1, AG-3, AQ-1 through -3, Bio-1 through -23, Bio-25, Cul-1, NOI-1.³

Any revised CEQA analysis, whether an EIR or revised and recirculated MND, will need to address these mitigation measures.

III. There is ample evidence in the record to deny the requested REPs

The analysis above documents the various ways in which the Project (comprised of REPs 2022-01 and 2022-02) may have significant impacts on the health and welfare of nearby residents and the environment. Our client and other residents have provided extensive documentation regarding the applicant’s flagrant disregard for nearby residents and the environment. There is little doubt that these actions will continue. In light of this, the Commission should exercise its broad discretionary authority to deny the requested Renewable Energy Permits.

The County Code grants the Planning Commission broad authority to approve or deny Renewable Energy Permits. For example, County Code section 21.320.070 provides:

21.20.070 Health, safety and welfare of the county’s citizens.

Prior to the issuance of a renewable energy impact determination or the granting of a renewable energy permit, the county planning commission

³ Certain PEIR mitigation measures such as AES-1 – 10 apply to projects greater than 20 MW and also “proposed solar energy projects that are distributed generation commercial scale or community scale that have been determined by a qualified County planner to have the potential to impact visual resources within the individual SEDAs and the OVSA.” The staff record provides no information indicating that the County made any such determination for the Project, much less support any such determination with analysis supported by substantial evidence.

must find that, through the imposition of mitigation measures, the approval of a reclamation plan, the receipt of adequate financial assurances, and by other conditions incorporated into the determination or imposed upon the permit, ***the health, safety and welfare of the county's citizens, the county's environment, including its public trust resources, and the county's financial well-being, have been adequately safeguarded.***

(Emphasis added.)

The highlighted language is commonly known as the “health and welfare” standard, which represents broad authority to deny a land use entitlement. (*SP Star Enterprises v. City of Los Angeles* (2009) 173 Cal.App.4th 459, 473.) Further, this language necessarily means that the requested Renewable Energy Permits are subject to denial by the Planning Commission. (*BreakZone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1224 (*BreakZone*) [“[a] CUP is discretionary by definition”].) The County’s decision to deny the Renewable Energy Permits would be afforded great deference by a reviewing court. (Code Civ. Proc., § 1094.5, subd. (b).) The County’s decision will be overturned only if no reasonable person would have reached the same conclusions. (*Harris v. City of Costa Mesa* (1994) 25 Cal.App.4th 963, 969 (*Harris*); *BreakZone, supra*, 81 Cal.App.4th at 1244.) A reviewing court presumes an agency’s decision is correct and will resolve all reasonable doubts in favor of the administrative findings and decision; the party challenging the decision bears the burden to demonstrate otherwise. (Evid. Code, § 664; see *Breneric Associates v. City of Del Mar* (1998) 69 Cal.App.4th 166, 175.)

Further, and importantly, the law is well settled that only one reason is required to deny a CUP. (*Desmond v. County of Contra Costa* (1993) 21 Cal.App.4th 330, 336-337 (*Desmond*)). *Desmond* explains with clarity:

Because we are reviewing a denial of a requested land use permit, it is not necessary to determine that each finding by the Board was supported by substantial evidence. As long as the Board made a finding that any one of the necessary elements enumerated in the ordinances was lacking, and this finding was itself supported by substantial evidence, the Board’s denial of appellant’s application must be upheld.

(*Id.* at 336-337 [italic in original]; see also *Saad v. City of Berkeley* (1994) 24 Cal.App.4th 1206, 1213 [inadequacy of a single finding does not undermine denial of permit when other adequate findings were made].) What is more, a single finding to

deny a CUP may be based solely on neighborhood opposition. The court in *Harris* explains:

“It is appropriate and even necessary for the [agency] to consider the interest of neighboring property owners in reaching a decision whether to grant or deny a land use entitlement, and the opinions of neighbors may constitute substantial evidence on this issue.”

(*Harris, supra*, 25 Cal.App.3d at 973, emphasis added; *Dore v. County of Ventura* (1994) 23 Cal.App.4th 320, 328-329.) We understand that nearby residents have already reached out to the County, explaining that the existing 10-acre solar project is contributing to unacceptable dust and resulting health impacts. These concerns will justify denial of the Renewable Energy Permits even if they are in “technical compliance” with the County’s zoning code, General Plan or other planning documents. The *Desmond* decision explains:

This finding of unsuitability to the character of the surrounding neighborhood is sufficient by itself to support the denial of appellants’ application for a land use permit. (*Guinnane v. San Francisco City Planning Com., supra*, 209 Cal.App.3d at pp. 740-743 [local agency denied permit on basis of finding that large size of house was “not in character” with surrounding neighborhood even though in technical compliance with zoning and building codes; upheld].)

(*Desmond, supra*, 21 Cal.App.4th at 338.)

We encourage the Planning Commission to carefully consider the written comments from neighboring property owners that have already been submitted as well as the additional oral comments that you will no doubt hear at the hearing.

Finally, and importantly, the Planning Commission should not feel constrained to simply adopt the recommended findings prepared by staff since agencies are afforded considerable latitude with regard to the precision and formality of their findings denying a project. (*Young v. City of Coronado* (2017) 10 Cal.App.5th 408, 421.) Findings under Code of Civil Procedure section 1094.5 need not be “extensive or detailed.” (*Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 516.) Findings may incorporate matters by reference, or omissions may be filled by relevant references available in the record. (*Craik v. County of Santa Cruz* (2000) 81 Cal.App.4th 880, 884.) An agency may also memorialize its findings in writing after the quasi-adjudicatory decision itself. (See *Levi*

County of Inyo
Planning Commission
May 1, 2023
Page 15 of 15

Family Partnership, L.P. v. City of Los Angeles (2015) 241 Cal.App.4th 123 [upholding planning commission findings supporting the decision to deny a permit application given first orally at a public hearing and then memorializing the decision in writing nearly one year later].) The Planning Commission is well within its authority to reject staff's recommendation of approval in the staff report and instead vote to deny the permit along with instructions for staff to come back with written findings consistent with the Commission's reasoning and evidence elucidated at the hearing. Finally, it is not necessary to prepare any CEQA document in order to deny a project. (Pub. Resources Code, § 21080, subd. (b)(5); CEQA Guidelines, § 15270, subd. (a).)

In summary, the Planning Commission is vested with wide discretion to deny the requested Renewable Energy Permits based on broad considerations of public welfare. Only one reason is necessary to deny the Project, which can be supplied by public opposition and will be upheld by a reviewing court unless no reasonable person could reach the same conclusion.

* * *

We thank you for the opportunity to comment.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

cc: John Mays (johnmmays1@gmail.com)

Attachments:

Exhibit 1, Public Hearing Notice
Exhibit 2, Agenda for the May 3, 2023 Planning Commission Meeting
Exhibit 3, Parcel Map
Exhibit 4, Notice of Availability and Notice of Determination for 2018-01
Exhibit 5, PEIR MMRP

EXHIBIT 1



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

**Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us**

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN the Inyo County Planning Commission will hold public hearings Wednesday, May 3, 2023, at 10:00 a.m. in the Board of Supervisors Room, County Administrative Center, at 224 North Edwards Street, Independence, to consider the following:

Renewable Energy Permit No. 2022-01/Barker

The applicant has applied for a Renewable Energy Permit, located on one private parcel (038-330-46) in Trona California. The proposed project will connect to Southern California Edison's transmission infrastructure to generate renewable energy for consumers. The property is zoned Rural Residential (RR)-5-acre minimum, with General Plan designations of Residential Estate (RE). The project area is also part of a Solar Energy Development Area (SEDA) overlay, as adopted by the Inyo County Board of Supervisors in 2015.

If you challenge any finding, determination, or decision made regarding this project in court, you may be limited to raising only the issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered prior to the hearing.

Comments can be made regarding these projects prior to the meeting via U.S. Mail: PO Drawer L, Independence, CA 93526, Fax [(760) 872-2712], or by email (inyoplanning@inyocounty.us)

All mailed, faxed, and emailed comments will become part of the official record, and the Planning Commission will take that feedback into consideration as it deliberates.

EXHIBIT 2

Agenda

County of Inyo Planning Commission

Board of Supervisors Room
Inyo County Administrative Center
Independence, California

HOWARD LEHWALD
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

CATHREEN RICHARDS
RYAN STANDRIDGE
CYNTHIA DRAPER
PAULA RIESEN
MICHAEL ERRANTE
NATE GREENBERG
CHRISTIAN MILOVICH

FIRST DISTRICT
SECOND DISTRICT
THIRD DISTRICT (CHAIR)
FOURTH DISTRICT (VICE CHAIR)
FIFTH DISTRICT

PLANNING DIRECTOR
ASSOCIATE PLANNER
ASSISTANT PLANNER
PROJECT COORDINATOR
PUBLIC WORKS DIRECTOR
COUNTY ADMINISTRATOR
COUNTY COUNSEL

Inyo County Planning Commission
Post Office Drawer L
Independence, CA 93526
(760) 878-0263
(760) 872-2712 FAX
inyoplanning@inyocounty.us

This meeting will be held in the Board of Supervisors Room located at 224 N. Edwards Street, in Independence California.

Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order or the items are continued. Estimated start times are indicated for each item. The times are approximate and no item will be discussed before its listed time.

Lunch Break will be given at the Planning Commission's convenience.

The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.

The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

Public Notice: In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

May 3, 2023

10:00
A.M.

1. **PLEDGE OF ALLEGIANCE.**
2. **ROLL CALL** – Roll Call to be taken by staff.
3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Action
Item

4. **APPROVAL OF MINUTES** – Approval of minutes from the March 22, 2023 Planning Commission Meeting.

Action
Item
Public
Hearing

5. **AMENDMENT TO CONDITIONAL USE PERMIT 1994-2 BROWN'S SUPPLY; RECLAMATION PLAN 1994-2 BROWN'S SUPPLY**-The applicant has applied to amend Conditional Use Permit (CUP) 1994-2 and Reclamation Plan (REC) 1994-2, proposing to remove the east pit of 4.97 acres within the existing mining boundary and update both the CUP and REC to store foreign materials on site.

Action
Item
Public
Hearing

6. **AMENDMENT TO RECLAMATION PLAN 1997-6 INDEPENDENCE MS#118 CALIFORNIA DEPARTMENT OF TRANSPORTATION**-The applicant has applied for an amendment to Reclamation Plan 97-6 with permission from the Bureau of Land Management (BLM). The California Department of Transportation proposing a minor revision of the condition of approval #20, abandoning the well, in the approved plan at the Independence Pit MS #118.

Action
Item
Public
Hearing

7. **RENEWABLE ENERGY PERMIT 2022-01/BARKER**- The applicant, Robbie Barker, has applied for a Renewable Energy Permit located on one privately owned parcel(APN:038-330-46), in Trona California. This permit would allow the applicant to construct a proposed 1-megawatt photovoltaic solar facility that uses approximately 2,300 single axis tracker solar panels. The project encompasses 5-acres of pre-disturbed land.

Action
Item
Public
Hearing

8. **RENEWABLE ENERGY PERMIT 2022-02/BARKER**-The applicant, Robbie Barker, has applied for a Renewable Energy Permit located on three privately owned parcels (APN:038-330-32,33,34), in Trona California. This permit would allow the applicant to construct a proposed 3-megawatt photovoltaic solar facility that uses approximately 6,000 single axis tracker solar panels. The project encompasses 15- acres of pre-disturbed land.

Work
shop

9. **BROWN ACT REVIEW** – County Counsel will give a presentation to the Planning Commission about the Brown ACT and how it applies to the Planning Commission.

COMMISSIONERS' REPORT/COMMENTS

Commissioners to give their report/comments to staff.

PLANNING DIRECTOR'S REPORT

Planning Director, Cathreen Richards, will update the Commission on various topics.

CORRESPONDENCE-INFORMAITONAL

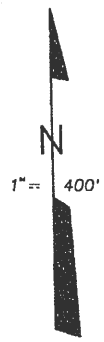
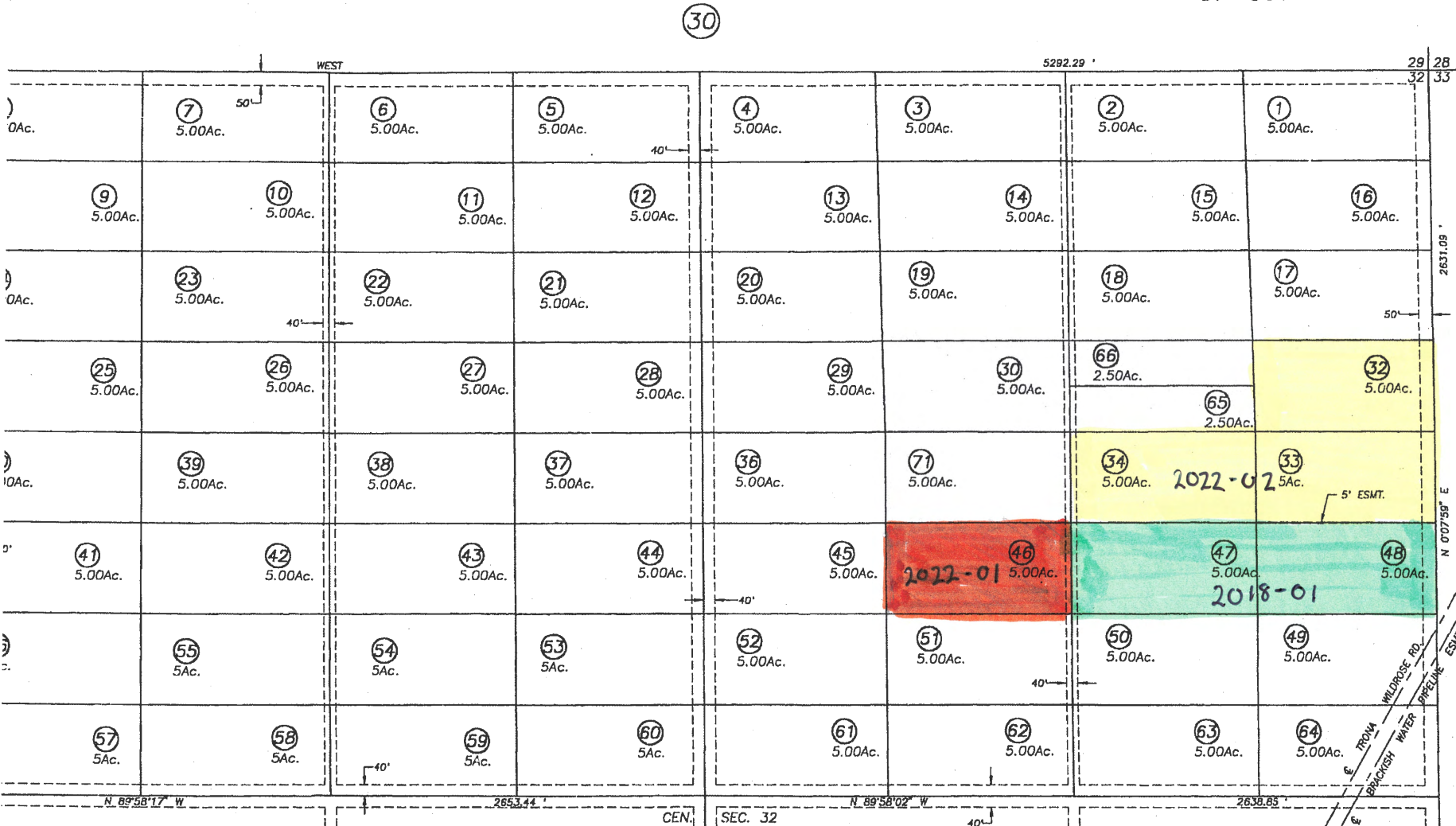
EXHIBIT 3

N1/2 SEC. 32 T.24S., R.43E., M.D.B. & M.

BLM SMALL TRACT CLASSIFICATION-CALIFORNIA NO. 128

TAX RATE AREA
67-001

38-33



r.S. Bk. 8 Pgs. 69 & 94

NOTE: 1. THIS DOCUMENT WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

Assessor's Map Bk. 38 Pg. 3
County of Inyo, Calif.
1963

11-17-97
08-22-96

JUL 1

EXHIBIT 4

FILED

JUN 05 2018

**INYO CO. CLERK
KAMMI FOOTE, CLERK**



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

**Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning@inyocounty.us**

NOTICE OF AVAILABILITY AND INTENT

Notice is hereby given that an Initial Study and Draft Negative Declaration of Environmental Impact have been prepared pursuant to the California Environmental Quality Act (CEQA) and Inyo County CEQA Procedures, and are available for public review for the following application:

Renewable Energy Permit #2018-01/Barker

The applicant has applied for a renewable energy permit to construct a 1 megawatt (MW) photovoltaic solar facility, located on two privately owned parcels (038-330-47 & 038-330-48) in Trona, California. The project will be built on two parcels (5 acres each) with a total project area of 10 acres. The proposed project will connect to Southern California Edison's transmission infrastructure to generate renewable energy for consumers.

The 30-day review period for this Draft Negative Declaration of Environmental Impact begins on June 6, 2018 and expires on July 5, 2018. During this period comments may be submitted regarding the Initial Study and Negative Declaration. Inyo County is not required to respond to any comments received after this date. Written comments and all questions should be addressed to the Inyo County Planning Department at P.O. Drawer "L," Independence, CA 93526, faxed to (760) 878-0382, or emailed to inyoplanning@inyocounty.us.

Copies of the Initial Study and Draft Negative Declaration of Environmental Impact for this project are available for review at the Inyo County Planning Department (168 N. Edwards Street, Independence), County libraries, and the Inyo County Planning Department's website at www.inyoplanning.org.

18-00018

JUL 31 2018

INYO CO. CLERK
KAMMI FOOTE, CLERK

Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Inyo
Address: 168 N. Edwards St, PO Drawer F
Independence, CA 93526

From:

Public Agency: Inyo County Planning Department
Address: 168 N. Edwards Street
Independence, CA 93526

Contact: Cathreen Richards
Phone: 760-878-0447

Lead Agency (if different from above):

Address:

Contact:

Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2018061007

Project Title: Solar 2018-01/Barker

Project Applicant: Robbie Barker, PO Box 907, Trona CA 93592 #760-382-4111

Project Location (include county): Trona, CA / Inyo County

Project Description:

The proposed project would construct a 1 megawatt (MW) photovoltaic solar facility that uses approximately 3,500 fixed tilt or single axis tracker solar panels. The project encompasses 10 acres of pre-disturbed land, which is being used primarily for the storage of miscellaneous equipment. The project would connect to Southern California Edison's transmission and distribution infrastructure, helping the State meet its greenhouse gas emission reduction targets by producing carbon neutral electricity.

This is to advise that the County of Inyo has approved the above (input checked) Lead Agency or (input unchecked) Responsible Agency

described project on 7/25/2018 and has made the following determinations regarding the above (date) described project.

- 1. The project [input unchecked] will [input checked] will not] have a significant effect on the environment.
2. [input unchecked] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [input checked] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [input checked] were [input unchecked] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [input unchecked] was [input checked] was not] adopted for this project.
5. A statement of Overriding Considerations [input unchecked] was [input checked] was not] adopted for this project.
6. Findings [input checked] were [input unchecked] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

http://inyoplanning.org/projects.htm

Signature (Public Agency): [Signature] Title: Planning Director

Date: 7/31/2018 Date Received for filing at OPR:

EXHIBIT 5

Table ES-1 IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
AESTHETICS		
<p>Future solar energy developments within the SEDAs and OVSA could result in potentially significant visual impacts related to: (1) scenic vistas and scenic resources; (2) degradation of the existing visual character or quality of the site and its surroundings; and (3) light and glare.</p>	<p>AES-1: Prepare visual studies that include existing views, scenic vistas, and visual resources and evaluate the potential impacts to existing visual resources. Site-specific visual studies shall be prepared to assess potential visual impacts for all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are distributed generation <u>commercial scale</u> or community scale that have been determined by a <u>qualified</u> County qualified-planner to have the potential to impact visual resources within the individual SEDAs and the OVSA. The visual study shall include assessment of the existing visual environment, including existing views, scenic vistas, and visual resources, and evaluate the potential of the proposed solar energy project to adversely impact resources and degrade the visual character or quality of the site and its surroundings. The study shall include assessment of public views from key observation points, the locations of which shall be determined in consultation with County staff and, if applicable, other public agencies with jurisdiction over the project site (e.g., BLM). Visual simulations shall be prepared to conceptually depict post-development views from the identified key observation points.</p> <p>The analysis and results of the study shall be documented in a memorandum that will include: (1) an assessment of the existing visual environment, including existing views, scenic vistas, and visual resources and (2) an evaluation of the potential of the proposed solar energy project to adversely impact resources and degrade the visual character or quality of the site and its surroundings. Applicable recommendations from the project-specific visual analysis shall be incorporated into the associated individual project design to address identified potential visual impacts.</p> <p>AES-2: Reduce potential effects of glare by preparing site-specific glare studies that inform project design. Site-specific glare studies shall be prepared for all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are distributed generation <u>commercial scale</u> or community scale that have been determined by a <u>qualified</u> County qualified-planner to have the potential to impact visual resources within the individual SEDAs and the OVSA to assess potential glare impacts. Applicable results and recommendations from the project-specific glare study shall be incorporated into the associated individual project designs to address identified potential visual impacts.</p>	<p>Significant and Unavoidable</p>

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
AESTHETICS (cont.)		
	<p>AES-3: Minimize visual contrast using colors that blend with surrounding landscape and do not create excessive glare. The project applicant For future proposed solar energy projects that are greater than 20 MW (utility scale) and for proposed solar energy <u>projects</u> that are distributed generation commercial scale or community scale that have been determined by a <u>qualified County qualified</u> planner to have the potential to impact visual resources, <u>shall treat</u> the surfaces of structures and buildings that are visible from public viewpoints <u>shall be treated</u> so that (1) their colors minimize visual contrast by blending with the surrounding landscape and (2) their colors and finishes do not create excessive glare. Surface color treatments shall include painting or tinting in earth tone colors to blend in with the surroundings desert and mountains. Materials, coatings, or paints having little or no reflectivity shall be used.</p> <p>AES-4: Install natural screens to protect ground-level views into the project. For all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are <u>commercial scale distributed generation</u> or community scale that have been determined by a <u>qualified County qualified</u> planner to have the potential to impact visual resources within the individual SEDAs and the OVSA, <u>and</u> where existing screening topography and vegetation are absent or minimal, natural-looking earthwork landforms (such as berms or contour slopes), vegetative, or architectural screening shall be installed to screen ground-level views into the project site. The shape and height of the earthwork landforms shall be context sensitive and consider distance and viewing angle from nearby public viewpoints.</p> <p>AES-5: Prepare lighting plan using BMPs consistent with the Renewable Energy Action Team’s (REAT’s) Best Management Practices and Guidance Manual (REAT 2010) to reduce night lighting during construction and operation. The project applicant shall prepare a lighting plan for all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are distributed generation commercial scale or community scale that have been determined by a <u>qualified County qualified</u> planner to have the potential to impact visual resources within the individual SEDAs and the OVSA that documents how project lighting would be designed and installed to</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
AESTHETICS (cont.)		
	<p>minimize night sky impacts during construction and operation. The lighting plan shall include, at minimum, the following lighting design parameters:</p> <ul style="list-style-type: none"> • Lighting shall be of the minimum necessary brightness consistent with operational safety and security <u>requirements</u>. • Lighting shall incorporate fixture hoods/shielding with light directed downward <u>and</u> or toward the area to be illuminated. • Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security. • Project lighting shall be kept off when not in use whenever feasible and consistent with safety and security <u>requirements</u>. • <p>AES-6: Treat PV solar panel glass with anti-reflective coating. For proposed PV facilities greater than 20 MW (utility scale) and for proposed solar energy projects that are distributed generation commercial scale or community scale that have been determined by a <u>qualified</u> County qualified planner to have the potential to impact visual resources within the individual SEDAs and the OVSA, glass used to cover solar panels shall be treated with an anti-reflective coating to further decrease reflection and increase the transmission of light through the glass to the cells.</p> <p>AES-7: Coordinate with the Federal Aviation Administration when considering the use of audio visual warning systems. For projects requiring aircraft warning lights, the project applicant shall coordinate with the Federal Aviation Administration (FAA) to consider the use and installation of audio visual warning systems technology¹ on tower structures. If the FAA denies a permit for the use of audio visual warning systems, the project applicant shall limit lighting to the minimum required to meet FAA safety requirements.</p>	

¹ AVWS technology consists of all-weather, day and night, low-voltage, radar-based obstacle avoidance systems that activate lighting and audio signals to alert pilots of the presence of potential obstacles. The lights and audio warnings are inactive when there is no air traffic in the area of potential obstruction.

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
AESTHETICS (cont.)		
	<p>AES-8: Projects on federal land will comply with the respective federal agency’s visual guidelines and policies. Solar energy projects proposed on federal land within individual SEDAs and the OVSA shall be coordinated with the federal agency that is responsible for the management of the land and shall comply with the respective federal agency’s visual guidelines and policies.</p> <p>AES-9: The project will implement BMPs and measures during construction to reduce the visual and aesthetic effects of the construction site. The following measures shall be implemented for all proposed solar energy projects greater than 20 MW (utility scale) and for proposed solar energy projects that are distributed generation-commercial scale or community scale that have been determined by a <u>qualified</u> County qualified-planner to have the potential to impact visual resources within the individual SEDAs and the OVSA during construction:</p> <ul style="list-style-type: none"> • Construction boundaries and staging areas shall be clearly delineated and where appropriate fenced to prevent encroachment onto adjacent natural areas. • Construction staging and laydown areas visible from nearby roads, residences, and recreational areas shall be visually screened using temporary fencing. Fencing shall be of an appropriate design and color to visually blend with the site’s surroundings. • Existing native vegetation shall be preserved to the greatest extent possible. • Project grading shall utilize undulating surface edges and contours that repeat the natural shapes, forms, textures, and lines of the surrounding landscape. • Exposed soils shall be restored to their original contour and vegetation. • Stockpiled topsoils shall be reapplied to disturbed surfaces. <p>AES-10: Projects requiring overhead electrical transmission connections will consider design and installation techniques that reduce visual impacts. For projects that require overhead electrical transmission connections to existing transmission lines and for the potential off-site transmission corridor to serve the Trona, Chicago Valley, and Charleston View SEDAs, the following shall be considered in the design and alignment of the transmission line connections:</p>	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
AESTHETICS (cont.)		
	<ul style="list-style-type: none"> • Avoid placing transmission towers and structures along ridgelines, peaks, or other locations where skylining effects would occur such that they would silhouette against the sky. • Place transmission corridor connection alignments along edges of clearings or at transition areas (i.e., natural breaks in vegetation or topography). • <u>To the extent practicable, treat transmission towers and structures with color and surfaces to reduce visual contrast with the surrounding visual landscape. Alternative methods to reduce visual impacts may be considered for structures that cannot use conventional methods of painting without impeding electrical conveyance or without causing long-term environmental impacts through the constant reapplication of paint. These methods may include, but shall not be limited to, galvanizing or similar factory-applied conductive non-paint treatments.</u> • Use of appropriate and context-sensitive transmission tower types (i.e., lattice structures compared to monopoles) to reduce visual contrast with the surrounding visual landscape. 	
AGRICULTURE AND FORESTRY RESOURCES		
<p>Implementation of the REGPA could result in potentially significant impacts to farmlands through the direct and indirect conversion of those resources.</p> <p>No significant impacts to forestry resources would occur with implementation of the REGPA.</p>	<p>AG-1: Review development proposals for potential impacts to agricultural operations. The County Agricultural Commissioner shall be responsible for reviewing new development proposals adjacent to agricultural operations to ensure they do not significantly impact agricultural operations.</p> <p>AG-2: Conduct site specific investigations for agricultural lands. Site-specific agricultural resource investigations shall be completed for proposed solar development projects within the individual SEDAs and the OVSA that are located on lands utilized for agricultural operations prior to final project design approval. If agricultural operations are identified within the project area, alternative designs should be implemented to avoid and/or minimize impacts to those resources. This may include mitigating conversion of agricultural lands based on the mitigation ratios identified in consultation with affected agencies at the cost of the project applicant to the satisfaction of the County. Mitigation ratios and impact fees assessed, if any, shall be outlined in the Renewable Energy Development Agreement, Renewable Energy Permit, or Renewable Energy Impact Determination.</p>	Less Than Significant

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
AGRICULTURE AND FORESTRY RESOURCES (cont.)		
	<p>AG-3: Invasive plant species or noxious weeds. To prevent the introduction and spread of noxious weeds, a project-specific integrated weed management plan shall be developed for approval by the permitting agencies, which would be carried out during all phases of the project. The plan shall include the following measures, at a minimum, to prevent the establishment, spread, and propagation of noxious weeds:</p> <ul style="list-style-type: none"> • The area of vegetation and/or ground disturbance shall be limited to the absolute minimum and motorized ingress and egress shall be limited to defined routes. • Project vehicles shall be stored onsite in designated areas to minimize the need for multiple washings of vehicles that re-enter the project site. • Vehicle wash and inspection stations shall be maintained onsite and the types of materials brought onto the site shall be closely monitored. • The tires and undercarriage of vehicles entering or re-entering the project site shall be thoroughly cleaned. • Native vegetation shall be re-established as quickly as practicable on disturbed sites. • Weed Monitor and quickly implement control measures to ensure early detection and eradication of weed invasions. • Use certified weed-free straw, hay bales, or equivalent for sediment barrier installations. 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
AIR QUALITY		
<p>Implementation of the REGPA (including implementation of utility scale, <u>commercial scaled distributed generation</u>, and/or community scale, and/or facilities) could result in potentially significant impacts related to: (1) daily threshold exceedances during construction activities; (2) daily threshold exceedances during operations; and (3) cumulatively considerable net increase in criteria pollutants during construction activities.</p>	<p>AQ-1: Prepare site-specific air quality technical report. Prior to issuance of Major Use Permits for solar energy projects, a site-specific air quality technical report shall be prepared and approved by the County, which will verify compliance with County and Great Basin Unified Air Pollution Control District standards during construction and operation of the solar project.</p> <p>Mitigation measures AQ-2 and AQ-3, as defined below, will be incorporated into the site-specific technical report, and will be implemented during construction and operation of future projects. These measures require implementation of dust control practices during construction activities and solar project operations.</p> <p>AQ-2: Reduce fugitive dust and particulate matter emissions during construction. To control emissions of particulate matter, and to ensure compliance with Great Basin Unified Air Pollution Control District Rules 401 and 402 as well as applicable best management practices (BMP)s from the Renewable Energy Action Team’s (REAT’s) Best Management Practices and Guidance Manual (REAT 2010), solar projects shall implement fugitive dust and particulate matter emissions control measures including, but not limited to the following:</p> <ul style="list-style-type: none"> • Water and/or coarse rock all active construction areas as necessary and indicated by soil and air conditions; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; • Pave or apply (non-toxic) soil stabilizers on all unpaved access roads; • Sweep daily (with water sweepers) all paved access roads; Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; • Suspend excavation and grading activity when sustained winds make reasonable dust control difficult to implement, e.g., for winds over 25 miles per hour (mph). • Limit the speed of on-site vehicles to 15 mph. 	<p>Less Than Significant</p>

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
AIR QUALITY (cont.)		
	<p>AQ-3: Implement dust control measures during operation. To control emissions of particulate matter, and to ensure compliance with Great Basin Unified Air Pollution Control District Rule 401 and 402 as well as applicable BMPs from REAT’s Best Management Practices and Guidance Manual (REAT 2010), solar projects shall incorporate feasible dust control measures into the site design including, but not limited to, the following:</p> <ul style="list-style-type: none"> • <u>Incorporate perimeter sand fencing into the overall design to prevent migration of exposed soils into the surrounding areas. The perimeter fence is intended to provide long-term protection around vulnerable portions of the site boundary; it is also intended to prevent off-road site access and sand migration across site boundaries and the associated impacts.</u> • <u>Incorporate wind deflectors intermittently across solar project sites. The solar panels themselves, especially where installed to transverse primary wind direction, will provide some measure of protection of the ground surface. Wind deflectors enhance this effect by lifting winds that may otherwise jet beneath panels, thereby disrupting long wind fetches, and reducing surface wind velocities and sand migration.</u> • <u>Orient infrastructure/solar panels perpendicular to primary wind directions; and</u> • <u>Adjust panel operating angles to reduce wind speeds under panels.</u> • <u>Perform revegetation in areas temporarily denuded during construction. These areas would be replanted with native plant species that exist on the site presently. Irrigation would be applied temporarily during the plant establishment period (typically multiple years), but after establishment it is expected that these areas would require little or no maintenance. Vegetation provides dust control by protecting and preventing threshold wind velocities at the soil surface. Studies have shown that an 11 to 54 percent vegetation cover on a site can provide up to 99 percent PM10 control efficiency (GBUAPCD 2008).</u> • <u>As the installation of solar panels and associated equipment progresses, each area that is completed (i.e. where no further soil disturbance is anticipated) will be treated with a dust palliative to prevent wind erosion. CARB certifications indicate that the application of dust suppressants can reduce PM10 emissions by 84 percent or more (CARB 2011).</u> 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES		
<p>Implementation of the REGPA (including implementation of utility scale, <u>commercial scaled distributed generation, and/or community scale, and/or facilities</u>) could result in potentially significant impacts related to sensitive biological resources. Potential impacts to specific resource areas are described below.</p>	<p>BIO-1: Prepare project level biological resources evaluation and mitigation and monitoring plan. <u>Prior to the approval of any solar development projects or related infrastructure under the REGPA with the potential to impact biological resources as determined by a qualified biologist (defined as a biologist with documented experience or training related to the subject species), a project level biological resource evaluation shall be prepared by a qualified biologist for the project. The biological resource evaluation shall include field reconnaissance and focused surveys as determined necessary by a qualified biologist to identify special status species and natural communities present or having the potential to occur on the site, an evaluation of the extent of those habitats, an evaluation of the potential for impacts to each special status species and/or habitat, and shall prescribe specific mitigation measures to avoid or reduce impacts to biological resources to the maximum extent practicable. The qualifications of any biologists conducting special status species surveys or focused habitat assessments will be submitted to CDFW prior to conducting fieldwork. The level of biological resource analysis will be based on factors such as the size of the proposed project, the and extent of impacts to biological resources, and the sufficiency of existing data to determine impacts.</u></p> <p><u>An evaluation of the potential for off-site impacts to special status species and sensitive habitats will be included in the biological resources evaluation, especially for projects involving groundwater pumping. Chapter 2 of the Basin Plan protects beneficial uses for groundwater with respect to groundwater recharge and freshwater replenishment and beneficial uses for wildlife habitats and flora and fauna including cold freshwater habitat, warm freshwater habitat, wildlife habitat, rare, threatened, or endangered species, spawning, reproduction, and development, preservation of biological habitats of special significance, and migration of aquatic organisms (RWQCB 1995). A project-specific evaluation of potential impacts to beneficial uses for groundwater as specified in the Basin Plan will be included in the biological resources evaluation.</u></p>	<p>Significant and Unavoidable</p>

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p><u>For projects in the Chicago Valley or Charleston View SEDAs, potential impacts to special status species and/or riparian and other groundwater dependent habitat in the Amargosa Watershed will be evaluated. If any solar development projects are proposed in the Laws SEDA that would require groundwater pumping, a hydrologic study shall be conducted to determine the potential for impacts to the hydrology of Fish Slough and/or populations of Fish Slough milk-vetch. USFWS and CDFW shall be contacted during preparation of the biological resources evaluation to obtain the best available scientific data on such potential impacts including existing hydrologic studies (e.g., the unpublished State of the Basin Report-2014 prepared by Andy Zdon and Associates, Inc).</u></p> <p><u>For projects with the potential to impact on- or off-site special status species or habitats as determined in the biological resources evaluation, a project-specific biological resources mitigation and monitoring plan shall be prepared in cooperation with and that meets the approval of permitting agencies. The plan shall be implemented during all phases of the project and shall identify appropriate mitigation levels to compensate for significant direct, indirect, and cumulative impacts, including habitat, special status plant, and wildlife species losses as well as impacts to groundwater dependent vegetation or off-site impacts to special status species or sensitive habitats due to groundwater pumping. The plan shall address at a minimum:</u></p> <ul style="list-style-type: none"> • Biological resource avoidance and minimization measures and mitigation, monitoring and compliance measures required by federal, state, and local applicable permitting agencies. • Documentation (based on surveys) of sensitive plant and wildlife expected to be affected by all phases of the project (project construction, operation, abandonment, and decommissioning). Agencies may request additional surveying, based on the documentation or past experience working with the resources. Include measures to avoid or minimize impacts to species and habitat. • A detailed description of measures to minimize or mitigate permanent and temporary disturbances from construction activities. • 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> • • All locations on a map, at an approved scale, of sensitive plant and wildlife areas subject to disturbance and areas requiring temporary protection and avoidance during construction. • Aerial photographs or images, at an approved scale, of areas to be disturbed during project construction activities. • Duration for each type of monitoring and a description of monitoring methodologies and frequency. • Performance standards and criteria to be used to determine if/when proposed mitigation is or is not successful. • All standards and remedial measures to be implemented if performance standards and criteria are not met. • A closure/decommissioning or abandonment plan, including a description of funding mechanism(s). • A process for proposing plan modifications to the County project manager. • All locations on a map, at an approved scale, of sensitive plant and wildlife areas subject to disturbance and areas requiring temporary protection and avoidance during construction. • Aerial photographs or images, at an approved scale, of areas to be disturbed during project construction activities. • Duration for each type of monitoring and a description of monitoring methodologies and frequency. • Performance standards and criteria to be used to determine if/when proposed mitigation is or is not successful. • All standards and remedial measures to be implemented if performance standards and criteria are not met. • A closure/decommissioning or abandonment plan, including a description of funding mechanism(s). • A process for proposing plan modifications to the County project manager. 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
<p>Impacts to special status plant species could occur during construction and/or operation of the future solar developments under the REGPA.</p>	<p>BIO-2: Minimize impacts to special status plants. <u>Prior to the approval of any solar development projects or related infrastructure under the REGPA, a CDFW-approved botanist shall evaluate the potential for special status plant species to occur on the site and conduct surveys, if necessary, to determine presence or infer absence of special status plants on the site following the November 24, 2009 <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> or the most current guidelines. When special status plants are found on a site, the project shall be redesigned or modified to avoid direct and indirect impacts on special status plants, to the maximum extent feasible, as determined by the County. In order to avoid direct and indirect impacts to special status plants, the projects should be re-sited or re-configured to provide an avoidance buffer of at least 0.25 mile from special status plant populations to account for the physical and biological processes that provide these species with their habitat and pollinator needs, with the potential to impact special status plant species as determined by a qualified biologist/botanist, a qualified botanist shall determine the presence or absence of special status plants within the project site. The following steps shall be implemented to document special-status plants, as determined necessary by the botanist:</u></p> <ul style="list-style-type: none"> ● Review Existing Information. The botanist shall review existing information to develop a list of special status plants that could grow in the specific project area. Sources of information consulted shall include CDFW’s CNDDDB, the CNPS electronic inventory, and previously prepared environmental documents. If the project is taking place on BLM or state administered lands (e.g., BLM, State Trust Lands), the list of sensitive plants from that land managing agency shall be obtained and reviewed in addition to the lists previously mentioned. ● Coordinate with Agencies. The botanist shall coordinate with the appropriate agencies (i.e., CDFW and USFWS) to discuss botanical resource issues and determine the appropriate level of surveys necessary to document special status plants. ● Conduct Field Studies. The botanist shall evaluate existing habitat conditions for each project and determine what level of botanical surveys may be required. The type of botanical survey shall depend on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. Depending on these factors and the proposed construction activity, one or a combination of the 	<p>Less Than Significant</p>

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>following levels of survey may be required:</p> <ul style="list-style-type: none"> ● Habitat Assessment. A habitat assessment shall be conducted to determine whether suitable habitat is present. This type of assessment can be conducted at any time of year and is used to assess and characterize habitat conditions and determine whether return surveys are necessary. If no suitable habitat is present, no additional surveys shall be required. ● Species Focused Surveys. Species focused surveys (or target species surveys) shall be conducted if suitable habitat is present for special status plants. The surveys shall focus on special status plants that could grow in the region, and would be conducted during a period when the target species are evident and identifiable. ● Floristic Protocol Level Surveys. Floristic surveys that follow the CNPS Botanical Survey Guidelines shall be conducted in areas that are relatively undisturbed and/or have a moderate to high potential to support special status plants. The CNPS Botanical Survey Guidelines require that all species be identified to the level necessary to determine whether they qualify as special status plants, or are plant species with unusual or significant range extensions. The guidelines also require that field surveys be conducted when special status plants that could occur in the area are evident and identifiable. To account for different special status plant identification periods, one or more series of field surveys may be required in spring and summer months. ● Map Special Status Plants. Special status plant populations identified during the field surveys shall be mapped and documented as part of the CEQA process, as applicable. Project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the projects objectives, then other suitable measures and mitigation shall be implemented in coordination with the appropriate regulatory agency (i.e., USEFWS, CDFW, BLM). <p>If special status plants are identified in the project area <u>and complete avoidance of direct and indirect impacts is not feasible as determined by the County</u>, the following measures shall be implemented to avoid and minimize impacts on special status plants:</p> <ul style="list-style-type: none"> ● The project shall be redesigned or modified to avoid direct and indirect impacts on special status plants, if feasible. ● If feasible, when special status plants are found on a site, the project shall be 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p><u>redesigned or modified to avoid direct and indirect impacts on special status plants, as determined by the County. In order to avoid direct and indirect impacts to special status plants, the projects should be re-sited or re-configured to provide an avoidance buffer of at least 0.25 mile from special status plant populations to account for the physical and biological processes that provide these species with their habitat and pollinator needs.</u></p> <ul style="list-style-type: none"> • <u>For projects that are determined to have the potential to result in “take” of state or federally-listed plant species, consultation shall be conducted with CDFW or USFWS respectively prior to project commencement, and appropriate mitigation measures developed if necessary.-</u> • Special status plants near the project site shall be protected by installing environmentally sensitive area fencing (orange construction barrier fencing) around special status plant populations. The environmentally sensitive area fencing shall be installed at least 20 feet from the edge of the population. The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction related activities, vehicle operation, material and equipment storage, and other surface disturbing activities within the fenced environmentally sensitive area. • No project shall destroy the entire known population of a special status plant species within any SEDA or the OVSA. If When individuals of a special status species occur within an area proposed for construction and take cannot be avoided, avoidance of special status plants is not feasible, mitigation shall be developed in coordination with USFWS and/or CDFW to reduce impacts on the local population of the special status species. No project shall destroy the entire known population of a special status plant species within any SEDA or the OVSA. Mitigation measures approved by USFWS and/or CDFW may include transplantation If individuals of a special status species occur within an area proposed for construction and take cannot be avoided, the plants shall be transplanted under the direction of a qualified CDFW-approved botanist if transplantation of such species is deemed likely to succeed, or seed shall be collected prior to destruction of the plants and dispersed in suitable habitats not impacted by construction, if such habitats exist and seed collection is deemed likely to be successful by a qualified CDFW-approved botanist with experience propagating the species in 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>question. In all cases, CDFW will be notified at least 10 days prior to removal of any special status plant to allow transplantation or collection of seed at their discretion.</p> <ul style="list-style-type: none"> • <u>If transplanting is proposed, the botanist shall coordinate with the appropriate resource agencies and local experts to determine whether transplantation is feasible. If the agencies concur that transplantation is a feasible mitigation measure, the botanist shall develop and implement a transplantation plan through coordination with the appropriate agencies. The special status plant transplantation plan shall involve identifying a suitable transplant site; moving <u>some or all of the plant material and seed bank to the transplant site; collecting seed material and propagating it in a nursery (in some cases it is appropriate to keep plants onsite as nursery plants and sources for seed material); and monitoring the transplant sites to document recruitment and survival rates. Monitoring shall be conducted for a period of five years and transplantation shall be considered successful if an 80 percent survival rate has been achieved by the end of the five-year monitoring period.</u></u> • <u>A mitigation and monitoring plan shall be developed by a qualified botanist/ restoration ecologist and submitted to CDFW for approval prior to approval of the proposed project. The mitigation and monitoring plan will dictate appropriate avoidance and minimization measures, compensatory mitigation, and monitoring requirements as pertinent to the specific species and level of impact(s). Mitigation shall include, but is not limited to 1) protection of special status plant populations not directly impacted by construction or implementation of the project as stated above; 2) transplantation and/or collection of seed from impacted plants if feasible, as stated above; and 3) the preservation in perpetuity of an equivalent or larger off-site population for every individual or population of special status plant impacted including sufficient land surrounding the preserved population to ensure its survival in perpetuity as determined by a qualified botanist/ restoration ecologist. The qualified botanist/ restoration ecologist shall include plans to restore and enhance the preserved populations to the extent feasible.</u> • <u>If any solar development projects are proposed in the Laws SEDA that would require groundwater pumping, a hydrologic study shall be conducted to determine the potential for impacts to the hydrology of Fish Slough and/or populations of Fish Slough milk-vetch, pursuant to Mitigation Measure HYD-2 in Section 4.9, Hydrology</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p><u>and Water Quality. If any solar development projects are proposed in the Chicago Valley or Charleston View SEDAs that would require groundwater pumping, a hydrologic study shall be conducted to determine the potential for down-watershed impacts to the habitats for special status plants in the Amargosa Watershed including the portion of the Amargosa River that has been designated by Congress as “Wild and Scenic.” If such studies conclude that any project has the potential to result in indirect impacts to the hydrology of off-site habitat for special status plant species (e.g., Fish Slough, marshes, riparian areas, alkaline flats in the Amargosa Watershed and the portion of the Amargosa River that has been designated by Congress as “Wild and Scenic”), a management plan will be prepared in coordination with the County and submitted to the appropriate resource agency with oversight for the species or habitat in question. The plan shall describe any appropriate monitoring, such as vegetation and/or water table monitoring, and prescribe mitigation to offset the impacts of the project on off-site habitat for special status plants such as preservation of suitable habitat or funding of activities to restore, enhance or conserve habitat within the County.</u></p>	
<p>Impacts to special status wildlife species could occur as a result of implementation of the REGPA if construction and/or operation of the future solar developments would occur within or adjacent to suitable habitat. This includes potential impacts to special status fish, amphibians, reptiles, birds, and mammals.</p>	<p>BIO-3: Minimize impacts to special status wildlife. <u>Prior to the approval of any solar development projects or related infrastructure under the REGPA with the potential to impact special status wildlife as determined by a qualified biologist, a qualified CDFW-approved wildlife biologist shall conduct a survey to document the presence or absence of suitable habitat for special status wildlife in the project site. The following steps shall be implemented to document special status wildlife and their habitats for each project, as determined by the CDFW-approved wildlife biologist:</u></p> <ul style="list-style-type: none"> • <u>Review Existing Information.</u> The wildlife biologist shall review existing information to develop a list of special status wildlife species that could occur in the project area or be impacted by the proposed project, either directly or indirectly (e.g., groundwater pumping could result in indirect impacts to off-site habitats for special status wildlife). The following information shall be reviewed as part of this process: the USFWS special status species list for the project region, CDFW’s CNDDDB, previously prepared environmental documents, and USFWS issued biological opinions for 	<p>Significant and Unavoidable</p>

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>previous projects. If the project is taking place on BLM or state administered lands (e.g., BLM, State Trust Lands), the list of special status wildlife from that land managing agency shall be obtained and reviewed in addition to the lists previously mentioned.</p> <ul style="list-style-type: none"> • Coordinate with State and Federal Agencies. The wildlife biologist shall coordinate with the appropriate agencies (CDFW, USFWS, BLM) to discuss wildlife resource issues in the project region and determine the appropriate level of surveys necessary to document special status wildlife and their habitats. • Conduct Field Studies. The wildlife biologist shall evaluate existing habitat conditions and determine what level of biological surveys may be required. The type of survey required shall depend on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. Depending on the existing conditions in the project area and the proposed construction activity, one or a combination of the following levels of survey may be required: • Habitat Assessment. A habitat assessment determines whether suitable habitat is present. The wildlife biologist shall conduct project-specific habitat assessments consistent with protocols and guidelines issued by responsible agencies for certain special status species- (e.g., USFWS' and CDFW have issued protocols for evaluating bald eagle habitat (2004 Protocol for Evaluating Bald Eagle Habitat and Populations in California). Habitat assessments are used to assess and characterize habitat conditions and to determine whether return surveys are necessary. If no suitable habitat is present for a given special status species, no additional species-focused or protocol surveys shall be required. • Species-Focused Surveys. Project-specific species-focused surveys (or target species surveys) shall be conducted if suitable habitat is present for special status wildlife and if it is necessary to determine the presence or absence of the species in the project area. The wildlife biologist shall conduct project-specific surveys focusing on special status wildlife species that have the potential to occur in the region. The surveys shall be conducted during a period when the target species are present and/or active. • Protocol-Level Wildlife Surveys. The wildlife biologist shall conduct project specific protocol level surveys for special status species with the potential to be impacted by the proposed project. The surveys shall comply with the appropriate protocols and 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>guidelines issued by responsible agencies for the special status species. USFWS and CDFW have issued survey protocols and guidelines for several special- status wildlife species that could occur in the project region, including (but not limited to): bald eagle, burrowing owl, golden eagle, Swainson’s hawk, least Bell’s vireo, willow flycatcher, desert tortoise, and San Joaquin desert kit fox. The protocols and guidelines may require that surveys be conducted during a particular time of year and/or time of day when the species is present and active. Many survey protocols require that only a USFWS- or CDFW-approved biologist perform the surveys. The project proponent shall coordinate with the appropriate state or federal agency biologist before the initiation of protocol-level surveys to ensure that the survey results would be valid. Because some species can be difficult to detect or observe, multiple field techniques may be used during a survey period and additional surveys may be required in subsequent seasons or years as outlined in the protocol or guidelines for each species.</p> <ul style="list-style-type: none"> • <u>Habitat Mapping.</u> The wildlife biologist shall map special status wildlife or suitable habitat identified during the project-specific field surveys. • <u>A Scientific Collecting Permit is required to take, collect, capture, mark, or salvage, for scientific, educational, and non-commercial propagation purposes, mammals, birds and their nests and eggs, reptiles, amphibians, fishes and invertebrates (Fish and Game Code Section 1002 and Title 14 Sections 650 and 670.7).</u> All biologists will be required to obtain a Scientific Collecting Permit that may be required to handle any live or dead animals during construction or operation of a project. <p>In addition, the following measures should be implemented to avoid and minimize impacts on special status species and their habitats if they occur within a site:</p> <ul style="list-style-type: none"> • For projects that are determined to have the potential to result in “take” of state or federally-listed animal species, consultation shall be conducted with CDFW or USFWS respectively <u>and appropriate mitigation measures developed as necessary, and take authorization shall be obtained prior to project commencement, if relevant.</u> • Any special status wildlife and/or their habitats identified within a project site outside of the work area will be protected by installing environmentally sensitive area fencing around habitat features, such as seasonal wetlands, burrows, and nest trees. The 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>environmentally sensitive area fencing or staking shall be installed at a minimum distance from the edge of the resource as determined through coordination with state and federal agency biologists (USFWS and CDFW, BLM). The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction related activities, vehicle operation, material and equipment storage, and other surface disturbing activities within the fenced environmentally sensitive area.</p> <ul style="list-style-type: none"> • If ground disturbing activities are required prior to site mobilization, such as for geotechnical borings or hazardous waste evaluations, a <u>qualified CDFW-approved biologist</u> shall be present to monitor any actions that could disturb soil, vegetation, or wildlife. • <u>In areas that could support desert tortoise or any other sensitive wildlife species, a County-approved qualified biologist with the appropriate CDFW and/or USFWS approvals for the species being salvaged and relocated shall be onsite and respond accordingly should an animal need to be relocated.</u> walk immediately ahead of equipment during the clearing and grading activities to salvage and relocate the wildlife in the path of the operations. The species shall be salvaged and relocated to off-site habitat when conditions will not jeopardize the health and safety of the biologist. • Vehicular traffic during project construction and operation shall be confined to existing routes of travel to and from the project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. Vehicles shall not exceed 25 mph on the project site. Vehicles shall abide by posted speed limits on paved roads. • For projects with the potential to affect desert tortoise, parking and storage shall occur within the area enclosed by desert tortoise exclusion fencing to the extent feasible. No vehicles or construction equipment parked outside the fenced area shall be moved prior to an inspection of the ground beneath the vehicle for the presence of desert tortoise. If a desert tortoise is observed, it shall be left to move on its own. If it does not move within 15 minutes, a CDFW and USFWS approved desert tortoise biologist may remove and relocate the animal to a safe location if temperatures are within the range 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>described in the Desert Tortoise Field Manual (USFWS 2013 or most recent version, available from the Ventura Fish and Wildlife Office website http://www.fws.gov/ventura/endangered/species/surveys_protocol.html). All access roads outside of the fenced project footprint shall be delineated with temporary desert tortoise exclusion fencing on either side of the access road, unless otherwise authorized by the County project manager and County biologist.</p> <ul style="list-style-type: none"> • A qualified <u>CDFW-approved</u> biologist shall be designated to oversee compliance with biological resources avoidance and minimization measures during mobilization, ground disturbance, grading, construction, operation, and closure/decommissioning, or project abandonment, particularly in areas containing or known to have contained sensitive biological resources, such as special status species and unique plant assemblages. The qualified <u>CDFW-approved</u> biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be delineated with stakes and flagging prior to construction activities in consultation with the biological monitor. Spoils shall be stockpiled in disturbed areas lacking native vegetation and which do not provide habitat for special status species. Parking areas, staging and disposal site locations shall also be located in areas without native vegetation or special status species habitat. All disturbances, vehicles, and equipment shall be confined to the flagged areas. The qualified <u>CDFW-approved</u> biologist shall be responsible for actions including, but not limited to, the following: <ul style="list-style-type: none"> ○ Clearly marking sensitive biological resource areas and inspecting the areas at appropriate intervals for meeting regulatory terms and conditions. ○ <u>Inspecting, daily, active construction areas where wildlife may have become trapped (for example, trenches, bores, and other excavation sites that constitute wildlife pitfalls outside the permanently fenced area) before beginning construction. At the end of the day, conducting wildlife inspections of installed structures that would entrap or not allow escape during periods of construction inactivity. Periodically inspecting areas with high vehicle activity (such as parking lots) for wildlife in harm’s way.</u> ○ <u>Periodically inspect stockpiled material and other construction material and</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p><u>equipment (including within the fenced areas) throughout the day as some species such as desert kit fox may enter the project site at any time.</u></p> <ul style="list-style-type: none"> ○ Overseeing special status plant salvage operations. ○ Immediately recording and reporting hazardous spills immediately as directed in the project hazardous materials management plan. ○ Coordinating directly and regularly with permitting agency representatives regarding biological resources issues, and implementation of the biological resource avoidance and minimization measures. ○ Maintaining written records regarding implementation of the biological resource avoidance and minimization measures, and providing a summary of these records periodically in a report to the appropriate agencies. ○ Notifying the project owner and appropriate agencies of non-compliance with biological resource avoidance and minimization measures. ○ At the end of each work day, the biological monitor shall ensure that all potential wildlife pitfalls (trenches, bores, and other excavations) have been backfilled or if backfilling is not feasible, the biological monitor shall ensure that all trenches, bores, and other excavations are sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise-exclusion fencing. All trenches, bores, and other excavations outside the areas permanently fenced with desert tortoise exclusion fencing shall be inspected periodically, but no less than three times, throughout the day and at the end of each workday by the qualifiedCDFW-approved biologist. Should a tortoise or other wildlife become trapped, the CDFW and USFWS-approved desert tortoise biologist shall remove and relocate the individual as described in the project’s Desert Tortoise Relocation/Translocation Plan. Any wildlife encountered during the course of construction shall be allowed to leave the construction area unharmed. ○ Any construction pipe, culvert, or similar structure with a diameter greater than 3<u>1</u> inches, stored less than 8 inches aboveground, and within desert tortoise habitat (i.e., outside the permanently fenced area) for one or more nights, shall be inspected by the biological monitor for desert tortoises or other 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>special status species such as fringe-toed lizard, before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored outside the fenced area, or placed on pipe racks. These materials would not need to be inspected or capped if they are stored within the permanently fenced area after the clearance surveys have been completed.</p> <ul style="list-style-type: none"> • Access roads, pulling sites, storage and parking areas outside of the fenced solar facility area shall be designed, installed, and maintained with the goal of minimizing impacts to native plant communities and sensitive biological resources. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with the APLIC Suggested Practices for Avian Protection on Power Lines (APLIC 2006) and Mitigating Bird Collisions with Power Lines (APLIC 2004) to reduce the likelihood of bird electrocutions and collisions. • Facility lighting shall be designed, installed, and maintained to direct light downwards towards the project site and avoid light spillover to wildlife habitat. • Construction and operation related noise levels shall be minimized to minimize impacts to wildlife. • All vertical pipes greater than 4 inches in diameter shall be capped to prevent the entrapment of birds and other wildlife. • All vehicles and equipment shall be maintained in proper working condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The biological monitor shall be informed of any hazardous spills immediately. Hazardous spills shall be immediately cleaned up and the contaminated soil properly disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated area. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks or spills. • Road surfacing and sealants as well as soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants. Anticoagulants shall not be used for rodent control. Pre-emergents and other herbicides with documented residual toxicity shall not be used. Herbicides shall be applied in conformance with federal, state, and local laws and according to the guidelines for wildlife- safe use of herbicides in BIO-24 (Weed Management Plan). 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> • The following measures shall be implemented to minimize attractants to wildlife: <ul style="list-style-type: none"> ○ If the application of water is needed to abate dust in construction areas and on dirt roads, use the least amount needed to meet safety and air quality standards and prevent the formation of puddles, which could attract wildlife to construction sites. The biological monitor shall patrol these areas to ensure water does not puddle and attract desert tortoise, common ravens, and other wildlife to the site and shall take appropriate action to reduce water application where necessary. ○ Water shall be prohibited from collecting or pooling for more than 24 hours after a storm event within the project retention basin. Standing water within the retention basin shall be removed, pumped, raked, or covered. Alternative methods or the timeframe for allowing the water to pool may be modified with the approval of the biological monitor. ○ Dispose trash and food-related items in self-closing, sealable containers with lids that latch to prevent wind and wildlife from opening containers. Empty trash containers daily and remove from the project site those associated with construction when construction is complete. ○ To avoid attracting insectivorous birds and bats, prepare a facility vector (such as mosquitoes or rodents) control plan, as appropriate, that meets the permitting agency approval and would be implemented during all phases of the project. • Workers or visitors, while on project property, shall be prohibited from feeding wildlife, bringing domestic pets to the project site, collecting native plants, or harassing wildlife. • To reduce the potential for the transmission of fugitive dust the project proponent shall implement dust control measures. These shall include: <ul style="list-style-type: none"> ○ The project proponent shall apply non-toxic soil binders, equivalent or better in efficiencies than the CARB- approved soil binders, to active unpaved roadways, unpaved staging areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions. ○ Water the disturbed areas of the active construction sites at least three times per day and more often if uncontrolled fugitive dust is noted. Enclose, cover, 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>water twice daily, and/or apply non-toxic soil binders according to manufacturer’s specifications to exposed piles with a 5 percent or greater silt content. Agents with known toxicity to wildlife shall not be used unless approved by the County biologist and County project manager.</p> <ul style="list-style-type: none"> ○ Establish a vegetative ground cover (in compliance with biological resources impact mitigation measures above) or otherwise create stabilized surfaces on all unpaved areas at each of the construction sites within 21 days after active construction operations have ceased. ○ Increase the frequency of watering, if water is used as a soil binder for disturbed surfaces, or implement other additional fugitive dust mitigation measures, to all active disturbed fugitive dust emission sources when wind speeds (as instantaneous wind gusts) exceed 25 mph. ● A project-specific worker environmental awareness program (WEAP) shall be developed and carried out during all phases of the project (site mobilization, ground disturbance, grading, construction, operation, closure/decommissioning, or project abandonment, and restoration/reclamation activities). The WEAP shall include the biological resources present and the measures for minimizing impacts to those resources. Interpretation for non-English speaking workers shall be provided, and all new workers shall be instructed in the WEAP. The project field construction office files will contain the names of onsite personnel (for example, surveyors, construction engineers, employees, contractors, contractor’s employees/ subcontractors) who have participated in the education program. All employees and contractors shall be trained to carry out the WEAP and on their role in ensuring the effectiveness of implementing the Plan. At a minimum, the WEAP shall including the following: <ul style="list-style-type: none"> ○ Photos and habitat descriptions for special status species that may occur on the project site and information on their distribution, general behavior, and ecology. ○ Species sensitivity to human activities. ○ Legal protections afforded the species. ○ Project measures for protecting species. ○ State and federal law violation penalties. ○ Worker responsibilities for trash disposal and safe/ humane treatment of 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>special status species found on the project site, associated reporting requirements, and specific required measures to prevent taking of threatened or endangered species.</p> <ul style="list-style-type: none"> ○ Handout materials summarizing the contractual obligations and protective requirements specified in project permits and approvals. ○ Project site speed limit requirements and penalties. ● A project specific restoration, re-vegetation, and reclamation plan that meets the approval of permitting agencies shall be prepared and carried out for all projects. The plan shall address at a minimum: <ul style="list-style-type: none"> ○ Minimizing natural vegetation removal and the consideration of cutting or mowing vegetation rather than total removal, whenever possible. ○ Salvage and relocation of cactus and yucca from the site before beginning construction. ○ Identification of protocols to be used for vegetation salvage. ○ Reclaiming areas of temporarily disturbed soil using certified weed free native vegetation and topsoil salvaged from excavations and construction activities. ○ Restoration and reclamation of temporarily disturbed areas, including pipelines, transmission lines, staging areas, and temporary construction-related roads as soon as possible after completion of construction activities. The actions are recommended to reduce the amount of habitat converted at any one time and promote recovery to natural habitats. ○ <u>Specifying proper seasons and timing of restoration and reclamation activities to ensure success.</u> ● <u>If any solar development projects are proposed that would require groundwater pumping, a hydrologic study shall be conducted to determine the potential for indirect off-site impacts to special status wildlife species and/or their habitats. If such studies conclude that any project has the potential to result in indirect impacts to the hydrology of off-site habitat for special status wildlife species (e.g., Amargosa vole, Ash Meadows naucorid), a management plan will be prepared in coordination with the County and submitted for approval to the appropriate resource agency with regulatory oversight for the species or habitat in question. The plan shall describe any appropriate monitoring, such as vegetation and/or water table monitoring, and</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p><u>prescribe mitigation to offset the impacts of the project on off-site habitat for special status wildlife such as preservation of suitable habitat or funding of activities to restore, enhance or conserve habitat within the County.</u></p>	
	<p>BIO-4: Minimize impacts to special status fish. <u>Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect special status fish, a project-specific groundwater impact analysis will be conducted to address potential impacts to habitat for special status fish. In addition, consultation with USFWS shall be conducted for projects with the potential to impact federally listed species including Owens pupfish or Owens tui chub and coordination with CDFW will be conducted for projects with the potential to impact state listed species or CDFW species of special concern including Owens sucker and Owens speckled dace. For projects that are determined to have the potential to result in “take” of state or federally listed fish species, consultation shall be conducted with CDFW or USFWS respectively and take authorization obtained prior to project commencement.</u></p> <p><u>For all projects proposed in the Charleston View and Chicago Valley SEDAs, an analysis of potential down-watershed impacts to special-status fish species in the Amargosa Watershed will be conducted prior to project approval, if the project involves impacts to groundwater and/or requires pumping of groundwater (e.g. solar thermal projects). If the project is determined to have the potential to result in down-watershed impacts that could alter the hydrology of habitats for special-status fish species, a mitigation and monitoring plan will be prepared by the applicant to address potential impacts to groundwater and down-watershed biological resources and submitted to USFWS and CDFW for approval prior to project implementation. Mitigation measures will be developed in coordination with USFWS and CDFW to offset these impacts. Mitigation measures should include but are not limited to 1) a requirement for the project applicant to purchase and retire currently exercised water rights along the same flowpath as the water being used by the facility at a minimum 1:1 ratio; 2) hydrological and biological monitoring of the impacts of groundwater pumping on the groundwater system and the sensitive habitats down-watershed; and 3) adaptive management to increase the ratio of water rights purchased and retired and restore habitats down-watershed if hydrological and biological monitoring indicates that the projects groundwater pumping is</u></p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p><u>having detrimental effects to sensitive biological resources (e.g., special status species or sensitive natural communities as designated by USFWS, CDFW, or CNPS) within the watershed as determined by a qualified hydrologist/hydrogeologist or biologist in coordination with USFWS and/or CDFW. For projects that are determined to have the potential to result in “take” of state or federally listed fish species, consultation shall be conducted with CDFW or USFWS respectively and take authorization obtained prior to project commencement.</u></p> <p>BIO-5: Minimize impacts to amphibians. The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect special status amphibians.</p> <ul style="list-style-type: none"> • Surveys for special status amphibians including but not limited to northern leopard frog, Owens Valley web-toed salamander, and Inyo Mountains slender salamander shall be conducted by a <u>qualified CDFW-approved</u> biologist with experience surveying for and/or handling these species. If construction is scheduled to commence during the optimal period of identification for these species, then surveys shall be conducted within two weeks prior to the commencement of construction. If construction is not scheduled to commence during the optimal period of identification for these species, then surveys shall be conducted during the optimal period of identification for these species (in the calendar year prior to construction) and again within two weeks prior to the commencement of construction. • If any of these species are found on a project site during the surveys, CDFW shall be contacted and avoidance and mitigation measures appropriate to the species will be developed. Avoidance measures could include actions such as waiting to begin construction until the animal passively disperses from the project site, active relocation of the animal, or allowing construction to begin with the institution of an appropriate no disturbance buffer until the animal has passively dispersed. Mitigation measures could include restoration of temporarily disturbed habitats. • If federal or state-listed amphibians not discussed above are determined to have the potential to occur on a project site or otherwise be impacted by the project, 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>consultation shall be conducted with USFWS and CDFW respectively to determine the survey protocol and mitigation measures appropriate to the species. For projects that are determined to have the potential to result in “take” of state or federally-listed amphibian species, consultation shall be conducted with CDFW or USFWS respectively and take authorization shall be obtained prior to project commencement.</p>	
	<p>BIO-6: Minimize impacts to desert tortoise. The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect desert tortoise in order to avoid, minimize, and mitigate for impacts:</p> <ul style="list-style-type: none"> • Consultation shall be conducted with CDFW and USFWS for any projects where desert tortoise or <u>signs of their presence</u> is found on the site and/or the project is determined by a <u>qualified CDFW-approved</u> biologist to have the potential to impact desert tortoise. In such cases, permits under Section 2080 of the Fish and Game Code and Section 7/10 of FESA authorizing incidental take of desert tortoise will be obtained from CDFW and USFWS respectively prior to implementation of the project, including any project-related ground disturbing activities. All requirements of the 2081/2080.1 permit and the Biological Opinion shall be implemented. • The project proponent shall fully mitigate for habitat loss and potential take of desert tortoise. The project specific mitigation shall be developed in coordination with CDFW and USFWS, and would be reflective of the mitigation measures described in the Biological Opinion prepared by the USFWS for the project. • <u>The project developer shall provide funds for regional management of common ravens through the payment of a per-acre fee as determined in consultation with the USFWS. The fee shall be commensurate with current per-acre fees (at the time of project approval) required by the BLM and the CEC for development projects in the desert with the potential to provide subsidies to common ravens such as shelter, perching sites, and food. The fee shall be used by the Desert Managers Group to manage common ravens in the California desert with the goal of reducing their predation on desert tortoises.</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> • Projects shall not be sited within areas identified for desert tortoise recovery or conservation according to the Revised Recovery Plan for the Mojave Population of the Desert Tortoise (<i>Gopherus agassizii</i>) (USFWS 2011) (such as designated critical habitat, Areas of Critical Environmental Concern, Desert Wildlife Management Areas, Priority Connectivity Areas, and other areas or easements managed for desert tortoises). • On project sites containing desert tortoise, consultation shall be conducted with USFWS and CDFW to determine the need for and/or feasibility of conducting desert tortoise translocation (changing location or position) to minimize the taking of the tortoises, if they are observed within the proposed project area. See http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/ for federal translocation plan guidance. Translocation plan development and implementation may require, but not be limited to: additional surveys of potential recipient sites; translocated and resident tortoise disease testing and health assessments; monitoring protocols; and consideration of climatic conditions at the time of translocation. Due to the potential magnitude of proposed renewable energy project impacts on desert tortoises, USFWS and CDFW must evaluate translocation efforts on a project by project basis in the context of cumulative effects. • A desert tortoise authorized biologist approved by CDFW and USFWS shall be contracted to oversee and be responsible for ensuring compliance with desert tortoise avoidance and minimization measures before initiation of and during ground-disturbing activities. The desert tortoise biologist shall conduct clearance surveys, tortoise handling, artificial burrow construction, egg handling, and other procedures in accordance with the Guidelines for Handling Desert Tortoise During Construction Projects (Desert Tortoise Council 1999) or the most current USFWS guidance. The desert tortoise biologist shall be present on site from March 15 through October 31 (active season) during ground-disturbing activities in areas outside the tortoise exclusion fencing. It is recommended that the biologist be on call from November 1 to March 14 (inactive season) and checks such construction areas immediately before construction activities begin. • Refer to the Ventura Fish and Wildlife Office website http://www.fws.gov/ventura/endangered/species/surveys-protocol.html for desert 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>tortoise authorized biologist and monitor responsibilities and qualifications, and survey and translocation guidance, and refer to the Nevada Fish and Wildlife Office (desert tortoise recovery office) website <http://www.fws.gov/nevada/desert_tortoise/dtro/.html> for desert tortoise federal recovery plan documents. Methods for clearance surveys, fence specification and installation, tortoise handling, artificial burrow construction, egg handling and other procedures shall be consistent with those described in the 2013 USFWS Desert Tortoise Field Manual available at the Ventura Fish and Wildlife Office website listed above, or more current guidance provided by CDFW and USFWS. All terms and conditions described in the Biological Opinion for the project prepared by the USFWS shall be implemented.</p> <ul style="list-style-type: none"> • The project owner shall undertake appropriate measures to manage the construction site and related facilities in a manner to avoid or minimize impacts to desert tortoise. These measures include, but are not limited to, the following: <ul style="list-style-type: none"> ○ <u>The project applicant shall notify the USFWS and CDFW prior to project commencement and prior to the commencement of any ground disturbing activities.</u> ○ Before starting project ground disturbing activities, the project proponent shall avoid potential desert tortoise harm by incorporating desert tortoise exclusion fencing into permanent fencing surrounding the proposed facility, and installing desert tortoise exclusion fencing around temporary project construction areas such as staging area, storage yards, excavations, and linear facilities. The tortoise exclusion fencing shall be constructed consistent with the USFWS 2010 Desert Tortoise Exclusion Fence Specifications or the most current guidance provided by USFWS and CDFW, and should be constructed in late winter or early spring to minimize impacts to desert tortoise and accommodate subsequent tortoise surveys. ○ Within 24 hours before starting tortoise exclusion fence construction, the desert tortoise biologist shall survey the fence alignment and utility right-of-way alignments and clear desert tortoises from the area. The surveys and relocation methods shall be conducted using techniques approved by the CDFW and USFWS. Following construction of the tortoise exclusion fence, the desert tortoise biologist shall conduct clearance surveys within the fenced area to ensure as many 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>desert tortoises as possible have been removed from the site. Burrows and tortoises identified within the project area shall be handled according to the 2013 USFWS Desert Tortoise Field Manual, and tortoises requiring relocation shall be handled in accordance with the project Desert Tortoise Relocation/Translocation Plan.</p> <ul style="list-style-type: none"> ○ Heavy equipment may enter the project site following the completion of project area desert tortoise clearance surveys by the desert tortoise biologist. Monitoring initial clearing and grading activities by the biologist will help ensure that tortoises missed during the initial clearance survey are moved from harm’s way. ○ The desert tortoise biologist shall be responsible for appropriate documentation and reporting to the permitting agencies for desert tortoises handled, in accordance with the project Desert Tortoise Relocation/Translocation Plan. ○ Security gates shall be designed with minimal ground clearance to deter ingress by tortoises. The gates shall be kept closed, except for the immediate passage of vehicles, to prevent desert tortoise passage into the project area. ○ Following installation of the desert tortoise exclusion fencing, both the permanent site fencing and temporary fencing in the utility corridors, the fencing shall be regularly inspected by the biological monitor. The biological monitor shall ensure that damage to the permanent or temporary fencing is immediately blocked to prevent tortoise access and permanently repaired within 72 hours between March 15 and October 31, and within 7 days between November 1 and March 14. The biological monitor shall inspect permanent fencing quarterly and after major rains to ensure fences are intact and there is no ground clearance under the fence that would allow tortoises to pass. The biologist shall inspect construction pipes, culverts, or similar structures: (a) with a diameter greater than 3 inches <u>of one inch or greater</u>, (b) stored for one or more nights, (c) less than 8 inches aboveground, and (d) within desert tortoise habitat (outside the permanently fenced area), before the materials are moved, buried, or capped. As an alternative, the materials may be capped before storing outside the fenced area or placing on pipe racks. Inspection or capping is not necessary if the materials are stored within the permanently fenced area after completing desert tortoise clearance surveys. 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> ○ The project proponent shall ensure vehicular traffic does not exceed 25 miles per hour within the delineated project areas or on access roads in desert tortoise habitat. On unpaved roads suppress dust and protect air quality by observing a 10-mile per hour speed limit. ○ To avoid vehicle impacts to desert tortoise, workers shall be responsible for inspecting the ground under the vehicle for the presence of desert tortoise any time a vehicle or construction equipment is parked in desert tortoise habitat outside the permanently fenced area. If a desert tortoise is seen, it may move on its own. If it does not move within 15 minutes, the desert tortoise biologist may remove and relocate the animal to a safe location. ● The project proponent shall develop and implement a Desert Tortoise Relocation/Translocation Plan that is consistent with current USFWS approved guidelines. The goal of the plan will be to safely exclude desert tortoises from within the fenced project area and relocate/translocate them to suitable habitat capable of supporting them, while minimizing stress and potential for disease transmission. The plan shall be developed in consultation with the USFWS to ensure the document does not conflict with conditions issued under an Incidental Take Statement. The plan will utilize the most recent USFWS guidance on translocation that includes siting criteria for the translocation site and control site, methods for translocation/relocation including the holding pen, and post translocation/relocation monitoring. Development and implementation of a translocation plan may require, but may not be limited to, additional surveys of potential recipient sites; disease testing and health assessments of translocated and resident tortoises; and consideration of climatic conditions at the time of translocation. The plan shall designate a relocation site as close as possible to the disturbance site that provides suitable conditions for long term survival of the relocated desert tortoise and outline a method for monitoring the relocated tortoise. ● The Desert Tortoise Relocation/Translocation Plan must be approved by the County, CDFW and USFWS prior to any project-related ground disturbing activity. <u>Plans may also be subject to approval by the County as part of the conditions of approval for future projects.</u> ● Within 30 days after initiation of relocation and/or translocation activities, the Designated Biologist shall provide to the Project Manager for review and approval, a 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>written report identifying which items of the plan have been completed, and a summary of all modifications to measures made during implementation of the plan. Written monthly progress reports shall be provided to the Project Manager for the duration of the plan implementation.</p> <ul style="list-style-type: none"> The project proponent shall design and implement a Raven Monitoring, Management, and Control Plan that is consistent with the most current USFWS raven management guidelines. The goal of the plan shall be to minimize predation on desert tortoises by minimizing project-related increases in raven abundance. The plan shall be approved by the County, CDFW and USFWS prior to the start of any project-related ground disturbing activities. <u>Plans may also be subject to approval by the County as part of the conditions of approval for future projects.</u> 	
	<p>BIO-7: Minimize impacts to special status reptiles (except desert tortoise). The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect special status reptiles (with the exception of desert tortoise which has separate mitigation measures):</p> <ul style="list-style-type: none"> Surveys for special status reptiles including but not limited to northern sagebrush lizard, Panamint alligator lizard, and Mojave fringe-toed lizard shall be conducted by a qualified <u>CDFW-approved</u> biologist with experience surveying for and/or handling these species. If construction is scheduled to commence during the optimal period of identification for these species, then surveys shall be conducted within two weeks prior to the commencement of construction. If construction is not scheduled to commence during the optimal period of identification for these species, then surveys shall be conducted during the optimal period of identification for these species (in the calendar year prior to construction) and again within two weeks prior to the commencement of construction. If any of these species are found on a project site during the surveys, CDFW will be contacted and avoidance and mitigation measures appropriate to the species will be developed. Avoidance measures could include actions such as waiting to begin construction until the animal passively disperses from the project site, active relocation 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>of the animal, or allowing construction to begin with the institution of an appropriate no disturbance buffer until the animal has passively dispersed. Mitigation measures could include restoration of temporarily disturbed habitats.</p> <ul style="list-style-type: none"> • If federal or state-listed reptiles not discussed above are determined to have the potential to occur on a project site or otherwise be impacted by the project, consultation shall be conducted with USFWS and CDFW respectively to determine the survey protocol and mitigation measures appropriate to the species. 	
	<p>BIO-8: Minimize impacts to Swainson’s hawk. The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect Swainson’s hawk:</p> <ul style="list-style-type: none"> • Surveys shall be conducted for Swainson’s hawk by a <u>qualified CDFW-approved</u> biologist according to the 2010 Swainson’s Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California (California Department of Fish and Game [CDFG] 2010) or more recent guidance, unless otherwise directed by CDFW. This guidance dictates survey methods for detecting Swainson’s hawk nesting in or in the vicinity of a project site and measure to avoid and/or reduce impacts to nesting Swainson’s hawk if they are found. The project applicant shall be responsible for coordinating with CDFW and ensuring that the CDFW guidance is implemented. 	
	<p>BIO-9: Minimize impacts to burrowing owl. The following measures shall be implemented for any solar development project(s) or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect burrowing owl, unless otherwise directed by CDFW:</p> <ul style="list-style-type: none"> • In the calendar year that construction is scheduled to commence, surveys will be conducted by a <u>qualified CDFW-approved</u> biologist to determine presence/absence of 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>burrowing owls and/or occupied burrows in the project site and accessible areas within 500 feet according to the CDFW’s <i>Staff Report on Burrowing Owls</i> (CDFG 2012). A winter non-breeding season survey will be conducted between December 1 and January 31 and a nesting-breeding season survey will be conducted between April 15 and July 15 according to established protocols (CDFG 2012). Pre-construction surveys will also be conducted within 30 days prior to construction to ensure that no additional burrowing owls have established territories since the initial surveys. If no burrowing owls are found during any of the surveys, no further mitigation will be necessary. If burrowing owls are found, then the following measures shall be implemented prior to the commencement of construction:</p> <ul style="list-style-type: none"> ○ During the non-breeding season (September 1 through January 31) burrowing owls should be evicted by passive relocation as described in the <i>Staff Report on Burrowing Owl Mitigation</i>s (CDFG 2012). <u>A burrowing owl exclusion plan will be prepared and submitted to CDFW for approval prior to implementation of burrowing owl exclusion or relocation activities.</u> ○ Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31); occupied burrows shall not be disturbed and shall be provided with a 75-meter protective buffer <u>as stipulated in the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012)</u>, unless a qualified biologist approved by CDFW verifies through non-invasive means that either: (1) the birds have not begun egg laying or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. ○ If on-site avoidance is required, the location of the buffer zone will be determined by a qualified <u>CDFW-approved</u> biologist. The developer shall mark the limit of the 75-meter buffer zone with yellow caution tape, stakes, or temporary fencing. The buffer will be maintained throughout the construction period. ● Where on-site avoidance is not possible, CDFW should be consulted regarding the appropriate avoidance and minimization measures to avoid impacts to this species. ○ <u>Impacts to occupied burrowing owl habitat as defined by CDFW will be mitigated in compliance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012) including restoration of temporarily disturbed habitats to pre-</u> 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p><u>project conditions and compensatory mitigation for permanent impacts. A</u></p> <ul style="list-style-type: none"> <u>burrowing owl mitigation plan will be prepared and submitted to CDFW for approval prior to commencement of any ground disturbing activities. The plan will describe potential impacts to burrowing owl resulting from the proposed project and prescribe mitigation measures in accordance with CDFW guidelines.</u> 	
	<p>BIO-10: Minimize impacts to western snowy plover, western yellow-billed cuckoo, Inyo California towhee, and bank swallow.</p> <p>Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect federally-listed bird species (without published survey protocols)<u>for which survey protocols have not been published</u>, including the western snowy plover, western yellow-billed cuckoo, Inyo California towhee, and bank swallow, the USFWS shall be contacted to develop project specific measures to determine the potential for presence/absence of the species in the project area and appropriate avoidance and mitigation measures. For projects in the desert portions of the County, contact the Palm Springs Fish and Wildlife Office. For projects in the forested portions of the County or the Owens Valley, contact the Nevada Fish and Wildlife Office. Mitigation measures shall include, but are not limited to, species specific habitat assessments and/or focused surveys to determine whether federally-listed bird species or their habitat are present in or adjacent to the project site, measures to avoid or minimize impacts to these species during construction and operation of the solar development, and compensatory mitigation for loss of habitat. For projects that are determined to have the potential to result in “take” of federally-listed bird species, consultation will be conducted with USFWS under either Section 7 or Section 10 of FESA and an Incidental Take Statement will be obtained prior to project commencement. <u>Western yellow-billed cuckoo, Inyo California towhee, and bank swallow are also state-listed species. An Incidental Take Permit from CDFW will also be required if a project or any project-related activity during the life of the project is determined to have the potential to result in “take” of these species (as defined by the Fish and Game Code).</u></p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>BIO-11: Minimize impacts to southwestern willow flycatcher. Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect southwestern willow flycatcher, surveys shall be conducted according to Southwestern Willow Flycatcher Protocol Revision 20010 (http://www.fws.gov/mountain-prairie/endspp/protocols/SWWFReport.pdfhttp://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/SWWFlycatcher.2000.protocol.pdf) following the guidelines for the revised protocol for project-related surveys or the most recent guidance as determined in coordination with the USFWS Pacific Southwest Region Nevada Fish and Wildlife Office. For projects that are determined to have the potential to result in “take” of southwestern willow flycatcher, consultation will be conducted with USFWS under either Section 7 or Section 10 of FESA and an Incidental Take Statement will be obtained prior to project commencement. <u>Southwestern willow flycatcher is also a state-listed species. An Incidental Take Permit from CDFW will also be required if a project or any project-related activity during the life of the project is determined to have the potential to result in “take” of this species (as defined by the Fish and Game Code).</u> Mitigation measures shall be implemented and shall include, but are not limited to, species specific habitat assessments and/or focused surveys to determine whether federally-listed bird species or their habitat are present in or adjacent to the project site, measures to avoid or minimize impacts to these species during construction and operation of the solar development, and compensatory mitigation for loss of habitat.</p>	
	<p>BIO-12: Minimize impacts to bald and golden eagle. Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect bald and golden eagles, the project proponent shall implement the following measures to avoid and offset impacts:</p> <ul style="list-style-type: none"> • Site specific surveys and monitoring of known or suspected eagle nesting and foraging habitat in areas where eagles occur (i.e., all of California) shall be conducted to provide background information related to <u>bald eagle take permits (golden eagle is fully protected pursuant to Fish and Game Code and no permits may be issued for their</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>take). Surveys shall be conducted using (at least) methods and qualified personnel as recommended by CDFW and USFWS. Surveys shall be conducted according to the USFWS’s 2010 <i>Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations</i> (available online at http://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/usfws_interim_goea_monitoring_protocol_10march2010.pdf), the USFWS’s 2004 <i>Protocol for Evaluating Bald Eagle Habitat and Populations in California</i> and CDFW’s 2010 <i>Bald Eagle Breeding Survey Instructions</i> (both documents are available online at http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html) or the most recent guidance regarding non-breeding season surveys for winter, migratory, and floating populations of eagles determined in coordination with CDFW and USFWS.</p> <ul style="list-style-type: none"> • Where proposed projects may result in take of bald or golden eagles, the USFWS shall be consulted to determine the standards and requirements for the permit titled “Eagle Take – Necessary to Protect Interests in a Particular Locality.” Bald Eagle take permits are performance based and will hinge on the merits of the application. The permit application form and related information are on the USFWS website: http://www.fws.gov/migratorybirds/baldeagle.htm. The final rule (Federal Register / Vol. 74, No. 175, September 11, 2009), Environmental Assessment (http://www.fws.gov/migratorybirds/CurrentBirdIssues/BaldEagle/FEA_EagleTakePermit_Final.pdf), implementation and protocol documents, and consultations with USFWS will provide additional guidance. • Projects shall avoid, to the extent needed to comply with state and federal requirements, siting project facilities and infrastructure in a location or manner that would cause bald and golden eagle mortality, injury, and/or disturbance; i.e., locate facilities outside of eagle breeding home ranges as well as important breeding, wintering, and dispersal foraging areas, migration stopovers and corridors, and areas used by eagles for thermal or orographic lift. • Projects shall avoid, to the extent needed to comply with state and federal requirements, siting project facilities and infrastructure in a location or manner that would cause bald and golden eagle mortality, injury, and/or disturbance; i.e., locate facilities outside of eagle breeding home ranges as well as important breeding, wintering, and dispersal foraging areas, migration stopovers and corridors, and areas used by eagles for thermal or orographic lift. 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> Projects shall incorporate actions to avoid eagle disturbance (refer to the USFWS National Bald Eagle Management Guidelines, May 2007 and Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and Other Recommendations in Support of Golden Eagle Management and Permit Issuance, Attachment II) in consultation with the USFWS to obtain the most current guidance and measures. 	
	<p>BIO-13: Minimize impacts to least Bell’s vireo. Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to <u>contain habitat for least Bell’s vireo on or adjacent to the site, have the potential to affect least Bell’s vireo,</u> surveys shall be conducted according to the USFWS’s Least Bell’s Vireo Survey Guidelines (http://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/LBVireo.2001.protocol.pdf) or the most recent guidance as determined in coordination with the USFWS Pacific Southwest Region Nevada Fish and Wildlife Office.</p> <p>For projects that are determined to have the potential to result in “take” of least Bell’s vireo, <u>either on or off-site due to direct or indirect impacts,</u> consultation will be conducted with USFWS under either Section 7 or Section 10 of FESA and an Incidental Take Statement will be obtained prior to project commencement. <u>Least Bell’s vireo is also a state-listed species. An Incidental Take Permit from CDFW will also be required if a project or any project-related activity during the life of the project is determined to have the potential to result in “take” of this species (as defined by the Fish and Game Code).</u></p> <p><u>For projects with the potential to result in direct or indirect impacts to least Bell’s vireo or its habitat, mitigation measures shall be developed in consultation with USFWS and CDFW and shall be implemented prior to project implementation. Such measures and shall include, but are not limited to, species specific habitat assessments and/or focused surveys to determine whether federally-listed bird species or their habitat are present in or adjacent to the project site, measures to avoid or minimize impacts to these species during construction and operation of the solar development, habitat restoration, and compensatory mitigation for loss of habitat</u></p>	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<u>that may include implementation of captive breeding programs.</u>	
	<p>BIO-14: Minimize impacts to bighorn sheep. Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect bighorn sheep, the project applicant shall retain a qualified biologist, approved by the USFWS and CDFW, to conduct preconstruction surveys for Sierra Nevada bighorn sheep and/or Peninsular and Mojave bighorn sheep depending on the location of the project. Due to low detection probabilities, the following data shall be used when evaluating potential projects impacts to the species: data relative to historic ranges of bighorn sheep; known and potential wildlife corridors (such as, those identified in the BLM Mojave and Colorado deserts land use plans); point location data; and existing literature. If bighorn sheep or their migration routes exist, are known or likely to occur on or in the vicinity of the project site, and may be affected by project-related activities, the consultation shall be conducted with USFWS, CDFW, and other stakeholders, as appropriate, regarding avoidance, minimization, compensatory mitigation, or site abandonment. For projects that are determined to have the potential to result in “take” of state or federally listed bighorn sheep, consultation shall be conducted with CDFW or USFWS respectively and take authorization shall be obtained prior to project commencement.</p> <p>BIO-15: Minimize impacts to Sierra Nevada red fox. Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect Sierra Nevada red fox, CDFW shall be contacted to develop project specific measures to determine the potential for presence/absence of this species in the project area and appropriate avoidance and mitigation measures. Mitigation measures shall include, but are not limited to, a species specific habitat assessment and/or focused surveys to determine whether Sierra Nevada red fox or its habitat is present in or adjacent to the project site, measures to avoid or minimize impacts to this species during construction and operation of the solar development, and compensatory mitigation for loss of habitat. For projects that are determined to have the potential to result in “take,” consultation will be conducted with CDFW under the California Endangered Species Act and incidental take authorization will be obtained prior to project commencement.</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>BIO-16: Minimize impacts to Mohave ground squirrel. <u>Protocol Mohave ground squirrel surveys shall be required for projects that propose impacts to habitat with potential to support Mohave ground squirrel or are within or adjacent to the species’ known range. Mohave ground squirrel surveys consist of a visual survey followed by 3 trapping sessions of 5 nights each (CDFW 2003). Each trapping session must be conducted during a specific time frame. The first session must be conducted between March 15 and April 30; the second between May 1 and May 31; and the third between June 15 and July 15. Trapping can be discontinued if a Mohave ground squirrel is trapped or observed, in which case the survey area is deemed to be occupied. If survey results are negative, the survey area will be deemed to be unoccupied for one year during which pre-construction surveys are not required. If survey results are positive, the project shall obtain an incidental take permit from CDFW under CESA Section 2081.</u> Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect Mohave ground squirrel, consultation shall be conducted with CDFW to determine the survey protocol and mitigation measures appropriate to the project. For projects that are determined to have the potential to result in “take” of Mohave ground squirrel, consultation shall be conducted with CDFW and take authorization shall be obtained prior to project commencement. Avoidance and mitigation measures shall include but are not limited to the following: The project applicant shall retain a CDFW approved Mohave ground squirrel biologist to oversee CDFW required measures including but not limited to tasks such as conducting clearance surveys, handling Mohave ground squirrels, artificial burrow construction, and other procedures in accordance with CDFW protocols.</p> <p>BIO-17: Minimize impacts to American badger and kit fox. Prior to the approval of any solar development projects or related infrastructure under the REGPA that is determined during the project level biological resource evaluation (Mitigation Measure BIO-1) to have the potential to affect American badger and/or kit fox, the following measures shall be implemented to avoid, minimize, and mitigate for impacts to these species:</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> • The project proponent shall prepare and implement an American badger and/or kit fox management plan. The plan shall be prepared in accordance with the most current CDFW guidelines for these species. The plan shall be approved by CDFW prior to implementation. The plan shall include the following components: <ul style="list-style-type: none"> ○ Preconstruction surveys and mapping efforts: biological monitors shall perform pre- construction surveys for badger and kit fox dens in the project area, including areas within 250 feet of all project facilities, utility corridors, and access roads. If dens are detected, each den shall be classified as inactive, potentially active, or definitely active, including characterization of den type for kit fox (natal, pupping, likely satellite, atypical) per CDFW guidance, and mapped along with major project design elements. ○ Inactive dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers or kit fox. Excavation and filling activities shall be performed by the a qualified <u>CDFW-approved</u> biologist. Potentially and confirmed active dens shall not be disturbed during the whelping/pupping season (February 1 to September 30). ○ Monitoring requirements. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the qualified <u>CDFW-approved</u> biologist for three consecutive nights (during weather conditions favorable for detection) using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger or kit fox from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers or kit fox are trapped in the den. ○ Passive relocation strategies. The management plan shall contain, at a minimum, several strategies to passively relocate animals from the site. These methods may entail strategic mowing, fencing, or other feasible construction methods to assist in moving animals offsite toward desirable land. The plan 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>shall address location of preferred offsite movement of animals, based on CDFW data and land ownership. Private Even with permission from the <u>landowner</u>, <u>private</u> land is to be avoided to the maximum extent practicable.</p> <ul style="list-style-type: none"> ○ Escape dens shall be installed along the perimeter fencing to reduce predation risk. ○ Kit fox disease prevention measures. The qualified <u>CDFW-approved</u> biologist shall notify the County project manager and CDFW within 24 hours if a dead kit fox is found or appears sick. The plan must also detail a response to a kit fox injury, including a necropsy plan, reporting methods, and scope of adaptive methods in the event of a known or suspected outbreak. The project owner will pay for any necropsy work. 	
	<p>BIO-18: Minimize impacts to other special status birds, raptors, migratory birds, nesting birds and bats.</p> <p>The following measures apply to all projects developed under the REGPA that are determined during the project level biological resource evaluation to have the potential to impact nesting birds and/or bats and shall be implemented to avoid, minimize, and mitigate for impacts to birds and bats. These measures are for bird species without established protocols and non-listed bird species that lack species-specific mitigation measures (not applicable to the common raven). For future development proposed to be located on or near land with old mines, specific survey protocols and mine closure considerations shall be developed.</p> <p>Pre-Construction Bird Surveys and Avoidance Measures</p> <p>If project construction occurs between roughly February 1 and August 31, a County-approved <u>qualified biologist(s)</u> <u>CDFW-approved biologist</u> shall conduct preconstruction surveys for nesting birds. The biologist(s) conducting the surveys shall be experienced bird surveyors and familiar with standard nest-locating techniques. Surveys shall be conducted in accordance with the following guidelines:</p> <ul style="list-style-type: none"> ● <u>CDFW and/or USFWS (depending on the avian species in question) shall be contacted to obtain approval of pre-construction survey methodology prior to commencement of the surveys.</u> 	Significant and Unavoidable

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> • Surveys shall cover all potential nesting habitat in the project site and within 500 feet of the project site and linear facilities boundaries – inaccessible areas outside of the project boundary may be surveyed from within the project site or publicly accessible land with the aid of binoculars. • Vegetation removal or other ground disturbing activities should be avoided between February 1 and August 31; however if it cannot be avoided, the <u>CDFW-approved avian</u> biologist shall survey breeding/nesting habitat within the survey radius described within one week prior to the start of project activities. • CDFW and/or USFWS must provide concurrence with the survey findings prior to the start of construction. Site preparation and construction activities may begin after receiving the concurrence and if no breeding/nesting birds are observed. Additional follow up surveys shall be conducted if periods of construction inactivity exceed one week in any given area, an interval during which birds may establish a nesting territory and initiate egg laying and incubation. • If active nests are detected during the survey, a no-disturbance buffer zone (protected area surrounding the nest, the size of which is to be determined by the project biologist in consultation with CDFW and/or USFWS) and a monitoring plan shall be developed. The nesting bird plan shall identify the types of birds that may nest in the project area, the proposed buffers, monitoring requirements, and reporting standards that will be implemented to ensure compliance with the MBTA and Fish and Game Codes 3505 and 3505.3. The avian <u>CDFW-approved</u> biologist shall monitor the nest until he or she determines that nestlings have fledged and dispersed. <p>Pre-Construction Bat Surveys and Avoidance Measures</p> <p>Preconstruction bat surveys shall be conducted by a qualified <u>CDFW-approved</u> biologist(s) familiar with standard bat survey techniques. If night or day roosting bats are identified in project structures they shall not be disturbed and a 100-foot non-disturbance buffer shall be placed between the roost and the construction activities until a determination is made whether the roost is a maternity roost or a non-breeding roost. Maternity colonies shall not be disturbed until coordination with CDFW is conducted to determine appropriate measures including an appropriate no-disturbance buffer. If the qualified <u>CDFW-approved</u> bat biologist determines</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>roosting bats consist of a non-breeding roost, the individuals shall be safely evicted under the direction of a <u>qualified CDFW-approved bat biologist</u>. CDFW shall be notified of any bat evictions within 48 hours.</p> <p><u>Bat and Avian Protection Plan</u> A bat and avian protection plan shall be developed to protect bats, migratory birds, and golden eagles while improving conservation, safety, and reliability for utility customers. The plan shall include measures to monitor the death and injury of birds from solar flux, radiance, and collisions with facility features such as reflective mirror-like surfaces. Guidance in the California Guidelines (Appendix D) and Avian Protection Plan Guidelines published by the APLIC and USFWS (2005) shall be consulted. The plan shall be approved by the County, CDFW, and USFWS prior to the start of project construction. The following monitoring/detection recommendations from the USFWS Forensics Laboratory (Kagan et al. unpub.) shall be considered:</p> <ul style="list-style-type: none"> • Install video cameras sufficient to provide 360 degree coverage around each tower to record birds (and bats) entering and exiting the flux. • For at least 2 years (and in addition to the planned monitoring protocol), conduct daily surveys for birds (at all 3 facilities), as well as insects and bats around each tower at the base of and immediately adjacent to the towers in the area cleared of vegetation. Timing of daily surveys can be adjusted to minimize scavenger removal of carcasses. Surveys in the late afternoon might be optimal for bird carcasses, and first light for bat carcasses. • Use dogs for monitoring surveys to detect dead and injured birds that have hidden themselves in the brush, both inside and outside the perimeter of the facility. <p>To decrease removal of carcasses, implement appropriate raven deterrent actions.</p> <p><u>Bird and Bat Conservation Strategy</u></p> <p><u>A bird and bat conservation strategy (BBCS) shall be prepared to reduce potential project impacts on migratory birds. The BBCS shall describe proposed actions to avoid, minimize, and mitigate adverse effects to migratory birds protected under the MBTA during construction and operations of the proposed project. The BBCS shall be submitted to USFWS and CDFW for approval prior to the start of ground disturbing activities. The BBCS shall address buffer</u></p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p><u>distances for specific bird species and include a robust, systematic monitoring protocol to document mortality and habitat effects to birds. The monitoring protocol should incorporate the following objectives at a minimum: (1) a minimum of weekly monitoring for mortality and immediate necropsy to determine cause of death, both during construction and throughout the life of the project; (2) systematic data collection and reporting of bird mortality including data on the following: species, date, time, how the animal died (e.g., exhaustion, trauma), as well as any information on what might be attracting animals to the photovoltaic cells (light, insects, etc.); (3) a method to estimate the overall annual avian mortality rate associated with the facility, including mortality associated with all the features of the project that are likely to result in injury and mortality (e.g., fences, ponds, solar panels); and (4) methods to determine whether there is spatial differentiation within the solar field in the rates of mortality (i.e., panels on the edge of the field versus interior of the field). Biologists performing this work would be required to have a Scientific Collecting Permit from CDFW. Standardized and systematic data on bird and bat mortalities will be collected to contribute to the improvement of the scientific communities' understanding of both baseline and photovoltaic related mortality that occurs in solar projects in the desert and is needed in order to identify improved methods to minimize adverse effects on migrating birds and bats.</u></p> <p><u>In the absence of a permit from the USFWS, the temporary or permanent possession of protected migratory birds and their carcasses is a violation of the MBTA. Because of the need for carcass collection to adequately monitor avian impacts during BBCS implementation and to reduce the food subsidy that carcasses may provide to common ravens (<i>Corvus corax</i>) and other predators, developers shall be required to obtain a special purpose utility permit from the USFWS allowing the collection of migratory birds and/or their carcasses prior to implementation of the monitoring protocol.</u></p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>General Bird Mortality Avoidance Measures</p> <p>The following measures are recommended by the USFWS Forensics Laboratory and shall be implemented to minimize bird mortality from birds attracted to solar facilities:</p> <ul style="list-style-type: none"> • All potential nesting vegetation (e.g., trees, shrubs) shall be removed within the fenced area of the facility to decrease attractive habitat. • <u>The most current science regarding visual cues to birds that the solar panel is a solid structure shall be implemented. This may include but is not limited to UV-reflective or solid, contrasting bands spaced no further than 28 centimeters from each other. An adaptive management approach for reducing bird collisions with solar panels shall be implemented in coordination with the USFWS so that measures used are systematically tested and modified as appropriate. This may include but is not limited to UV reflective or solid, contrasting bands spaced no further than 28 centimeters from each other.</u> • <u>Projects with documented avian mortality shall work with the USFWS to conduct additional research to test measures for reducing avian mortality. Such measures could include, but are not limited to, experimental lighting within the solar field and use of detection and deterrent technologies.</u> • <u>Developers of Ppower tower operations shall be suspended during peak migration times for indicated species. implement adaptive management in consultation with the USFWS should mortality monitoring indicate that suspension of power tower operations during certain periods is necessary to reduce impacts on local or regional bird populations. Such measures may include, but are not limited to, suspending or reducing project operations during peak migration seasons.</u> • Vertical orientation of mirrors shall be avoided whenever possible (for example, mirrors shall be tilted during washing). • If the use of open evaporation ponds is permitted for the project and especially if the water would be considered toxic to wildlife, ponds shall be designed to discourage bird and other wildlife use by properly netting or otherwise covering the pond. • Perch deterrent devices shall be placed on tower railings. • Exclusionary measures shall be employed to prevent bats from roosting in and around the facility. 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>Minimize Impacts from Solar Flux</p> <p>The following mitigation measures shall be implemented in order to minimize <u>avian impacts from solar flux</u>:</p> <ul style="list-style-type: none"> • <u>Solar thermal developments utilizing solar power tower technologies shall not be sited in or within a minimum of 1,000 feet of from Important Bird Areas (as determined by the County in consultation with Responsible and Trustee agencies), the OVSA, or riparian or other aquatic habitats including lakes, ponds, rivers, streams, and perennial wetland habitats unless potentially significant impacts are avoided, although the appropriate buffer distance shall be determined on a project-by-project basis as determined by the County in consultation with responsible and trustee agencies. This requirement generally does not apply to seasonal or ephemeral wetland habitats unless deemed necessary by a qualified biologist in light of the wetland’s specific habitat value for bird species.</u> • <u>The County shall require developers proposing solar power tower technology to coordinate with the USFWS during project planning. As part of that coordination process, and in conjunction with the project’s next tier of CEQA review, the USFWS will advise the County whether a Bird and Bat Conservation Strategy would be necessary for the project, and if required, would adequately reduce the effects of the project on migratory birds and bats.</u> <p>Minimize Impacts from Open Evaporation Ponds</p> <p>The following mitigation measures shall be implemented for projects that require the use of open evaporation ponds:</p> <ul style="list-style-type: none"> • <u>An evaporation pond management plan shall be prepared and submitted to CDFW for approval prior to project approval.</u> • <u>If the use of open evaporation ponds is permitted for the project and especially if the water would be considered toxic to wildlife, ponds shall be designed to discourage bird and other wildlife use by properly netting or otherwise covering the pond.</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>Avoid Impacts from Electric Lines and Lights</p> <p>The following design measures shall be implemented for applicable projects to minimize impacts to bats and birds:</p> <ul style="list-style-type: none"> • Transmission lines and electrical components shall be installed and maintained in accordance with the Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (APLIC 2006) or the most recent guidance to reduce the likelihood of electrocutions of raptors and other large birds, . • Transmission lines and electrical components shall be installed and maintained in accordance with the APLIC’s Mitigating Bird <u>Reducing Avian Collisions with Power Lines: The State of the Art in 1994-2012</u> (Edison Electric Institute 2004<u>2012</u>) or the most recent guidance to reduce the likelihood of bird collisions. • Low and medium voltage connecting power lines shall be placed underground, if feasible. If burial of the lines is not feasible due to cost or other logistical reasons (for example in shallow bedrock areas) or may cause unacceptable impacts to biological habitats and their dependent species, overhead lines may be installed in compliance with the following requirements: <ul style="list-style-type: none"> ○ low and medium voltage overhead lines shall be sited away from high bird crossing locations, such as between roosting and feeding areas or between lakes, rivers, and nesting areas; and/or ○ low and medium voltage overhead lines shall be installed parallel to tree lines or be otherwise screened so that collision risk is reduced. • Permanent communication towers and permanent meteorological towers shall not be constructed with guy wires, if feasible. If guy wires are necessary for permanent or temporary towers, bird flight diverters or high visibility marking devices shall be used. In such cases a monitoring plan shall be developed and carried out to determine the diverters’/devices’ effectiveness in reducing bird and bat mortality. • Facility lighting shall be installed and maintained to prevent upward and side casting of light towards wildlife habitat and motion sensors shall be used. If the FAA requires 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>turbine or tower lighting to alert aircraft, red or white strobe lights shall be used on the structures to minimize avian collision risks. The strobes shall be on for as brief of a period as possible and the time between strobe or flashes shall be the longest allowable. Strobes shall be synchronized so that a strobe effect is achieved and towers are not constantly illuminated.</p> <ul style="list-style-type: none"> • Lights with sensors and switches shall be used to keep lights off when not required. • The use of high-intensity lighting, steady-burning, or bright lights such as sodium vapor or spotlights shall be minimized. <p><u>Compensatory Mitigation for the Cumulative Loss of Migratory Bird Habitat along the Pacific Flyway</u></p> <p><u>The County shall require solar development projects implemented under the REGPA to mitigate for the loss of habitat by funding activities to restore, enhance, or conserve important habitat for migratory birds or to remove other mortality sources from the Pacific Flyway. Such funding may be directed to the Sonoran Joint Venture (http://sonoranjv.org), Central Valley Joint Venture (http://www.centralvalleyjointventure.org), or Intermountain West Joint Venture (http://iwjv.org), or other groups able to implement conservation of migratory birds within the Pacific Flyway. The amount of funding will be determined by the County in coordination with USFWS and shall be commensurate with the level of impact.</u></p>	
<p>Impacts to special status natural communities (i.e., vegetation communities of limited distribution statewide or within a county or region) could occur as a result of implementation of the REGPA if construction and/or operation of the future solar developments results in the disturbance or loss of</p>	<p>BIO-19: Minimize impacts to special status natural communities and protected natural areas.</p> <p>Solar development authorized under the REGPA will not be sited within any special status natural communities or protected natural areas. If solar development is sited adjacent to any special status natural communities or protected natural areas <u>or is determined to have the potential to impact any off-site special status natural communities or protected natural areas during the project level biological resources evaluation (e.g., projects in the Laws SEDA could impact the hydrology of critical habitat for Fish Slough milk-vetch; projects in the Chicago Valley SEDA could negatively impact off-site mesquite bosque by altering drainage patterns or altering groundwater levels; projects in the Charleston View and Chicago Valley SEDAs could impact down-watershed habitats in the Amargosa Watershed (including habitats within</u></p>	<p>Less Than Significant</p>

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
protected natural communities.	<p>the portion of the Amargosa River that has been designated by Congress as “Wild and Scenic.”), a management plan will be developed in consultation with CDFW and/or USFWS. The management plan will address the potential offsite effects of the construction and on-going operations of the facility on special status species including but not limited to the effects of human disturbance, noise, nighttime maintenance activities, increased lighting, increased traffic on desert roads, and barriers to movement for special status species. The management plan will also address potential mechanisms of offsite habitat degradation such as introduction of invasive weeds, introduction or attraction of feral animals or other species attracted to areas with anthropogenic disturbance, hydrologic disruption due to groundwater impacts or alteration of surface drainage patterns, and increased risk of wildfires. The management plan will also outline the specific measures to be undertaken to avoid and/or minimize indirect effects of the solar development on the adjacent sensitive habitat and special status species and include a plan for long term monitoring of the adjacent habitat as well as an adaptive management plan.</p> <p>If riparian communities (other than water birch riparian scrub – a special status natural community that must be avoided) are present in a project area, impacts to riparian communities shall be avoided or minimized by implementing the following measures:</p> <ul style="list-style-type: none"> • The project shall be redesigned or modified to avoid direct and indirect impacts on riparian communities, if feasible. • Riparian communities adjacent to the project site shall be protected by installing environmentally sensitive area fencing, at least 20 feet from the edge of the riparian vegetation. Depending on site specific conditions, this buffer may be narrower or wider than 20 feet <u>if necessary</u>, in coordination with the project biologist. The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction related activities, vehicle operation, material and equipment storage, and other surface disturbing activities within the fenced environmentally sensitive area. • The potential for long term loss of riparian vegetation shall be minimized by trimming vegetation rather than removing the entire shrub. Shrub vegetation shall be cut at least 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>1 foot above ground level to leave the root systems intact and allow for more rapid regeneration of the species. Cutting shall be limited to a minimum area necessary within the construction zone. This type of removal shall be allowed only for shrub species (all trees shall be avoided) in areas that do not provide habitat for sensitive species (e.g., willow flycatcher).</p> <ul style="list-style-type: none"> • If riparian vegetation is removed as part of a project, the loss of riparian vegetation shall be mitigated to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site-specific information and determined through coordination with state and federal agencies (including CDFW and USFWS). Compensation shall be provided at a minimum 1:1 ratio (1 acre restored or created for every 1 acre removed) and may be a combination of on-site restoration/creation, off-site restoration, or mitigation credits. A restoration and monitoring plan shall be developed and implemented that describes how riparian habitat shall be enhanced or recreated and monitored over a minimum period of time, as determined by the appropriate state and federal agencies. 	
<p>Construction and maintenance activities associated with future projects implemented under the REGPA could result in disturbance or loss of waters of the US and/or State. These wetlands or other waters of the US/State could be affected through direct removal, filling, hydrological interruption (including dewatering), alteration of bed and bank, and other construction related activities.</p>	<p>BIO-20: Minimize impacts to waters of the US/State, including wetlands. The following measures apply to all projects developed under the REGPA that are determined during the project level biological resource evaluation to have the potential to impact waters of the US or waters of the State, including wetlands, and shall be implemented to avoid, minimize, and mitigate for such impacts. These measures shall be incorporated into contract specifications and implemented by the construction contractor. In addition, the project proponent shall ensure that the contractor incorporates all state and federal permit conditions into construction specifications.</p> <ul style="list-style-type: none"> • <u>Wetlands and other waters of the US/state shall be delineated on the project site using both USACE and CDFW definitions of wetlands. USACE jurisdictional wetlands shall be delineated using the methods outlined in the USACE 1987 Wetlands Delineation Manual and the Arid West Manual, or the most recent guidance.</u> This information shall be mapped and documented as part of the CEQA documentation, as applicable, and in wetland delineation reports. All applicable permits shall be obtained prior to impacting waters of the US/State including CWA Section 404 and 401 permits 	<p>Less Than Significant</p>

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>from the USACE and the RWQCB respectively and a Streambed Alteration Agreement from CDFW.</p> <ul style="list-style-type: none"> • <u>The project shall be redesigned or modified to avoid direct and indirect impacts on waters of the U.S./State, if feasible.</u> • Standard erosion control measures shall be implemented for all phases of construction and operation where sediment runoff from exposed slopes threatens to enter waters of the State and/or waters of the US. Sediment and other flow-restricting materials shall be moved to a location where they shall not be washed back into the stream. All disturbed soils and roads within the project site shall be stabilized to reduce erosion potential, both during and following construction. Areas of disturbed soils (access and staging areas) with slopes trending towards a drainage shall be stabilized to reduce erosion potential. • Wetland habitats that occur near the project site shall be protected by installing environmentally sensitive area fencing at least 20 feet from the edge of the wetland. Depending on site specific conditions and permit requirements, this buffer may be wider than 20 feet, if necessary, in coordination with the project biologist. The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications shall contain clear language that prohibits construction related activities, vehicle operation, material and equipment storage, and other surface disturbing activities within the fenced environmentally sensitive area. • <u>All construction vehicles and equipment shall use existing roadways to the extent feasible to avoid or reduce impacts to waters of the U.S./State.</u> • Installation activities shall be avoided in saturated or ponded wetlands during the wet season (spring and winter) to the maximum extent possible. Where such activities are unavoidable, protective practices, such as use of padding or vehicles with balloon tires, shall be used. • Wetland habitats that occur near the project site shall be protected by installing environmentally sensitive area fencing at least 20 feet from the edge of the wetland. Depending on site-specific conditions and permit requirements, this buffer may be wider than 20 feet in coordination with the project biologist. The location of the fencing shall be marked in the field with stakes and flagging and shown on the 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>construction drawings. The construction specifications shall contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.</p> <ul style="list-style-type: none"> • Installation activities shall be avoided in saturated or ponded wetlands during the wet season (spring and winter) to the maximum extent possible. Where such activities are unavoidable, protective practices, such as use of padding or vehicles with balloon tires, shall be used. • Where determined necessary by resource specialists, geotextile cushions and other materials (e.g., timber pads, prefabricated equipment pads, or geotextile fabric) shall be used in saturated conditions to minimize damage to the substrate and vegetation. • Exposed slopes and stream banks shall be stabilized immediately on completion of installation activities. Other waters of the US shall be restored in a manner that encourages vegetation to reestablish to its pre-project condition and reduces the effects of erosion on the drainage system. • In highly erodible stream systems, banks shall be stabilized using a non-vegetative material that will bind the soil initially and break down within a few years. If the project engineers determine that more aggressive erosion control treatments are needed, geotextile mats, excelsior blankets, or other soil stabilization products shall be used. • During construction, trees, shrubs, debris, or soils that are inadvertently deposited below the ordinary high-water mark of drainages shall be removed in a manner that minimizes disturbance of the drainage bed and bank. • If wetlands are filled or disturbed as part of the highway-solar project, compensation will be implemented for the loss of wetland habitat to ensure no net loss of habitat functions and values. Compensation ratios shall be based on site-specific information and determined through coordination with state and federal agencies (including CDFW, USFWS, and USACE). The compensation shall be at a minimum 1:1 ratio (1 acre restored or created for every 1 acre filled) and may be a combination of on site restoration/creation, off-site restoration, or mitigation credits. A restoration and monitoring plan shall be developed and implemented if onsite or offsite restoration or creation is chosen. The plan shall describe how wetlands shall be created and 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	monitored for the duration established by the regulatory agency.	
Impacts to wildlife movement or corridors may occur as a result of implementation of the. Project activities that would interfere with the movement of resident or migratory species or impede fish or wildlife corridors, or nursery habitat would be considered to be a potentially significant impact.	<p>BIO-21: Minimize impacts to movement or migratory corridors or native wildlife nursery sites. <u>The following mitigation measures will be implemented to minimize impacts to movement or migratory corridors or native wildlife nursery sites:</u></p> <ul style="list-style-type: none"> • <u>Solar development authorized under the REGPA should shall not be sited in or within 1,000 feet of any areas determined by the County in consultation with responsible and trustee agencies to be Important Bird Areas, essential connectivity areas or linkages identified in the 2001 Missing Links in California’s Landscape Project (Penrod et al. 2001), or USFWS identified desert tortoise priority connectivity areas or tule elk and mule deer movement corridors unless potentially significant impacts are avoided. The appropriate buffer distance shall be determined on a project-by-project basis as determined by the County in consultation with responsible and trustee agencies.</u> • <u>Any proposed solar development projects in the OVSA shall be required to study the potential impact of the project on tule elk and mule deer movement corridors prior to project approval. If a proposed project is determined to be located within an important tule elk and mule deer movement corridor, the applicant shall be responsible for the preparation of a plan to avoid and/or minimize impacts to such corridors in coordination with CDFW.</u> • <u>As stated in Mitigation Measure BIO-6, projects shall not be sited within areas identified for desert tortoise recovery or conservation according to the Draft Revised Recovery Plan for the Mojave Population of the Desert Tortoise (<i>Gopherus agassizii</i>) (USFWS 2011) (such as designated critical habitat, ACECs, DWMAs, priority connectivity areas, and other areas or easements managed for desert tortoises).</u> 	Less Than Significant
The spread of invasive plant species or noxious weeds could occur as a result of implementation of the REGPA. Invasive species impacts would have the potential to cause an	<p>BIO-22: Minimize impacts sspread of to invasive plant species or noxious weeds. For projects implemented under the REGPA that are determined during the project level biological resource evaluation to have the potential to result in the spread of invasive plant species or noxious weeds, the following mitigation measures shall be implemented: To prevent the introduction and spread of noxious weeds, a project-specific integrated weed</p>	Less Than Significant

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
adverse affect on a variety of special status species and sensitive natural communities through alteration of a broad range of ecological interactions. This would be a potentially significant impact.	<p>management plan shall be developed for approval by the permitting agencies, which would be carried out during all phases of the project. The plan shall include the following measures, at a minimum, to prevent the establishment, spread, and propagation of noxious weeds:</p> <ul style="list-style-type: none"> • The area of vegetation and/or ground disturbance shall be limited to the absolute minimum and motorized ingress and egress shall be limited to defined routes. • Project vehicles shall be stored onsite in designated areas to minimize the need for multiple washings of vehicles that re-enter the project site. • Vehicle wash and inspection stations shall be maintained onsite and the types of materials brought onto the site shall be closely monitored. • The tires and undercarriage of vehicles entering or re-entering the project site shall be thoroughly cleaned. • Native vegetation shall be re-established quickly on disturbed sites. • Weed Monitor and quickly implement control measures to ensure early detection and eradication of weed invasions. • Use certified weed-free straw, hay bales, or equivalent for sediment barrier installations. 	
Implementation of the REGPA has the potential to result in significant impacts to special status plants and wildlife, riparian habitats and other sensitive natural communities, and waters of the US, and/or state.	<p>BIO-23: Implement general design guidelines to minimize impacts to biological resources. All projects authorized under the REGPA will incorporate the following design guidelines as applicable in coordination with the County:</p> <ul style="list-style-type: none"> • Design and site the project, in consultation with the permitting agencies, to avoid or minimize impacts to sensitive and unique habitats and wildlife species. Locate energy generation facilities, roads, transmission lines, and ancillary facilities in the least environmentally sensitive areas (such as away from riparian habitats, streams, wetlands, vernal pools, drainages, sand dunes, critical wildlife habitats, wildlife conservation, management, other protected areas, or unique plant assemblages). <ul style="list-style-type: none"> ○ Design facilities to use existing roads and utility corridors as much as possible to minimize the number and length/size of new roads, laydown, and borrow areas. ○ Design transmission line poles, access roads, pulling sites, storage, and parking areas to avoid special status species or unique plant assemblages 	Significant and Unavoidable

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> adjacent to linear facilities. ○ Locate and/or design facilities to minimize or mitigate wildlife movement disruptions. ○ Locate and/or design facilities to minimize or mitigate wildlife movement disruptions. ○ Design facilities to discourage their use as bird perching, drinking, or nesting sites. ○ Design facility lighting to prevent side casting of light toward wildlife habitat and skyward protection of light that may disorient night-migrating birds. ○ Avoid using or degrading high value or large intact habitat areas, such as areas identified as sensitive natural habitat, Wilderness Areas, Areas of Critical Environmental Concern, critical habitat; riparian, sand dunes. ○ Avoid severing movement and connectivity corridors. Consider existing conservation investments such as protected areas and lands held in trust for conservation purposes. ○ Locate facilities so they do not disrupt sand transport processes nor remove some or all of a sand source that contributes to sand dune systems harboring listed or otherwise sensitive species. Avoid armoring nearby dune system sand sources. 	
Implementation of the REGPA has the potential to result in significant impacts to groundwater dependent vegetation primarily within the Owens Valley.	<p>BIO-24: Minimize impacts to groundwater dependent vegetation and ecosystems. Any solar development projects or related infrastructure implemented under the REGPA <u>which are located on City of Los Angeles-owned land or which could affect City of Los Angeles-owned land</u> shall comply with the terms of the Agreement. A qualified biologist/botanist <u>with experience in Inyo County</u> shall evaluate the potential for any project implemented under the REGPA to impact groundwater dependent vegetation <u>or ecosystems located on City of Los Angeles-owned land</u>. If the qualified biologist/botanist determines that the project has the potential to impact groundwater dependent vegetation <u>or ecosystems</u>, a groundwater dependent vegetation management plan will be prepared. The plan will include an evaluation of the potential impacts to groundwater dependent vegetation <u>or ecosystems</u> and appropriate measures to avoid or reduce the impacts to the extent feasible. The plan shall be prepared in coordination with the County <u>and LADWP</u> and should describe any appropriate monitoring, such as vegetation and/or water table monitoring, and prescribe mitigation to offset the impacts of the project on groundwater dependent vegetation <u>or ecosystems</u> as deemed appropriate by</p>	Less Than Significant

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
BIOLOGICAL RESOURCES (cont.)		
	<p>the qualified biologist in coordination with the County and LADWP. <u>Projects that are likely to affect groundwater resources in a manner that would result in a substantial loss of riparian or wetland natural communities and/or habitat for sensitive flora and fauna associated with such habitats shall be avoided to the extent feasible and impacts shall be mitigated to a level determined to be acceptable by the County. The project and vegetation management plan shall be approved by both the County and LADWP prior to implementation.</u></p>	
<p><u>Implementation of the REGPA has the potential to result in indirect impacts to sensitive species and their habitats due to groundwater pumping.</u></p>	<p>BIO-25: Minimize potential indirect impacts due to groundwater pumping <u>Mitigation measures for potential indirect impacts due to groundwater pumping are included in Mitigation Measure BIO-1, Mitigation Measure BIO-2, Mitigation Measure BIO-3, and Mitigation Measure BIO-4. Prior to approval of any project under the REGPA requiring groundwater pumping, the potential effects of the groundwater pumping on biological resources will be evaluated during preparation of the project-specific biological resources evaluation and will be based on the results of the hydrologic study conducted as a requirement of Mitigation Measure HYD-2 in Section 4.9, Hydrology and Water Quality. If groundwater pumping is determined to have the potential to result in off-site impacts to biological resources, measures will be included in the project-specific biological resources mitigation and monitoring plan to avoid, minimize, and mitigate for any such impacts. The measures will be commensurate with the resource and level of impact and may include but are not limited to vegetation and/or water table monitoring, preservation of suitable habitat or funding of activities to restore, enhance or conserve habitat within the County, and a requirement for the project applicant to purchase and retire currently exercised water rights along the same flowpath as the water being used by the facility at a minimum 1:1 ratio.</u></p>	<p><u>Less Than Significant</u></p>

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES		
<p>Implementation of future projects associated with the REGPA has the potential to cause a substantial adverse change in the significance of a historical or archaeological resources, and cultural landscapes, as defined in Section 15064.5 of the State CEQA Guidelines.</p>	<p><u>CUL-1: Minimize impacts to cultural resources.</u> <u>Adverse effects to historical resources (CRHP-eligible cultural resources) would be resolved on a project-specific level. As part of this process, resource identification efforts including pedestrian surveys, formal government-to-government tribal consultation with state lead agencies, and engagement with Native American communities would be necessary. Examples of ways to resolve adverse effects include:</u></p> <ul style="list-style-type: none"> • <u>Plan ground disturbance to avoid cultural resources.</u> • <u>Deed cultural resources into permanent conservation easements.</u> • <u>Cap or cover archaeological resources with a layer of soil before building on the location.</u> • <u>Plan parks, greenspace, or other open space to incorporate cultural resources.</u> • <u>Write synthetic documents summarizing the current understanding of the history and prehistory of the project area and vicinity.</u> • <u>Recover data for archaeological resources.</u> • <u>Develop interpretive material to correspond with recreational uses to educate the public about protecting cultural resources and avoiding disturbance of sensitive resources.</u> • <u>Develop partnerships to assist in the training of groups and individuals to participate in site stewardship programs.</u> • <u>Coordinate with visual resources staff to ensure visual management standards consider cultural resources and tribal consultation to include landmarks of cultural significance to Native Americans (e.g., TCPs, trails).</u> 	<p><u>Significant and Unavoidable</u></p>

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> • <u>Measures to address visual impacts to the setting of built-environment resources include:</u> <ul style="list-style-type: none"> ○ <u>Existing mature plant specimens shall be used for screening during construction, operation, and decommissioning phases. The identification of plant specimens that are determined to be mature and retained shall occur as part of the design phase and mapped/identified by a qualified plant ecologist or biologist and integrated into the final design and project implementation.</u> ○ <u>Revegetation of disturbed areas within the project area shall occur as various activities are completed. Plans and specifications for revegetation shall be developed by a qualified plant ecologist or biologist before any extant vegetation is disturbed. The revegetation plan shall include specification of maintenance and monitoring requirements, which shall be implemented for a period of 5 years after project construction or after the vegetation has successfully established, as determined by a qualified plant ecologist or biologist. Plant material shall be consistent with surrounding native vegetation.</u> ○ <u>The color of the wells, pipelines, storage tanks, control structures, and utilities shall consist of muted, earth-tone colors that are consistent with the surrounding natural color palette. Matte finishes shall be used to prevent reflectivity. For example, integral color concrete should be used in place of standard gray concrete.</u> ○ <u>The final revegetation and painting plans and specifications shall be reviewed and approved by an architect, landscape architect, or allied design professional licensed in the State of California to ensure that the design objectives and criteria are being met.</u> ○ <u>Specific impact identification and adjustments to finish specifications shall occur during project design. Implementation of the revegetation and coloration plans shall occur during oilfield development. Maintenance and monitoring requirements shall be implemented after initial project construction for a period of 5 years, or after the vegetation has successfully established, as determined by a qualified plant ecologist or biologist.</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> • <u>Protective measures and monitoring protocols can be implemented for built environment resources located in close proximity to a project but that are not anticipated to be directly impacted by demolition or development but which may be subject to other direct impacts such as change in historic setting, vibration, noise, or inadvertent damage include:</u> <ul style="list-style-type: none"> ○ <u>Historic Structures Reports (HSR) shall be prepared for buildings and structures adjacent to the project area for which detailed information is required to develop protection measures. Reports shall be completed for buildings and structures that appear to be in poor condition and, therefore, potentially sensitive to development-related activities such as vibration. These reports shall determine if predevelopment stabilization through temporary shoring and bracing of these buildings is warranted.</u> ○ <u>Predevelopment condition assessments shall be prepared for buildings and structures that qualify as historical resources that are adjacent to the project area and are structurally stable, but could be unintentionally damaged during development. Should there be any question as to whether the project caused damage, these condition assessments will provide confirmation of the predevelopment condition.</u> ○ <u>Precautions to protect built environment historical resources from construction vehicles, debris, and dust may include fencing or debris meshing. Temporary mothballing, and fire and intrusion protection may be needed if the buildings are unoccupied during oil and gas field development.</u> ○ <u>Protective measures shall be field checked as needed during development by a qualified architectural historian with demonstrated experience conducting monitoring of this nature. Vibration monitoring may be required for buildings determined susceptible to vibration damage located in close proximity to development activities or machinery that cause vibration.</u> ○ <u>These measures are designed to avoid direct impacts such as vibration that may result in structural damage or inadvertent direct impacts. Structural damage or demolition would otherwise potentially result in a significant impact because character-defining features and aspects of historic integrity that convey the resource’s significance could be materially impaired.</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> ○ <u>Redesign of relevant facilities shall be used to avoid destruction or damage where feasible.</u> ● <u>For built resources that will be directly and significantly impacted, mitigation typically includes:</u> <ul style="list-style-type: none"> ○ <u>Historic American Building Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscape Survey (HALS) records will be prepared for historical resources that will be demolished. The HABS/HAER/HALS documentation will be prepared as appropriate for the impacted historical resource with HABS normally completed at Level II. These reports will include written and photographic documentation of the significant and character-defining features of these properties. While this documentation will not reduce impacts to a less than a significant level, it is needed to capture and preserve a description of the significant information and characteristics associated with the resource.</u> ○ <u>All HABS/HAER/HALS reports are subject to review and approval by the NPS. Following approval, the lead agencies will produce sufficient copies for distribution to identified repositories, including the Library of Congress, the California State Library, the University of California Water Resources Center Archives, and any local repositories, as appropriate and agreed upon with the County Planning Department and interested parties. Distribution will ensure the formal documentation is retained and conveyed to a wide audience.</u> ○ <u>Deconstruction and salvage of materials from demolished buildings will be performed to the extent feasible to enable the restoration of similar buildings and structures outside of the area of direct impact. Deconstruction and salvage will not reduce impacts to a less than significant level, but will help to ensure that similar resources are restored and maintained in manner that will ensure that examples of the resource type are preserved.</u> ○ <u>Relocate historically significant resources for which demolition cannot be feasibly avoided by development. In such circumstances, relocation must meet the requirements for the Special Criteria Consideration for Moved Buildings, Structures, and Objects to ensure the significance of the building is retained.</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> ○ <u>Require that the preservation or reuse of an eligible structure follow Department of the Interior (DOI) Standards and Guidelines for Archeology and Historic Preservation. If the building is considered a historic resource under CEQA, the local building inspector must grant code alternatives under the State Historic Building Code.</u> ○ <u>In a case where HABS/HAER documentation does not provide adequate mitigation to reduce impacts to a less than significant level, projects would normally be required to take additional steps to capture the history and memory of the resource and share this information with the public using various methods such as Web media, static displays, interpretive signs, use of on-site volunteer docents, or informational brochures.</u> ● <u>Avoidance and minimization are the preferred means by which the County would prevent potential impacts to cultural resources, including cultural landscapes. Preservation in place is the preferred manner to avoid and minimize impacts to historical and archaeological resources. All impacts to cultural resources that are eligible or potentially eligible for listing on the CRHR shall be avoided, to the greatest extent possible. Preservation in place may be accomplished by, but is not limited to, the following: Avoidance of significant or potentially significant cultural resources through project redesign and the relocation of project element.</u> ● <u>Following avoidance and minimization, measures to address impacts to cultural resources at a landscape scale should follow the guidance in <i>A Strategy for Improving Mitigation Policies and Practices of the Department of the Interior</i> (DOI 2014) and the <i>National Park Service Preservation Brief 36 - Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes</i>, including but not limited to:</u> <ul style="list-style-type: none"> ○ <u>Document the individual landscape characteristics and features in the context of the landscape as a whole in a Cultural Landscape Report, including contributing and non-contributing features.</u> ○ <u>Develop compensatory mitigation.</u> ○ <u>Coordinate with other agencies.</u> ○ <u>Monitor and evaluate the progress of long-term mitigation.</u> ○ <u>Develop and maintain geospatial information systems for use in identifying existing and potential conservation strategies and development opportunities.</u> 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<p>•</p> <p>CUL-1a: Designate project Cultural Resources Staff. <u>Project Cultural Resources Specialist.</u> Prior to the approval of a Renewable Energy Permit, Renewable Energy Development Agreement, or Renewable Energy Impact Determination by the County Planning Department, a cultural resources specialist whose training and background conforms to the US Secretary of Interior’s Professional Qualifications Standards, as published in Code of Federal Regulations Title 36, part 61 shall be retained by the project owner to conduct a cultural resources inventory, evaluate any resources, produce a Cultural Resources Management and Treatment Plan and other related plans for the approved project and to implement any required plans and mitigation, as necessary as determined by the cultural resource specialist. Their qualifications shall be appropriate to the needs of the project, <u>and shall include local knowledge.</u> If the project primarily impacts resources archaeological in nature, the cultural resources specialist shall have a background in archaeology, anthropology or cultural resource management. If the project impacts primarily built environment resources, the cultural resources specialist shall have a background in architectural history. Resumes of the proposed cultural resources staff shall be submitted to the County Planning Department or other CEQA lead agency for review and approval. The Monitoring and Treatment Plan (Mitigation Measure CUL-1c) shall be prepared and implemented under the direction of the cultural resources specialist and shall address and incorporate CUL-1a through CUL-1g.</p> <p><u>Additional Cultural Resources Staff.</u> The project’s cultural resources specialist may obtain the services of specialists, cultural resources monitors and field crew if needed, to assist in identification, evaluation, mitigation, monitoring, and curation activities. Cultural Resources Staff shall have a Bachelor’s degree in anthropology, archaeology, history, architectural history or related field, and demonstrated field experience. These individuals must also meet local lead agency qualifications and their resumes must be reviewed and approved by local lead agency staff prior to beginning work.</p> <p>CUL-1b: Draft a Historical Resources Treatment Plan. To mitigate the potential impacts on historical resources identified during inventory of the project area, a treatment plan for historical resources shall be developed by, depending on the nature of the resources identified, an archaeologist and/or architectural historian who meets the</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<p>Secretary of Interior’s Professional Qualifications Standards. This treatment plan would include data recovery plans that would address National Register of Historic Places/California Register for Historic Resources-eligible cultural resources that would be impacted by the project by requiring some level of extracting the scientific value and analysis of the resources prior to development.</p> <p>CUL-1c: Draft a Monitoring and Treatment Plan. To mitigate the potential impacts related to inadvertent discovery of archaeological resources during construction, the project proponents shall have a Secretary of the Interior-qualified archaeologist implement a monitoring program and an unanticipated archaeological resource treatment plan. The qualified archaeologist will evaluate any resources uncovered during ground disturbing activities implement appropriate treatment as specified in the archaeological resource treatment plan. During all phases of the project that include ground disturbance, these ground-disturbing activities will be observed by an archaeological monitor, as determined necessary by the archaeologist.</p> <ul style="list-style-type: none"> a. If, during the course of monitoring, a potentially significant resource is discovered, the qualified archaeologist will have the authority to stop or redirect ground disturbing activities away from the resource until it can be evaluated. b. If previously unknown cultural deposits are discovered during the course of construction, such as previously undiscovered stratified cultural deposits, a testing program will be implemented to evaluate the stratified cultural deposit. c. A separate Native American monitor shall be retained by the project proponent to monitor ground disturbing activities in and around archaeological resources. The Native American monitor shall be selected through consultation with Native American tribal groups. The Native American monitor shall work in conjunction with the qualified archaeologist. <p>CUL-1d: Grant authority to halt project activities. Prior to the approval of a Renewable Energy Permit, Renewable Energy Development Agreement, or Renewable Energy Impact Determination by the County or the relevant CEQA</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<p>lead agency, the project owner shall submit a written document granting authority to halt project related activities to the project’s cultural resources specialist (as defined in mitigation measure CUL-1a) and cultural resources monitors in the event of a discovery or possible damage to a cultural resource. Redirection of project related activities shall be accomplished under the direction of the project supervisor in consultation with the cultural resources specialist. The details of this agreement shall be stipulated in the Cultural Resources Management and Treatment Plan as required in Mitigation Measure CUL-1b.</p> <p>CUL-1e: Develop a Cultural Resources Worker Environmental Awareness Program. Prior to and for the duration of project activities, the project owner shall provide WEAP training to all new workers within their first week of employment at the project site. The training shall be prepared by the Project cultural resources specialist (as defined in CUL-1) in consultation with local Native Americans and shall incorporate the traditions and beliefs of local Native American groups into the presentation. The presentation may be conducted by any qualified cultural resources specialist and a Native American, if possible, and may be presented in the form of a video. A consulting fee or honorarium shall be negotiated with the local Native American consultants and presenter and paid to them for their participation. The training may be discontinued when project activities are completed or suspended, but must be resumed when project activities resume.</p> <p>The training shall include:</p> <ol style="list-style-type: none"> 1. A discussion of applicable laws and penalties under the law; 2. Samples or visuals of artifacts that might be found in the project vicinity; 3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed; 4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during ground-disturbance, and the range of variation in the appearance of such deposits; 5. A discussion of what local Native American beliefs are, how those beliefs are related to cultural resources that may be found in the area, and the appropriate respectful behavior towards sacred places and objects; 	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<ul style="list-style-type: none"> 6. Instruction that all cultural resources specialists have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the project cultural resources specialist (as defined in CUL-1); 7. Instruction that employees are to avoid areas flagged as sensitive for cultural resources; 8. Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the project cultural resources specialist (as defined in CUL-1), and that redirection of work would be determined by the project supervisor and the project cultural resources specialist; 9. An informational brochure that identifies reporting procedures in the event of a discovery; 10. An acknowledgement form signed by each worker indicating that they have received the training which shall be submitted to the County Planning Department and any other CEQA lead agency; and 11. A sticker that shall be placed on hard hats indicating that environmental training has been completed. 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<p>CUL-1f: Conduct cultural resources reporting. The project cultural resources specialist shall document results in interim and final reports as necessary. The contents and timing of these reports shall be stipulated in the Cultural Resources Management and Treatment Plan (CUL-1b).</p> <p>Final reports for archaeological resources, human remains, and some landscapes, shall be written by or under the direction of a Secretary of the Interior qualified archaeologist or architectural historian as appropriate for the project. Reports shall be provided in the California Office of Historic Preservation’s Archaeological Resource Management Reports: Recommended Contents and Format and local agency formats. Final documents shall report on all field activities including dates, times and locations, results, samplings, and analyses. All survey reports, Department of Parks and Recreation 523 series forms, data recovery reports, and any additional research reports not previously submitted to the California Historical Resource Information System and the State Historic Preservation Officer shall be included as appendices.</p> <p>CUL-1g: Proper curation of cultural resources collections. All archaeological materials retained as a result of the cultural resources investigations (survey, testing, data recovery) shall be curated in accordance the California State Historical Resources Commission’s <i>Guidelines for the Curation of Archaeological Collections</i>, into a retrievable storage collection in a public repository or museum. <u>Additionally, all collection and retention of archaeological materials as a result of cultural resources investigations must comply with the regulations and policies of the land managing agency or property owner.</u></p>	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
Implementation of future projects associated with the REGPA may disturb human remains, including those interred outside of formal cemeteries.	<p>CUL-2: Implement proper actions in the event of the incidental discovery of human remains.</p> <p>In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie potential remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC must immediately notify those persons it believes to be the most likely descendant of the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the County, the disposition of the human remains.</p> <p>Should human remains be discovered at any time during construction of the project, construction in the vicinity would halt and the County Coroner would be contacted immediately. If the Coroner determines that the remains do not require an assessment of cause of death and are probably Native American, then the NAHC would be contacted to identify the Most Likely Descendant.</p>	Significant and Unavoidable
Implementation of future projects associated with the REGPA has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<p>PALEO-1a: Protect paleontological resources.</p> <p>Project developers shall document in a paleontological resources assessment report whether paleontological resources exist in a project area on the basis of the following: the geologic context of the region and site and its potential to contain paleontological resources (including the fossil yield potential), a records search of institutions holding paleontological collections from California desert regions, a review of published and unpublished literature for past paleontological finds in the area, and coordination with paleontological researchers working locally in potentially affected geographic areas (or studying similar geologic strata).</p> <p>If paleontological resources are present at the site or if the geologic units to be encountered by the project (at the surface or the subsurface) have a high/very high or moderate/unknown fossil</p>	Significant and Unavoidable

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
	<p>yield, a Paleontological Resources Management Plan shall be developed.</p> <ol style="list-style-type: none"> 1. The plan shall include the following types of requirements: 2. The qualifications of the principal investigator and monitoring personnel 3. Construction crew awareness training content, procedures, and requirements 4. Any measures to prevent potential looting, vandalism, or erosion impacts 5. The location, frequency, and schedule for on-site monitoring activities 6. Criteria for identifying and evaluating potential fossil specimens or localities 7. A plan for the use of protective barriers and signs, or implementation of other physical or administrative protection measures 8. Collection and salvage procedures 9. Identification of an institution or museum willing and able to accept any fossils discovered 10. Compliance monitoring and reporting procedures <p>If the geologic units that would be affected by the project have been determined to have low fossil yield potential, paleontological resources shall be included as an element in construction worker awareness training. The training shall include measures to be followed in the event of unanticipated discoveries, including suspension of construction activities in the vicinity.</p> <p>The Paleontological Resources Management Plan shall evaluate all of the construction methods proposed, including destructive excavation techniques. Where applicable, the principal investigator shall include in the plan an evaluation of the potential for such techniques to disturb or destroy paleontological resources, an evaluation of whether loss of such fossils would represent a significant impact, and discussion of mitigation or compensatory measures (such as recordation/recovery of similar resources elsewhere on the site) that are necessary to avoid or substantially reduce the impact.</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
CULTURAL RESOURCES (cont.)		
HYDROLOGY AND WATER QUALITY		
<p>Implementation of a solar facility project as part of the REGPA would result in potentially significant impacts related to hydrologic conditions (including drainage alteration, runoff rates and amounts, flood hazards, and existing/planned storm drain system capacity); groundwater resources; and long-term water quality.</p>	<p>HYD-1: Conduct site-specific hydrologic investigations. Site-specific hydrologic investigations will be completed for proposed utility scale solar facility development projects within the individual SEDAs and the OVSA (i.e., those with grading, excavation or other activities potentially affecting hydrologic conditions, as determined by the County), as well as the potential off-site transmission corridors associated with the Trona, Chicago Valley, and Charleston View SEDAs (if applicable), prior to final project design approval. All applicable results and recommendations from these investigations will be incorporated into the associated individual final project design documents to address identified potential hydrologic concerns, including but not necessarily limited to: drainage alteration, runoff rates and amounts, flood hazards, and existing/planned storm drain system capacity. The final project design documents will also encompass applicable standard design and construction practices from sources including NPDES, <u>Basin Plan</u> and County standards, as well as the results/recommendations of County plan review (with all related requirements to be included in applicable engineering/design drawings and construction contract specifications). A summary of the types of remedial measures typically associated with identified potential hydrologic concerns, pursuant to applicable regulatory and industry standards (as noted), is provided below. The remedial measures identified/recommended as part of the described site-specific hydrologic investigations will take priority over the more general types of standard regulatory/industry measures listed below.</p> <ul style="list-style-type: none"> • Drainage Alteration: (1) locate applicable facilities <u>and activities (e.g., staging areas and soil/material stockpiles)</u> outside of surface drainage courses and drainage channels; (2) re-route surface around applicable facilities, with such re-routing to be limited to the smallest area feasible and re-routed drainage to be directed back to the original drainage course at the closest feasible location (i.e., the closest location to the point of diversion); and (3) use drainage structures to convey flows within/through development areas and maintain existing drainage patterns. 	<p>Less Than Significant</p>

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
HYDROLOGY AND WATER QUALITY (cont.)		
	<ul style="list-style-type: none"> • Runoff Rates and Amounts: (1) minimize the installation of new impervious surfaces (e.g., by surfacing with pervious pavement, gravel or decomposed granite); and (2) use flow regulation facilities (e.g., detention/retention basins) and velocity control structures (e.g., riprap dissipation aprons at drainage outlets), to maintain pre-development runoff rates and amounts. • Flood Hazards: (1) work to locate proposed facilities <u>and activities</u> outside of mapped 100-year floodplain boundaries; (2) based on technical analyses such as Hydrologic Engineering Center-River Analysis System (HEC-RAS) studies, restrict facility locations to avoid adverse impacts related to impeding or redirecting flood waters; and (3) based on HEC-RAS studies, use measures such as raised fill pads to elevate proposed structures above calculated flood levels, and/or utilize protection/containment structures (e.g., berms, barriers or waterproof doors) to avoid flood damage. • Storm Drain System Capacity: (1) implement similar measures as noted above for runoff rates and amounts; and (2) utilize additional and/or enlarged facilities to ensure adequate on- and off-site storm drain system capacity. • <p>HYD-2: Conduct site-specific groundwater investigations. Site-specific groundwater investigations will be completed for all proposed solar facility development projects within the individual SEDAs and the OVSA proposing to utilize groundwater resources, prior to final project design approval. These investigations will identify site-specific criteria related to considerations such as local aquifer volumes and hydrogeologic characteristics, current/proposed withdrawals, inflow/recharge capacity, and potential effects to local aquifer and well levels, <u>as well as effects to groundwater-dependent surface water features including springs, marshes and bosques</u>, from proposed project withdrawals. All applicable results and recommendations from these investigations will be incorporated into the associated individual project design documents to address identified potential impacts to groundwater resources (per applicable regulatory standards), with all related requirements to be included in associated engineering/design drawings and construction contract specifications. A summary of the types of remedial measures typically associated with identified potential effects to groundwater <u>and related surface water</u> resources is provided below. The remedial measures identified/recommended as part of the described site-specific</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
HYDROLOGY AND WATER QUALITY (cont.)		
	<p>groundwater investigations will take priority over the more general types of standard measures listed below.</p> <ul style="list-style-type: none"> • Aquifer/Well drawdown: (1) monitor local aquifer and private/production well levels to verify the presence or absence of project-related effects during pre-construction, construction, and operation periods (based on a methodology and monitoring schedule approved by the RWQCB and County); (2) document background and pre-construction groundwater conditions and comparable project-related construction and operation trends, along with related factors such as precipitation levels and groundwater budgets; (3) prepare scaled maps depicting the associated site(s), existing and proposed monitoring well locations, relevant natural (e.g., springs and groundwater-dependent vegetation) and other features (e.g., reservoirs), and pre- post-project groundwater contours, along with a description of cumulative water level changes; (4) restrict project-related groundwater withdrawals to appropriate levels to avoid significant adverse effects to local aquifers/wells and/or other groundwater-dependent uses (e.g., vegetation, springs or other related surface water features), based on thresholds approved by the RWQCB and County; and (5) provide mitigation for affected wells or other uses/resources where applicable, potentially including well modifications (e.g., deepening pumps or wells), <u>and/or financial compensation, and compensatory mitigation for impacts to groundwater-dependent surface water features and habitats.</u> • Groundwater Recharge Capacity: (1) reduce the area of on-site impervious surface if appropriate, through increased use of surfacing materials such as gravel, decomposed granite, or pervious pavement; and (2) use facilities such as retention/percolation basins and unlined drainage facilities to increase local infiltration and groundwater recharge. <u>The County may employ water injection as a method of groundwater recharge as deemed appropriate on a case by case basis. This decision would be made during project specific CEQA analysis for a given solar energy development proposal.</u> <p>HYD-3: Conduct site-specific water quality investigations. Site-specific water quality investigations will be completed for long-term solar facility operations associated with applicable proposed development projects within the individual SEDAs and the OVSA (i.e., those with activities potentially affecting water quality conditions,</p>	

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
HYDROLOGY AND WATER QUALITY (cont.)		
	<p>as determined by the County), as well as the potential off-site transmission corridors associated with the Trona, Chicago Valley, and Charleston View SEDAs (if applicable), prior to final project design approval. All applicable results and recommendations from these investigations will be incorporated into the associated individual final project design documents to address identified potential long-term water quality issues related to conditions such as: anticipated and potential pollutants to be used, stored or generated on-site; the location and nature (e.g., impaired status) of on-site and downstream receiving waters; and project design features to avoid/address potential pollutant discharges. The final project design documents will also encompass applicable standard design practices from sources including NPDES, <u>Basin Plan</u> and County standards, as well as the results/recommendations of project-related hazardous materials investigations and regulatory standards (with all related requirements to be included in applicable engineering/design drawings and construction contract specifications). A summary of the types of BMPs typically associated with identified potential water concerns, pursuant to applicable regulatory and industry standards (as noted), is provided below. The BMPs identified/recommended as part of the described site-specific water quality investigations will take priority over the more general types of standard regulatory/industry measures listed below.</p> <ul style="list-style-type: none"> • Low Impact Development (LID)/Site Design BMPs: LID/site design BMPs are intended to avoid, minimize and/or control post-development runoff, erosion potential and pollutant generation to the maximum extent practicable by mimicking the natural hydrologic regime. The LID process employs design practices and techniques to effectively capture, filter, store, evaporate, detain and infiltrate runoff close to its source through efforts such as: (1) minimizing developed/disturbed areas to the maximum extent feasible; (2) utilizing natural and/or unlined drainage features in on-site storm water systems; (3) disconnecting impervious pervious to slow concentration times, and directing flows from impervious surfaces into landscaped or vegetated areas; and (4) using pervious surfaces in developed areas to the maximum extent feasible. 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
HYDROLOGY AND WATER QUALITY (cont.)		
	<ul style="list-style-type: none"> • Source Control BMPs: Source control BMPs are intended to avoid or minimize the introduction of pollutants into storm drains and natural drainages to the maximum extent practicable by reducing on-site pollutant generation and off-site pollutant transport through measures such as: (1) installing no dumping” stencils/tiles and/or signs with prohibitive language (per current County guidelines) at applicable locations such as drainages and storm drain inlets to discourage illegal dumping; (2) designing trash storage areas to reduce litter/pollutant discharge through methods such as paving with impervious surfaces, installing screens or walls to prevent trash dispersal, and providing attached lids and/or roofs for trash containers; (3) designing site landscaping (if applicable) to maximize the retention of native vegetation and use of appropriate native, pest-resistant and/or drought-tolerant varieties to reduce irrigation and pesticide application requirements; and (4) providing secondary containment (e.g., enclosed structures, walls or berms) for applicable areas such as trash or hazardous material use/storage. • Treatment Control/LID BMPs: Treatment control (or structural) BMPs are designed to remove pollutants from runoff to the maximum extent practicable through means such as filtering, treatment or infiltration. Treatment control and/or LID BMPs are required to address applicable pollutants, and must provide medium or high levels of removal efficiency for these pollutants (per applicable regulatory requirements). Based on the anticipated pollutants of concern, potential LID and treatment control BMPs may include (1) providing water quality treatment and related facilities such as sediment basins, vegetated swales, infiltration basins, filtration devices and velocity dissipators to treat appropriate runoff flows and reduce volumes prior to off-site discharge (per applicable regulatory requirements); and (2) conducting regular inspection, maintenance and as-needed repairs of pertinent facilities and structures. 	
LAND USE AND PLANNING		
No significant, unavoidable adverse land use and planning impacts would result from implementation of the proposed REGPA.	No mitigation measures are required.	Less Than Significant

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
MINERAL RESOURCES		
<p>Implementation of the REGPA (including implementation of utility scale, <u>commercial scale distributed generation, and/or</u> community scale, and/or facilities) could result in potentially significant impacts to mineral resources related to the loss of regionally or locally important mineral resources, as well as associated potential conflicts with valid mineral entries.</p>	<p>MIN-1: Conduct site-specific mineral resource investigations. Site-specific mineral resource investigations will be completed for proposed development projects within the individual SEDAs, the OVSA, and the potential off-site transmission corridors associated with the Trona, Chicago Valley, and Charleston View SEDAs (if applicable), prior to final project design approval. These investigations will include the following elements: (1) descriptions of regional and on-site geologic environments; (2) identification of site-specific potential for the occurrence of mineral resources; (3) assessment of estimated mineral resource quantities and extents (as applicable); (4) evaluation of associated potential for economic resource recovery, including considerations such as supply and demand, and production, processing and transportation costs; (5) determination of the presence of mineral entries such as mining claims and mineral leases, including descriptions of individual mineral entry types, issuing agencies and status; (6) assessment of potential impacts from project implementation to identified regionally- or locally-important mineral resources, associated exploration/recovery efforts, and valid mineral entries; and (7) development of remedial measures to address identified impacts to mineral resources, operations and entries, as feasible, potentially including efforts such as avoidance, use of proposed project development timing or phasing to accommodate mineral operations, or locating proposed project facilities to accommodate multiple use operations (e.g., through shared use of access or infrastructure). All applicable results and recommendations from the described investigations identifying identified potential mineral resource impacts and remedial measures will be incorporated into the associated individual project design documents.</p>	<p>Less Than Significant</p>

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
NOISE		
<p>Implementation of the REGPA (including implementation of utility scale, <u>commercial scale distributed generation, and/or</u> community scale, and/or facilities) could result in potentially significant impacts related to: (1) exposure of persons to or generation of noise levels in excess of established standards during project operations; and (2) temporary or periodic increases in ambient noise levels during construction.</p>	<p>NOI-1: Prepare technical noise report for solar facilities proposed within 500 feet of noise sensitive land uses. If a proposed utility scale solar energy project resulting from implementation of the REGPA is within 500 feet of a residence or other noise sensitive land use, prior to issuance of a Major Use Permit, a site-specific noise technical report will be prepared and approved by the County. The technical report will verify compliance with all applicable County laws, regulations, and policies during operation of the solar project, including that noise levels would not exceed the relevant thresholds described in the General Plan Noise Element (60 dBA L_{DN} for noise sensitive land uses such as residences, schools, transient lodging and medical facilities). The site specific noise technical report will include project specifications, applicable noise calculations, project design features, applicable BMPs and related information from the REAT’s Best Management Practices and Guidance Manual (REAT 2010), and mitigation measures applicable to the project. The technical noise report will address operational related noise sources, as well as noise from the use of generators during an emergency. The technical report will calculate specific anticipated noise and vibration levels from operations in accordance with County standards and provide specific mitigation when noise levels are expected to exceed County standards.</p> <p>NOI-2: Implement construction noise reduction measures. If utility scale solar development resulting from implementation of the REGPA is proposed within 500 feet of a residence or other noise sensitive receptor, the following measures, in addition to applicable BMPs and related information from REAT’s Best Management Practices and Guidance Manual (REAT 2010), shall be implemented to reduce construction noise to the extent feasible:</p> <ul style="list-style-type: none"> • Whenever feasible, electrical power will be used to run air compressors and similar power tools. • Equipment staging areas will be located as far as feasible from occupied residences or schools. • • • 	<p>Less Than Significant</p>

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
NOISE (cont.)		
	<ul style="list-style-type: none"> • All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. • Stationary equipment shall be placed such that emitted noise is directed away from sensitive noise receptors. • Stockpiling and vehicle staging areas shall be located as far as practical from occupied dwellings. • NOI-3: Prepare a Helicopter Noise Control Plan. In the event that a utility scale solar project site would have limited access and would require the use of helicopters during operation or maintenance of a facility, the County shall prepare a Helicopter Noise Control Plan that indicates where helicopters would be used and the frequency and duration for such use. The plan shall demonstrate compliance with the noise level limits within the County Noise Element for helicopter noise to properties within 1,600 feet of proposed helicopter use locations. 	
POPULATION AND HOUSING		
Implementation of the REGPA would result in less than significant impacts to population and housing.	No mitigation measures are required.	Less Than Significant

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
PUBLIC SERVICES		
<p>Implementation of the REGPA would result in potentially significant impacts associated with fire and police protection services.</p>	<p>PUB-1: Analyze public safety and protection response times and staff levels for each project. Site specific analysis of fire and police protection service response times and staffing levels shall be completed for proposed future solar development projects, as deemed appropriate by the County, at the cost of the project applicant, prior to final project design approval of each project. The analysis shall include a determination regarding a project’s impact to fire and police protection services and outline feasible measures to maintain adequate response times for fire and police protection services.</p> <p>PUB-2: Provide onsite security during the construction and long-term operation of the project. For project sites associated with proposed future solar development projects that are determined through Mitigation Measure PUB-1 to have insufficient law enforcement protection services or significant impacts to law enforcement services, project proponents shall be required to provide adequate, onsite private security for the duration of construction activities and during the long-term operation of the project to the satisfaction of the County. The actual size and configuration of the security detail shall be determined by the County during preparation of the Development Agreement for the future solar energy project.</p> <p>PUB-3: Pay mitigation fees for public safety and protection services. The County shall require project proponents to pay established County development mitigation fees for fire and police protection services. Said fees shall be used to maintain proper staffing levels for fire and police protection, <u>and emergency</u> services and to sustain adequate response times as required by the County.</p>	<p>Less Than Significant</p>

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
RECREATION		
Implementation of the REGPA would result in less than significant impacts to recreational facilities.	No mitigation measures are required.	Less Than Significant
SOCIOECONOMICS		
Implementation of the REGPA would result in potentially adverse socioeconomic effects related to changes in the local economy, housing availability related to temporary construction workers, and levels of public service provision.	<p>SOC-1: Minimize impacts on transient housing. To further offset potential negative effects and increased demand on transient housing, General Plan Policy ED-4.5, Employ and Train Local Labor, shall be supplemented with the following:</p> <ul style="list-style-type: none"> • For renewable energy projects where the construction schedule exceeds one-year, community monitoring programs shall be developed that would identify and evaluate transient housing demand and other socioeconomic effects utilizing economic models such as JEDI. Measures developed for monitoring may include the collection of data reflecting the workforce demands and social effects (such as tracking any demonstrable drop in recreational usership) as a result of increased transient housing demand from construction workers at the local and County level. • Project developers shall work with the County, local chambers of commerce, and/or other applicable local groups to assist transient workers in finding temporary lodging. If temporary lodging is not available, developers of utility scale projects shall consider the feasibility of providing on-site temporary housing accommodations for all projects. 	Less Than Significant

**Table ES-1 (cont.)
IMPACTS AND PROPOSED MITIGATION**

Impacts	Mitigation Measures	Significance After Mitigation
SOCIOECONOMICS		
	<p>SOC-2: Minimize impacts on County public services. To further off-set potential negative effects on County public services, General Plan Policy ED-4.4, Offset the Cost to the County for Service Provision, shall be supplemented with the following:</p> <ul style="list-style-type: none"> • Cooperative agreements between project applicants and the County shall be secured prior to issuance of a building permit or project-specific entitlement to ensure the following: • Unless property taxation of a renewable energy installation is deemed sufficient by the County, project applicants shall pay a fair-share public service impact fee. A potential method for estimating a fair-share contribution could be calculated by: • [annual service budget] X [estimated number of temporary workers temporarily in-migrating ÷ County population served]. • The public service fee (and formula used for calculating fair-share) shall be adjusted based on the duration of project construction (e.g., a project only lasting 9 months would utilize 75 percent of the annual budget, one lasting 1.5 years would utilize 150 percent of the annual budget, etc.); and • Project applicants shall maximize the County’s receipt of sales and use taxes paid in connection with construction of the project by methods such as including language in construction contracts identifying jobsites to be located within the County and requiring construction contractors to attribute sales and use taxes to the County in their Board of Equalization filings and permits. 	

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
TRANSPORTATION AND CIRCULATION		
<p>Implementation of the REGPA could result in potentially significant traffic impacts related to: (1) construction traffic; (2) air traffic safety hazards; and, (3) design-related traffic hazards.</p>	<p>TRA-1: Prepare site-specific traffic control plans for individual projects. Site-specific traffic control plans shall be prepared for all proposed solar energy projects within the individual SEDAs and the OVSA to ensure safe and efficient traffic flow in the area of the solar energy project and within the project site during construction activities. The traffic control plan shall, at minimum, contain project-specific measures to be implemented during construction including measures that address: (1) noticing; (2) signage; (3) temporary road or lane closures; (4) oversized deliveries; (5) construction times; and (6) emergency vehicle access.</p> <p>TRA-2: Implement recommendations from traffic impact analysis on surrounding roadways and intersections. Site-specific construction traffic impact analyses shall be prepared for all proposed solar energy projects within the individual SEDAs and the OVSA to evaluate potential traffic impacts on surrounding roadways and intersections during the construction period. Applicable results and recommendations from the project-specific construction traffic impact analysis shall be implemented during the appropriate construction phase to address identified potential construction traffic impacts.</p>	<p>Less Than Significant</p>

Table ES-1 (cont.) IMPACTS AND PROPOSED MITIGATION		
Impacts	Mitigation Measures	Significance After Mitigation
UTILITIES AND SERVICE SYSTEMS		
Utility impacts associated with wastewater, water, stormwater facilities, and solid waste disposal would be less than significant.	No mitigation measures are required.	Less Than Significant
Implementation of the REGPA would result in potentially significant impacts related to the need for new transmission lines to serve future solar development.	<p>UTIL-1: Projects within the western solar energy group will not exceed a combined maximum of 250 MW or 1,500 acres. Future projects within the Western Solar Energy Group shall be limited to a combined maximum of 250 MW or 1,500 acres of development area). The County shall implement a tracking program to ensure all future solar development projects within the Western Solar Energy Group do not exceed 250 MW. Once the 250 MW (or 1,500 acres of development area) is reached, the County shall not approve further projects within the Western Solar Energy Group unless project applicants can provide proof of adequate and existing transmission capabilities for the project.</p> <p>UTIL-2: Projects within the Southern and Eastern Solar Energy Groups will be required have necessary and/or adequate transmission lines. Future development within the Southern and Eastern Solar Energy Groups shall be required to include the necessary transmission lines or provide proof of adequate transmission capabilities for the project.</p>	Less Than Significant