

**ADDENDUM****KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT****Planning Commission****STAFF REPORT****Date:** March 14, 2018

**FILE:** GPA #9, Map #152; GPA #1, Map #152-28; ZCC #11, Map #152; ZCC #12, Map #152; ZCC #13, Map #152; ZCC #1, Map #152-28; CUP #23, Map #152; CUP #24, Map #152; CUP #25, Map #152; CUP #26, Map #152; CUP #3, Map #152-28

**S.D.:** #2 - Scrivner

**TITLE:** (a) General Plan Amendment Case No. 5, Map No. 234; General Plan Amendment Case No. 1, Map No. 234-25; General Plan Amendment Case No. 4, Map No. 234-26; General Plan Amendment Case No. 1, Map No. 234-27; General Plan Amendment Case No. 1, Map No. 234-34; General Plan Amendment Case No. 6, Map No. 234; General Plan Amendment Case No. 5, Map No. 234-26; (b) Amendment of Zoning Map No. 234, Zone Change Case No. 12; Amendment of Zoning Map No. 234-25, Zone Change Case No. 2; Amendment of Zoning Map No. 234-26, Zone Change Case No. 3; Amendment of Zoning Map No. 234-27, Zone Change Case No. 2; Amendment of Zoning Map No. 234-34, Zone Change Case No. 2; (c) Conditional Use Permit Case No. 1, Map No. 234-25; Conditional Use Permit Case No. 3, Map No. 234-26; Conditional Use Permit Case No. 4, Map No. 234-26; Conditional Use Permit Case No. 1, Map No. 234-27; Conditional Use Permit Case No. 3, Map No. 234; Conditional Use Permit Case No. 4, Map No. 234; Conditional Use Permit Case No. 2, Map No. 234-27; Conditional Use Permit Case No. 1, Map No. 234-34

**PROPOSAL:** (a) Two amendments to the Circulation Element of the Kern County General Plan to eliminate road reservations along section and midsection lines in Sections 23, 28, 31, 32, 33, 34, and 45, T31SR, R37E, MDB&M in Zone Maps 152 and 152-28; (b) Four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH H (Limited Agriculture - Mobilehome Combining - Airport Approach Height Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts; (c) Five Conditional Use Permits (Conditional Use Permits No. 23 through 26, Map No. 152 and Conditional Use Permit 3, Map No. 152-28) to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities.

**APPLICANT:** Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**PROJECT SIZE:** 2,652.7 acres

**LOCATION:** South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City; Supervisorial District 2 - Scrivner

**SURROUNDING LAND USE/ZONING/GENERAL PLAN DESIGNATION:** *Site 1:* North – Largely undeveloped land/A (Exclusive Agriculture)/8.5 (Resource Management); East – Largely undeveloped land/ PL RS (Platted Lands - Residential Suburban Combining), PL RS FPS (Platted Lands - Residential Suburban Combining - Floodplain Secondary Combining), RF (Recreation-Forestry) /1.1 (State and Federal Land), 8.5/2.5 (Resource Management - Flood Hazard); South – Largely undeveloped land / A (Exclusive Agriculture), A FP (Exclusive Agriculture - Floodplain Combining), A FPS (Exclusive Agriculture - Floodplain Secondary Combining)/ 8.5 (Resource Management); West – Largely undeveloped land/A (Exclusive Agriculture), PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) /8.5 (Resource Management); *Site 2:* North – Largely undeveloped land/ A (Exclusive Agriculture), A GH (Exclusive Agriculture - Geologic Hazard Combining)/ 8.5 (Resource Management); East – Largely undeveloped land/ A FP (Exclusive Agriculture - Floodplain Combining)/ 8.5 (Resource Management); South – Largely undeveloped land/California City/1.2 (Incorporated City); West – Largely undeveloped land/ A (Exclusive Agriculture), A GH (Exclusive Agriculture - Geologic Hazard Combining), PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) /8.5/2.1 (Resource Management - Seismic Hazard); *Site 3:* North – Largely undeveloped land, sparse residential dwellings/ PL RS (Platted Lands - Residential Suburban Combining) /8.5 (Resource Management); East – Largely undeveloped land/ A (Exclusive Agriculture) /8.5 (Resource Management); South – Largely undeveloped land/ PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) /8.5 (Resource Management); West – Largely undeveloped land/ A-1 (Limited Agriculture), A-1 MH (Limited Agriculture - Mobilehome Combining) /4.2 (Rural Community); *Site 4:* North – Largely undeveloped land/ A (Exclusive Agriculture), A-1 MH (Limited Agriculture - Mobilehome Combining), PL RS (Platted Lands - Residential Suburban Combining) /4.2 (Rural Community), 8.5 (Resource Management); East – Largely undeveloped land/ A-1 (Limited Agriculture), A-1 MH (Limited Agriculture - Mobilehome Combining) /4.2 (Rural Community); South – Largely undeveloped land/California City/1.2 (Incorporated Cities); West – Largely undeveloped land/ A (Exclusive Agriculture) /8.5 (Resource Management).

**PROJECT ANALYSIS:** This case was originally scheduled to be considered by your Commission on February 28, 2019. However, the project was continued until today's hearing to allow Staff adequate time to prepare the required Response to Comments pursuant to CEQA, Sections 15088.

The project before your Commission is the proposed Eland 1 Solar Project. Implementation of the project would facilitate the development of 500 megawatts (MW) of renewable electrical energy on approximately 2,652 acres of privately-owned land, across 32 acres. Please see Table 1 for a listing of project Assessor Parcel Numbers (APNs). The project site is located in unincorporated Kern County, within the boundaries of the Fremont Rural Community Plan and surrounding properties, immediately north of the City limits of California City. Eland 1 Solar Project consists of five (5) individual project sites.

<b>Table 1. Project Sites- Project Assessor Parcel Number and Acreages</b>		
<i>Site</i>	<i>APN</i>	<i>Acres</i>
<b>Zone Map 152</b>		
<b>Site 1</b>		
	469-030-01	647.8
<b>Site 2</b>		
	330-010-01	642.5
<b>Site 3</b>		
	470-010-11	119.3
	470-010-12	120.2
	470-312-02	39.8
	470-080-01	39.5
	470-080-02	5.2
	470-080-03	5.1
	470-080-04	10.1
	470-080-05	10.2
	470-080-06	10.3
	470-080-07	5.1
	470-080-08	5.1
	470-080-09	5.1
	470-080-10	10.1
	470-080-11	19.1
	470-080-12	10.0
	470-080-13	20.2
	470-080-14	20.3
<b>Site 4</b>		
	470-020-08	153.7
	470-321-18	61.4
	470-321-19	60.8
	470-322-14	10.5
	470-330-05	20.2
	470-330-09	9.5
	470-330-11	81.7
	470-330-12	20.7
	470-330-13	79.5
<b>Zone Map 152-28</b>		
<b>Site 5</b>		
	470-020-11	81.5
	470-020-12	162.5
	470-020-13	160.6
<b>Total</b>		<b>2,652.7</b>

None of the project parcels are subject to a Williamson Act Land Use Contract and none are located within an area that is designated by the California Department of Conservation (DOC) as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Portions of Site 1 and 2 are located within a Federal Emergency Management Area (FEMA) designated flood Zone 'A' area and subject to flooding. No portions of Sites 3, 4 and 5 are located within a FEMA designated flood zone.

The project site consists of undeveloped lands, comprised entirely of privately owned parcels. The project site includes land parcels that have been purchased, leased, or are in the process of purchase or lease acquisition by the applicant. There are several existing and permitted solar energy, wind energy and transmission projects in the region.

The nearest residential structures to the project are located adjacent to Site 5.

### **Proposal**

The applicant is requesting approval of the following:

- (a) Changes in zone classification from the existing zone district A-1 (Limited Agriculture) to A (Exclusive Agriculture) on approximately 265.3 acres of the project site within zoning Map 152, from the existing zone district A-1 MH (Mobilehome Combining) to A on 81.7 acres of the project site within zoning Map No. 152, from the existing zone district E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A on 81.5 acres of the project site within zoning Map No. 152-28, from the existing zone district PL RS MH (Platted Lands) to A on 81.4 acres of the project site within zoning Map No. 152; as shown below on *Table 2*:



<b>Table 2. Project Sites- Project Assessor Parcel Number, Existing and Proposed Zoning and Acreage</b>				
<i>Site</i>	<i>APN</i>	<i>Existing Zoning</i>	<i>Proposed Zoning</i>	<i>Acres</i>
<b>Zone Map 152</b>				
<b>Site 1</b>				
	469-030-01	A, A FP	N/A	647.8
<b>Site 2</b>				
	330-010-01	A, A FP	N/A	642.5
<b>Site 3</b>				
	470-010-11	A	N/A	119.3
	470-010-12	A	N/A	120.2
	470-312-01	A-1	A	39.8
	470-312-02	A-1	A	39.5
	470-080-01	PL RS MH	A	5.2
	470-080-02	PL RS MH	A	5.1
	470-080-03	PL RS MH	A	10.1
	470-080-04	PL RS MH	A	10.2
	470-080-05	PL RS MH	A	10.3
	470-080-06	PL RS MH	A	5.1
	470-080-07	PL RS MH	A	5.1
	470-080-08	PL RS MH	A	5.1
	470-080-09	PL RS MH	A	5.1
	470-080-10	PL RS MH	A	10.1
	470-080-11	A	N/A	19.1
	470-080-12	PL RS MH	A	10.0
	470-080-13	A	N/A	20.2
	470-080-14	A	N/A	20.3
<b>Site 4</b>				
	470-020-08	A	N/A	153.7
	470-321-18	A-1	A	61.4
	470-321-19	A-1	A	60.8
	470-322-14	A-1	A	10.5
	470-330-05	A	N/A	20.2
	470-330-09	A-1	A	9.5
	470-330-11	A-1 MH	A	81.7
	470-330-12	A-1	A	20.7
	470-330-13	A	N/A	79.5
<b>Zone Map 152-28</b>				
<b>Site 5</b>				
	470-020-11	E(20) RS	A	81.5
	470-020-12	A-1	A	162.5
	470-020-13	A-1	A	160.6
<b>Total</b>				<b>2,652.7</b>

- (b) Five (5) Conditional Use Permits to allow for the construction and operation of the following solar photovoltaic (PV) power-generating facilities (Section 12.19.030.G) in the A District.
- (c) Amendments to the Circulation Element of the Kern County General Plan to remove sections and midsection line reservations for future road reservations in Section 23, 28, 31, 32, 33, 34, and 45 T31S/R37E, in Zoning Maps Nos. 152 and 152-28 (as shown on the attached Maps.) The applicant wishes to amend the circulation element of the General Plan to allow solar panels to be placed throughout the parcels without internal setback requirements.

### **Project Characteristics**

The proposed project facilities at the site would include: (1) solar modules; (2) inverters stations; (3) energy storage systems; (4) substation; (5) transmission line; and (6) on-site operations and maintenance buildings; (7) fencing designed to comply with wildlife agency requirements; and (8) lighting.

#### **Solar Modules.**

The proposed solar facility include a series of fixed-tilt or tracker PV solar panels and the related infrastructure; including: inverters, transformers, circuit breakers, metering equipment, switchgear, protective relays, larger transformers to step up the voltage to match the voltage of the transmission grid at the interconnection point, transmission lines, battery storage, substations, telecommunications equipment, as well as meteorological data collection systems or supervisory control and data acquisition (SCADA); to track insolation temperature, wind direction, and speed.

#### **Transmission.**

Power generated by the proposed project would be delivered from the project site via an up to 230 kV overhead and/or underground electrical transmission line(s) (gen-tie) originating from one (1) or more onsite substation(s)/switchyard(s) on the project site. The transmission line would extend up to 11.5 miles, originating at the onsite substation, proceeding along one (1) of the gen-tie route alternatives' and terminating at either the LADWP Beacon Substation or the LADWP Barren Ridge Substation.

#### **Energy Storage System.**

The proposed project may include one or more energy storage systems (ESS), located at or near a substation (onsite or shared) and/or at the inverter stations. Such large-scale ESSs would consist of modular and scalable battery packs and battery control systems that conform to U.S. national safety standards. The ESS modules, which may include commercially available flow batteries, typically consist of standard International Organization for Standardization (ISO) containers (approximately 40 feet in length by 8 feet in width by 8 feet in height) housed in pad- or post-mounted, stackable metal structures, but may also be housed in a dedicated building in compliance with applicable regulations. The maximum height of a dedicated structure is not expected to exceed 25 feet.

#### **Access.**

The project site is currently accessible by major highways (primarily SR 14 and SR 58) and smaller local roads that are both paved and unpaved. No roadways would be affected by the proposed project, except during the proposed project's construction period. Construction traffic would access the project site from Philips Road, Gantt Road and Neuralia Road.

#### Operations and Maintenance (O&M) Building.

The proposed project may include an O&M building of approximately 40 feet by 80 feet in size, with associated onsite parking. The O&M building may include the following: office, repair building/parts storage, control room, restroom, and septic tank and leach field.

#### Water Usage.

Water demand for panel washing and O&M domestic use is not expected to exceed 50 acre-feet per year. Water usage during construction, primarily for dust-suppression purposes, is not expected to exceed 400 acre-feet. Water is anticipated to be obtained from an existing onsite well within Site 5. Alternatively, water may be obtained from one or more new onsite well(s) or one or more offsite source(s) and delivered to the project site via truck. If the Applicant determines that offsite water would be used, the Applicant would submit a Will Serve Letter from the proposed offsite water purveyor(s).

#### Work Force.

Once the project is constructed, maintenance would generally be limited to the following: Cleaning of PV panels, Monitoring electricity generation, Providing site security and Facility maintenance. It is expected that the proposed project would require up to five full-time employees. It is possible that the proposed project would share O&M, substation, and/or transmission facilities with one or more nearby projects. In such a scenario, the projects would share personnel, thereby potentially reducing the proposed project's onsite staff. The solar facility would operate 7 days a week, 24 hours a day, generating electricity during normal daylight hours when the solar energy is available. Maintenance activities may occur 7 days a week, 24 hours a day to ensure PV panel output when solar energy is available.

#### Project History

On October 30, 2012, the Kern County Board of Supervisors certified the Beacon Photovoltaic Final EIR and approved the original Beacon Project, which consisted of Conditional Use Permit No. 11, Map No. 152. The approved project included the construction and operation of a solar facility capable of generating up to 250 MW of electricity on 2,298 acres. The original Beacon Project also included a three-(3)-mile transmission line to connect the solar facility to the existing Barren Ridge Substation.

In 2013, subsequent applications for three (3) individual CUPs were filed with the County to allow the construction and operation of two (2) additional solar facility sites in proximity to the original Beacon Project. The CUPs were for the 345-acre Oryx Solar Farm and 951-acre Springbok Solar Farm I. These two (2) additional solar facility sites were analyzed in the Addendum to the Beacon Photovoltaic Solar Project Final Environmental Impact Report (EIR) prepared in November 2013, which was adopted by the Kern County Board of Supervisors in early 2014.

In 2018, the applicant submitted applications for five (5) individual CUPs to allow the construction and operation of five (5) additional solar facility sites in proximity to the Original Beacon Project and its Addendums. The Kern County Planning and Natural Resources Department, as lead agency (per *CEQA Guidelines* Section 15052), determined that a Supplemental EIR must be prepared for the proposed project pursuant to Sections 15162 and 15163 of the *CEQA Guidelines*.

### **Final Supplemental Environmental Impact Report**

A Supplemental Environmental Impact Report (SEIR) was prepared for this project in accordance with the California Environmental Quality Act (CEQA) Guidelines. As required by CEQA, the SEIR includes appropriate review, analysis, and Mitigation Measures for the environmental impacts of the proposed project. This Final SEIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA. As required by Departmental procedures for processing of an SEIR, an indemnification agreement has been executed by the applicant.

To initiate the SEIR process, a Notice of Preparation/Initial Study (State Clearinghouse No. 2012011029) was circulated for a 30-day public review period beginning on July 19, 2018, and ended on August 20, 2018. A scoping meeting was noticed and held August 8, 2018, at the Kern County Public Services Building, 2700 "M" Street, Suite 100 in Bakersfield, California. Twelve (12) comment letters were received during the Notice of Preparation/Initial Study 30-day public review period. As required by Section 15088 of the State CEQA Guidelines, responses to these comments were prepared and provided to the agencies and interested parties that submitted return addresses, ten days prior to this Planning Commission hearing.

Based on the analysis contained in the Initial Study and comments received in response to the Notice of Preparation, a Draft SEIR was prepared and circulated for a 45-day public review period beginning on December 8, 2018, and ending on January 22, 2019. In total, over 180 copies of the Draft SEIR were distributed, in addition to 903 Notices of Availability. The Draft SEIR was also available on the Kern County Planning and Natural Resources Department's webpage. Eight (8) written comments from individuals or agencies/organizations were received on the Draft SEIR during this public review period. As required by Section 15088 of the State CEQA Guidelines, responses to these comments were prepared and provided to the agencies and interested parties that submitted return addresses. The Response to Comments was circulated 10 days before this hearing.

In accordance with State CEQA Guidelines, a Final SEIR has been completed comprised of three (3) documents:

- Volume 1 - Chapters 1 through 10 of Draft SEIR (December 2018)
- Volume 2 - Appendices A - P of Draft SEIR (December 2018)
- Volume 3 - Chapter 7, Response to Comments (March 2019)

These documents have been provided to your Commission for your review and consideration. A complete copy of the Supplemental Environmental Impact Report along with proposed ordinance are also available on the Kern County Planning and Natural Resources Department website at the following link: <https://kernplanning.com/environmental-doc/eland-1-solar-project/>

The Final EIR contains 60 Mitigation Measure to reduce significant impacts from the project, and a Mitigation Measure Monitoring Program (Exhibit C) has been included for your review, and is attached to this staff report.



### **Effects Found to Have No Impact**

Based on the findings of the Initial Study/Notice of Preparation and the results of scoping process, the proposed project was determined to have no impact with regard to the following impact thresholds, and the categories were therefore not analyzed in the SEIR prepared for the project:

- Agriculture and Forest Resources
- Mineral Resources
- Population and Housing
- Recreation

### **Less than Significant Impacts (Including Significant Impacts That Can Be Mitigated, Avoided, or Substantially Lessened)**

The prepared Draft SEIR addresses all potentially significant environmental impacts that Kern County identified during the Notice of Preparation and scoping process. After further study and environmental review in the Draft SEIR, it was determined that certain impact thresholds could be reduced to a less than significant level with the incorporation of Mitigation Measure:

- Biological Resources (Project)
- Cultural Resources (Project and Cumulative)
- Geology and Soils (Project and Cumulative)
- Greenhouse Gas Emissions (Project and Cumulative)
- Hazards and Hazardous Materials (Project and Cumulative)
- Hydrology and Water Quality (Project and Cumulative)
- Land Use and Planning (Project and Cumulative)
- Noise (Project)
- Public Services (Project and Cumulative)
- Transportation and Traffic (Project and Cumulative)
- Utilities and Service Systems (Project and Cumulative)

### **Significant and Unavoidable Impacts**

#### **Significant and Unavoidable Project Impacts**

Section 15126.2(b) of the State CEQA Guidelines requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant. After study and environmental review in the SEIR, it was determined that certain impact thresholds would have significant and unavoidable impacts after the project complies with all regulatory, statutory, and feasible and reasonable Mitigation Measure. Those specific impacts that would have significant and unavoidable impacts after mitigation are identified below:

- Aesthetics

#### **Significant and Unavoidable Cumulative Impacts**

According to Section 15355 of the State CEQA Guidelines, the term cumulative impacts "...refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, however, when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively significant. A list of projects used in the cumulative analysis is included in Chapter 3, Project Description, and a full discussion of all cumulative impacts for each impact is contained in Chapter 4. The SEIR determined that the following impacts on the projects were determined to have a significant and unavoidable cumulative impact that cannot be avoided after all regulatory, statutory, and feasible and reasonable Mitigation Measures

- Aesthetics
- Air Quality
- Biological Resources



**Table 2. Summary of Significant and Unavoidable Impacts of the Proposed Project**

<b>Resources</b>	<b>Project Impacts</b>	<b>Cumulative Impacts</b>
Aesthetics	The project would have a substantial adverse effect on scenic vistas and degrade the existing visual character or quality of the site and its surroundings. Even after implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, impacts are considered <b>significant and unavoidable</b> .	The project would have significant and unavoidable impacts related to aesthetics after implementation of mitigation. The conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated and is considered <b>significant and unavoidable impact</b> .
Air Quality	Construction activities on each of the project sites would result in the emission of criteria pollutants. Mitigation Measures MM 4.2-1 through MM 4.2-5 would reduce project-level impacts to <b>less than significant</b> .	Construction and operation of the proposed project with other cumulative projects would result in a net increase of any criteria pollutant for which the project region is nonattainment under applicable federal or state ambient air quality standards (including releasing emissions that exceed quantitative thresholds for ozone precursors. This is considered a <b>significant and unavoidable</b> cumulative impact.
Biological Resources	The project would result in impacts to a variety of protected wildlife and plant species. However, implementation of Mitigation Measures MM 4.3-1 through MM 4.3-24 would reduce project-level impacts to <b>less-than-significant levels</b> .	As development increases within Kern County, impacts to biological resources within the region are increasing on a cumulative level. When considered with other past, present, and probable future projects, which encompasses the Antelope Valley and the Fremont Valley in the western Mojave Desert as well as part of the Tehachapi Range to the west, the project would have a considerable incremental contribution to a significant cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area. This is considered a <b>significant and unavoidable</b> cumulative impact.

### **Aesthetics**

Impacts to visual character of the project site and surrounding area were analyzed in Section 4.1 - *Aesthetics* found on Pages 4.1-1 through 4.1-21 of the SEIR. Although the proposed project is generally well sited for renewable energy generation and low impacts on neighboring land uses, the industrial nature of the facilities, when introduced into the view shed of the site, would substantially change the existing visual character of the landscape around the site for the life of the project when viewed from sensitive receptors. The project would have a significant impact on adjacent scenery by replacing more than 1,000 acres of rural land with mechanical equipment associated with solar energy generation. Additionally, by substantially modifying views in area that are currently defined largely by agricultural and undeveloped residentially zoned lands, cultural modifications would be introduced that would be incompatible or would promote disharmony with the existing landscape.

There are no criteria in either the State or County regulations for measuring aesthetic impacts. This issue is viewed differently by various members of the community. Some citizens would describe the visual loss of open space to development as a significant impact. Others may view well designed landscaped development as aesthetically pleasing comparable to the qualities of expanses of agricultural land and open space. The proposed project would represent a change in visual character of the project site from a natural state to one with human-made development. The proposed project would result in a significant and unavoidable impact on the existing visual character of the project site and its surroundings because it would introduce an industrial element into a predominantly rural, agricultural, open landscape.

Mitigation Measures would be incorporated to reduce the severity of aesthetic impacts near the project site. MM 4.1-1 would reduce impacts of trash and debris on the site by the implementation of a Maintenance and Trash Abatement/Pest Management Program. MM 4.1-2 and MM 4.1-3 would be incorporated to soften the visual impacts of project equipment by installing view-screening materials in fencing in selected areas and requiring landscaping where the project borders residential zones. MM 4.1-4 through MM 4.1-6 would reduce impacts from light trespass, glare, and reflective equipment. However, because there are no feasible Mitigation Measures that could be implemented to preserve the existing rural undeveloped residential and agricultural landscape character at the project site while at the same time developing a solar energy facility, project specific impacts on visual resources would remain significant and unavoidable despite implementation of these Mitigation Measures

Other solar projects in the region have also be required to implement similar Mitigation Measures to reduce impacts. However, the conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated to a degree where impacts would be less than significant. Following implementation of MM 4.1-1 through MM 4.1-6, cumulative impacts associated with aesthetics would remain significant and unavoidable.

### **Air Quality**

The project is located in the Mojave Desert Air Basin and is under the jurisdiction of the Eastern Kern Air Pollution Control District (EKAPCD). In accordance with Kern County's *Guidelines for Preparing an Air Quality Assessment for Use in Environmental Impact Reports*, geographic scope for cumulative air quality impacts includes projects within one-(1-) and six-(6-)mile radius of the various project sites, as well as similar solar projects located in the Desert region of Kern County, as presented in the Air Quality Impacts Analyses prepared for the site.

As noted in the Draft SEIR Section 4.3 - *Air Quality*, found on Pages 4.2-1 through 4.2-16 of the SEIR, construction of the proposed project would result in emissions of the air pollutants ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. Emissions from construction would result from fuel combustion and exhaust from construction equipment; as well as vehicle traffic, grading, and the use of toxic materials (e.g., paints and lubricants). Emissions estimates were based on assumptions in the air quality impact analyses for the project site (see Draft SEIR Appendix D).

Once operational, emissions would be limited to maintenance activities and a small number of employee vehicle trips, and operational emissions would be well below EKAPCD thresholds adopted by Kern County.



Staff notes that significant cumulative impacts from the proposed project in conjunction with nearby, reasonably foreseeable planned solar projects could occur only during temporary project construction activities. After that, there would be minimal emissions impacts during operation of the proposed project. Based on the project level analysis in the Draft SEIR, the operational emissions associated with the project would be negligible compared to total projected emissions for Kern County and the Mojave Desert Air Basin (MDAB) and appropriately off-set through implementation of EKAPCD requirements. Operation of the project could not result in a cumulatively considerable net increase of any criteria pollutant for which the project is in nonattainment, and cumulative operational impacts would be less than significant.

All solar projects are required by the EKAPCD regulations to implement emission control measures to comply with EKAPD Rules 401 and 402 which deal with visible emissions and fugitive dust, respectively. Implementation of MM 4.2-1 through MM 4.2-2 would ensure that all reasonably available and feasible air quality control measures would be implemented during construction. This is in addition to imposition of all the EKAPCD's rules and regulations. Despite the reduction in impacts on air quality achievable through implementation of these Mitigation Measures, the cumulative temporary construction impacts on air quality, as described and evaluated against the background of the serious existing conditions of the air basin, would remain cumulatively significant and unavoidable.

In summary, significant cumulative impacts from the proposed project as a whole, when considered with nearby, reasonably foreseeable planned projects, would potentially occur only during facility construction, as the majority of the proposed project emissions would occur during a similar timeframe.

### **Biological Resources**

The Final SEIR described the impacts on biological resources that would result from implementation of the proposed project and identified Mitigation Measures that would reduce these impacts.

The approximately 2,652.7-acre proposed solar facility and surrounding areas are primarily undeveloped lands used for agricultural activities (sheep and cattle grazing) and previously disturbed open space. The project site is relatively flat, with elevations ranging from 2,120 feet above mean sea level (AMSL) to 2,420 feet AMSL. Numerous ephemeral drainages cross the project site, draining from the southwest to the northeast, eventually reaching Koehn Dry Lake located to the northeast of the project site.

Five (5) plant communities were characterized and mapped within the project site: Mojave Creosote Bush Scrub, Scale Broom Scrub, Allscale Scrub, Shrubland Alliance and Alkali Barley Fields. Three (3) ephemeral drainages were identified and delineated in the project site. Numerous ephemeral drainages cross the project site, draining from the southwest to the northeast, eventually reaching Koehn Dry Lake located to the northeast of the project site. (Appendix E of the Draft SEIR)

With the implementation of Mitigation Measures for avoidance and minimization to biological resources, such impacts will be reduced to a less than significant impact. MM 4.3-1 would require the processing and acquisition (if necessary) of a Section 2081 Incidental Take Permit from California Department of Fish and Wildlife (CDFW). MM 4.3-2 would minimize construction impacts by requiring training of construction personnel in identification and avoidance of special-status species. MM 4.3-3 requires construction worker environmental awareness training and education covering reporting requirements, specific measures to employ avoid take of wildlife species and penalties for violation of Federal Endangered Species Act or California Endangered Species Act to promote avoidance and protective measures to minimize construction impacts on special status species. MM 4.3-4 through MM 4.3-24 would minimize impacts to the Desert tortoise, burrowing owl, nesting birds and raptors, American badger and desert kit foxes. These Mitigation Measures, along with best management practices, would reduce impacts to special-status wildlife species as a result of the project to a less than significant level. Additionally, MM 4.1-3(b) includes the application of native seed mix of grass to areas under the solar panels once installation is completed, to promote revegetation of the site. This would offer potential resources to wildlife in the area, as well as reduce fugitive dust emissions.

As noted in Draft SEIR Chapter 3, Project Description, found on Pages 3-1 through 3-22 of the EIR, a number of other large projects may be developed in the bioregion surrounding the project site in the future, including solar energy projects. When combined with cumulative impacts from past, present, and reasonably foreseeable future projects, including comparable renewable energy projects proposed for construction in Kern and Los Angeles County, the proposed project's incremental contribution to the loss and/or fragmentation of a substantial fraction of the existing wildlife habitat in the County would be cumulatively significant and unavoidable for loss of foregoing habitat.

With the implementation of MM 4.3-1 through MM 4.3-24, impacts on special-status species would be less than significant for the construction and operational periods, but remain cumulatively significant and unavoidable.

### **Applicant's Project Objectives**

To meet the primary purpose of the proposed project, the project proponents have identified the following objectives:

- Construct and operate a solar energy facility capable of producing up to 500 MW of electricity to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030.
- To provide energy to the electric grid to meet increasing demand for in-state generation.
- To facilitate enhanced grid operation by constructing and operating a solar energy generation facility coupled with energy storage systems.
- Integrate operating facilities with other existing solar projects in the vicinity to maximize economics of scale.
- To promote economic development and bring living-wage jobs to the region throughout the life of the proposed project

### **Alternatives**

Section 15126.6 of the CEQA Guidelines states an EIR must address "a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternative." The alternatives to be considered should include those that offer substantial environmental advantages over the proposed project and that may feasibly be accomplished considering the various economic, environmental, social, technological and legal factors.

In order to meet the requirements of Section 15126.6, the SEIR considered a total of three (3) project alternatives. This reasonable range of alternatives provides the decision-makers with enough variation to support informed decision making.

## **Alternatives Analyzed in the SEIR**

Three (3) alternatives, as listed below, were identified that could avoid or lessen significant effects of the project and could feasibly attain project objectives, and these were analyzed in greater detail.

The SEIR, Volume 1 – Chapter 6 discusses four (4) analyzed alternatives to the project.

- Alternative 1: No-Project/No-Build Alternative
- Alternative 2: Reduce Site Acreage Alternative
- Alternative 3: Alternative Development Configuration

The discussion in the Final SEIR presents a description of each alternative and focuses on the degree to which the identified alternative might accomplish the project objectives and would reduce one (1) or more of the identified significant impacts to aesthetics, air quality, and biological resources, as well as other impacts.

## **Environmentally Superior Alternative**

An EIR must identify the environmentally superior alternative to the proposed project. Alternative 1, the No-Project/No-Build alternative, would be environmentally superior to the proposed project on the basis of its minimization or avoidance of physical environmental impacts. Section 15126.6(e)(2) of the State CEQA Guidelines states that if the No-Project alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives.” Alternative 3 would result in fewer impacts to aesthetics, biological resources, cultural resources, and traffic and transportation. However, due to the proximity of the alternative to the Fremont rural community on three sides, Alternative 3 could have greater noise and air quality impacts to sensitive receptors during construction compared to the proposed project.

Alternative 2 would result in fewer impacts to aesthetics, air quality (construction period/short-term), biological resources, cultural resources, noise and traffic and transportation compared to the proposed project. Furthermore, Alternative 2 would not result in greater impacts than the corresponding impacts of the proposed project. Therefore, Alternative 2 is considered the Environmentally Superior Alternative.

## **Public Comments on the Draft EIR – Response to Comments**

Staff received eight (8) comment letters on the Draft SEIR from federal, State, local agencies, and interested parties. These comments and responses have been provided to your Commission as Volume 3, *Chapter 7 - Response to Comments*, of the Final SEIR. A complete list of names of each commenter is provided on Page 7-11 of the Final SEIR and each of the commenter’s concerns are addressed individually in the Response to Comments. Below is a summary of the comments/concerns. These proposed changes are considered minor and do not change any conclusions identified in the analysis. Under CEQA Section 15088.5(b), these minor changes in language are considered insignificant modifications that amplify or clarify, and do not add substantive new information. Therefore, recirculation of the Draft SEIR is not warranted.

Eight (8) letters were received from State and Local agencies regarding the project. The following is a summary of the main items identified during circulation of the environmental document.



1. **California State Department of Transportation (Caltrans)-District 9 (January 3, 2019).** The Caltrans submitted comments indicating that the Transportation and Traffic section of the Draft SEIR does not adequately assess construction phase impacts at the two (2) State Route 14 (SR 14) access points – Philips Road and Redrock-Randsburg Road (via Neuralia Road). The comment further notes that the Level of Service metric does not fully evaluate construction traffic with through-travelers and that speed differentials, queuing, median width for storage, etc. should be examined. Any improvements within the SR 14 right-of-way should be constructed to Caltrans standards, under an encroachment permit.

In response, Staff notes that analysis was performed for the two (2) access points from SR 14 where construction vehicles would access the project site, a summary of analysis can be found on page 7-13 of Volume 3- *Chapter 7-Response to Comments*. Additionally, the analysis indicates that the project would not result in significant impacts to the Phillips Road (off of SR 14) access point or the Redrock Randsburg Road (via Neuralia Road) (off of SR 14) access point with respect to intersection level of service, speed differentials, vehicle queuing, and median width and storage. Mitigation Measure MM 4.13-1 requires the preparation and submittal of a Construction Traffic Control Plan to the Kern County Works Department – Development Review Department prior to the issuance of construction or building permits. If traffic issues arise during construction, adjustments to the Construction Traffic Control Plan will be coordinated with the Kern County Works Department – Development Review Department and Caltrans.

The commenter indicated that the project's potential gen-tie routes cross SR 14, and as such, installation and maintenance of utilities must be per Caltrans standards under permit. Additionally, the commenter states that any traffic control, as appropriately noted under Mitigation Measure 4.13-1, in SR 14 right-of-way would need to be covered by a permit. On both on these comments, Staff acknowledges that encroachment into Caltrans right-of-way for construction access and installation of facilities is subject to approval by Caltrans of an encroachment permit, and that activities within Caltrans right-of-way is subject to construction/installation and maintenance standards. Mitigation Measure MM 4.13-1 of the Draft SEIR requires that prior to the issuance of construction or building permits, the project operator shall prepare and submit for approval to Kern County Works Department – Development Review Department and the California Department of Transportation District-9 office a Construction Traffic Control Plan. As required by Mitigation Measure MM 4.13-1, the Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook.

2. **California Water Board, Lahontan Regional Water Quality Control Board (LRWQCB) (December 14, 2018).** The LRWQCB provided the following recommendations: (1) natural drainage channels and flow paths be maintained through the project site to ensure no net loss of function and value of waters of the state; and (2) a Storm Water Pollution Prevention Plan (SWPPP) be prepared that identifies a combination of sediment and erosion control and Best Management Practices (BMPs) to treat storm water runoff. In response, Staff notes that the proposed project site plans would be designed to avoid the main natural drainage features identified on the project site to the extent practicable. As described in the Draft SEIR, Mitigation Measure MM 4.3-21 requires that if CDFW jurisdictional areas are impacted by the project, a Section 1600 Streambed Alteration Agreement would be obtained prior to ground disturbance activities that directly impact State jurisdictional areas. In addition, implementation of Mitigation Measure MM 4.3-22 would ensure that direct or indirect effects to jurisdictional waters are minimized.

In regards to the SWPPP, Staff notes that as part of the NPDES program, the project operator would be required to develop a SWPPP, which would include best management practices (BMPs) to be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby drainages. In addition, prior to the commencement of construction activities, the project operator would be required to adhere to the requirements of the Kern County Grading Ordinance. Further, Mitigation Measure MM 4.8-1 requires that prior to issuance of a grading permit, the project operator shall submit a Stormwater Pollution Prevention Plan and applicable permits shall be obtained from the LRWQCB for the project to the Kern County Planning and Natural Resources Department that specifies best management practices to prevent all construction pollutants from contacting storm water, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters.

The commenter, recommends the SEIR identify post-construction storm water management as a significant project component. The commenter notes that maintaining native vegetation is the most efficient and cost-effective post-construction BMP to treat storm water runoff and should be evaluated as part of the project.

Staff recognizes that maintaining native vegetation (rather than clearing and grubbing) can be a cost-effective and efficient BMP. The maintenance of existing vegetation will be considered as a potential BMP by the project Applicant when preparing the project- and site-specific SWPPPs. As a result, MM 4.8-1 had been modified as shown on page 7-22 of *Volume 3- Chapter 7- Response to Comments*. Additionally, MM 4.7-2 has been modified to include a statement that the use of herbicides will not be used in the waterways on the project site.

3. **Eastern Kern Air Pollution Control District (January 7, 2019).** The District notes that the SEIR correctly identifies that commercial solar power generation facilities are required to submit the following three (3) items to the EKAPCD prior to construction: a Fugitive Dust Emission Control Plan, a Fugitive Dust Monitoring Plan, and an application for an Authority to Construct. However, the comment notes that Section 3.3 of Appendix D of the Draft SEIR does not contain the correct definition for a “large operation” under District Rule 402 (Fugitive Dust), which includes any construction activity on any site involving 10 or more contiguous acres of disturbed area; any earthmoving activity exceeding a daily volume of 10,000 cubic yards; or relocating more than 2,500 cubic yards of bulk materials at least three (3) days per year. The comment requests Section 3.3 of Appendix D of the Draft SEIR be revised to correctly identify the definitions and requirements of District Rule 402 (Fugitive Dust).

In response, Staff notes that as described on Draft SEIR page 4.2-13, the proposed project would be required to implement modified Mitigation Measure MM 4.2-1. As such, the proposed project would be subject to EKAPCD Rule 402 as adopted in its current form during construction, which is intended to reduce PM10 fugitive dust emissions through implementation of standard dust control measures, including use of dust suppressants and control of vehicle speed on unpaved roads.

4. **Kern County Public Works Department-Building and Development Division (December 17, 2018).** The commenter requests the project coordinate construction traffic with neighboring projects to avoid possible conflicts during the project construction phases. In response, Staff notes the proposed project’s construction and operation traffic would not exceed Kern County LOS thresholds, and the project would be in compliance with established Kern County General Plan LOS Standards. Furthermore, with implementation of Mitigation Measure MM 4.13-1, the traffic created by the proposed project during the construction phase would not be expected to result in a substantial increase in congestion and impacts would be less than significant. In response to this comment, Mitigation Measure MM 4.13-1 has been modified to include the provision to “coordinate construction traffic to avoid possible conflicts during the project construction phases.”

The commenter requests additional information regarding the Traffic Control Plan, the secured agreement with the Kern County Public Works Department and Encroachment Permits. Staff notes that MM 4.13-1, requires the project proponent to develop a Traffic Control Plan and requires an encroachment permit.

5. **Kern County Public Works Department-Floodplain Management Section (December 18, 2018).** The commenter notes that the runoff of storm water from the site would increase due to the increase in impervious surface generated by the proposed project and requested that certain Conditions of Approval be included for the project. Staff notes that the Conditions have been added as proposed by the commenter. Additionally, as described on Draft SEIR page 4.8-5, the site engineering and design plans for the proposed project must comply with the requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards and the Floodplain Management Ordinance.

Furthermore, in order to ensure that the disposal of drainage waters originating on site and from adjacent road right of ways is addressed, Mitigation Measure 4.8-2 has been modified, as shown on the attached MMRP.

6. **Mojave Air and Space Port (MASP)(January 15, 2019).** The MASP provided comments regarding their concerns associated with the location and height of the overhead transmission lines and the project's potential to create electronic interference that could affect aircraft operations. Additionally, the commenter noted that while the SEIR states that the proposed project facilities would be located outside areas identified in the Kern County Airport Land Use Compatibility Plan (ALUCP), the project transmission lines have the potential to affect areas within designated airport influence areas identified in the ALUCP. The comment also noted that in the past, transmission lines with 200-foot towers associated with the Beacon project were constructed off the end of runway 12, which poses a hazard to flight test, general aviation operations and helicopter operations. In response, Staff notes that the Draft SEIR is correct in identifying that no portion of the project is located within a designated airport influence area as established in the adopted Airport Land Use Compatibility Plan. In regards to the transmission lines, Staff notes that only one (1) of the alternative gen-tie routes would be constructed for the proposed project. The gen-tie route would ultimately depend on the point of interconnection selected for the proposed project, which would either be the LADWP Barren Ridge Substation or the LADWP Beacon Substation. Furthermore, transmission structures associated with the gen-tie would generally range between 90 to 150 feet above ground level.

The commenter requests that the SEIR be revised to identify the location of the proposed overhead transmission lines associated with each stage of the Beacon Project that will be constructed and their location relative to airport influence areas and protected airspace. Staff notes, that the closest component of the project is located approximately nine (9) miles north of the Mojave Air and Space Port.

Additionally, the commenter also requests additional Mitigation Measures requiring project consultation with Kern County and MASP staff regarding allowable heights and placement of overhead transmission lines. In response, Staff notes that Mitigation Measure 4.9-2 has been modified, as shown on page 7-6 of *Volume 3- Chapter 7-Response to Comments*.

7. **California State Department of Fish and Wildlife (CDFW) (January 17, 2019).** The comment states the conflicting determinations provided by the Draft SEIR regarding impacts to cumulative Biological Resources and requests that the conflicting determinations are reconciled in the Final SEIR. In response, Staff notes that the conclusions of the Draft SEIR are that: 1) no significant project-level unavoidable impact has been identified to biological resources as a result of implementation of the proposed project; and 2) the project's contribution to the cumulative impact to biological resources would be cumulatively considerable. The conclusion of the project's contribution to a cumulatively considerable impact is specifically related to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, and the loss of habitat for primarily transient species that may utilize habitat at the project area.



With implementation of Mitigation Measures MM 4.3-1 through MM 4.3-23, the impact of the proposed project to biological resources would be less than significant. Draft SEIR Table 1-3 erroneously lists "Biological Resources (Cumulative)" within this section of the Draft SEIR. Draft SEIR Table 1-3 is intended to list only project level significant unavoidable impacts (listed within the heading "Project-Level Significant and Unavoidable Impacts." Table 1-3 has been modified, as shown on page 7-2 of Volume 3- *Chapter 7-Response to Comments*.

Additionally, for clarification of the conclusion regarding cumulative impacts, as stated in Draft SEIR Section 4.3, *Biological Resources*, within the regional context and when considered with other past, present, and reasonably foreseeable future projects as listed in Beacon Final EIR Table 3-4 (incorporated by reference in the Draft SEIR), which encompasses the Antelope Valley and the Fremont Valley in the western Mojave Desert as well as part of the Tehachapi Range to the west, the project would have an incremental contribution to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area, even with the implementation of Mitigation Measures including avoidance, minimization and compensation.

CDFW also provided comments, regarding the results of the Mohave ground squirrel (MGS) habitat assessment conducted by Phil Leitner in 2017. The comment clarifies that, while the project site may not support resident populations of MGS, that does not mean that implementation of the project will not engage in take of at least one individual of the species (Fish and Game Code Section 86). CDFW encourages the inclusion of a discussion of the project's potential to significantly impact MGS and recommends that the SEIR proposes appropriate avoidance, minimization and Mitigation Measures to address this potentially significant impact.

In response, Staff notes that the Draft SEIR indicates absence of the Mohave ground squirrel based on the specific project site habitat assessment. However, as also identified, Tables 4.3-2a and 4.3-2b list the MGS as having the potential to occur on the project site. Therefore, although the findings of the MGS habitat assessment regarding the presence/absence of resident species of MGS are reported for the proposed project as negative, the Draft SEIR also identifies the potential for migratory MGS. Specific Mitigation Measures are required to be implemented to address (i.e., mitigate for) potential direct and/or indirect impacts to MGS if detected on-site. The project Applicant has been working with CDFW since March 2018, on developing an MGS survey protocol for the project sites (i.e., Sites 1 through 5 where the solar facility would be developed) and plans to conduct MGS presence/absence surveys this Spring. If MGS are detected on a site during the surveys, then the Applicant would seek an ITP from CDFW for the particular site or portions of the site where MGS were detected. For the off-site gen-tie line, the Applicant will assume presence of MGS and obtain an ITP. Mitigation Measure 4.3-1 has been modified to clarify the requirements for both the project Sites and off-site gen-tie, as shown on page 7-2 and 7-3 of Volume 3- *Chapter 7-Response to Comments*.

The commenter described the issue CDFW has with the Draft SEIR's discussion of desert tortoises and asserted that there is potential for the project site to support populations of desert tortoise based on desert tortoise signs found on and/or adjacent to the project. The comment suggested incorporating discussion of this potentially significant impact that may result from project-related activities on desert tortoise and provides evidence to support this claim. Staff notes, this comment provided is consistent with the Draft SEIR conclusions that the presence of desert tortoise has been identified in certain portions of the project site, and that the proposed project has the potential to result in a significant impact to desert tortoise. Five (5) live desert tortoise were observed along the gen-tie lines, four (4) of which were west of SR 14. Additional desert tortoise signs were found along the gen-tie alternatives, including burrows, carcasses, and egg shell fragments, primarily in the vicinity of Pine Tree Canyon Wash and the Barren Ridge Substation. Desert tortoise sign, including one (1) deteriorated burrow (possibly tortoise), scat, and carcasses, were found in sites 1, 2, and 4, although none of the sign was recent. No desert tortoise or sign were found in sites 3 or 5 or along the collector lines. As mentioned before, the Applicant plans to conduct MGS presence/absence surveys this spring. The results of the desert tortoise surveys and MGS surveys will be used in consultation with CDFW to determine whether a Fish and Game Code Section 2081 permit is required.

Additionally, the commenter provided comments regarding the suggested installation of 2,652.7 acres of permanent exclusion fencing. The comment asserted that the exclusion fencing would eliminate potentially valuable habitat from use and would increase habitat fragmentation, and energy expenditure along fences that may result in increased chance of death. Staff notes, exclusionary fencing has been required on all prior projects in the area and is recognized as a standard method of avoiding any direct impact or take of desert tortoise during construction, operations, and maintenance as they would be excluded from the construction areas (or removed and relocated if present on-site prior to the commencement of construction activities). Consistent with MM 4.3-1, prior to the issuance of grading or building permits, the Applicant will be required to either secure an ITP from CDFW or provide written documentation that it was determined through consultation with CDFW that an ITP is not required.

8. **California State Clearinghouse (February 1, 2019).** The commenter states the State Clearinghouse received the Draft SEIR for the Eland Solar Draft SEIR and then sent the Draft SEIR to selected States Agencies for review and comment. The content of this letter have been noted for the record and it is acknowledged that the Lead Agency has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.

#### **Additional Comments Received**

Staff received four (4) additional comment letters for the project. This comment has been provided to your Commission as an attachment to this staff report. The following is a summary of the main items identified on the additional comment received.

**California Department of Conservation- Division of Oil, Gas, and Geothermal Resources (February 15, 2019).** The commenter states that they have received and reviewed the proposed project. The commenter states that zero known oil or gas wells are located within the project boundary as identified in the proposed project.

**California Department of Transportation- District 6 (February 12, 2019).** The commenter had no comments for the proposed project.

**Kern County Public Works Department- Floodplain Management Section (February 15, 2019).** The commenter had comments regarding the runoff storm water from the site will be increased due to the increase in impervious surface generated by the proposed development and mentioned that the subject property is subject to flooding. Therefore the commenter recommended the addition of two (2) additional Conditions of Approval, these have been incorporated into the Conditions of Approval for this project.

**James & Yvonne Wooten (February 21, 2019).** The commenter states that their property is part of the proposed CUP No. 23, Map No. 152 and that they have not received any information from the solar company and the commenter objects to the project going forward. Staff notes, that Staff reached out to the property owners and clarified that their property is not within the proposed project boundary.



## Planning Commission Hearing- February 28, 2019

As previously mentioned, your Commission continued this case to tonight's hearing to allow Staff adequate time to prepare the required Response to Comments; however, public testimony was provided by Ms. Patricia Cobos and Mr. Oscar Quintana, who own property adjacent to Site 5. Ms. Cobos expressed concerns regarding: health issues from high voltage solar developments, loss of scenery from their property, potential negative effects on property value and glare from the solar panels.

In response, Staff notes the following:

Health Issues: The SEIR evaluated health related issues as it pertains to Valley Fever, as with the previously approved project, nearby sensitive receptors and workers at the project site could be exposed to Valley Fever from fugitive dust generated during construction. However, the proposed project would be subject to the applicable rules and regulations of EKAPCD, in particular Rule 402 during construction. The purpose of Rule 402 is to reduce the amount of PM10 emitted from significant man-made fugitive dust sources. Compliance with EKAPCD Rule 402 and Mitigation Measure MM 4.2-1 (modified), as described in *Exhibit C*, would reduce fugitive dust and thereby reduce potential exposure to Valley Fever to the extent feasible. Additionally, implementation of Mitigation Measure MM 4.2-5 (modified) and added MM 4.2-6, would provide personal protective respiratory equipment to construction workers and provide information to all construction personnel and visitors about Valley Fever. Impacts would be reduced to less than significant levels.

Loss of scenery: Staff notes, the project site located on a vast plain with a series of distinctive mountain ranges encompassing the background to the north. Although, much of the project area contains desert vegetation, the project site exhibits evidence of past disturbance with the density of vegetation. Man-made features are evident, including paved and unpaved roadways, a railroad line, and the former Honda automotive testing, research, and development facility northeast of the project site. Mitigation Measures MM 4.1-1, MM 4.1-2, and MM 4.1-3 are proposed to soften visual impacts and minimize views of project equipment by installing view-screening materials in fencing and softening the visual impact of the project by requiring the planting of trees or shrubs. Additionally, for portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of one hundred (100) feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations, or operating equipment shall be located in and/or stored in the identified setback area. An approved site plan showing the designated Additional Aesthetics Setback shall be submitted to Kern County Planning and Natural Resources Department for approval.

Property Value: Regarding the value of their property, Staff notes property value and potential effects can only be tested through data from parcel sales. There are a number of factors that have the potential to affect property value; as a result, it is not possible to identify exactly how the proposed solar project would potentially affect private property values. Property-specific factors such as neighborhood features, square footage, size of lot, and irrigation potential are substantially more likely than the presence of energy infrastructure to be major determinants of the sales price of property. Additionally, Staff believes that there is no evidence presented that would conclude that the installation of a solar facility would lead to a decrease in neighboring property values.

Create Glare: Staff notes that photovoltaic (PV) solar panels absorb light which is then converted to electricity. A solar panel comprises numerous solar cells which differ from a typical reflective surface in that they have a microscopically irregular surface designed to trap the rays of sunlight for the purposes of energy production. The intent of solar technology is to increase efficiency by absorbing as much light as possible (which further reduces reflection and glare). Solar glass sheets (the glass layer that covers the PV panels) are typically tempered glass that is treated with an anti-reflective or diffusion coating that further diffuses the intensity of glare produced. Additionally, MM 4.1-6 require the applicant to use solar panels and hardware designed to minimize glare and spectral highlighting.

#### **Further Revisions to Mitigation Measures**

After circulation of Volume 3: *Chapter 7- Response to Comments*, the following Mitigation Measures were determined to part of the original Beacon Project and are not germane to this Supplemental EIR; therefore, the following Mitigation Measures were modified and/or deleted, additions to the text are shown with underline and text removed is shown with ~~strikethrough~~:

**MM 4.2-1:** The project operator shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

- a) Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:
  - i. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.
  - ii. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.
  - iii. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.
  - iv. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.
  - v. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.

- vi. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
  - vi. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
  - vii. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
  - viii. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.
  - ix. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.
- b) Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:
- i. Once initial ~~leveling~~ grading has ceased, all inactive soil areas within the construction site disturbed by grading shall be immediately treated with a dust palliative or other appropriate material to minimize dust.
  - ii. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.
  - iii. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.
- c) Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:
- i. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
  - ii. Visible speed limit signs shall be posted at the project site entrance(s).
  - iii. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.
  - iv. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.
  - v. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.
  - vi. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheel washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.

**MM 4.2-2:** The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:

- a) All equipment shall be maintained in accordance with the manufacturer's specifications.
- b) Equipment shall be shut down when not in use for extended periods of time.
- c) No individual piece of construction equipment shall operate no longer than eight cumulative hours per day.
- d) Electric equipment shall be used whenever feasible in lieu of diesel- or gasoline-powered equipment.
- e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.

On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.

**MM 4.3-3:** Prior to issuance of grading or building permit and for the duration of construction activities, the project proponent shall demonstrate it has in place a Worker Environmental Awareness Program (WEAP) for all construction workers at the project site. The Lead Biologist shall ensure all construction personnel on-site complete WEAP training prior to conducting any construction related activities on-site. As part of the WEAP training, the project Lead Biologist shall perform the following training-related tasks:

- a) Provide the training materials for WEAP training. These materials shall include the measures and mitigation requirements for protected plant and wildlife species (e.g., avoidance and buffer requirements, nighttime construction limitations, etc.); and applicable fire protection measures. WEAP training will also include driver training to avoid and minimize collision risks with protected species, and reporting protocols in the event that any dead or injured wildlife are discovered.
- b) Send a copy of all WEAP training materials to the Kern County Planning and Natural Resources Department.
- c) Maintain a list of on-site of all employees who have undergone WEAP training. A copy of this list shall be provided to the Kern County Planning and Natural Resources Department as necessary.

**MM 4.9-1:** Prior to issuance of any building permit, the project operator shall provide a Decommission Plan for review and approval by the Kern County Planning and Natural Resources Department Engineering, Surveying, and Permit Services Department or a County contracted consulting firm at a cost to be borne by the project operator. (SR-3/14/19) The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining undeveloped land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project operator is incapable of performing the work or has abandoned the solar facility, thereby requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting a Decommission Plan, the project operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the site as identified on the approved Decommission Plan in the event that at any point in time the project operator determines it is not in the company's best interest to operate the facility.



The financial assurance required prior to issuance of any building permit shall be established using one of the following:

- a) An irrevocable letter of credit;
- b) A surety bond;
- c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or
- d) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Natural Resources Department.

The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Engineering, Surveying, and Permit Services Department or County-contracted consulting firm(s) at a cost to be borne by the project operator to substantiate those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project operator.

Should any portion of the solar field not be in operational condition for a consecutive period of twelve (12) months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the director of the Kern County Planning and Natural Resources Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources Director shall consider any such request at a Director's Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance. In no case shall a solar field that has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date, the solar facility was first deemed abandoned.

~~**MM 4.4-11:** — Prior to issuance of a grading permit, a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor ground-disturbing activities including, but not limited to, brush clearance and grubbing, grading, trenching, excavation, installation of panel support structures, and the construction of fencing and access roads. Monitoring shall include, at a minimum, all ground-disturbing activities, as defined above, within landforms Hf1, Hf1d, Hf2, and Hf4 (as defined in the geoarchaeological report prepared for the project [Far Western, May 2009], Landform Structure and Archaeological Sensitivity in the Beacon Solar Energy Project Area); within unknown landforms; and within 100 feet of all significant or unevaluated historical. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the Lead Agency and based on the grading plans.~~



~~In the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short term and long term treatment plan. The qualified Archaeologist, in consultation with the Planning and Natural Resources Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance. The archaeological monitor shall keep daily logs and shall submit quarterly written updates to the Kern County Planning and Natural Resources Department. After monitoring has been completed, the qualified archaeologist shall prepare a monitoring report that details the results of monitoring, which shall be submitted to the Kern County Planning and Natural Resources Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield. (SR-3/14/19)~~

### **Findings (Exhibit A and B)**

Written findings and a brief explanation of the rationales for each finding in accordance with Section 15091 of the CEQA Guidelines have been included for each significant and insignificant impact as identified in the Final SEIR. The occurrence of significant environmental effects that cannot be avoided after all reasonable and feasible mitigation have been adopted for aesthetics, air quality and biological resources and are included in the Statement of Overriding Considerations. The Statement of Overriding Considerations in compliance with State CEQA Guidelines Section 15093 includes a discussion of the benefits of the project that provides a basis for the recommended approval of the project despite the adverse environmental effects that could and/or will occur. Additionally, a Mitigation Measure Monitoring Program has been prepared and is attached for your review and consideration as Exhibit C.

The following benefits and considerations outweigh such significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the final Supplemental EIR, and the record of proceedings for the project.

The project would produce up to 500 MW of electricity from a renewable source, which would assist the State of California in complying with the mandates established by Executive Order S-14-08, which requires public utilities to purchase 33 percent of their energy portfolio from renewable energy sources; as well as, reducing State and regional dependence on foreign oil and, in turn, assisting in insulating Californians from potential energy price spikes in future years.

Environmental effects of the project have been minimized by using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure, where practicable and locating the project facilities in an area with compatible zoning and land uses while assuring consistency with the goals and policies of Section 5.4.5, "Solar Energy Development" in the Kern County General Plan.

### **Memorandum of Understanding (MOU)**

Section 53091 of the California State Government Code provides an exemption from local building and zoning ordinances for a city or county project that includes the location or construction of facilities for the production or generation of electrical energy, among other uses. In addition, utility companies regulated by the California Public Utilities Commission have specific exemptions for transmission lines and other generating facilities. Mandates for renewable energy projects have made commercial solar and wind projects an attractive investment for utilities, cities, and counties. To ensure conformance to the land use regulations adopted and implemented by this County, past projects such as the Pine Tree Wind project (Los Angeles Department of Water and Power ), Alta-Oak Creek Wind project, Antelope Valley Water Bank (Semi-Tropic Water Banking Authority), Beacon Photovoltaic Project, RE Astoria Solar Project; and the Lost Hills Solar project have included a Memorandum of Understanding/Agreement that binds any buyer or operator to agree to be bound by the Kern County Zoning Ordinance, including Kern County building permit requirements, the conditions of the Conditional Use Permit, and the Mitigation Measure Monitoring Program regardless of any exemption they may have under Section 53091. These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project.

Additionally, MM 4.12-1(a) requires the project proponent to provide the County with written verification of ownership by April 15th of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than \$1,000 per MW per year, then that entity shall pay those taxes plus an amount necessary to equal the equivalent of \$1,000 per MW. The amount shall be paid for all years of operation. These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project. A signed copy of the Agreement is attached for your review.

### **Planning and Natural Resources Department Conclusions and Recommendations**

**CEQA Environmental Analysis.** Staff has reviewed the project with regard to environmental concerns and it is Staff's opinion that the Final SEIR prepared for this project is a comprehensive document with the best available information at this time which details the environmental effects of the project on surrounding land uses. Staff also believes the project is consistent with the California Renewable Portfolio Standard that requires investor-owned utilities to increase the sale of electricity produced by renewable energy sources to 50 percent. The Final SEIR includes 60 Mitigation Measures that provide for the protection of the environment and provide funding for impacts to public services. CEQA requires that all feasible and reasonable mitigation be imposed on projects to reduce the impacts of projects on the environment. Staff also concludes the Final SEIR fully complies with CEQA, and clarifications and modifications within the Response to Comments do not meet any of the conditions of CEQA Section 15088.5. No new information has been provided or feasible project mitigation rejected or environmental impact increased in severity that would require recirculation of the document. Changes to reflect these clarifications for the Final EIR, as appropriate, have been made in Section 15091 Findings of Facts, Section 15093 Statement of Overriding Considerations, and the Mitigation Measure Monitoring Program for this project.

**Land Use Compatibility.** This project is sited in a location that can be considered favorable for the development of a commercial solar project for a variety of reasons. The project is sited within the Antelope Valley and Fremont Valley area of Kern County which is especially appropriate for commercial solar development due to a lack of dense urban development. Additionally, the site has available access, mainly via existing roads in the area, which means that a minimal number of new roads would be constructed as a direct result of the project.

The project is also well sited because it is within close proximity to commercial transmission facilities. There are existing utility-related structures in close proximity of the project site, including transmission lines. By siting this project in close proximity to an existing substation, the project capitalizes on the efficient use of the existing use of power infrastructure. In addition, future energy needs could influence the need for expansion in the area and this would be expedited with this project's location in close proximity to the existing substation. It also can reduce other impacts; such as hydrology and water quality, air quality, geology, etc., by using existing infrastructure rather than constructing new facilities.

Additionally, the project is consistent with the Public Services Goals and Policies. MM 4.12-1(a) requires the project proponent shall pay for impacts on countywide public protection, sheriff's patrol and investigative services, and fire services at a rate of \$29.59 per 1,000 square feet of panel-covered ground, divided by the number of years of operation and paid on a yearly basis. The set number of years of operation, for the basis of determining payment not for actual operation, has been determined to be 20 years.

**Conditional Use Permit Request.** With regard to the requested Conditional Use Permits, with the zone change request approval, the project will be located entirely within the A District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity. Permitted land uses in this district include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed.

Chapter 19.12.030.G of the Kern County Zoning Ordinance indicates that solar energy electrical generators when not accessory to a permitted or conditionally permitted use are determined to be similar to those uses permitted in the A District with approval of a Conditional Use Permit. Pursuant to Section 19.104.040 of the Kern County Zoning Ordinance, an application for a Conditional Use Permits can be approved, or conditionally approved, if it can make all of the following findings:

- (1) The proposed use is consistent with the goals and policies of the Kern County General Plan or Specific Plan.
- (2) The proposed use is consistent with the purpose of the applicable district or districts.
- (3) The proposed use is listed as a use subject to a Conditional Use Permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030 through Section 19.08.080 of the Zoning Ordinance.
- (4) The proposed use meets the minimum requirements of the Zoning Ordinance applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and State of California.
- (5) The proposed use will not be detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.



It is Staff's determination there is adequate justification to support the request for the Conditional Use Permits. The project site is well suited for the development of a solar project, due to the rural nature and sparsely developed land, with the exception of portions adjacent to Site 5. Additionally, similar proposals have been approved in the area, including the original Beacon Solar Project, located just five miles away from the proposed project. Staff also notes that any changes or expansions of the proposed project would require the applicant to obtain a modification to this conditional use permit or a discretionary approval of a new conditional use permit, which may include additional environmental review. The Kern County Zoning Ordinance lists the solar facility as a permitted use within the A District with approval of a Conditional Use Permit. In order to ensure that operation of the solar facility is executed in a safe manner, multiple Mitigation Measures and conditions of approval have been included. The proposed Conditional Use Permit does not appear to be materially detrimental to the public health, safety, or welfare of property or residents in the vicinity. Additionally, the proposed use is consistent with existing and proposed development on the project site. Therefore, Staff recommends approval of the requested Conditional Use Permit, subject to the listed Mitigation Measures and conditions of approval.

**Consistency with the Kern County General Plan.** The Board of Supervisors approved a Kern County Renewable Energy Goal for the production of ten (10) gigawatts from wind and solar facilities by 2015. The goals included projects in all Kern County jurisdictions: cities, school, and water districts; and would create an estimated 8,000 construction jobs, 1,500 operational jobs and up to \$25 billion of investment in the County's future, as well as provide power for over seven million people. Currently, the Kern County has reached this goal and the current proposal would continue this goal of promoting renewable energy in Kern County. Staff notes the proposed project would provide up to 300 construction jobs and five permanent jobs per facility, if approved and constructed. Additionally the project would add 500 MW to the County's renewable portfolio. Staff believes this project is consistent with the California Renewable Portfolio Standard that requires investor-owned utilities.

The proposed project will reduce the amount of electricity generated using fossil fuels and, therefore, result in an offset of greenhouse gas emissions per year. Staff has reviewed the project with regard to land use compatibility and consistency with the Kern County General Plan and notes the project is a compatible use and consistent with the General Plan Energy Element Goals and Policies.

**Zone Change Request.** With regard to the zone changes, the project site is currently zoned, as follows: 265.3 acres zoned E (2 1/2) RS MH, 81 acres zoned A-1 MH, 81 acres zoned PL RS MH and 81 acres zoned E(20) RS. The applicant is requesting a change in zoning to A; the purpose of the requested A District is to permit the construction and operation of a solar facility with approval of a Conditional Use Permit. The existing zoning on the project site are zoned for large lot residential living, combination of estate-type residential development, agricultural uses, and other compatible uses. However, due to the lack of water and infrastructure in the area, it is unlikely that any intensive residential development would occur within the project vicinity in the near future.

Therefore, Staff believes that the proposed PV solar facilities are compatible with other nearby activities and is consistent with the agriculturally zoned district. The Zoning Ordinance allows for construction of solar energy electrical facilities within the A District with the approval of a conditional use permit.

**Kern County Planning and Natural Resources Department Overall Recommendation.** As noted above, the project meets the necessary findings for the requested zone changes, and Conditional Use Permits. Additionally, Staff has determined that the project is sited in a location appropriate for commercial solar development.

The proposed project is sited in a location that is favorable for the development of a solar project. The project's proposed location is within a more remote area of East Kern County, which is especially appropriate for this type of development due to the lack of dense urban development. While several residences are located within 1,000 feet of the project boundary none are located within the project boundary itself. Development in this rural area of the Mojave Desert has occurred at a relatively low density over the last 30 years. Therefore, it is unlikely that any intensive residential development would occur within the project vicinity during the 30-year life of the project. With regard to the requested zoning code change, Staff feels that because of the lack of any planned large scale development in the area the change would create consistency with other existing and planned uses. More specifically, there are multiple large-scale commercial solar energy facilities that either exist or are under construction in very close proximity to this project; the closest project being the RE Barren Ridge Solar Project, which is located approximately one (1) mile to the northwest of Site 4. The project has available site access, mainly via existing roads in the area; which means that a minimal number of new roads would be constructed as a direct result of this project. Additionally, the project is in close proximity to existing transmission facilities and will be able to achieve project success by connecting to either the LADWP Beacon Substation or the LADWP Barren substation, both of which are already operational. Therefore, the 500 megawatt project can be considered a logical and consistent extension of existing solar energy development in the area.

Staff has reviewed the project with regard to environmental concerns and land use compatibility. It is Staff's opinion that the Draft Supplemental EIR prepared for this project is a comprehensive document with the best available information at this time which details the potential environmental effects of the project on surrounding land use. Staff believes this project is consistent with the Senate Bill (SB) 100 which requires that all of the State's electricity come from renewable sources by 2045. The Draft Supplemental EIR includes 60 mitigation measures that provide for the protection of the public and the environment, as well as provide funding for impacts to public services. CEQA requires that all feasible and reasonable mitigation be imposed on projects to reduce impacts on the environment. Staff also concludes the Draft Supplemental EIR fully complies with CEQA, and clarifications and/or modifications within the Response to Comments do not meet any of the conditions of CEQA Section 15088.5. No new information has been provided for feasible project mitigations rejected or environmental impact increases in severity that would require recirculation of the document. Changes to reflect these clarifications for the Draft Supplemental EIR, as appropriate, have been made in Section 15091 Findings of Fact, Section 15093 Statement of Overriding Considerations, and Mitigation Measure Monitoring Program for this project.

Therefore, Staff recommends the Planning Commission recommend to the Board of Supervisors: certify the Supplemental Environmental Impact Report; adopt the Section 15091 Findings and Section 15093 Statement of Overriding Considerations; adopt the Mitigation Measure Monitoring Program; approve the amendments to the Circulation Element of the Kern County General Plan as requested; approve zone changes as requested; approve Conditional Use Permits subject to conditions; approve the Memorandum of Understanding/Agreement and recommend the Board of Supervisors Chairman to sign.

**PUBLIC INQUIRY OR CORRESPONDENCE:** California Department of Conservation-Division of Oil, Gas, and Geothermal Resources; California Department of Transportation-District 6; Kern County Public Works Department- Floodplain Management Section; James and Yvonne Wooten; Patricia Cobos and Oscar Quintana

**CEQA ACTION:** Environmental Review: Supplemental Environmental Impact Report

**DEPARTMENT RECOMMENDATION:** Advise the Planning Commission to recommend the Board of Supervisors certify the Supplemental Environmental Impact Report; adopt Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; adopt Mitigation Measure Monitoring Program approving General Plan Amendments as requested; approve zone changes as requested; approve Conditional Use Permits subject to conditions; approve the Memorandum of Understanding/Agreement and recommend the Board of Supervisors Chairman to sign; adopt the suggested findings as set forth in the attached Draft Resolutions

CMM:CER:es

Attachments



# Maps



GPA 9, Map152;GPA 1,  
Map152-28; ZCC 11, 12, 13,  
Map152; ZCC 1, Map 152-28;  
CUP 23, 24, 25, 26, Map152;  
CUP 3, Map 152-28

## Figure 1 - Vicinity Map

Eland 1 Solar Project  
by 68 SF 8me LLC

- Proposed Project
- STATE HWY
- Arterials
- Kern County Boundary
- Township/Range
- Sections
- Water Courses
- City Limits

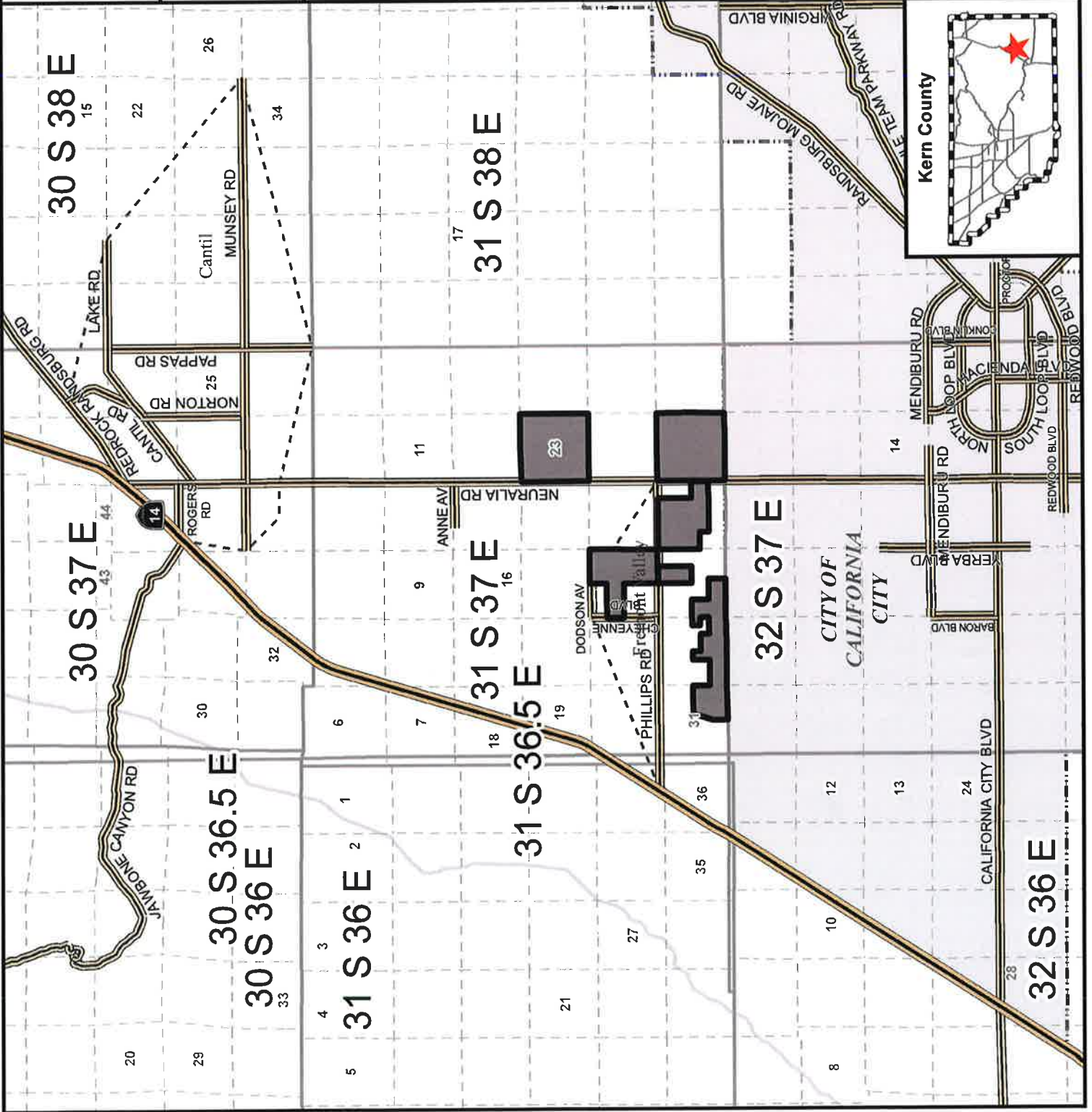


APN: Multiple 1/14/19  
Sec. 23, 28, 31, 32,  
33, 34 & 45 - T31S/R37E

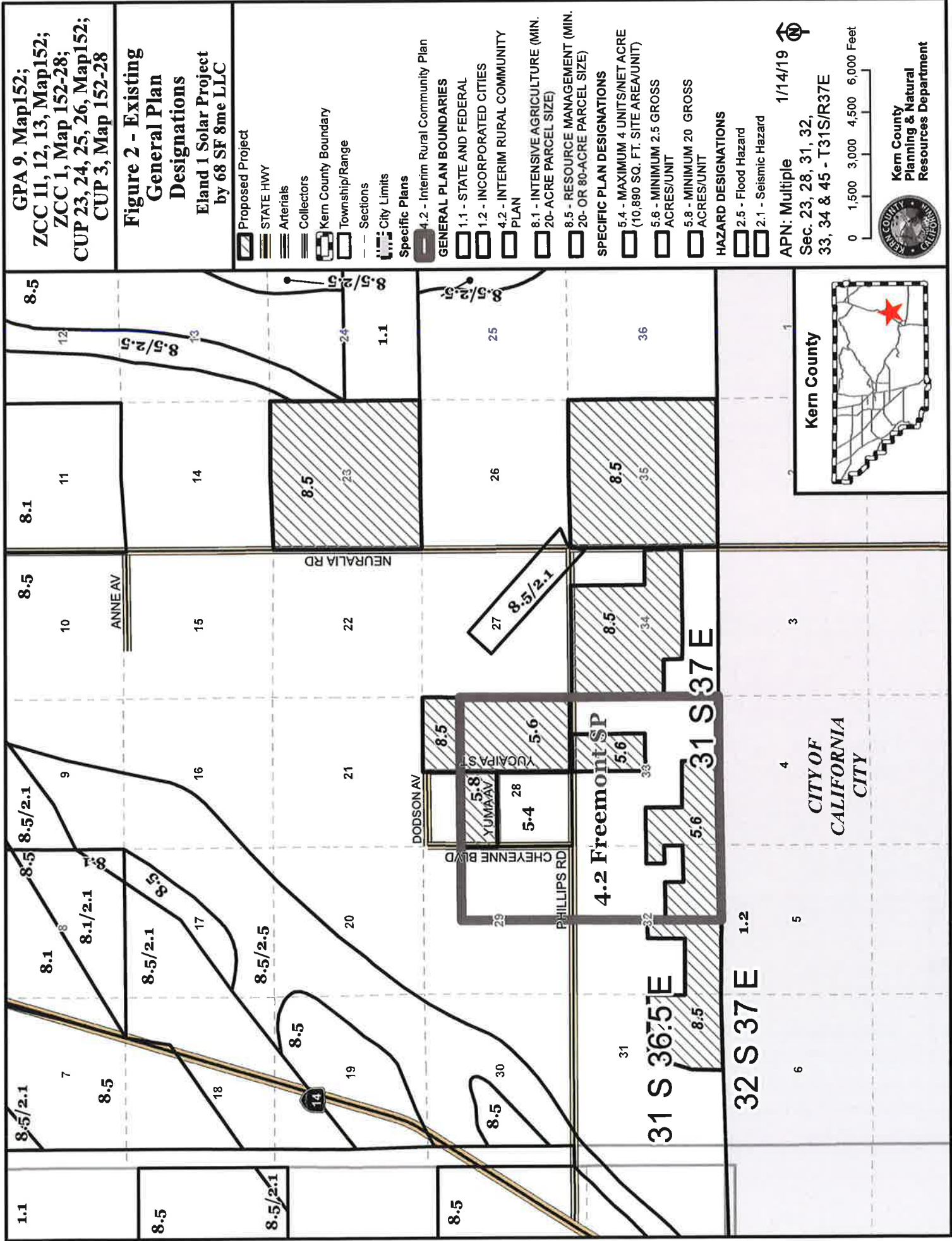
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
Kern County  
Planning & Natural  
Resources Department





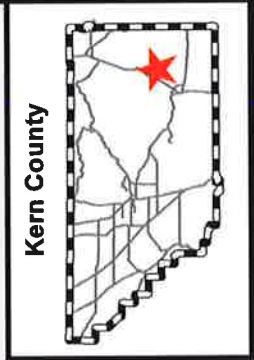


**Figure 3 -  
Existing Zone  
Classifications**

-  Project Proponent
-  STATE HWY
-  Kern County Boundary
-  City Limits
- KERN COUNTY ZONING DESIGNATIONS**
-  A - Exclusive Agriculture
-  A-1 - Limited Agriculture
-  E(1/4) - Estate (.25 acre)
-  E(20) - Estate (20 acres)
-  PL - Platted Lands
-  RF - Recreation Forestry
-  FP - Floodplain Combining
-  FPS - Floodplain Secondary Combining
-  GH - Geologic Hazard Combining
-  MH - Mobilehome Combining
-  RS - Residential Suburban Combining
-  WE - Wind Energy Combining
-  FPS - Floodplain Secondary Combining
-  GH - Geologic Hazard Combining
-  MH - Mobilehome Combining
-  FPS - Floodplain Secondary Combining
-  GH - Geologic Hazard Combining

Sec. 23, 28, 31, 32,  
33, 34 & 45 - T31S/R37E

**Kern County  
Planning & Natural  
Resources Department**



**CITY OF  
CALIFORNIA  
CITY**

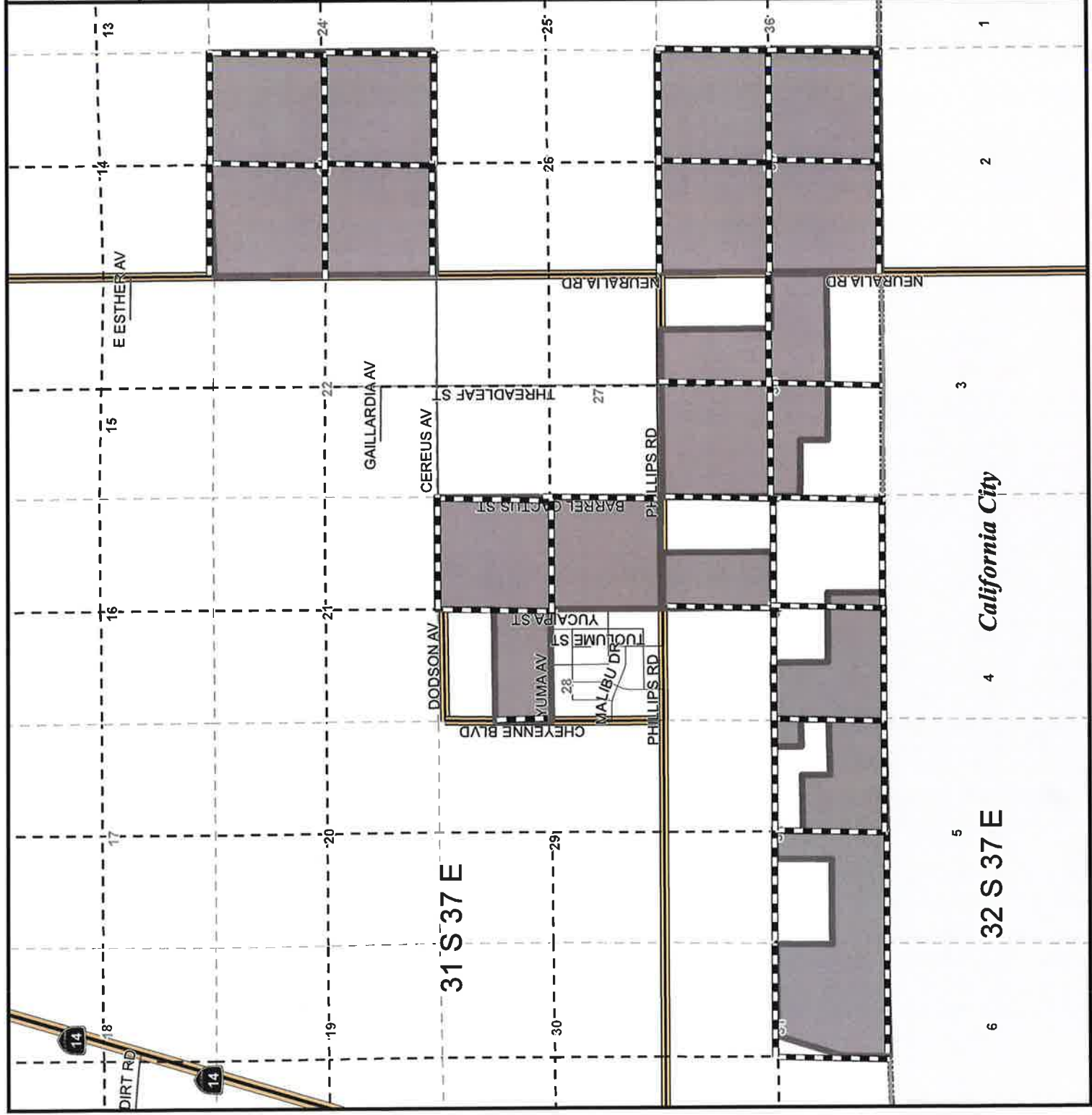
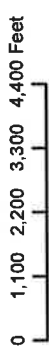
GPA 9, Map152;GPA1,  
Map152-28; ZCC 11, 12, 13,  
Map152; ZCC 1, Map 152-28;  
CUP 23, 24, 25, 26, Map152;  
CUP 3, Map 152-28

# Figure 4 - Proposed Circulation Amendment

Eland 1 Solar Project  
by 68 SF 8me LLC

- Section Line Removal
- Site
- Township/Range
- Sections
- City Limits

Sec. 23, 28, 31, 32,  
33, 34 & 45 - T31S/R37E  
1/28/19



California City

32 S 37 E



GPA 9, Map152;GPA 1,  
Map152-28; ZCC 11, 12, 13,  
Map152; ZCC 1, Map 152-28;  
CUP 23, 24, 25, 26, Map152;  
CUP 3, Map 152-28

Figure 5 -

# Proposed Zone Classifications

Eland 1 Solar Project  
by 68 SF 8me LLC

Proposed Project

STATE HWY

Kern County Boundary

Township/Range

Sections

City Limits

KERN COUNTY ZONING

DESIGNATIONS

A - Exclusive Agriculture

A-1 - Limited Agriculture

E(1/4) - Estate (.25 acre)

E(20) - Estate (20 acres)

PL - Platted Lands

RF - Recreation Forestry

FP - Floodplain Combining

FPS - Floodplain Secondary Combining

GH - Geologic Hazard Combining

MH - Mobilehome Combining

RS - Residential Suburban Combining

FPS - Floodplain Secondary Combining

GH - Geologic Hazard Combining

MH - Mobilehome Combining

FPS - Floodplain Secondary Combining

GH - Geologic Hazard Combining

GH - Geologic Hazard Combining

APN: Multiple

1/16/19

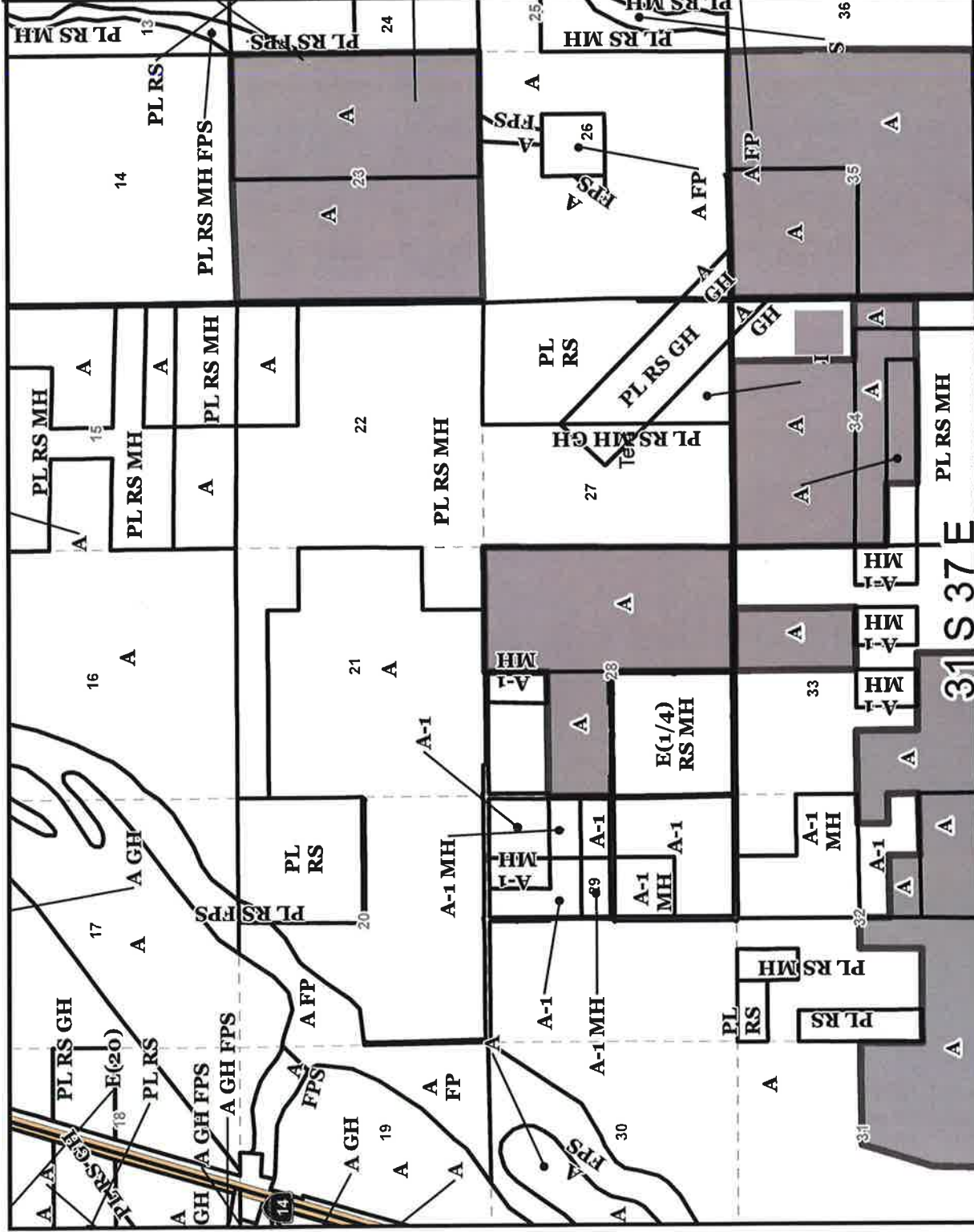
Sec. 23, 28, 31, 32,

33, 34 & 45 - T31S/R37E

0 1,100 2,200 3,300 4,400 Feet



Kern County  
Planning & Natural  
Resources Department



Kern County



CITY OF  
CALIFORNIA  
CITY

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31 S 37 E

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5

6

# **Public Comments**



**California**  
**Department of Conservation**  
Division of Oil, Gas, and Geothermal Resources

Gavin Newsom, Governor  
David Bunn, Director  
801 K Street, MS 18-05  
Sacramento, CA 95814  
T: (916) 445-9686

02/15/2019

County: Kern - Kern County Planning and Natural Resources Department  
Mario Ortiz  
4800 Stockdale Highway, Suite 417, Bakersfield, CA 93309, USA  
Mario.Ortiz@conservation.ca.gov

Construction Site Well Review (CSWR) ID: 1011535

Assessor Parcel Number(s): 46903001, 47002011, 47002012, 47002013, 47002008, 47033012, 47033005, 47033013, 47033009, 47033011, 47031201, 47031202, 47032214, 47032118, 47032119, 47008001, 47008002, 47008007, 47008013, 47008009, 47008012, 47001011, 47001012, 47008005, 47008006, 47008004, 47008011, 47008003, 47008014, 47008008, 47008010, 33001001

Property Owner(s): Eland 1 Solar Project by 68SF 8me, LLC

Project Location Address: Multiple APN's, California City, California, 93505

Project Title: Eland 1 Solar Project by 68SF 8me, LLC (PP18211), Multiple APN's, Township 31S Range 37E, Section 23

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developer should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed the above referenced project dated 2/8/2019. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Kern County, within the boundaries of the following fields:

Our records indicate there are 0 known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and



California  
**Department of Conservation**  
Division of Oil, Gas, and Geothermal Resources

Gavin Newsom, Governor  
David Bunn, Director  
801 K Street, MS 18-05  
Sacramento, CA 95814  
T: (916) 445-9686

**Not Projected to Be Built Over or Have Future Access Impeded by this project: 0**

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Inland district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 334-3650 or via email at [Emily.Loera@conservation.ca.gov](mailto:Emily.Loera@conservation.ca.gov)

Sincerely,

Cameron Campbell  
District Deputy



## Carlos Rojas

---

**From:** Lopez, Luisa@DOT <Luisa.Lopez@dot.ca.gov>  
**Sent:** Tuesday, February 12, 2019 11:12 AM  
**To:** Carlos Rojas  
**Cc:** Mendibles, Lorena@DOT  
**Subject:** GPA #9, MAP #152; GPA#1, MAP #152-28; ZCC #11, MAP #152 ZCC#12, MAP#152; ZCC #13, MAP #152; ZCC #1, MAP #152-28; CUP#23, MAP#152; CUP#24, MAP#152; CUP #25, MAP#152; CUP #26, MAP#3, MAP#152-28

Good morning Carlos,

Caltrans has no comment for project referenced above.

Respectfully,

***Luisa Lopez, Transportation Planner***  
California Department of Transportation  
1352 W. Olive Avenue  
P.O. Box 12616  
Fresno, CA 93778-2616  
(559) 444-2583

# Office Memorandum

## KERN COUNTY

To: Planning and Natural Resources  
Department  
Carlos Rojas

Date: February 15, 2019

From: Public Works Department  
Floodplain Management Section  
Kevin Hamilton, by Brian Blase

Phone: (661) 862-5098  
Email: BlaseB@kerncounty.com

Subject: Notice of Public Hearing – Planning Commission  
Eland 1 Solar Project  
Zone Classification Change #11, 12, 13, Map #152  
Zone Classification Change #1, Map #152-28  
General Plan Amendment #9, Map #152  
General Plan Amendment #1, Map #152-28  
Conditional Use Permit #23, 24, 25, 26, Map #152  
Conditional Use Permit #3, Map #152-28

Our section has reviewed the attached subject documents and has the following comments:

The runoff of storm water from the site will be increased due to the increase in impervious surface generated by the proposed development.

The subject property is subject to flooding.

Therefore, this section recommends the following be included as conditions of approval for this project:

The applicant shall provide a plan for the disposal of drainage waters originating on site and from adjacent road right-of-ways (if required), subject to approval of the Public Works Department.

Associated flood hazard requirements will need to be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

## Carlos Rojas

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**From:** Yvonne Wooten <ywooten@charter.net>  
**Sent:** Thursday, February 21, 2019 10:07 AM  
**To:** Carlos Rojas  
**Subject:** Solar Project

RE: CUP#23 Map #152

Mr. Rojas,

We have tried to contact you on several occasions for clarification of the project and did not receive a response.

Part of the project is on our land, CUP#23, Map #152. We have not received any information from the solar company requesting our property and we object to the project going forward.

Please contact us.

Thank you

ywooten@charter.net

James & Yvonne Wooten  
638 S. Cajon Av  
West Covina, CA 91791  
(626) 332-0118

**MOU**



**MEMORANDUM OF UNDERSTANDING AND AGREEMENT**  
**FOR**  
**PERFORMANCE OF ZONING ORDINANCE AND MITIGATION MEASURES**  
**AS ENVIRONMENTAL RESTRICTIONS**  
(Kern County – Property Owner- Lessee-Operator)

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2019 by and between the COUNTY OF KERN, a political subdivision of the State of California (hereinafter “County”) 68SF 8me LLC; (hereinafter collectively referred to as “Property Owner- Operator”).

**WITNESSETH:**

WHEREAS, in consideration of the COUNTY’s approval of the Eland 1 Solar Project commercial solar project, (a) General Plan Amendment Case No. 9, Map 152; General Plan Amendment Case No. 1, Map 152-28; (b) Amendment of Zoning Map No. 152, Zone Change Case No. 11; Amendment of Zoning Map No. 152, Zone Change Case No. 12; Amendment of Zoning Map No. 152-28, Zone Change Case No. 1; Amendment of Zoning Map No. 152, Zone Change Case No. 13; (c) Conditional Use Permit No. 23, Map No. 152; Conditional Use Permit No. 24, Map No. 152; Conditional Use Permit No. 25, Map No. 152; Conditional Use Permit No. 26, Map No. 152; Conditional Use Permit No. 3, Map 152-28; and in satisfaction of the condition of Project approval requiring a contractual mechanism to assure that all provisions of the zoning ordinance and project approval CEQA mitigation measures, will be implemented, County and Property Owner-Operator now desires to enter into this Agreement.

NOW, THEREFORE, IT IS MUTUALLY AGREED between County and Property Owner-Operator as follows:

1. The Property Owner-Operator agrees to perform all mitigation measures that are contained in the adopted Mitigation Measure Monitoring Program, attached hereto as Exhibit “A”, as they relate in any way to the development of a commercial solar project described above. The Property Owner-Operator obligations under this Agreement shall apply regardless of whether any other permits or entitlements are issued, except to the extent performance of such obligations is expressly prohibited under state or federal law. The obligations under this agreement, which shall not be amended absent prior written agreement of County and the Property Owner-Operator, shall be binding on all successors and assigns of the property described in Exhibit “B” hereto, and Property Owner-Operator agrees that they

shall so obligate all successors, assigns, transferees, and lessees. The provisions of all exhibits attached hereto are hereby incorporated in this Agreement by this reference as through fully set forth herein.

2. The Property Owner-Operator, successors, assigns, transferees, and lessees agree to be bound by all the requirements of the A (Exclusive Agriculture) Zoning ordinance and all other provisions of the Kern County Zoning Ordinance (Title 19), the adopted Final Supplemental Environmental Impact Report, and the adopted Mitigation Measure Monitoring Program (Exhibit A) and Conditional Use Permit conditions, (Exhibit C), regardless of any exemption under California Law.

3. All notices to Property Owner-Operator under this Agreement shall be deemed valid and effective five (5) calendar days following deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to:

68SF 8me LLC  
c/o 8minutenergy Renewables LLC  
250 Sutter Street, Suite 600  
San Francisco, CA 94108

All notices to County under this Agreement shall be deemed valid and effective when personally served upon the Department of Planning and Natural Resources Director or upon deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to the Director, Kern County Planning and Natural Resources Department, 2700 "M" Street, Suite 100, Bakersfield, California 93301.

4. This Agreement represents the complete understanding between the parties with respect to matters set forth herein.

5. The persons executing this Agreement on behalf of the Property Owner-Operator warrant and represent that they have the authority to execute this Agreement on behalf of the Property Owner-Operator 68SF 8me LLC, and warrants and represents that they have the authority to bind Property Owner-Operator to their performance hereunder.

6. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

7. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element. Further, the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

8. The obligations of Property Owner-Operator's successors, assigns, transferees, and lessees shall arise upon acquisition of any interest in real property in the 68SF 8me LLC, project site that will allow them to engage in any of the land uses allowed under; (a) General Plan Amendment Case No. 9, Map 152; General Plan Amendment Case No. 1, Map 152-28; (b) Amendment of Zoning Map No. 152, Zone Change Case No. 11; Amendment of Zoning Map No. 152, Zone Change Case No. 12; Amendment of Zoning Map No. 152-28, Zone Change Case No. 1; Amendment of Zoning Map No. 152, Zone Change Case No. 13; (c) Conditional Use Permit No. 23, Map No. 152; Conditional Use Permit No. 24, Map No. 152; Conditional Use Permit No. 25, Map No. 152; Conditional Use Permit No. 26, Map No. 152; Conditional Use Permit No. 3, Map 152-28.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.

RECOMMENDED FOR APPROVAL:

Kern County Planning and Natural  
Resources Department

By: \_\_\_\_\_  
Lorelei H. Oviatt, AICP, Director

Project Owner/Operator – 68SF 8me LLC

By:   
\_\_\_\_\_  
Thomas Buttgenbach, President

APPROVED AS TO FORM:  
Office of County Counsel

By: \_\_\_\_\_  
County Counsel

COUNTY OF KERN

By: \_\_\_\_\_  
Chairman, Board of Supervisors



**Exhibit A**  
**15091 Findings of Fact**

# **EXHIBIT A**

## **FINDINGS OF FACT IN SUPPORT OF FINDINGS RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS**

**State CEQA Guidelines Section 15091**

**for**

**Eland 1 Solar Project**

**By 68SF 8me LLC**

**GPA 9, Map 152; GPA 1, Map 152-28;  
ZCC 11, Map 152; ZCC 12, Map 152;  
ZCC 1, Map 152-28; ZCC 13, Map 152;  
CUP 23, Map 152; CUP 24, Map 152;  
CUP 25, Map 152; CUP 26, Map 152;  
CUP 3, Map 152-28.**

**Final Environmental Impact Report**

**SCH# 2012011029**

**Lead Agency: Kern County Planning and Natural Resource Department**

# EXHIBIT A

## SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the Draft and Final Supplemental Environmental Impact Report (SEIR) for the Eland 1 Solar Project (project or proposed project), as well as additional facts found in the complete record of proceedings. The Final SEIR is hereby incorporated by reference and is available for review at the Kern County Planning and Natural Resource Department (Planning Department), 2700 M Street, Suite 100, Bakersfield, California 93301, during normal business hours, and is also available on the Planning and Natural Resource Department's website.

## SECTION II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

The Planning and Natural Resource Department issued a Notice of Preparation of a Draft EIR on the proposed project. Based on the Initial Study and Notice of Preparation, a determination was made that the Final SEIR would contain a comprehensive analysis of environmental issues identified in Appendix G of the California Environmental Quality Act (CEQA) Guidelines and not screened out during the Notice of Preparation. With respect to all impacts identified as "less than significant" or as having "no impact" in the Final SEIR, the Planning Commission finds that those impacts have been described accurately and are less than significant or have no impact. Despite concluding that certain impacts would be less than significant or would have no impact, the Final SEIR nonetheless incorporates mitigation measures in the form of complying with the goals, policies, and implementation measures of the Kern County General Plan, applicable Specific Plans, Conditional Use Permit (CUP) requirements, or other adopted regulations. The Planning Commission finds that these effects are less than significant or have no impact before and after implementation of these mitigation measures.

In addition, some impacts in the SEIR were found to be "significant" but were able to be mitigated to less-than-significant levels, and others were found to be "significant and unavoidable." The Planning Commission finds that those impacts have been described accurately and are less than significant with the implementation of mitigation or are significant and unavoidable.

### **AESTHETICS**

#### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (Impact 4.1-2).

#### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

##### **Significant Effect**

The project would not create a new source of substantial light or glare that could adversely affect day or nighttime views in the area (Impact 4.1-4).

# EXHIBIT A

## Description of Significant Impact

The project would include security lighting. If designed improperly, lighting provided by the proposed project has the potential to adversely affect nighttime views. To avoid such impacts, the project would be required to implement Mitigation Measure MM 4.1-4, which requires compliance with the Dark Sky Ordinance and for all lighting to be directed downwards and shielded. Implementation of Mitigation Measure MM 4.1-4 would minimize the potential for spillover lighting to adversely affect residents and motorists to a less than significant level.

Additionally, the proposed project may introduce new sources of glare from the reflection of sunlight off the glass surfaces of the solar panels. However, the intent of solar technology is to increase efficiency by absorbing as much light as possible (which further reduces reflection and glare). Although the project may produce glare, it is not expected to cause extreme visual discomfort or impairment of vision for residents because the panels are designed to absorb as much sunlight as possible and, therefore, would have minimal reflectivity. Similarly, and also due to their low reflectivity, the panels would not be expected to cause visual impairment for motorists on area roadways. However, given the potential for glare, the project would be required to implement Mitigation Measures MM 4.1-5 and MM 4.1-6, which would require the use of non-reflective and non-glare materials when feasible. Implementation of these mitigation measures would ensure that impacts are reduced to less than significant.

## Finding

The proposed project has the potential to create a new source of substantial light or glare that could adversely affect day or nighttime views in the area. However, implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6 would reduce this impact to a less-than-significant level.

## Level of Significance

Impacts would be less than significant with implementation of mitigation.

## Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6 would reduce impacts to less-than-significant levels.

## Mitigation Measures

- MM 4.1-4:** Project facility lighting shall comply with “Dark Sky” lighting guidelines, and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.
- MM 4.1-5:** Proposed on-site buildings shall use non-reflective materials as approved by the Kern County Planning and Natural Resources Department.
- MM 4.1-6:** Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to



## EXHIBIT A

make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

#### **Significant Effect**

The project would have a substantial adverse effect on a scenic vista (Impact 4.1-1).

#### **Description of Significant Impact**

As provided in the Beacon EIR, the original Beacon Project would result in significant impacts based on the anticipated “cultural modifications.” The project would result in an incremental addition of manmade features to the project area’s visual resources by replacing open desert land with mechanical equipment associated with the project. As a result, the project would incrementally add to alterations in local scenic vistas. Mitigation Measures MM 4.1-1, MM 4.1-2, and MM 4.1-3 from the Beacon EIR are proposed to soften visual impacts and minimize views of project equipment by installing view-screening materials in fencing and softening the visual impact of the project by requiring the planting of trees or shrubs. However, as concluded in the Beacon EIR, there are no feasible mitigation measures that can be implemented to preserve the existing open space landscape character while developing a solar energy facility. Therefore, impacts to visual resources would remain significant and unavoidable despite implementation of these mitigation measures.

#### **Finding**

The proposed project would result in significant impacts to visual resources. Even with the implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, visual resource impacts would be significant and unavoidable.

#### **Level of Significance**

Impacts would be significant and unavoidable with implementation of mitigation.

#### **Brief Explanation of the Rationale for Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to visual resources. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, visual resource impacts would be significant and unavoidable.

#### **Mitigation Measures**

**MM 4.1-1:** Prior to any clearing or ground disturbing activities, the project proponent/operator shall submit a Maintenance and Trash Abatement/Pest Management Program to the Kern County Planning and Natural Resources Department for review and approval. The program shall include, but not limited to the following:

- a) The project proponent/operator shall clear debris from the project area at least twice per year once the project is operational.

## EXHIBIT A

- b) Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.
- c) The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris.
- d) Construction trash removal, once a month during construction including a recycling program. Receptacles shall include provisions for a locking system to prevent pest/rodent access to food waste receptacles that shall be implemented.
- e) The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans.
- f) The following stipulation shall be included: "All vegetation, debris or any other natural material collected as part of mowing, clearing or preparing the site for construction shall be removed the same day of such activities. Stockpiling is permitted for a period which shall not exceed ten (10) consecutive hours."

**MM 4.1-1:** The project operator shall install metal fence slats or similar view-screening materials as approved by the Kern County Planning and Natural Resources Department in all on-site perimeter fencing adjacent to parcels zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project operator (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Planning and Natural Resources Department requesting this requirement be waived. Should the project operator sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.

**MM 4.1-2:** a) Drought-tolerant plants, species to be determined through consultation with landscape experts with local knowledge and approved by the Kern County Planning and Natural Resources Department, shall be planted along the fence line at 500-foot intervals where the adjoining property is zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project operator (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Natural Resources Department requesting this requirement be waived. Should the project operator or agency sell the adjacent property, drought-tolerant shall be planted prior to the sale. Landscaping must be continuously maintained on the project site(s) by the project operator in accordance with Section 19.86 (Landscaping Standards) of the Kern County Zoning Ordinance.

## EXHIBIT A

- b) Prior to the commencement of operations, the project operator must submit a landscape re-vegetation and restoration plan for the project site. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place as needed to establish re-vegetation. Seed mix shall be determined through consultation with local experts and shall be approved by the Kern County Planning and Natural Resources Director prior to planting. The plan must include the approved native seed mix, a timeline for seeding the site, percentage of the site to be covered, detail the consultation efforts completed and the methods and schedule for installation of fencing that complies with wildlife agency regulations, and prohibition on the use of toxic rodenticides. Ground cover must be continuously maintained on the project site by the project operator. The re-vegetation and restoration of the site shall be monitored annually for a three-year period with an annual evaluation report submitted to the Kern County Planning and Natural Resources Director for the three-year period. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, consistent with site conditions prior to implementation of the project.

### **Significant Effect**

The project would substantially degrade the existing visual character or quality of the site and its surroundings (Impact 4.1-3).

### **Description of Significant Impact**

Although the proposed project is generally well sited, the industrial nature of the facility, when introduced into the project viewshed, would substantially change the visual character of the landscape from sensitive viewers for the life of the project. In addition, there would be incremental, significant impacts to views from scenic vistas within the nearby BLM lands. The proposed facility would be visually dominant in an area that is currently undeveloped and the rural visual character of the project site would be substantially replaced with an industrial character. Based on these considerations, the project site's visual character would be significantly altered by the project. Mitigation Measures MM 4.1-1, MM 4.1-2, and MM 4.1-3 from the Beacon EIR are proposed to reduce the project's visual impacts. However, there are no feasible mitigation measures that can be implemented to preserve the existing open space landscape character while developing a solar energy facility. Therefore, impacts to visual resources would remain significant and unavoidable despite implementation of these mitigation measures.

### **Finding**

The proposed project would result in significant impacts to visual character. Even with the implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3 visual character impacts would be significant and unavoidable.

### **Level of Significance**

Impacts would be significant and unavoidable with implementation of mitigation.

### **Brief Explanation of the Rationale for Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to visual character. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, described above, visual character impacts would be significant and unavoidable.

## EXHIBIT A

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

The proposed project would not have a cumulative environmental effect on aesthetics that would be less than significant.

### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

#### **Significant Effect**

The proposed project would result in a cumulatively considerable aesthetic impact.

#### **Description of Significant Impact**

Multiple projects, including several utility-scale solar and wind energy production facilities, are proposed throughout Kern County, particularly in the vicinity of the project site in the Mojave Desert. These have the potential to result in cumulative impacts to aesthetics when considered together with the proposed project. The “scarcity” rating criterion is particularly likely to be significantly impacted by widespread development in the area, as unobstructed views of regional topographical features and undeveloped lands would be less available as acreage is developed with PV modules and new transmission lines are constructed. Although similar to the proposed project, the other projects in the region would also be required to implement various mitigation measures to reduce impacts, the conversion of thousands of acres in a presently rural area to solar and wind energy production uses cannot be mitigated to a degree that impacts are no longer significant. Following implementation of Mitigation Measures MM 4.1-1 through MM 4.1-6, cumulative impacts associated with aesthetics would remain significant and unavoidable.

#### **Finding**

The proposed project in combination with other projects would result significant and unavoidable cumulative aesthetics impact. Even with the implementation of Mitigation Measures MM 4.1-1 through MM 4.1-6 cumulative impacts would be significant and unavoidable.

#### **Level of Significance**

Cumulative impacts would be significant and unavoidable for the project, even with implementation of mitigation.

#### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-1 through MM 4.1-6, described above, would reduce impacts but not to less-than-significant levels. Impacts would remain significant and unavoidable.

### ***AIR QUALITY***

#### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

None of the proposed project’s environmental effects on air quality have been found to result in no impacts or only less-than-significant impacts.



## EXHIBIT A

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

#### **Significant Effect**

The project would not conflict with or obstruct implementation of the applicable air quality plan (Impact 4.2-1).

#### **Description of Significant Impact**

Construction-generated emissions attributable to the proposed project would not exceed the Eastern Kern Air Pollution Control District (EKAPCD) significance thresholds during construction. Emissions that do not exceed EKAPCD significance thresholds would be considered to have a less than significant impact and would, therefore, not conflict with implementation of applicable air quality plans. As with the previously approved project, implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 of the Beacon EIR, would ensure that criteria pollutant emissions would be further reduced during construction at the project site. Similarly, emissions associated with operation and maintenance of the proposed project would not exceed applicable EKAPCD thresholds. As with the previously approved project, the proposed project would not induce growth and would not result in a substantial increase in vehicle miles traveled and associated criteria pollutant emissions. Furthermore, the project would also function to reduce the air pollutant emissions within the Mojave Desert Air Basin (MDAB) to the extent that the power is used to offset power production from fossil fueled power plants within (or contributory to) the MDAB. As project operation emissions would not exceed the EKAPCD thresholds, implementation of the project would not obstruct implementation of an air quality plan during operation. As with the previously approved project, the proposed project would be required to implement Mitigation Measures MM 4.2-1 through MM 4.2-4 in order to further reduce emissions during construction and operation, which would further avoid conflict with the EKAPCD's air quality plans. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would further reduce impacts to less-than-significant levels.

#### **Finding**

The proposed project would not obstruct an air quality plan. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would further reduce this impact to a less-than-significant level.

#### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

#### **Brief Explanation of the Rationale for Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4, would reduce impacts to a less-than-significant level.

#### **Mitigation Measures**

**MM 4.2-1:** The project operator shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-

## EXHIBIT A

inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

- a) Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:
- i. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.
  - ii. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.
  - iii. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.
  - iv. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.
  - v. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.
  - vi. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
  - vi. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
  - vii. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
  - viii. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.
  - ix. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.
- b) Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:

## EXHIBIT A

- i. Once initial ~~leveling~~ grading has ceased, all inactive soil areas within the construction site disturbed by grading shall be immediately treated with a dust palliative or other appropriate material to minimize dust. (SR- 3/14/19)
  - ii. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.
  - iii. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.
- c) Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:
- i. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.
  - ii. Visible speed limit signs shall be posted at the project site entrance(s).
  - iii. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.
  - iv. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.
  - v. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.
  - vi. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheel washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.

**MM 4.2-2:** The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:

- a) All equipment shall be maintained in accordance with the manufacturer's specifications.
- b) Equipment shall be shut down when not in use for extended periods of time.
- c) No individual piece of construction equipment shall operate ~~no~~ longer than eight cumulative hours per day. (SR-3/14/19)
- d) Electric equipment shall be used whenever feasible in lieu of diesel- or gasoline-powered equipment.

## EXHIBIT A

- e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NO<sub>x</sub> emissions.

On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.

**MM 4.2-3:** The project operator shall continuously comply with the following measures during construction and operation to control NO<sub>x</sub> emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:

- a) 2006 engines or pre-2006 engines with California Air Resources Board certified Level 3 diesel emission controls will be used to the extent possible.
- b) All on-road construction vehicles, except those meeting the 2006/California Air Resources Board certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to worker personal vehicles.
- c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacture's specifications.

**MM 4.2-4:** The project operator shall continuously comply with the following during operation to control fugitive dust emissions:

- a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation
- b) The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.
- c) Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex.

### **Significant Effect**

The proposed project would violate an air quality standard or contribute substantially to an existing or proposed air quality violation (Impact 4.2-2).

### **Description of Significant Impact**

Construction of the proposed project would result in temporary generation of emissions associated with various activities, including site preparation, grading, trenching, construction of roads, and installation of solar array modules and associated infrastructure. However, total annual construction emissions would not exceed the applicable EKAPCD thresholds for reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), or particulate matter 10 microns or less in diameter (PM<sub>10</sub>). Emissions associated with operation and maintenance of the proposed project would not exceed applicable EKAPCD thresholds.



## EXHIBIT A

Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would ensure that criteria pollutant emissions would be further reduced during construction at the project site and impacts would be less than significant.

### **Finding**

The proposed project would not obstruct air quality standards. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4, would further reduce this impact to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4, described above, would further reduce impacts to a less-than-significant level.

### **Significant Effect**

The proposed project would not expose sensitive receptors to substantial pollutant concentrations (Impact 4.2-4).

### **Finding**

As with the previously approved project, the proposed project has the potential to expose sensitive receptors, namely onsite workers and offsite residents to Valley Fever from fugitive dust generated during construction. However, the proposed project would be subject to the applicable rules and regulations of EKAPCD, in particular Rule 402 during construction. The purpose of Rule 402 is to reduce the amount of PM10 emitted from significant man-made fugitive dust sources in an amount sufficient to maintain NAAQS. Compliance with EKAPCD Rule 402 and Mitigation Measure MM 4.2-1 would reduce fugitive dust and thereby reduce potential exposure to Valley Fever to the extent feasible. Additionally, implementation of Mitigation Measure MM 4.2-5 and MM 4.2-6 would provide personal protective respiratory equipment to construction workers and provide information to all construction personnel and visitors about Valley Fever. Impacts would be reduced to less than significant levels.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1, described above, and Mitigation Measures MM 4.2-5 and MM 4.2-6, described below, would reduce impacts to less-than-significant levels.

# EXHIBIT A

## Mitigation Measures

Implement Mitigation Measures MM 4.2-1, described above, and MM 4.2-5 and MM 4.2-6:

**MM 4.2-5:** Prior to ground disturbance activities, the project proponent shall provide a “Valley Fever Training Information Packet” and conduct training sessions for all construction personnel. A copy of the handout and a schedule of education sessions shall be provided to the Kern County Planning and Natural Resources Department. All evidence of the training session(s) and handout(s) shall be submitted to the Kern County Planning and Natural Resources Department on a monthly basis. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Kern County Planning and Natural Resources Department regarding the “Valley Fever Training Handout” and Session(s) shall include the following:

- a) A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
- b) Distribution of an information packet that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever; symptoms of exposure; and instruction for reporting cases of flu-like or respiratory illness symptoms to the Site Safety Officer. Those with persistent symptoms lasting more than 3 days shall be recommended to seek immediate medical advice.
- c) Training on methods that may help prevent Valley Fever infection.
- d) A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though use of the equipment is not mandatory during work, the equipment shall be readily available and shall be provided to employees for use during work, if requested by an employee. Proof that the demonstration is included in the training shall be submitted to the county. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.

**MM 4.2-6** Prior to the issuance of grading permits, a onetime fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

#### **Significant Effect**

The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (Impact 4.2-3).

## EXHIBIT A

### Description of Significant Impact

The proposed project together with all other identified cumulative solar projects within the Kern County portion of the Mojave Desert Air Basin and the basin as a whole would contribute to a cumulatively considerable net increase of criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards and would therefore result in temporary significant cumulative impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 would reduce impacts but cumulative construction emissions would be considered cumulatively significant, even with implementation of mitigation measures.

### Finding

The proposed project would result in a net increase in criteria pollutants for an area in nonattainment. Even with the implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 cumulative impacts would be significant and unavoidable.

### Level of Significance

Impacts would be significant and unavoidable with implementation of mitigation.

### Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to cumulatively considerable net increase of any criteria pollutant for which the projects' region is nonattainment. Even with implementation of Mitigation Measures MM 4.2-1 through MM 4.2-4 cumulative impacts would be significant and unavoidable.

#### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

The proposed project would not have any cumulative effects on air quality that would be less than significant.

#### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

### Significant Effect

The proposed project would result in a cumulatively considerable air quality impact.

### Description of Significant Impact

The proposed project together with all other identified cumulative solar projects within the Kern County portion of the Mojave Desert Air Basin and the basin as a whole would contribute to a cumulatively considerable net increase of criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards and would therefore result in temporary significant cumulative impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-6 would reduce impacts but cumulative construction emissions would be considered cumulatively significant, even with implementation of mitigation measures.

# EXHIBIT A

## Finding

The proposed project in combination with other projects would result in a cumulatively considerable air quality impact. Even with the implementation of Mitigation Measures MM 4.2-1 through MM 4.2-6 cumulative impacts would be significant and unavoidable.

## Level of Significance

Cumulative impacts would be significant and unavoidable, even with implementation of mitigation.

## Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-6, described above, would reduce impacts but not to less-than-significant levels. Impacts would remain significant and unavoidable.

## BIOLOGICAL RESOURCES

### *A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.*

None of the proposed project's environmental effects on biological resources have been found to result in no impacts or only less-than-significant impacts.

### *B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.*

## Significant Effect

The project would not have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS (Impact 4.3-1).

## Description of Significant Impact

The proposed project has the potential to result in direct and indirect impacts to special-status plant species, as described for the previously approved project in the Beacon EIR. Direct impacts may result from site grading, while indirect impacts may result from population fragmentation, the introduction of non-native, invasive plants, runoff, sedimentation, erosion, fugitive dust, and unauthorized access by construction workers. The loss of more than 10 percent of habitat occupied by any of these species, if present, would be considered significant. However, these potentially significant impacts can be mitigated to less than significant by the implementation of Mitigation Measures MM 4.3-3 through MM 4.3-11. Additionally, Mitigation Measure MM 4.3-24 has been added to reduce impacts to plant species protected by the California Desert Native Plants Act (CDNPA) to a less-than-significant level.

The proposed project has the potential to result in direct and indirect impacts to special-status wildlife species, as described for the previously approved project in the Beacon EIR. In addition to the species mentioned in the Beacon EIR (desert tortoise, Mohave ground squirrel, western burrowing owl, golden eagle and other protected raptors, other special-status birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, American badger, and desert kit fox), the proposed project also has the potential to impact special-status bats, including Townsend's big-eared bat. However, with



## EXHIBIT A

implementation of Mitigation Measures 4.3-1 through 4.3-20 and MM 4.3-23 and 4.3-24, as well as MM 4.1-4 (as described in Section 4.1 Aesthetics), MM 4.5-2 (as described in Section 4.5 Geology and Soils), MM 4.8-1, and MM 4.8-2 (as described in Section 4.8 Hydrology and Water Quality), impacts to special status wildlife would be mitigated a less-than-significant level.

### Finding

The project has the potential to impact special-status plants and wildlife through the loss of habitat as well as direct and indirect impacts on plants and wildlife. These impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures 4.3-1 through 4.3-20 and MM 4.3-23 and 4.3-24, as well as MM 4.1-4 (as described in Section 4.1, *Aesthetics*), MM 4.5-2 (as described in Section 4.5, *Geology and Soils*), MM 4.8-1, and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*).

### Level of Significance

Impacts would be less than significant with implementation of mitigation.

### Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures 4.3-1 through 4.3-20 and MM 4.3-23 and 4.3-24, as well as MM 4.1-4 (as described in Section 4.1, *Aesthetics*), MM 4.5-2 (as described in Section 4.5, *Geology and Soils*), MM 4.8-1, and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*), would reduce impacts to less-than-significant levels.

### Mitigation Measures

Implement Mitigation Measures 4.3-1 through 4.3-20 and MM 4.3-23 and 4.3-24, as well as MM 4.1-4 (as described in Section 4.1, *Aesthetics*), MM 4.5-2 (as described in Section 4.5, *Geology and Soils*), MM 4.8-1, and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*):

**MM 4.3-1:** Prior to the issuance of a grading or building permits:

- The project developer/operator shall provide evidence to the Kern County Planning and Natural Resources Department that a Section 2081 Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) for Desert Tortoise (if determined to be required) and/or Mohave Ground Squirrel (if determined to be required) has been obtained. (RTC-3/4/19)
- If it is determined that an ITP is not required for any Site or portion of a Site (i.e., Sites 1 through 5) such a permit is not required, the project developer/operator shall provide a letter describing the consultation process and wildlife agency determination, indicating that an ITP permit is not required. The letter shall also identify the CDFW point of contact and contact information. Should an ITP not be required for either species, then the project developer/operator shall be responsible for implementing the specific mitigation measures designed to avoid impacts to these species (MM 4.3-11, 4.3-12 and 4.3-13). (RTC-3/4/19)

## EXHIBIT A

- If an ITP is required for either species (Desert Tortoise or Mohave Ground Squirrel), then specific measures to reduce potential for take would be identified and implemented through the ITP consultation process. This includes specific details and requirements for project construction, operations, and decommissioning, including fencing requirements. Should an ITP be required, those specifications identified in Mitigation Measures 4.3-11, 4.3-12 and 4.3-13 may be modified accordingly to reflect the ITP consultation process and specific conditions required as part of the ITP. (RTC-3/4/019)
- **Off Site Gen-Tie**
  - The project developer/operator shall provide evidence to the Kern County Planning and Natural Resources Department that an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service has been obtained for Mohave ground squirrel and/or Desert Tortoise. (RTC-3/4/19)
  - Specific measures to reduce potential for take of the species would be identified and implemented through the ITP consultation process with CDFW and U.S. Fish and Wildlife Service. This includes specific details and requirements for project construction, operation, and decommissioning. Specifications identified in Mitigation Measures 4.3-11, 4.3-12 and 4.3-13 may be modified accordingly to reflect the ITP consultation process and specific conditions required as part of the ITP, or as modified through National Environmental Policy Act review for those portions of the gen-tie that traverse BLM lands. (RTC-3/4/19)

**MM 4.3-2:** Prior to the issuance of grading or building permits, the project operator shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by United States Fish and Wildlife Service to oversee compliance with the protection measures for desert tortoise and other special species. The project Lead Biologist shall be onsite during all fencing and ground disturbance activities throughout the construction phase. The project Lead Biologist shall have the right to halt all activities that are in violation of the desert tortoise or other special species protection measures. Work shall proceed only after hazards to desert tortoise or other special species are removed and the species is no longer at risk. The project biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted onsite.

**MM 4.3-3:** Prior to issuance of grading or building permit and for the duration of construction activities, the project proponent shall demonstrate it has in place a Worker Environmental Awareness Program (WEAP) for all construction workers at the project site. The Lead Biologist shall ensure all construction personnel on-site complete WEAP training prior to conducting any construction related activities on-site. As part of the WEAP training, the project Lead Biologist shall perform the following training-related tasks:

- a) Provide the training materials for WEAP training. These materials shall include the measures and mitigation requirements for protected plant and wildlife species (e.g., avoidance and buffer requirements, nighttime construction limitations, etc.); and applicable fire protection measures. WEAP training will also include driver training to avoid and minimize collision risks with protected species, and reporting protocols in the event that any dead or injured wildlife are discovered.

## EXHIBIT A

- b) Send a copy of all WEAP training materials to the Kern County Planning and Natural Resources Department.
- c) Maintain a list of on-site of all employees who have undergone WEAP training. A copy of this list shall be provided to the Kern County Planning and Natural Resources Department as necessary. (SR-3/14/19)

**MM 4.3-4:** The program shall be presented by the Lead Biologist and shall include information on the life history of the desert tortoise, as well as other special-status wildlife and plant species that may be encountered during construction, operations and maintenance, and decommissioning activities, their legal protections, the definition of “take” under the Endangered Species Act (ESA) or California Endangered Species Act (CESA), measures the project operator is implementing to protect the desert tortoise and other special-status species, reporting requirements, specific measures that each worker shall employ to avoid take of the desert tortoise and other special-status wildlife species, and penalties for violation of the ~~Aet~~ ESA or CESA. Identification and information regarding sensitive plants (such as the alkali mariposa lily, Charlotte’s phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmy-poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish-hook cactus or other special- status plant species) shall also be provided to construction personnel. (RTC-3/4/19)

- i. An acknowledgement form signed by each worker indicating that environmental training has been completed.
- ii. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;
- iii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.
- iv. The construction crews and contractor(s) shall be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.

**MM 4.3-5:** The anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided.

**MM 4.3-6:** New and existing roads that are planned for either construction or widening shall not extend beyond the planned impact area. All vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.

**MM 4.3-7:** Spoils shall be stockpiled in disturbed areas presently lacking native vegetation. Stockpile areas shall be marked to define the limits where stockpiling can occur. Standard best



## EXHIBIT A

management practices shall be employed to prevent loss of habitat due to erosion caused by project related impacts (i.e., grading or clearing for new roads). All detected erosion shall be remedied within two days of discovery.

- MM 4.3-8:** Fueling of equipment shall take place within existing paved roads, and not within or adjacent to drainages or native desert habitats. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.
- MM 4.3-9:** Ground disturbing Construction activity shall be monitored by the qualified Lead Biologist or by biological monitors under the Lead Biologist's supervision to ensure compliance with avoidance and minimization measures.
- MM 4.3-10:** The introduction of exotic plant species shall be avoided and controlled wherever possible, and may be achieved through physical or chemical removal and prevention. Preventing exotic plants from entering the site via vehicular sources shall include measures such as implementing Track-clean or other method of vehicle cleaning for vehicles coming and going from the site. Earth-moving equipment shall be cleaned prior to transport to the project area. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by California Department of Fish and Wildlife and the United States Fish and Wildlife Service.
- MM 4.3-11:** Implement the following measures:

~~In the event ground disturbance does not commence on the transmission line corridor within two (2) years of the last rare plant surveys~~ Prior to construction, the project operator and/or contractor shall retain a qualified biologist or botanist to conduct preconstruction rare plant survey(s) in areas identified as potentially suitable habitat for Barstow woolly sunflower along the within the Eland 1 Solar site project sites and along the alternative gen-tie and other collector line routes during the appropriate blooming period in accordance with the guidelines established by the California Department of Fish and Wildlife (CDFW) (2018), for ~~alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert eymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act. If no special status Barstow woolly sunflower plant species are observed during the focused surveys, no further actions would be required. (RTC-3/4/19)~~

~~If any of these plant species are found during the preconstruction surveys, the project operator and/or contractor shall delay ground disturbance activities and contact California Department of Fish and Wildlife for consultation. If required, in consultation with California Department of Fish and Wildlife, a Habitat Mitigation Plan shall be prepared that includes, at a minimum, the following:~~

- a) ~~If alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert eymopteris, Barstow woolly sunflower(s), sagebrush loeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary~~



## EXHIBIT A

~~blazing star, and Mojave fish hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act are observed within the proposed project footprint during preconstruction surveys, the qualified biologist or botanist shall delay ground disturbance activities and contact CDFW for consultation. ‡The proposed project shall be designed in consultation with the Lead Biologist, to reduce impacts to the species through the establishment of preservation areas and buffers. If avoidance or minimization measures are implemented onsite, a Habitat Mitigation Plan shall be developed to ensure adequate management and conservation of botanical resources on-site over the long term. A copy of the Habitat Mitigation Plan shall be submitted to the Kern County Planning and Natural Resources Department. (RTC-3/4/19)~~

b) ~~If the proposed project would eliminate more than 10 percent of the local population of alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, If Barstow woolly sunflower(s) are observed within the proposed project footprint during preconstruction surveys, and impacts cannot be avoided, the Habitat Mitigation Plan would also include the following: (RTC-3/4/19)~~

- The area of occupied habitat to be preserved and removed;
- Identification of onsite or offsite preservation, restoration, or enhancement location(s);
- Methods for preservation, restoration, enhancement, and/or population translocation;
- A replacement ratio and success standard of 1:1 for occupied habitat lost unless a lower mitigation ratio and/or alternative mitigation is agreed to in coordination with CDFW;
- A five year monitoring program to ensure mitigation success;
- Adaptive management and remedial measures in the event that performance standards are not achieved;
- Financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity.

e) ~~Prior to the commencement of ground disturbance activities, botanical surveys for alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act, shall be conducted. The surveys shall be conducted within potentially suitable~~

## EXHIBIT A

~~habitat along the Eland 1 Solar site and alternative gen-tie and collector line routes that would be directly affected by the proposed project. Copies of all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Natural Resources Department. (RTC-3/4/19)~~

**MM 4.3-12:** The project operator and /or contractor shall implement the following:

- i. Prior to issuance of grading or building permits but after obtaining a project Section 2081 permit for incidental take, if required by California Department of Fish and Wildlife, the entire solar facility site (east of SR 14 for the Eland 1 Solar site) shall be fenced with a permanent desert tortoise exclusion fence to keep any desert tortoise that may be using habitat adjacent to the facility from entering during construction, operations and maintenance, and dismantling and restoration (decommissioning) phases. The fencing type shall follow current fence specifications established by U.S. Fish and Wildlife Service (USFWS). Desert tortoise-proof gates shall be established at all photovoltaic solar facility entry points. Workers installing the exclusion fencing shall have undergone the worker training program mandated in Mitigation Measure 4.3-3 and a biological monitor under the authority of the project Lead Biologist will be present during exclusion fencing installation.
- ii. The fencing shall be inspected monthly and immediately after all major rainfall events. Any damage to the fencing shall be repaired immediately or no later than 2 days following the observation.
- iii. Following the construction of desert tortoise exclusion fencing, around the solar facility perimeter as described above, clearance surveys shall be conducted by the Lead Biologist to ensure that no desert tortoises or other listed wildlife species are trapped within the fenced area. The Lead Biologist may be assisted by biological monitors under the supervision of the Lead Biologist. Clearance surveys shall adhere to the current USFWS clearance survey protocols described in the Desert Tortoise Field Manual, including a minimum of two clearance passes to be completed after desert tortoise-proof fencing is installed, which shall coincide with heightened desert tortoise activity from late March through May and September through October.
- iv. If a desert tortoise is found on the site during project construction or operations, active construction or operations shall cease in the vicinity of the animal and the desert tortoise shall be passively restricted to the area encompassing its observed position on the construction site and its point of entry shall be determined if possible. The Lead Biologist shall install a temporary tortoise-proof fence around this area. Concurrent with this effort, USFWS and California Department of Fish and Wildlife shall be consulted regarding any additional avoidance, minimization, or mitigation measures that may be necessary. Once the desert tortoise is observed leaving the site, work in the area can resume. A report shall be prepared by the Lead Biologist to document the activities of the desert tortoise within the site; all fence construction, modification, and repair efforts; and movements of the desert tortoise once again outside the permanent tortoise-proof fence. This report shall be submitted to wildlife and resource agency representatives and the Kern County Planning and Natural Resources Department.

## EXHIBIT A

- v. Outside permanently fenced desert tortoise exclusion areas, the project operator shall limit the areas of disturbance in desert tortoise habitat. Parking areas; new roads; pulling sites; and staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.
- vi. The Lead Biologist or biological monitor will monitor any ground-disturbance activities that occur outside the desert tortoise exclusion fencing. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. Prior to conducting brushing or grading activities in desert tortoise habitat outside the permanently fenced area, a Lead Biologist or biological monitor under the supervision of a Lead Biologist shall survey the area immediately prior to conducting these activities to ensure that no desert tortoises are present.
- vii. At the end of each work day, the Lead Biologist shall ensure that all trenches, bores, and other excavations outside the permanently fenced area have been inspected for the presence of desert tortoise and backfilled, if no tortoise is present. If backfilling is not feasible, these excavations shall be modified to ensure that they cannot potentially entrap desert tortoises (e.g., equipped with desert tortoise escape ramps, covered to prevent desert tortoise access, enclosed with a desert tortoise exclusion fence).
- viii. Any construction pipe, culvert, or similar structure stored within desert tortoise habitat (i.e., outside areas with desert tortoise exclusion fencing) shall be inspected for desert tortoise before the material is moved, buried, or installed.
- ix. Water used for dust abatement shall be minimized, as allowed by Kern County, to prevent the formation of puddles that could attract common ravens and other desert tortoise predators to the site and nearby.
- x. No vehicle or equipment parked outside the fenced areas shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of desert tortoise. If present, the desert tortoise shall be left to move on its own.
- xi. Vehicular traffic to and from the project site shall use existing routes of travel (e.g., SR 14). Cross country vehicle and equipment use outside designated work areas shall be prohibited. Vehicle speeds within the project site shall not exceed 25 miles per hour on roads within desert tortoise habitat.
- xii. All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Lead Biologist shall be informed of any hazardous spills within 24 hours. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility.
- xiii. A long-term trash abatement program shall be established for construction, operations, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.

## EXHIBIT A

- xiv. Workers shall be prohibited from bringing pets and firearms to the project area and from feeding wildlife.
- xv. Intentional killing or collection of either plant or wildlife species, including listed species such as desert tortoise, in the survey area and surrounding areas shall be prohibited. The Lead Biologist, wildlife and resource agency representatives and Kern County Planning and Natural Resources Department shall be notified within 24 hours of any such occurrences.
- xvi. Ongoing monitoring shall be conducted by either the Lead Biologist or by biological monitors under the Lead Biologist's supervision. The biological monitors shall have experience in monitoring for desert tortoise.
- xvii. During construction daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report for the wildlife and resource agencies and Kern County Planning and Natural Resources Department on a monthly basis, documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report would also provide information on the overall biological-resources-related activities conducted, including the worker awareness training, clearance/pre-activity surveys, monitoring activities, and any observed desert tortoise or other special-status species, including injuries and fatalities.
- xviii. The project operator shall develop a site-specific Common Raven Management Plan in accordance with USFWS guidelines and shall implement management measures for ravens in the project area. These measures may include but are not limited to designing structures to eliminate perches, waste management, road kill management, management of ponded water during construction and operations, and nest removal on structures within the photovoltaic facility site and along the transmission line.

**MM 4.3-13:** The project operator and /or contractor shall implement the following during Operation and Maintenance:

- i. Desert tortoise exclusion fencing and gates shall be maintained on a regular basis.
- ii. A 25-mile per hour speed limit shall be applied for travel during maintenance activities. Travel shall be confined to existing roads and previously disturbed areas.
- iii. Desert tortoise-proof secure gates shall be installed where access roads-enter the photovoltaic solar facility; no access roads outside of the photovoltaic solar facility shall be fenced.
- iv. Work occurring outside areas with desert tortoise exclusion fencing shall only occur during daylight hours.

**MM 4.3-14:** The project operator and /or contractor shall implement the following during project decommissioning:

- i. All applicable construction phase general protection measures shall be implemented during decommissioning.



## EXHIBIT A

- ii. A 25-mile-per-hour speed limit on paved or stabilized unpaved roads shall be applied for travel during decommissioning activities. Travel shall be confined to existing roads and previously disturbed areas.
- iii. If a desert tortoise is detected in the work area during decommissioning activities, no work shall be conducted until the desert tortoise moves on its own outside of the work area.
- iv. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours.

**MM 4.3-15:** The following measures shall be implemented during project construction, operations, and decommissioning activities with respect to western burrowing owls.

- a) A project Lead Biologist shall be onsite during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in the California Department of Fish and Wildlife Staff Report (March 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with desert tortoise pre-construction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.
- b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the CDFG Staff Report (see below) from an active burrow during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), unless otherwise authorized by California Department of Fish and Wildlife. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with Table 2 (see below) of the Staff Report and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Wildlife, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15).

## EXHIBIT A

Table 2: Burrowing Owl Burrow Buffers (CDFG Staff report)

Location	Time of year	Level of disturbance		
		Low	Medium	High
Nesting sites	April 1-Aug 15	656 ft	1640 ft	1640 ft
Nesting sites	Aug 16-Oct 15	656 ft	656 ft	1640 ft
Any occupied burrow	Oct 16-Mar 31	164 ft	328 ft	1640 ft

- c) During the nonbreeding (winter) season (October 16 to March 31), consistent with Table 2 (see above) of the Staff Report, ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Burrowing Owl Mitigation Staff Report (2012).
- d) Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan shall include, at a minimum:
  - i. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;
  - ii. Type of scope and appropriate timing of scoping to avoid impacts;
  - iii. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape i.e., look for sign immediately inside the door).
  - iv. How the burrow(s) shall be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);
  - v. Removal of other potential owl burrow surrogates or refugia onsite;
  - vi. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;
  - vii. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;
  - viii. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

## EXHIBIT A

- e) Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.
- f) Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).
- g) In accordance with the Burrowing Owl Exclusion Plan a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.
- h) During construction activities, monthly and final compliance reports shall be provided to California Department of Fish and Wildlife, the Kern County Planning and Natural Resources Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.

- MM 4.3-16:**
- a) Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site in accordance with burrowing owl Staff Report guidance and in consultation with California Department of Fish and Wildlife. At a minimum, the following recommendations shall be implemented:
    - i. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating.
    - ii. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include:
      - a. Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.
    - iii. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

## EXHIBIT A

- b) Develop and implement a mitigation land management plan in accordance with burrowing owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.
  - i. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
  - ii. Habitat shall not be altered or destroyed, and burrowing owls shall not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.
  - iii. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.
  - iv. Consult with the California Department of Fish and Wildlife when determining off-site mitigation acreages.

**MM 4.3-17:** Prior to issuance of grading or building permits the project operator shall:

- a. The project operator shall mitigate for permanent impacts to suitable desert tortoise and Mohave ground squirrel habitat, should an Incidental Take Permit be required from CDFW, through an approved mitigation bank or in-lieu fee program.-Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired in consultation with the wildlife or resource agency. Compensatory mitigation lands purchased may provide habitat for all three species, as well as rare plants and State Waters (only if impacted by the project). Verification of compliance shall be submitted to the Kern County Planning and Natural Resources Department.
- b. Prepare a Habitat Mitigation and Monitoring Plan, (if required should an Incidental Take Permit be required for the project) that outlines all project compensatory mitigation for desert tortoise, western burrowing owl and Mohave ground squirrel, in coordination with the California Department of Fish and Wildlife, and RWQCB.
  - i. Compensatory lands shall be of similar or better quality than habitat lost, and preferably shall be located in the vicinity of the site.
  - ii. Compensatory lands shall be permanently preserved through a conservation easement.
  - iii. The Plan shall identify conservation actions to ensure that the compensatory lands are managed to ensure the continued existence of the species.
  - iv. The Plan shall identify an approach for funding assurance for the long term management of the conserved land.



## EXHIBIT A

**MM 4.3-18:** Prior to the issuance of grading or building permit the following shall be implemented:

- i. Not more than 14 days prior to site clearing, a qualified biologist shall conduct a preconstruction avian nesting survey. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.
- ii. Surveys shall not be conducted for the entire project site at one time; they shall be phased so that surveys occur shortly before that portion of the site is disturbed. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. The survey shall cover all reasonably potential nesting locations on and within 250 feet of the project site—this includes ground nesting species.
- iii. If construction is scheduled to occur during the non-nesting season (August 2 to January 31), no preconstruction surveys or additional measures are required.
- iv. If construction begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required. However, if there is a break of 14 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before construction begins again.
- v. If active nests are found a 250-foot, no-disturbance buffer (or as otherwise determined in consultation with California Department of Fish and Wildlife) shall be created around the active nests. If the nest(s) are found in an area where ground disturbance is scheduled to occur, the project operator shall avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by re-locating the project component(s) to avoid the area.
- vi. All vertical tubes used in project construction, such as solar mounts and chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.

**MM 4.3-19:** Prior to the issuance of grading or building permit the following shall be implemented:

- i. Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens prior to installation of desert tortoise exclusion fencing. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.
- ii. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox or Northern harrier, which includes fallow agricultural land and scrub habitats. If no potential American badger or desert kit fox dens are present, no further mitigation is required.
- iii. If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox:
  - a. If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-use during construction.

## EXHIBIT A

- b. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish and Wildlife. Entrances to the dens shall be blocked with one-way doors or soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. The collapsing of active desert kit fox dens shall not occur without prior consultation with the California Department of Fish and Wildlife. A biologist shall remain on-call throughout construction in the event a badger or desert kit fox wanders onto the site.
- c. Construction activities shall not occur within 50 feet of active badger dens. The project operator shall contact California Department of Fish and Wildlife immediately if natal badger dens are detected to determine suitable buffers and other measures to avoid take.
- d. Construction activities shall not occur within 100 feet of active kit fox dens. The project operator shall contact California Department of Fish and Wildlife immediately if natal kit fox dens are detected to determine suitable buffers and other measures to avoid take.

**MM 4.3-20:** Prior to the issuance of a final certificate of occupancy, a Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Game. This plan shall include but is not limited to:

- i. Identification of all raven nests within the project area during construction;
- ii. Weekly inspection under all nests in the project area for evidence of desert tortoise predation (scutes, shells, etc.), and, if evidence of predation is noted, submit a report to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Kern County Planning and Natural Resources Department within five calendar days; and
- iii. Provisions for the management of trash that could attract common ravens during the construction and operation phases of the project.
- iv. Should the U.S. Fish and Wildlife Services determine it is necessary for the proposed project to participate in the regional comprehensive raven management plan, to address biological resources; the project operator shall be subject to compensation through the payment of fees not to exceed \$150 per disturbed acre. Evidence of the U.S. Fish and Wildlife Service and/or California Department of Fish and Game determination and payment of any required fees shall be submitted to the Kern County Planning and Natural Resources Department.

**MM 4.3-21:** If required (i.e., CDFW jurisdictional streambed is impacted by the project), prior to the issuance of grading or building permits for that component of the project that would directly impact a CDFW jurisdictional area), the project operator shall provide evidence to

## EXHIBIT A

the Kern County Planning and Natural Resources Department that a Section 1600 Streambed Alteration Agreement has been obtained from CDFW.

**MM 4.3-22:** The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized:

- Any laydown areas and/or material and spoils from project activities shall be located away from jurisdictional areas or sensitive habitat and protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
- Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
- Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative shall be notified.
- All work within the washes shall be conducted to avoid periods of flowing water. Construction within washes shall be timed to occur during the dry season (generally April 15 – October 15) and shall avoid periods in the summer when convective thunderstorms are predicted.
- If required, compensatory mitigation for Arizona-style crossings, within waters subject to the jurisdiction of CDFW or the RWQCB, shall occur either onsite or offsite-at a ratio no less than 1:1. As outlined in Mitigation Measure MM 4.3-17, if required, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the RWQCB and California Department of Fish and Wildlife.
- If mitigation is required and onsite mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation lands shall be comprised of similar or more well-developed desert wash and preferably be located in the vicinity of the site or watershed. Offsite land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the conserved land.
- Copies of correspondences and determinations by the RWQCB and California Department of Fish and Wildlife shall be submitted to the Kern County Planning and Natural Resources Department. It is noted that the final mitigation ratio required by the RWQCB and California Department of Fish and Wildlife for acquisition of regulatory permits may differ from that proposed in this environmental impact report.

## EXHIBIT A

**MM 4.3-23:** Prior to issuance of a grading or building permit, the project operator shall provide evidence that the following measures will be implemented with respect to the construction and installation of power lines:

- a) Construct all power transmission lines to the 2006 Avian Power Line Interaction Committee Guidelines specifications to protect birds from electrocution and collision. Appropriate notes regarding these specifications shall be included on any grading permit, building permit or final map.
- b) Submit written documentation to the Kern County Planning and Natural Resources Department verifying that all power lines are constructed to Avian Power Line Interaction Committee Guidelines. The project operator shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee Guidelines document) to protect birds from electrocution and collision.
- c) Install power collection and transmission facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques as outlined in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee, 2006).

**MM 4.3-24:** Prior to the issuance of grading or building permits, the Project Operator shall:

- a. Provide evidence to the Kern County Planning and Natural Resources Department that consultation with the Kern County Agricultural Commissioner has taken place regarding removal of plants protected under the California Desert Native Plants Act;
- b. If the Agricultural Commissioner determines that a permit is not required, the project operator shall provide a letter describing the consultation process and Commissioner's determinations, indicating that such authorization is not required. The letter shall also identify the Commissioner's points of contact and contact information;
- c. If required by the Agricultural Commissioner, the Project Operator shall provide evidence to the Kern County Planning and Natural Resources Department that a California Desert Native Plant removal permit has been obtained.

### **Significant Effect**

The proposed project would not have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or the USFWS (Impact 4.3-2).

### **Description of Significant Impact**

As with the previously approved project, the proposed project may result in impacts on scale broom scrub, a sensitive natural community subject to CDFW jurisdiction. If necessary, a CDFW Section 1600 Streambed Alteration Agreement will be obtained prior to ground disturbance. Because scale broom scrub onsite occurs within areas identified as potential jurisdictional Waters of the State, impacts to this sensitive community, if any, would be mitigated to less-than-significant levels by implementation of Mitigation Measures MM 4.3-17 and MM 4.3-21 and MM 4.3-22.

# EXHIBIT A

## Finding

The project has the potential to have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or the USFWS. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.3-17, MM 4.3-21 and MM 4.3-22.

## Level of Significance

Impacts would be less than significant with implementation of mitigation.

## Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.3-17, and MM 4.3-21 and MM 4.3-22 would reduce impacts to less-than-significant levels.

## Mitigation Measures

Implement Mitigation Measures MM 4.3-17, described above, and MM 4.3-21 and MM 4.3-22:

- MM 4.3-21** If required (i.e., if California Department of Fish and Wildlife jurisdictional streambed is impacted by the project), prior to issuance of a grading or building permit for that component of the project that would directly impact a California Department of Fish and Wildlife jurisdictional area, the project operator shall provide evidence to the Kern County Planning and Natural Resources Department that a Section 1600 Streambed Alteration Agreement has been obtained from California Department of Fish and Wildlife.
- MM 4.3-22** The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized:
- Any laydown areas and/or material and spoils from project activities shall be located away from jurisdictional areas or sensitive habitat and protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
  - Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
  - Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative shall be notified.
  - All work within the washes shall be conducted to avoid periods of flowing water. Construction within washes shall be timed to occur during the dry season (generally April 15 – October 15), to the maximum extent feasible, and shall avoid periods in the summer when convective thunderstorms are predicted.
  - If required, compensatory mitigation for Arizona-style crossings, within waters subject to the jurisdiction of California Department of Fish and Wildlife or the Regional Water



## EXHIBIT A

Quality Control Board, shall occur either on-site or offsite at a ratio no less than 1:1. As outlined in Mitigation Measure MM 4.3-17, if required, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Wildlife.

- If mitigation is required and onsite mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation lands shall be comprised of similar or more well-developed desert wash and preferably be located in the vicinity of the site or watershed. Offsite land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the conserved land.
- Copies of correspondences and determinations by the Regional Water Quality Control Board and California Department of Fish and Wildlife shall be submitted to the Kern County Planning and Natural Resources Department. It is noted that the final mitigation ratio required by the RWQCB and California Department of Fish and Wildlife for acquisition of regulatory permits may differ from that proposed in this environmental impact report.

### **Significant Effect**

The project would not have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or waters of the State through direct removal, filling, hydrological interruption, or other means (Impact 4.3-3).

### **Description of Significant Impact**

Isolated washes and wetland features in the Mojave Desert are typically subject to the RWQCB and CDFW jurisdiction as Waters of the State under Sections 1600-1616 of the California Fish and Game Code and the Porter Cologne Act. A delineation of Waters of the State was conducted within the project site in January 2018. A total of approximately 26.3 acres of Waters of the State within the project site. Mitigation Measure MM 4.3-21 requires that if CDFW jurisdictional areas are impacted by the project, a Section 1600 Streambed Alteration Agreement would be obtained prior to ground disturbance activities on the proposed project site that directly impact CDFW jurisdictional areas. In addition, implementation of Mitigation Measure MM 4.3-22 would ensure that direct or indirect effects to jurisdictional waters are minimized. As with the previously approved project, direct and indirect impacts to Waters of the State resulting from implementation of the proposed project (including grading, sedimentation, surface runoff, introduction of pollutants, and erosion) would be considered significant. Implementation of Mitigation Measures MM 4.3-1, MM 4.3-17, MM 4.3-21, and MM 4.3-22 would reduce impacts of the project to Waters of the State to less than significant levels.

# EXHIBIT A

## **Finding**

The project has the potential to substantial adverse impact on federally protected wetlands or waters of the State through direct removal, filling, hydrological interruption. However, impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.3-1, MM 4.3-10, MM 4.3-17, MM 4.3-21, MM 4.3-22, described above, and MM 4.7-1 (as described in Section 4.7, Hazards and Hazardous Materials), MM 4.5-2 (as described in Section 4.5, Geology and Soils), MM 4.8-1, MM 4.8-2, and MM 4.8-3 (as described in Section 4.8, Hydrology and Water Quality).

## **Level of Significance**

Impacts would be less than significant for the project with implementation of mitigation.

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.3-1, MM 4.3-10, MM 4.3-17, MM 4.3-21, MM 4.3-22, described above, and MM 4.7-1 (as described in Section 4.7, Hazards and Hazardous Materials), MM 4.5-2 (as described in Section 4.5, Geology and Soils), MM 4.8-1, MM 4.8-2, and MM 4.8-3 (as described in Section 4.8, Hydrology and Water Quality) would further reduce impacts to a less-than-significant level.

## **Significant Effect**

The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Impact 4.3-4).

## **Description of Significant Impact**

The propose project may provide foraging grounds for special-status and otherwise protected raptors. Impacts to the movement of native resident or migratory species through the wash corridors may result from installation of power transmission lines that could result in avian collisions and electrocution risks. As described in Section 4.1, *Aesthetics*, lighting onsite would consist of low intensity, motion sensor lights used for security purposes. In addition, as required in the Kern County Dark Skies Ordinance (Chapter 19.81) and the Kern County Development Standards, all lighting would be directed onsite and would include shielding to minimize lighting outside of the project area. Therefore, project lighting is not expected to increase risk of avian collisions or provide an attractant to migratory birds. With implementation of Mitigation Measures MM 4.1-4 and MM 4.3-23, potential impacts of the introduction of artificial lighting and the installation of power transmission lines on raptors would be reduced to less than significant levels.

## **Finding**

The project has the potential to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.1-4 (as described in Section 4.1, *Aesthetics*) and Mitigation Measure MM 4.3-23.

## **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

## EXHIBIT A

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.1-4 (as described in Section 4.1, Aesthetics) and Mitigation Measure MM 4.3-23, described above, would reduce impacts to a less-than-significant level.

#### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The proposed project would not have any environmental effects on biological resources that cannot be mitigated to a less-than-significant level.

#### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

The proposed project would not have any cumulative effects on biological resources that would be less than significant.

#### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

### **Significant Effect**

The proposed project would have a cumulative environmental impact on biological resources.

### **Description of Significant Impact**

When considered with other past, present, and reasonably foreseeable future projects, the project would have an incremental contribution to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area, even with the implementation of mitigation measures including avoidance, minimization and compensation. Therefore, the proposed project, coupled with other development proposed in the area, would result in a significant and unavoidable contribution to cumulative loss of habitat for primarily transient species that may utilize habitat at the project area.

### **Finding**

The proposed project in combination with other projects would contribute to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area. Even with the implementation of Mitigation Measures MM 4.1-4 (as described in Section 4.1, Aesthetics), MM 4.3-1 through MM 4.3-24, MM 4.5-2 (as described in Section 4.5, Geology and Soils), MM 4.7-1 (as described in Section 4.7, Hazards and Hazardous Materials), MM 4.8-1, MM 4.8-2, and MM 4.8-3 (as described in Section 4.8, Hydrology and Water Quality), cumulative impacts would be significant and unavoidable.

### **Level of Significance**

Cumulative impacts would be significant and unavoidable for the project, even with implementation of mitigation.

# EXHIBIT A

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-4 (as described in Section 4.1, Aesthetics), MM 4.3-1 through MM 4.3-24, MM 4.5-2 (as described in Section 4.5, Geology and Soils), MM 4.7-1 (as described in Section 4.7, Hazards and Hazardous Materials), MM 4.8-1, MM 4.8-2, and MM 4.8-3 (as described in Section 4.8, Hydrology and Water Quality), described above, would reduce impacts but not to a less-than-significant level. Impacts would remain significant and unavoidable.

## **CULTURAL RESOURCES**

### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

None of the proposed project's environmental effects on cultural resources have been found to result in no impacts or only less-than-significant impacts.

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

#### **Significant Effect**

The project would not cause a substantial adverse change in the significance of a historical resource, as defined in *CEQA Guidelines* Section 15064.5 (Impact 4.4-1).

#### **Description of Significant Impact**

The proposed project has the potential to impact 16 archaeological sites, one sub modern site and 24 isolates. None of the sites were determined potentially eligible for listing to the NRHP or CRHR. Monitoring within 100 feet of known historical resources will also be implemented per Mitigation Measures MM 4.4-1 and MM 4.4-10. Implementation of mitigation measures would reduce impacts to cultural resources to less than significant levels.

#### **Finding**

The proposed project has the potential to cause a substantial adverse change in the significance of an historical resource. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.4-1 and MM 4.4-10.

#### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.4-1 would reduce impacts to less-than-significant levels.

# EXHIBIT A

## Mitigation Measures

**MM 4.4-1:** Prior to issuance of grading permits, the project operator shall:

- a) Retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards as published in Title 36, Code of Federal Regulations, part 61 (36 CFR Part 61) to carry out all mitigation measures related to archaeological and historical resources.
- b) The services of a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor all ground-disturbing activities associated with the construction of the proposed project. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the project area, provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the supervision of the qualified archaeologist.
- c) The qualified archaeologist, archaeological monitor and Native American monitor shall be provided all project documentation related to cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the qualified archaeologist, archaeological monitor and Native American monitor.

**MM 4.4-10:** Prior to the issuance of grading or building permits, and for the duration of construction activities, a Construction Worker Environmental and Cultural Awareness Training Program shall be provided to all new construction workers within one week of employment at the project site, laydown area and/or transmission routes. The training shall be prepared and conducted by the qualified archaeologist and may include participation of the Native American Monitor. The training may be in the form of a video. The qualified archaeologist shall be available to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must resume when construction activities resume. The training shall include, but not be limited to:

- i. A discussion of applicable cultural resources statutes, regulations and related enforcement provisions;
- ii. An overview of the prehistoric and historic environmental setting and context, as well as current cultural information regarding local tribal groups, provided by the Native American Monitor or tribal leader;
- iii. A summary of the effects of the proposed project on cultural resources;
- iv. Samples or visuals of artifacts that might be found in the project area;
- v. A discussion of what such artifacts may look like when partially or totally buried and then freshly exposed;



## EXHIBIT A

- vi. A discussion of what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction;
- vii. Instruction that in the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short-term and long term treatment plan. The qualified archaeologist, in consultation with the Planning and Natural Resources Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance;
- viii. An informational guide that identifies the reporting procedures in the event of a discovery;
- ix. Other information as deemed necessary by the qualified archaeologist or Native American Monitor;
- x. An acknowledgement form signed by each worker indicating that environmental/cultural training has been completed.
- xi. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental/ cultural training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;
- xii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.

~~**MM 4.4-11:** Prior to issuance of a grading permit, a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor ground-disturbing activities including, but not limited to, brush clearance and grubbing, grading, trenching, excavation, installation of panel support structures, and the construction of fencing and access roads. Monitoring shall include, at a minimum, all ground-disturbing activities, as defined above, within landforms Hf1, Hf1d, Hf2, and Hf4 (as defined in the geoarchaeological report prepared for the project [Far Western, May 2009], Landform Structure and Archaeological Sensitivity in the Beacon Solar Energy Project Area]; within unknown landforms; and within 100 feet of all significant or unevaluated historical. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the Lead Agency and based on the grading plans.~~

~~In the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short term and long term treatment plan.~~

## EXHIBIT A

~~The qualified Archaeologist, in consultation with the Planning and Natural Resources Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance. The archaeological monitor shall keep daily logs and shall submit quarterly written updates to the Kern County Planning and Natural Resources Department. After monitoring has been completed, the qualified archaeologist shall prepare a monitoring report that details the results of monitoring, which shall be submitted to the Kern County Planning and Natural Resources Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield. (SR-3/14/19)~~

### **Significant Effect**

The project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 (Impact 4.4-2).

### **Description of Significant Impact**

The proposed project has the potential to impact tribal cultural resources. All tribes with possible cultural affiliation and interest within the project area were notified, per Assembly Bill 52. To date, no correspondence has been received regarding consultation.

### **Finding**

The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074. Implementation of Mitigation Measures MM 4.4-1 and MM 4.4-10 would further reduce impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.4-1, described above, would reduce impacts to less-than-significant levels.

### **Significant Effect**

The project would not cause a substantial adverse change in the significance of an archaeological resource, as defined in *CEQA Guidelines* Section 15064.5 (Impact 4.4-3).

### **Description of Significant Impact**

The proposed project has the potential to impact 16 archaeological sites. However, none of the sites were determined potentially eligible for listing to the NRHP or to the CRHR. Monitoring within 100 feet of known resources will be implemented per Mitigation Measures MM 4.4-1 and MM 4.4-10. The project could also impact previously unknown, buried archaeological resources. The field study conducted for the project identified the potential for subsurface prehistoric cultural resources within the project site. Therefore, there is a possibility that buried archaeological deposits may be encountered during project-related excavation throughout the project site. In the event that unknown archaeological resources that qualify as unique archaeological resources are discovered during project construction, significant impacts

## EXHIBIT A

could result. Impacts to unknown resources that could qualify as unique archaeological resources would be mitigated to less-than-significant levels through the implementation of Mitigation Measures MM 4.4-12.

### **Finding**

The proposed project has the potential to cause a substantial adverse change in the significance of an archeological resource. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.4-1, and MM 4.4-10 through MM 4.4-12.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.4-1, MM 4.4-10 through MM 4.4-12, would reduce impacts to less-than-significant levels.

### **Mitigation Measures**

Implementation of Mitigation Measures MM 4.4-1, MM 4.4-10 and 4.4-11, described above, and MM 4.4-12:

**MM 4.4-12:** If cultural resources are encountered during the course of ground disturbing activities, the project operator shall cease any ground disturbing activities within 100 feet of the find until it can be evaluated by the qualified archaeologist. Cultural resource materials may include, but are not limited to, prehistoric lithic artifacts, groundstone, fire-affected rock, midden (culturally-modified soil), historic-era household debris, ceramics, industrial materials, glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the resources may be significant, he or she shall notify the Planning and Natural Resources Department and shall develop an appropriate treatment plan for the resources. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Planning and Natural Resources Department. Avoidance or preservation in place shall be the preferred means of mitigating impacts to cultural resources. The Planning and Natural Resources Department shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curational facility, if curation is deemed appropriate. A curation agreement between the project operator and accredited curational facility shall be executed prior to the issuance of a grading permit.

### **Significant Effect**

The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Impact 4.4-4).

# EXHIBIT A

## Description of Significant Impact

Geologic mapping indicates that the project area is underlain by surficial deposits of younger Quaternary Alluvium, derived primarily as fan deposits from the mountains to the northwest, and Pleistocene to Quaternary age lake bed deposits in the northeastern portion of the project area. The younger Quaternary Alluvium is typically not paleontologically sensitive; however, the younger Quaternary Alluvium is underlain by older Quaternary alluvium deposits, which may contain Pleistocene-age sedimentary deposits and scientifically significant fossils that may be preserved within them. Similarly, lake bed deposits present on the surface are not considered paleontologically sensitive; however, these sediments increase in age with depth, and at depth may produce significant paleontological resources. Based on the results of the paleontological literature review, records search, and field survey, paleontological sensitivity of the project area ranges from low to medium. Mitigation Measure MM 4.4-13a would reduce impacts to paleontological resources to a less-than-significant level.

## Finding

The proposed project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.4-13a.

## Level of Significance

Impacts would be less than significant with implementation of mitigation.

## Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.4-13a would reduce impacts to a less-than-significant level.

**MM 4.4-13a** Prior to issuance of a grading permit, a paleontological resource monitoring and mitigation plan (PRMMP) shall be prepared. The PRMMP shall provide detailed recommended monitoring locations; a description of a worker training program; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and notification procedures in the event of a fossil discovery by a paleontological monitor or other project personnel. As part of the PRMMP, a curation agreement with LACM or another accredited repository shall be obtained, or alternatively, this requirement shall be specific in the PRMMP to address any discovery of subsequent curation of paleontological resources.

It is recommended that construction excavations that disturb Pleistocene sediments be monitored by a professional paleontologist.

Further, all excavations in all locations of the project site mapped as Quaternary older alluvial deposits (Qoa) shall be initially monitored to determine whether project excavations will disturb Pleistocene-age sedimentary deposits. Areas mapped as Quaternary alluvial deposits (Qa) shall be spot-checked during excavations that exceed depths of 5 feet to check for underlying, paleontologically-sensitive Pleistocene-age sedimentary deposits. If older deposits are observed, full time monitoring shall be implemented in these areas.

## EXHIBIT A

If it is determined that only Quaternary alluvial deposits (Qa), quartz monzonite, and/or artificial fill is impacted, the paleontological monitoring program shall be reduced or suspended.

Any subsurface bones or potential fossils that are unearthed during construction shall be evaluated by a professional paleontologist as described in PRMMP.

### **Significant Effect**

The project would not disturb any human remains, including those interred outside of formal cemeteries (Impact 4.4-5).

### **Description of Significant Impact**

There is no indication, either from the archival research results or the archaeological survey, that any particular location within the project area has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be inadvertently damaged, which could be a significant impact. Implementation of Mitigation Measure MM 4.4-14 would provide a management protocol in the event any human remains are encountered, so they are appropriately addressed. With this mitigation, the potential impacts would be minimized to a less than significant level.

### **Finding**

The proposed project has the potential to disturb human remains, including those interred outside of formal cemeteries. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.4-14.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.4-14 would reduce impacts to a less-than-significant level.

### **Mitigation Measures**

**MM 4.4-14:** If human remains are uncovered during project construction, the project operator shall immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. The Kern County Planning and Natural Resources Department shall also be notified of the discovery. If the County Coroner determines that the remains are Native American, the project operator shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the project operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC



## EXHIBIT A

5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The proposed project would not have any environmental effects on cultural resources that cannot be mitigated to a less-than-significant level.

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

#### **Significant Effect**

The proposed project would not have a cumulative environmental impact on cultural resources.

#### **Description of Significant Impact**

The project area contains a significant archaeological and historical record that, in many cases, has not been well documented or recorded. Thus, there is potential for ongoing and future development projects in the vicinity to disturb landscapes that may contain known or unknown cultural resources. The potential construction impacts of the proposed project, in combination with other projects in the area, could contribute to a cumulatively significant impact on cultural resources. However, this analysis includes several mitigation measures to reduce potential project impacts to cultural resources during construction of the proposed project. Therefore, with implementation of Mitigation Measures MM 4.4-1, MM 4.4-10 through MM 4.4-12, the proposed project would not contribute considerably to cumulative impacts to archaeological and historical resources and would be considered less than significant.

Excavation activities associated with the proposed project in conjunction with other projects in the area could contribute to the progressive loss of fossil remains, as-yet unrecorded fossil sites, associated geological and geographic data, and fossil bearing strata. However, the proposed project would have a less than significant impact to paleontological resources with incorporation of Mitigation Measure MM 4.4-13a. Therefore, with the implementation of Mitigation Measure MM 4.4-13a, cumulative impacts to paleontological resources would be less than significant. Furthermore, implementation of Mitigation Measure MM 4.4-14 would mitigate the project's potential to disturb any human remains, including those interred outside of formal cemeteries, and cumulative impacts to human remains would be less than significant.

#### **Finding**

The project has the potential to result in cumulative impacts in regards to cultural resources. The implementation of Mitigation Measures MM 4.4-1 and MM 4.4-10 through MM 4.4-14 would reduce impacts to less-than-significant levels.

#### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

# EXHIBIT A

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.4-1 and MM 4.4-10 through MM 4.4-14, described above, would reduce impacts to less-than-significant levels.

### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on cultural resources.

## **GEOLOGY AND SOILS**

### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

None of the proposed project's environmental effects on geology and soils have been found to result in no impacts or only less-than-significant impacts.

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

#### **Significant Effect**

The proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Impact 4.5-1).

#### **Description of Significant Impacts**

As with the previously approved project, new construction requires adherence to the earthquake design requirements of the CBC and is addressed during the building permitting phase of the project. In addition, the Kern County Ordinance requires that all solar facility projects comply with the regulations of the applicable seismic zone of the Uniform Building Code. Personnel present during the construction and operation phases of the proposed project would not be exposed to substantially increased fault rupture hazards as a result of project implementation beyond those that generally exist in the entire project region. Nevertheless, mitigation is proposed to reduce the potential for significant impacts to less-than-significant levels. Implementation of Mitigation Measure MM 4.5-1 would reduce the impacts associated with fault rupture to less-than-significant levels.

#### **Finding**

The project has the potential to be impacted by a known fault. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

#### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

# EXHIBIT A

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1 would reduce impacts to less-than-significant levels.

## **Mitigation Measures**

**MM 4.5-1:** Prior to the issuance of grading permits, the project operator shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the sites. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements shall be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. A copy of the approved design shall be submitted to the Kern County Planning and Natural Resources Department.

## **Significant Effect**

The proposed project would not would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking (Impact 4.5-2).

## **Description of Significant Impacts**

As with the previously approved project, the proximity of existing active faults to the project site presents the potential for strong seismic ground shaking, resulting in damage to structures that are not properly designed to withstand strong ground shaking. As with the previously approved project, the project proponent is required to design project infrastructure to withstand substantial ground shaking in accordance with applicable CBC seismic design standards, Kern County Building Code, Chapter 17.08, and as recommended by a California registered professional engineer in the site-specific geotechnical review. Implementation of Mitigation Measure MM 4.5-1 would reduce impacts to less than significant.

## **Finding**

The project has the potential to be impacted by ground shaking. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

## **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to less-than-significant levels.

# EXHIBIT A

## **Significant Effect**

The project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction (Impact 4.5-3).

## **Description of Significant Impact**

According to the *CEQA Level Geotechnical Study* prepared for the proposed project, the project site is not located within a current, mapped California Liquefaction Hazard Zone. Furthermore, shallow groundwater is not present in the vicinity of the project site. Groundwater in the site vicinity is expected to be approximately 225 feet below the ground surface. Based on these considerations, the potential for liquefaction on the project site is low. As with the previously approved project, with adherence to all applicable regulations and implementation of Mitigation Measure MM 4.5-1, the proposed project would avoid potential impacts to structures resulting from liquefaction at the project site. Impacts associated with liquefaction would be less than significant.

## **Finding**

The project has the potential to be impacted by liquefaction. The implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to a less-than-significant level.

## **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to less-than-significant levels.

## **Significant Effect**

The project would not result in substantial soil erosion or the loss of topsoil (Impact 4.5-4).

## **Description of Significant Impact**

During rainfall events, and particularly during construction activities when surface soils are exposed, there is the possibility of significant surface erosion and off-site sediment transportation. Project construction would therefore have the potential to result in erosion, sedimentation, and discharge of construction debris from the project site. As outlined in Mitigation Measures MM 4.8-1 and MM 4.8-2 of the Beacon EIR, the project operator would be required to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Permit because the project would disturb at least 1 acre of soil, and prepare a drainage plan to minimize erosion and water run-off. Potential soil erosion impacts are therefore considered to be significant; however, implementation of Mitigation Measures MM 4.5-2 through MM 4.5-4, MM 4.8-1 and MM 4.8-2, as described in the Beacon EIR, would reduce the significance of soil erosion impacts to less-than-significant levels.

# EXHIBIT A

## Finding

The project has the potential to result in substantial soil erosion or the loss of topsoil. The implementation of Mitigation Measures MM 4.5-2 through MM 4.5-4, and MM 4.8-1, and MM 4.8-2 (as described in Section 4.8 Hydrology and Water Quality), would reduce impacts to a less-than-significant level.

## Level of Significance

Impacts would be less than significant with implementation of mitigation.

## Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-2 through MM 4.5-4, and MM 4.8-1, and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*), would reduce impacts to less-than-significant levels.

## Mitigation Measures

Implementation of Mitigation Measures MM 4.5-2 through MM 4.5-4, and MM 4.8-1 and MM 4.8-2 (as described in Section 4.8, *Hydrology and Water Quality*):

**MM 4.5-2:** The project operator shall limit grading to the minimum area necessary for construction. The operator shall retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction.

**MM 4.5-3:** The project operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional and submitted for review and approval by the Kern County Public Works Department – Development Review. The plan shall include, but is not limited to, the following:

- i. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department – Development Review shall be reviewed for applicability);
- ii. Provisions to maintain flow in washes, should it occur, throughout construction;
- iii. Provisions for site revegetation using native plants;
- iv. Sediment collection facilities as may be required by the Kern County Public Works Department - Development Review;
- v. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and

Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.



## EXHIBIT A

**MM 4.5-4:** The project operator shall conduct grading activities pursuant to Kern County Grading Ordinance, Chapter 17.28 and as follows:

- i. Grade sites near slopes and embankments in a way that would prevent or minimize erosion damage to the slope;
- ii. Seed or otherwise revegetate complete slopes;
- iii. On steeper slopes, including wash embankments as necessary, use mulching or biodegradable erosion control blankets as appropriate to stabilize the topsoil until vegetation can be reestablished; and
- iv. On slopes where unusual flow conditions (e.g., flooding) are expected, employ more substantial erosion protection measures such as grouted cobble slope facings or manufactured slope protection.

### **Significant Effect**

The project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse (Impact 4.5-5).

### **Description of Significant Impact**

As discussed above for Impact 4.5-3, due to depth to groundwater, potential for liquefaction at the surface of the project site is low. With adherence to all applicable regulations, the proposed project would avoid potential impacts to structures resulting from liquefaction at the project site and implementation of Mitigation Measure MM 4.5-1 impacts would be less than significant.

### **Finding**

The project has the potential to result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to a less-than-significant level.

### **Significant Effect**

The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (Impact 4.5-6).

# EXHIBIT A

## **Description of Significant Impact**

According to the *CEQA Level Geotechnical Study* prepared for the proposed project (Appendix K of this SEIR), a large portion of the soil materials at the project site will not be considered expansive. With adherence to all applicable regulations, the proposed project would avoid potential impacts to structures resulting from expansive soils at the project site and implementation of Mitigation Measure MM 4.5-1, impacts would be less than significant.

## **Finding**

The project would not be located on expansive soil. The implementation of Mitigation Measure MM 4.5-1 would further reduce impacts to a less-than-significant level.

## **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-1, described above, would reduce impacts to a less-than-significant level.

## **Significant Effect**

The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater (Impact 4.5-7).

## **Description of Significant Impact**

As with the previously approved project, the proposed project includes development of a septic system and leach field for the operation and maintenance building. The septic system and leach field would be constructed to comply with applicable requirements of the Kern County Environmental Health Services Division. Proper siting and design of the leach field would minimize potential for a health impact from flooding. If not designed correctly, septic systems could result in health impacts, adversely affect natural habitat, and pollute groundwater. Therefore, potential impacts related to construction of a septic system are significant. As with the previously approved project, implementation of Mitigation Measure MM 4.5-5 would reduce the impacts to less-than-significant levels.

## **Finding**

The project has the potential to result in soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater. The implementation of Mitigation Measure MM 4.5-5 would reduce impacts to a less-than-significant level.

## **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

# EXHIBIT A

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-5 would reduce impacts to a less-than-significant level.

## **Mitigation Measures**

**MM 4.5-5:** Prior to the issuance of any building permit for the operation and maintenance facility, the project operator shall obtain all required permits and approvals from Kern County Environmental Health Services Division, and shall implement all required conditions regarding the design and siting of the septic system and leach fields.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The proposed project would not have any environmental effects related to geology and soils that cannot be mitigated to a less-than-significant level.

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

## **Significant Effect**

The proposed project would not have a cumulative environmental impact on geology and soils.

## **Description of Significant Impact**

All areas of Kern County are considered seismically active, to a less or greater extent. Impacts of the proposed project would be cumulatively considerable if they would have the potential to combine with similar impacts of other past, present, or reasonably foreseeable projects. Cumulative projects listed in Table 3-4, "Cumulative Projects List" and shown in Figure 3-7 (refer to the Beacon EIR) would also be subject to similar seismic hazards. However, the effects of these projects are not of a nature to cause cumulatively significant effects from geologic impacts or on soils because such impacts are site specific and would only have the potential to combine with impacts of the proposed project if they occurred in the same location as the project.

Additionally, on-site soils generally offer rapid permeability and level slopes (typically 0 to 5 percent slopes). As a result, the proposed project is not highly susceptible to erosion. As with the previously approved project, implementation of a Stormwater Pollution Prevention Plan (SWPPP) and best management practices (BMPs) would reduce erosion from the proposed project. Implementation of the SWPPP and BMPs would reduce erosion from the proposed project. All planned projects in the vicinity of the proposed project are subject to review in separate environmental documents that would require conformance to the Kern County General Plan, including mitigation of seismic hazards and engineering to ensure soil stability. With implementation of Mitigation Measures MM 4.5-1 through 4.5-5, as well as Mitigation Measures MM 4.8-1 and MM 4.8-2, the proposed project would not contribute to any cumulative impacts for seismic hazards or related events.

## EXHIBIT A

### **Finding**

The project has the potential to result in cumulative impacts in regards to geology and soils. The implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, and Mitigation Measures MM 4.8-1 and MM 4.8-2 (as described in Section 4.8 Hydrology and Water Quality), would reduce impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, described above, and Mitigation Measures MM 4.8-1 and MM 4.8-2 (as described in Section 4.8 Hydrology and Water Quality), would reduce impacts to a less-than-significant level.

### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on geology and soils.

## **GREENHOUSE GAS EMISSIONS**

### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (Impact 4.6-1).

The project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases (Impact 4.6-2).

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

The proposed project would not have any environmental effects related to greenhouse gas emissions that are potentially significant and no mitigation is required.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The proposed project would not have any environmental effects related to greenhouse gas emissions that cannot be mitigated to a less-than-significant level.

## EXHIBIT A

***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

The proposed project would not have a cumulative environmental impact on greenhouse gas emissions.

***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on greenhouse gas emissions.

### **HAZARDS AND HAZARDOUS MATERIALS**

***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

None of the proposed project's environmental effects on hazards and hazardous materials have been found to result in no impacts or only less-than-significant impacts.

***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

#### **Significant Effect**

The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Impact 4.7-1).

#### **Description of Significant Impact**

Construction of the proposed project would not involve the routine transport, use and disposal of limited amounts of hazardous materials as defined by the Hazardous Materials Transportation Uniform Safety Act. Most of the hazardous waste generated by the project would occur during the construction period and would consist of liquid waste, including cleaning fluids, dust palliative, herbicides, and solvents. Fuels and lubricants used on field equipment would be subject to the Material Disposal and Solid Waste Management Plan, and a Spill Prevention, Containment and Countermeasure Plan. Liquids and oils in the transformer and other equipment would be used in accordance with applicable regulations. The disposal of all oils, lubricants, and spent filters would be performed in accordance with all applicable regulations. In addition, the implementation of Mitigation Measure MM 4.7-1, if required to comply with state and federal laws would reduce impacts related to hazards during construction to less than significant.

#### **Finding**

The proposed project has the potential to result significant impacts related to the transport, use, or disposal of hazardous materials. The implementation of Mitigation Measures MM 4.7-1 would reduce impacts to a less-than-significant level.

#### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.



# EXHIBIT A

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation Mitigation Measures MM 4.7-1 would reduce impacts to a less-than-significant level.

## **Mitigation Measures**

**MM 4.7-1.** Prior to the issuance of grading or building permits, the project proponent shall prepare a Hazardous Materials Business Plan and submit it to the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.

1. The Hazardous Materials Business Plan shall:
  - a. Delineate hazardous material and hazardous waste storage areas;
  - b. Describe proper handling, storage, transport, and disposal techniques;
  - c. Describe methods to be used to avoid spills and minimize impacts in the event of a spill;
  - d. Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction;
  - e. Establish public and agency notification procedures for spills and other emergencies including fires; and
  - f. Include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on the site.
2. The project operator shall provide the Hazardous Materials Business Plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.
3. A copy of the approved Hazardous Materials Business Plan shall be submitted to the Kern County Planning and Natural Resources Department.

## **Significant Effect**

The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Impact 4.7-2).

## **Description of Significant Impact**

Potential impacts that may result from construction of the proposed project include the accidental release of materials, such as cleaning fluids and petroleum products including lubricants, lithium, fuels, and solvents. However, the implementation of a Mitigation Measure MM 4.7-1 would reduce this impact to a less-than-significant level.

As with the previously approved project, removal and/or maintenance of vegetation may require pesticide and herbicide use during both construction and operation. If not handled properly, use of these products could create a hazard to the public (construction workers, maintenance employees, and nearby residences),

## EXHIBIT A

resulting in a potentially significant impact. Mitigation Measure MM 4.7-2 would reduce impacts related to use of pesticides and herbicides.

As with many former agricultural properties, it is possible that irrigation lines on the project site may contain asbestos or be wrapped in asbestos. As previously indicated above, there is one house within Site 5 located along Barrel Cactus Street. This house would be demolished as part of the proposed project. This structure may have been constructed when asbestos was used for wall, pipe and attic insulation. If suspect asbestos-containing materials are uncovered during construction, Mitigation Measure MM 4.7-3 would require all work at the project site to halt so that a proper assessment can be made of the suspect materials. Implementation of Mitigation Measure MM 4.7-3 would reduce impacts related to hazards during construction to less than significant.

A Phase I ESA was conducted on the project site to identify RECs. The presence of a former diesel UST, current diesel AST, potential residual diesel concentrations in soil, unlabeled 55-gallon drums, and evidence of spills on Site 5, is considered a REC. Therefore, Mitigation Measure MM 4.7-4 is recommended, which would require samples of on-site soils to be analyzed and removed appropriately if determined to contain hazardous quantities of contaminants prior to ground disturbance activities on Site 5. Mitigation Measure MM 4.7-4 is not required for Sites 1 through 4.

Based on past use of APNs 470-020-11, 470-020-12, and 470-020-13 of Site 5 for agricultural purposes, pesticides and or herbicides may have been utilized and near-surface soils may have at one time contained these compounds. The parcels have been vacant and undeveloped since then, indicating that the near-surface soils have not been reworked and residual pesticides and or herbicides may still be present in the soil. Therefore, historical agricultural use of APNs 470-020-11, 470-020-12, and 470-020-13 of Site 5 is considered a REC. Therefore, Mitigation Measure MM 4.7-4 is recommended, which would require samples of on-site soils to be analyzed and removed appropriately if determined to contain hazardous quantities of contaminants prior to ground disturbance activities on Site 5. Mitigation Measure MM 4.7 4 is not required for Sites 1 through 4.

### **Finding**

The proposed project has the potential to result significant impacts related to the transport, use, or disposal of hazardous materials. However, implementation of Mitigation Measures MM 4.7-1 through MM 4.7-3 and MM 4.7-4 (for Site 5 only) would reduce impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.7-1, described above, and Mitigation Measures MM 4.7-2, MM 4.7-3, and MM 4.7-4 (for Site 5 only), described below, would reduce impacts to a less-than-significant level.

### **Mitigation Measures**

Implement Mitigation Measures MM 4.7-1, described above, and MM 4.7-2 through MM 4.7-4:

## EXHIBIT A

- MM 4.7-2:** Herbicides should not be used without approval by the Kern County Planning and Natural Resources Department and California Department of Fish and Wildlife. The contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife and U.S Fish and Wildlife Service. Personnel applying herbicides shall have all appropriate state and local herbicide applicator licenses and comply with all state and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the manufacturer's directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated. (RTC-3/4/19)
- MM 4.7-3:** In the event that suspect asbestos-containing materials are uncovered during project construction, work at the project sites shall immediately halt and a qualified hazardous materials professional shall be contacted and brought to the project sites to make a proper assessment of the suspect materials. All potentially friable asbestos-containing materials shall be removed in accordance with Federal, State, and local laws and the National Emissions Standards for Hazardous Air Pollutants guidelines prior to ground disturbance that may disturb such materials. All demolition activities shall be undertaken in accordance with California Occupational Safety and Health Administration standards, as contained in Title 8 of the California Code of Regulations, Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1% asbestos shall also be subject to Eastern Kern Air Pollution Control District regulations. Demolition shall be performed in conformance with Federal, state, and local laws and regulations so that construction workers and/or the public avoid significant exposure to asbestos-containing materials.
- MM 4.7-4:** Prior to issuance of grading or building permits or any ground disturbance activities on Site 5, the project proponent shall:
- Collect representative samples of soils on Site 5. Phase II soil testing is recommended at Site 5 to determine residual herbicide and pesticide chemicals from agricultural activities; and
- Phase II soil testing for the area of the former UST, current AST, and hazardous storage area located at Site 5 to evaluate the potential for impacts to the subsurface from these features.
- A copy of the Phase II testing and a report of the results and any required remediation shall be submitted to the Kern County Environmental Health Services Division/Hazardous Materials Section as well as Kern County Planning and Natural Resources Department. Any additional required investigation or remediation shall be performed in accordance with applicable laws under the oversight of the jurisdictional agencies.

## EXHIBIT A

### **Significant Effect**

The project is located within the adopted Kern County Airport Land Use Compatibility Plan and would result in a safety hazard for people residing or working in the project area. (Impact 4.7-3).

### **Description of Significant Impact**

The location of the project site is not considered to result in an inconsistency with the ALUCP that would result in safety or operational hazards to aircraft. However, as noted in Section 4.9 “Land Use and Planning,” two military aviation installations—the Naval Air Weapons Station China Lake and Edwards Air Force Base—are in the general vicinity of the project site. In order to reduce impacts from electronic interference from other sources of radio signals, the project operator would be required to coordinate and notify the Department of Defense and Mojave Air and Space Port. As with the previously approved project, implementation of Mitigation Measure MM 4.9-2 would reduce potential impacts to less-than-significant levels.

### **Finding**

The proposed project has the potential to result in a safety hazard. The implementation of Mitigation Measure MM 4.9-2 (as described in Section 4.9, *Land Use and Planning*) would reduce impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.9-2 (as described in Section 4.9, *Land Use and Planning*) would reduce impacts to a less-than-significant level.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The project would not have any environmental effects related to hazards and hazardous materials that cannot be mitigated to a less-than-significant level.

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

### **Significant Effect**

The proposed project would not have a cumulative environmental impact on hazards and hazardous materials.

### **Description of Significant Impact**

As with the previously approved project, the development of the proposed project would not result in a cumulative contribution to a significant impact related to hazardous materials. There are no other past, present, or reasonably foreseeable projects that would contribute to a cumulative hazardous materials issue.

## EXHIBIT A

Project impacts related to the creation of a hazard through the routine transport, use, or disposal of hazardous materials would be less than significant.

An accident involving a hazardous material release during project construction or operation through upset or accident conditions involving the release of a hazardous material could occur during project construction and operation, including site grading and the use and transport of petroleum-based lubricants, solvents, fuels, herbicides, and pesticides to and from the project site (Site 5). In addition, asbestos-containing materials could be discovered on the project site (Site 5). However, conformance with existing State and County regulations, as well as project safety design features and the implementation of Mitigation Measures MM 4.7-1 through MM 4.7-3 and MM 4.9-2 would reduce these impacts to less than significant. Implementation of Mitigation Measure MM 4.7-4 would reduce the impact associated with the potential presence of pesticides and herbicides on Site 5. The implementation of appropriate safety measures during construction of the proposed project, as well as any other cumulative project, would reduce the impact to a level that would not contribute to cumulative effects. Therefore, impacts would not be cumulatively significant.

### **Finding**

The proposed project has the potential to result in cumulatively considerable impacts related to hazardous material release through upset or accident conditions involving the release of a hazardous material during project construction and operation. However, implementation of Mitigation Measures MM 4.7-1 through MM 4.7-4 and Mitigation Measure MM 4.9-2 (described in Section 4.9, *Land Use and Planning*), would reduce impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implement Mitigation Measures MM 4.7-1 through MM 4.7-4, described above, and Mitigation Measure MM 4.9-2 (described in Section 4.9, *Land Use and Planning*), would reduce impacts to a less-than-significant level.

### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on hazards and hazardous materials.

## **HYDROLOGY AND WATER QUALITY**

### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (Impact 4.8-2).



## EXHIBIT A

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

#### **Significant Effect**

The project would not violate water quality standards or waste discharge requirements (Impact 4.8-1).

#### **Description of Significant Impact**

Hazardous materials associated with construction would be limited to substances associated with mechanized equipment, such as gasoline and diesel fuels, engine oil, and hydraulic fluids. If precautions are not taken to contain contaminants, accidental spills of these substances during construction could produce contaminated stormwater runoff (nonpoint source pollution), a major contributor to the degradation of water quality in surface waters. As with the previously approved project, the proposed project would prepare and implement a Hazardous Materials Business Plan (Mitigation Measure MM 4.7-1), if required to comply with state and federal laws. Should a Hazardous Materials Business Plan be required, the project operator shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times. During construction of the proposed project, potential impacts to water quality associated with erosion and sedimentation would be localized and temporary. The project operator would implement measures to minimize and contain erosion and sedimentation in accordance with the Kern County Grading Code, and implement Mitigation Measures MM 4.7-1, MM 4.8-1, and MM 4.8-2 prior to commencement of any ground disturbance activities.

During operation, the site engineering and design plans for the proposed project would be required to comply with the requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards and the Floodplain Management Ordinance. Prior to the commencement of construction activities, the project operator would be required to prepare and submit a drainage plan to the Kern County Public Works Department – Development Review, which would include post-construction structural and nonstructural BMPs. Therefore, long-term impacts on drainage patterns that could result in substantial erosion and siltation on-site or off-site would be less than significant after implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2 and BMPs required by the Kern County Grading Code and Floodplain Management Ordinance.

#### **Finding**

The proposed project has the potential to violate water quality standards or waste discharge requirements. The implementation of Mitigation Measures MM 4.7-1 (described in Section 4.7, *Hazards and Hazardous Materials*), MM 4.8-1, and MM 4.8-2 would reduce these impacts to a less-than-significant level.

#### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

#### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, above, and Mitigation Measures MM 4.8-1 and MM 4.8-2.

# EXHIBIT A

## Mitigation Measures

Implement Mitigation Measures MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, above, and MM 4.8-1 and MM 4.8-2:

**MM 4.8-1:** Prior to issuance of a grading permit, the project operator shall submit a Stormwater Pollution Prevention Plan and applicable permits shall be obtained from the Lahontan Regional Water Quality Control Board (RWQCB) for the project to the Kern County Planning and Natural Resources Department that specifies best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:

- a) Mow (rather than clear and grub the entire site) existing vegetation in all areas of the project site where practicable; (RTC-3/4/19)
- b) Stockpiling and disposing of demolition debris, concrete, and soil properly;
- c) Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;
- d) Implementing erosion controls;
- e) Properly managing construction materials;
- f) Proper protections for fueling and maintenance of equipment and vehicles; and
- g) Managing waste, aggressively controlling litter, and implementing sediment controls.

**MM 4.8-2:** Prior to issuance of a grading permit, the project operator shall prepare a drainage plan that is designed to minimize runoff and surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The final design of the solar arrays shall include one-foot of freeboard clearance between the bottom of the solar panel and the calculated maximum flood depths. Site grading shall be designed to prevent increasing the existing 100-year water surface elevations more than one foot or as required by Kern County's Floodplain Ordinance. Additionally, the drainage plan shall include a plan for the disposal of drainage waters originating onsite and from adjacent road- right-of-ways (if required). The drainage plan shall be prepared in accordance with the Kern County Grading Code, Kern County Hydrology Manual and policies related thereto and approved by the Kern County Engineering, Surveying and Permit Services Department. (RTC-3/4/19)

## Significant Effect

The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner than would result in substantial erosion or sedimentation onsite or offsite (Impact 4.8-3).

## **Description of Significant Impact**

As with the previously approved project, the project site is relatively flat and would require minimal grading to accommodate the proposed project. Mitigation Measure MM 4.5-2 would reduce construction-related soil erosion impacts to less-than-significant levels.

During rainfall events, and particularly during construction activities when surface soils are exposed, there is the possibility of significant surface erosion and off-site sediment transportation. However, as outlined

## EXHIBIT A

in Mitigation Measure MM 4.8-2, prior to the commencement of construction activities, the project operator would be required to prepare and submit a SWPPP to the Kern County Public Works Department – Development Review. Therefore, with adherence to all existing regulations regarding erosion and site drainage, the proposed project would not result in substantial erosion onsite or offsite. As with the previously approved project, there is the possibility of significant surface erosion and off-site sediment transport in stormwater runoff during rainfall events. However, the proposed project’s site engineering and design plans would be required to comply with the most recent requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards. Furthermore, all site drainage plans would be required to comply with Division Four of the Kern County Development Standards, which establish guidelines including, but not limited to, site development standards and mitigation, flood control requirements, erosion control, and on-site drainage flow requirements. Therefore, with adherence to all existing regulations regarding erosion and site drainage, the proposed project would neither alter the course of a stream or river nor result in substantial erosion onsite or offsite. Implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1, and MM 4.8-2, would reduce impacts to less-than-significant levels.

### **Finding**

The proposed project has the potential to existing drainage patterns of the site or area and result in substantial erosion and/or sedimentation onsite or offsite. The implementation of Mitigation Measure MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measures MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce impacts to less-than-significant levels.

### **Significant Effect**

The proposed project would not substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite (Impact 4.8-4).

### **Description of Significant Impact**

As with the previously approved project, the project site is relatively flat and would require minimal grading to accommodate the proposed project. Construction of the proposed project would result in a small amount of new impervious surface, and impacts to drainage patterns, including amounts and rates of surface runoff, would be negligible. New impervious surface would be associated with the project’s substation(s), energy storage systems, the operations and maintenance building, control building, and permanent on-site parking. The vast majority (approximately 95 percent) of the project site would remain pervious and absorb most precipitation (Appendix M of this SEIR). Therefore, large areas of pervious surfaces would absorb stormwater runoff and would ultimately not represent a significant increase of flows onsite or offsite. In

## EXHIBIT A

addition, site drainage and grading plans would be required to comply with Division Four of the Kern County Development Standards, which establish specific guidelines related to flood control and onsite drainage flow requirements. As with the previously approved project, with implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, the alterations to the existing drainage patterns and impacts to runoff and flooding at the project site would be less than significant.

### **Finding**

The proposed project has the potential to alter existing drainage patterns of the site or area and result in flooding onsite or offsite. The implementation of Implementation of Mitigation Measure MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce impacts to less-than-significant levels.

### **Significant Effect**

The project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (Impact 4.8-5).

### **Description of Significant Impact**

The proposed project would be required to adhere to the NPDES General Construction Permit to control erosion and protect water quality of stormwater runoff during construction. During operation, most of the project site would remain as pervious surfaces, allowing infiltration of the runoff produced by the new impervious surfaces. In addition, the proposed project would be required to adhere to Division Four of the Kern County Development Standards, which establish guidelines that include on-site drainage flow requirements. Therefore, with implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, the proposed project would not create or contribute runoff that would exceed the capacity of drainage systems or provide substantial additional sources of polluted runoff. This potential impact would be less than significant.

### **Finding**

The proposed project has the potential to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. The implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, MM 4.8-1, and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

### **Level of Significance**

## EXHIBIT A

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2, above, would reduce impacts to less-than-significant levels.

### **Significant Effect**

The proposed project would not otherwise substantially degrade water quality (Impact 4.8-6).

### **Description of Significant Impact**

The proposed project would be required to adhere to the NPDES General Construction Permit to control erosion and protect water quality of stormwater runoff during construction. No other discharges would be necessary during construction that might otherwise affect water quality. During operation, as noted above, the proposed project would be required to adhere to Division Four of the Kern County Development Standards and Kern County Code of Building Regulations which require site drainage plans to include development standards that are designed to protect water quality. Apart from infrequent cleaning of panels with deionized water, which is unlikely to result in runoff, no other discharges would be necessary during operation of the proposed project. Therefore, with implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, the proposed project would not otherwise degrade water quality and the potential impact would be less than significant.

### **Finding**

The proposed project has the potential to degrade water quality. The implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce these impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.



## EXHIBIT A

### **Significant Effect**

The project would not be placed within a 100-year flood hazard area structures that would impede or redirect flood flows (Impact 4.8-7).

### **Description of Significant Impact**

The proposed project Site 1 and Site 2 have small areas mapped as 100-year (Zone A) floodplains, as shown on Figure 4.8 1. Zone A is defined as areas subject to inundation by the 1-percent-annual-chance flood event. The proposed project would avoid the mapped 100-year floodplain on Site 1. While the feature crossing Site 2 is part of the 100-year floodplain, the absence of an observable feature suggests that the amount of water conveyed during a 100-year storm would be negligible or non-existent. As with the previously approved project, the proposed project would be required to implement Mitigation Measure MM 4.8-2, which requires the project operator to prepare a drainage plan that is designed to minimize runoff and surface water pollution and would include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. As described in Mitigation Measure MM 4.8-2, Kern County's Floodplain Ordinance requires that all facilities must be elevated at least 1 foot above the 100-year, 24-hour peak flood elevation. Therefore, with the implementation of Mitigation Measure MM 4.8-2, the construction and operation of the proposed project would have a less-than-significant impact related to impeding or redirecting flood flows.

### **Finding**

The proposed project has the potential to degrade water quality. The implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce potential impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2, above, would reduce these impacts to a less-than-significant level.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The project would not have any environmental effects on hydrology and water quality that cannot be mitigated to a less-than-significant level.

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

### **Significant Effect**

The proposed project would not have a cumulative environmental impact on hydrological resources.

# EXHIBIT A

## Description of Significant Impact

As previously mentioned above, the project's estimated annual water demand of 50 afy presents de minimis use compared to existing available groundwater supplies (32,000 af). Furthermore, construction would not prevent or inhibit any incidental groundwater recharge that may occur onsite during precipitation events as the project site would generally remain entirely pervious (95 percent). Given its fractional contribution to the total water use in the Koehn subbasin, the proposed project would not represent a cumulatively considerable contribution to the water resource impacts on the subbasin. The incremental increase of water use by the proposed project along with the other projects would not result in a significant cumulative impact to the Koehn subbasin.

Although the project would add impervious surfaces to the project site as compared to existing conditions, the proposed project would not adversely impact surface drainage, cause onsite or offsite flooding, or alter the course of any creek or stream in the project vicinity. Furthermore, with implementation of the SWPPP and all recommended BMPs, the proposed project would not result in significant onsite or offsite erosion or sedimentation during either construction or operational activities. Any potentially adverse impacts on hydrology and water quality during construction would be mitigated through adherence to all applicable federal, state, and local regulations and implementation of the recommendations in the site-specific drainage study conducted for the proposed project.

All other related projects in the County would be subject to the same federal, state, and local regulations regarding drainage plans and flooding potential. Other projects would also be required to draft and implement a SWPPP with BMPs that address erosion and sedimentation control during construction and operational activities, as well as any other mitigation measures appropriate to minimize impacts due to flooding. Therefore, impacts of the proposed project would not combine with impacts of other projects to result in cumulative impacts to hydrology and water quality in the project area. Therefore, the cumulative impact would be less than significant.

## Finding

The project has the potential for cumulative impacts to hydrology and water quality. Implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce impacts to less-than-significant levels.

## Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

## Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.5-2, described in Section 4.5, *Geology and Soils*, Mitigation Measure MM 4.7-1, described in Section 4.7, *Hazards and Hazardous Materials*, and Mitigation Measures MM 4.8-1 and MM 4.8-2, described above, would reduce impacts to less-than-significant levels.

## EXHIBIT A

### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on hydrology and water quality.

### ***LAND USE AND PLANNING***

### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

The project would not conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Impact 4.9-1).

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

The proposed project would not have any environmental effects related to land use that are potentially significant and no mitigation is required.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The project would not have any environmental effects on land use and planning that cannot be mitigated to a less-than-significant level.

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

### **Significant Effect**

The proposed project would not have a cumulative environmental impact on land use and planning.

### **Description of Significant Impact**

As described in the Beacon EIR, the potential for the cumulative effects caused by the abandonment of multiple solar facilities in Kern County could result in impacts on surrounding land uses should it be determined that these facilities are no longer viable commercial operations. Therefore, as with the previously approved project, a mitigation measure related to the decommissioning of solar facilities has been included to establish safeguards to ensure the maintenance of the health, safety, and welfare of the citizens of the county. While it is the intent of Kern County to promote the use of an alternative to fossil-fuel-generated electrical power in areas of the county that are identified to have suitable characteristics for production of commercial quantities of solar PV-generated electrical power, it is necessary to protect surrounding landowners from potential impacts associated with the abandonment of such facilities. With the implementation of Mitigation Measure MM 4.9-1, cumulative land use impacts would be considered less than significant.

As described in the Beacon EIR, there is the potential that the future use of newer technology or equipment may contribute to an unanticipated environmental impact to military frequency from telemetry equipment.

## EXHIBIT A

The military has identified potential conflicts of users of the radio frequency spectrum located both on and off military installations as an area to be reviewed for compatibility issues. Operations of unmanned radio-controlled aircraft flights can have electronic interference from other sources of radio signals. Coordination of frequency and notification can mitigate this impact. The project impacts are considered significant, but would be reduced to a less-than-significant level with implementation of Mitigation Measure MM 4.9-2.

### Finding

The project has the potential to result in cumulatively considerable impacts related to land use consistency, specifically in regards to abandonment. Implementation of Mitigation Measures MM 4.9-1 and MM 4.9-2 would reduce impacts to a less-than-significant level.

### Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

### Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.9-1 and MM 4.9-2 would reduce impacts to a less-than-significant level.

### Mitigation Measures

**MM 4.9-1:** Prior to issuance of any building permit, the project operator shall provide a Decommission Plan for review and approval by the Kern County Planning and Natural Resources Department ~~Engineering, Surveying, and Permit Services Department or a County-contracted consulting firm at a cost to be borne by the project operator.~~ (SR-3/14/19) The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining undeveloped land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project operator is incapable of performing the work or has abandoned the solar facility, thereby requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting a Decommission Plan, the project operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the site as identified on the approved Decommission Plan in the event that at any point in time the project operator determines it is not in the company's best interest to operate the facility.

The financial assurance required prior to issuance of any building permit shall be established using one of the following:

- a) An irrevocable letter of credit;
- b) A surety bond;
- c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or

## EXHIBIT A

- d) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Natural Resources Department.

The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Engineering, Surveying, and Permit Services Department or County-contracted consulting firm(s) at a cost to be borne by the project operator to substantiate those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project operator.

Should any portion of the solar field not be in operational condition for a consecutive period of twelve 12 months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the director of the Kern County Planning and Natural Resources Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources Director shall consider any such request at a Director's Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance. In no case shall a solar field that has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date, the solar facility was first deemed abandoned.

- MM 4.9-2:** Prior to the operation of the solar facility, the operator shall consult with the Department of Defense and the operations staff at the Mojave Air and Space Port to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry and to coordinate regarding generation-tie location and heights to avoid potential frequency conflicts with military operations and other public aircraft. (RTC-3/4/19)

***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on land use and planning.

### ***NOISE***

***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

The proposed project would not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (Impact 4.11-3).

## EXHIBIT A

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

#### **Significant Effect**

The proposed project would not expose persons to, or generate, noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies (Impact 4.11-1).

#### **Description of Significant Impact**

Construction activities associated with the proposed project would occur over the entire area of the project site, and would be intermittent and sporadic. Site 3 of the proposed project has a residence that is located approximately 325 feet to the northwest at the intersection of Phillips Road and Yucaipa Street. Heavy equipment use at the project site during construction would generate a combined noise level of up to 73 dBA Leq. Therefore, the construction noise level would exceed the County's standard of 65 dBA Ldn for exterior noise at the nearest noise-sensitive receptors. Mitigation Measures MM 4.11-1 and MM 4.11-2, would require the project contractor to locate equipment away from sensitive receptors, and maintain noise controls on standard construction equipment. With implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, temporary construction noise impacts would be considered less than significant.

The closest sensitive receptors to Site 5 are residences located approximately 70 feet, adjacent to the site on both the east and south along Yuma Avenue and Yucaipa Street. Beyond the first row of residences are additional rows of residences, approximately 300 and 550 feet from the project site. These residences would experience a temporary increase in noise during construction of the project. Simultaneous heavy equipment use at the project site during construction would generate a combined noise level of up to 86 dBA Leq. The loudest phase of construction would be the installation of solar panels, when pneumatic post driving activities would occur. The combined noise level would reach 73 dBA Leq at a distance of 300 feet and 68 dBA Leq at 550 feet. Therefore, the construction noise level would exceed the County's standard of 65 dBA Ldn for exterior noise at the nearest noise-sensitive receptors. As with the previously approved project, with the implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, temporary construction noise impacts would be considered less than significant.

The closest noise-sensitive receptors to the gen-tie route alternatives are several residences located approximately 50 feet to the north along Phillips Road between Cheyenne Boulevard and Yucaipa Street. Beyond the first row of residences are additional rows of residences located approximately 270 and 500 feet from the project site. These residences would experience a temporary increase in noise during construction of the project. Construction of the gen-tie would involve the use of auger rigs and grouting or direct driving, among other equipment. Simultaneous heavy equipment use at the gen-tie route alternative along Phillips Road would generate a combined noise level of up to 84 dBA Leq at the nearest residences located 50 feet away, 70 dBA Leq at residences located 270 feet away, and 64 dBA Leq at residences located 500 feet away. Therefore, the construction noise level would exceed the County's standard of 65 dBA Ldn for exterior noise at the nearest noise-sensitive receptors. As with the previously approved project, with the implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, temporary construction noise impacts would be considered less than significant.



# EXHIBIT A

## Finding

The project has the potential to expose persons to or generate noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies. However, Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to a less-than-significant level.

## Level of Significance

Impacts during construction would be less than significant with mitigation.

## Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to less-than-significant levels.

## Mitigation Measures

- MM 4.11-1:** To reduce temporary construction related noise impacts, the following shall be implemented by the project operator during onsite construction activities that would occur within 1,000 feet of an occupied, offsite noise-sensitive receptor:
- a) To the extent practicable, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
  - b) To the extent practicable, the construction contractor shall locate the pile driver such that the rear of the machine faces toward the noise sensitive receptors when the vibratory pile driver is being utilized.
  - c) A “noise disturbance coordinator” shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.
  - d) The construction contractor shall ensure proper maintenance and working order of equipment and vehicles, and that all construction equipment is equipped with manufacturers approved mufflers and baffles.
  - e) The construction contractor shall install and/or maintain sound-control devices in all construction and impact equipment, no less effective than those provided on the original equipment.
  - f) Construction contracts shall specify that notices shall be sent out to all residences immediately adjacent to the construction areas at least 15 days prior to commencements of construction. The notices shall include the constructions schedule and a telephone number where complaints can be registered with the noise disturbance coordinator. A sign legible at a distance of 50 feet shall also be posted at the construction site throughout construction, which includes the same details as the notices.

## EXHIBIT A

- g) Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.

**MM 4.11-2:** Project construction hours shall comply with the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020).

### **Significant Effect**

The proposed project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels (Impact 4.11-2).

### **Description of Significant Impact**

Vibration associated with construction of the proposed project has the potential to be an annoyance to nearby land uses. Using the referenced formula and an assumed 2,400 ft-lb rated energy for the post driver, the calculated PPV at the nearest structure (250 feet) would be 0.054 PPV, which according to the Caltrans guidance would be perceptible. However, this level is far lower than the 0.3 PPV damage threshold for older residential structures (Caltrans 2013). In addition, heavy construction activity involving pneumatic tools and graders also would not occur during nighttime hours. Therefore, vibration impacts associated with construction of the proposed project would be less than significant. In addition, implementation of Mitigation Measure MM 4.11-1 and MM 4.11-2 would further reduce this impacts to a less-than-significant level.

### **Finding**

The project has the potential to expose persons to, or generate excessive groundborne vibration or groundborne noise levels. However, Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to a less-than-significant level.

### **Level of Significance**

Impacts would continue to be less than significant with mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 described above, would reduce impacts to less-than-significant levels.

### **Significant Effect**

The proposed project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (Impact 4.11-4).

### **Description of Significant Impact**

As with previously approved project, the proposed project would result in a temporary increase in noise levels during construction at the project site. Impact 4.11-1 discusses the temporary noise impacts that would be anticipated to occur as a result of the proposed project. As discussed under Impact 4.11-1, the proposed project would adhere to all applicable Kern County noise regulations and ordinances, and with the implementation of Mitigation Measures MM 4.11-1 through MM 4.11-2, temporary noise impacts would be considered less than significant.

## EXHIBIT A

### Finding

The project has the potential to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity, above levels existing without the project. However, Mitigation Measures MM 4.11-1 and MM 4.11-2, described above, would reduce impacts to a less-than-significant level.

### Level of Significance

Impacts during construction would be less than significant with mitigation.

### Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 described above, would reduce impacts to less-than-significant levels.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The project would not have any environmental effects on noise that cannot be mitigated to a less-than-significant level.

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

### **Significant Effect**

The proposed project would not have a cumulative environmental impact on noise.

### **Description of Significant Impact**

As described in the Beacon EIR, multiple projects, including several utility-scale solar and wind energy production facilities, are proposed throughout Kern County. Due to the localized nature of noise impacts, the proposed project would not contribute to significant cumulative noise impacts. Construction activities associated with other projects in proximity to the project site could occur at the same time as the proposed project. However, these related projects would also be subject to Kern County noise standards and established thresholds pertaining to increased noise at the locations of sensitive receptors, as well as similar mitigation measures. With the implementation of Mitigation Measures MM 4.11-1 through MM 4.11-2, no significant cumulative noise impact is anticipated to occur. Therefore, noise impacts of past, present, and reasonably foreseeable projects would have a less than significant cumulative impact.

### Finding

The project has the potential to result in cumulatively considerable impacts related to noise. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to a less-than-significant level.

### Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

# EXHIBIT A

## **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, described above, would reduce impacts to less-than-significant levels.

### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on noise.

## **PUBLIC SERVICES**

### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

None of the proposed project's environmental effects on public services have been found to result in no impacts or only less-than-significant impacts.

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

## **Significant Effect**

The project would result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services, police protection and law enforcement services, and other public facilities (Impact 4.12-1).

## **Description of Significant Impact**

As with the previously approved project, construction activities associated with the proposed project could increase the potential for wildfire ignitions and the spread of wildfires. It is anticipated that personnel and equipment from KCFD's Battalion 1 and Station 14 would be sufficient to respond to a fire at the project site. In addition, the proposed project has the potential to attract vandals or other security risks that could increase demand on law enforcement services at the project site. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would reduce impacts to a less-than-significant level for fire protection and police protection services during construction and operation and through decommissioning of the proposed project.

As with the previously approved project, the proposed project has the potential to attract vandals or other security risks that could increase demand on law enforcement services at the project site. The project site would be enclosed within a chain link fence with barbed wire measuring up to 8 feet in height (from finished grade). The proposed project would include an intrusion alarm system comprised of sensor cables integrated into the perimeter fence, intrusion detection cabinets placed approximately every 1,500 feet along the perimeter fence, and an intrusions control unit or similar technology. Additionally, the proposed project may include additional security measures including, but not limited to, barbed wire, low voltage fencing with warning reflective signage, controlled access points, security alarms, security camera systems, and security guard vehicle patrols to deter trespassing and/or unauthorized activities that could interfere with

## EXHIBIT A

operation of the proposed project. Site lighting may include motion sensor lights for security purposes. Implementation of Mitigation Measure MM 4.12-1 would reduce impacts on police protection services to less-than-significant levels.

As with the previously approved project, the proposed project would employ temporary construction personnel and a minimal number of operational staff (up to five). Temporary construction personnel and a small long-term operational staff are not expected to significantly impact the capacity of the existing public facilities (hospitals, medical facilities, post offices, and libraries) in the area. With implementation of Mitigation Measure MM 4.12-1, this impact would be less than significant.

### **Finding**

The proposed project has the potential to result in substantial adverse physical impacts to public services. However, implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would reduce impacts to less-than-significant levels.

### **Level of Significance**

Impacts during construction would be less than significant with mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would reduce impacts to a less-than-significant level.

### **Mitigation Measures**

**MM 4.12-1:** In order to reduce impacts to public services including police and fire protection, the following shall be implemented:

- a) The project operator shall pay for impacts to countywide public protection, sheriff patrol and investigation, and fire services at a rate of \$29.59 per 1,000 square feet of panel-covered ground for the facility operation for the entire covered area of the project. The total amount shall be divided by the number of years of operation and paid on a yearly basis. The total amount will be divided by the number of years of operation and paid on a yearly basis. The annual amount will be based on the square footage of ground covered by April 30 of each year, if completed in phases. The amount will be paid for each and all years of operation. The fee will be paid to the Kern County Auditor/Controller by April 30 of each calendar year.
- b) Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than \$1,000 per megawatt per year, then they will pay those taxes plus an amount necessary to equal the equivalent of \$1,000 per megawatt. The amount shall be paid for all years of operation. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year.
- c) The project operator shall work with County staff to determine how to maximize the County's receipt of sales and use taxes related to the taxable portion of the construction

## EXHIBIT A

of the project. This process shall include, but is not necessarily limited to, the project operator: obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, registering this address with the California Department of Tax and Fee Administration (CDFTA), using this address for acquisition, purchasing and billing purposes associated with the taxable portion of the proposed project, and causing the project operator's general contractor and significant subcontractors to obtain a permit or sub-permit (as applicable) from the CDFTA using such street address, to the extent permitted under applicable law. The project operator shall allow the County to use this sales tax information publicly for reporting purposes.

**MM 4.12-2:** The project operator shall develop and implement a fire safety plan for use during construction and operation. The project operator will submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire precautions including, but not limited to, the following:

- a) All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working order.
- b) Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.
- c) Fire rules will be posted on the project bulletin board at the contractor's field office and areas visible to employees.
- d) Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials.
- e) Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires to prevent them from growing into more serious threats.
- f) The project operator shall make an effort to restrict the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.

**C. *Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The proposed project would not have any environmental effects on public services that cannot be mitigated to a less-than-significant level.

**D. *Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

**Significant Effect**

The proposed project would not have a cumulative environmental impact on public services.



## EXHIBIT A

### Description of Significant Impact

Cumulative impacts of the proposed project on public services are the same as those described in the Beacon EIR. As with the Beacon EIR, the proposed project would not induce population growth in the area and would not result in the need to construct new, or physically alter or expand, existing sheriff's office and fire protection facilities. The project operator would be required to pay fees over the life of the proposed facility in order to mitigate any potential impacts to fire or police protection services resulting from the proposed project, as part of Mitigation Measure MM 4.12-1. Similarly, all of the cumulative projects identified in Table 3-4 of the Beacon EIR, would also be required to pay this mitigation fee. Therefore, the proposed project would not create a cumulatively considerable impact related to police or fire protection services. The project's contribution to cumulative impacts would be less than significant.

### Finding

The project would not result in cumulatively considerable impacts to public services. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would further reduce impacts to a less-than-significant level.

### Level of Significance

Impacts during construction would be less than significant with mitigation.

### Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2, described above, would reduce impacts to a less-than-significant level.

### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on public services.

### ***TRANSPORTATION AND TRAFFIC***

### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

The proposed project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (Impact 4.13-1).

### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

### **Significant Effect**

The proposed project would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards developed by the County congestion management agency for designated roads or highways (Impact 4.13-2).

# EXHIBIT A

## Description of Significant Impact

As with the previously approved project, the proposed project's construction and operation traffic would not exceed Kern County LOS thresholds, and the project would be in compliance with established Kern County General Plan LOS Standards. Furthermore, with implementation of Mitigation Measure MM 4.13-1 from the Beacon EIR, the traffic created by the proposed project during the construction phase would not be expected to result in a substantial increase in congestion and impacts would be less than significant.

## Finding

The project has the potential to conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. Implementation of Mitigation Measure MM 4.13-1 would further reduce impacts to less-than-significant levels.

## Level of Significance

Impacts would be less than significant with mitigation.

## Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.13-1 would further reduce impacts to less-than-significant levels.

## Mitigation Measure

**MM 4.13-1:** Prior to the issuance of construction or building permits, the project operator shall:

- a) Prepare and submit a Construction Traffic Control Plan to Kern County Roads Department and the California Department of Transportation District 9 office for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:
  - i. Timing of deliveries of heavy equipment and building materials;
  - ii. Directing construction traffic with a flag person;
  - iii. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
  - iv. Ensuring access for emergency vehicles to the project site;
  - v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
  - vi. Maintaining access to adjacent property;
  - vii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hour, distributing

## EXHIBIT A

construction traffic flow across alternative routes to access the project site, and avoiding residential neighborhoods to the maximum extent feasible;

- b) Obtain all necessary permits for the work within the road right of way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department.
- c) Enter into a secured agreement with Kern County to ensure that any county roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.

Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department and the Kern County Roads Department.

- d) Submit documentation that identifies the roads to be used during construction. The project operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction activities. The project operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Roads Department and the Planning and Natural Resources Department.
- e) Subsequent to completion of construction, submit a post-construction video log and inspection report to the County. This information shall be submitted in DVD format. The county, in consultation with the project operator's engineer, shall determine the extent of remediation required, if any.
- f) Coordinate construction traffic to avoid possible conflicts during the project construction phases. (RTC-3/4/19)

### **Significant Effect**

The project would not substantially increase hazards due to a design feature (such as sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Impact 4.13-3).

### **Description of Significant Impact**

As with the previously approved project, the project would require the delivery of heavy construction equipment and PV solar components using area roadways, some of which may require transport by oversize vehicles. The use of oversize vehicles during construction can create a hazard to the public by limiting motorist views on roadways and by the obstruction of space. To ensure that construction-related oversize vehicle loads are in compliance with applicable California Vehicle Code sections and California Street and Highway Codes applicable to licensing, size, weight, load, and roadway encroachment of construction vehicles, Mitigation Measure MM 4.13-1 would require that all oversize vehicles used on public roadways during construction obtain required permits obtain approval of a Construction Traffic Control Plan, as well as identify construction delivery times and vehicle travel routes in advance to minimize construction traffic during peak a.m. and p.m. hours. Implementation of Mitigation Measure MM 4.13-1 would reduce road

## EXHIBIT A

hazards impacts to less-than-significant levels. Unlike the previously approved project, Mitigation Measure MM 4.13-2 would not be required for the proposed project. Mitigation Measure MM 4.13-2 applied specifically to the construction related to the original Beacon Project.

As with the previously approved project, the project would require crossing the Union Pacific Lone Pine Branch of the railroad during construction. Mitigation Measure MM 4.13-3 requires the project operator to obtain the necessary approvals for construction of a crossing arm or other required improvements to the railroad crossing. With the implementation of Mitigation Measure MM 4.13-3, impacts to hazards due to a design feature of the project are considered less than significant.

### **Finding**

The project has the potential to substantially increase hazards due to a design feature (such as sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3 would reduce impacts to a less-than-significant level.

### **Level of Significance**

Impacts would be less than significant with mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3 would reduce impacts to a less-than-significant level.

### **Mitigation Measure**

Implementation of Mitigation Measures MM 4.13-1, described above, and MM 4.13-3:

**MM 4.13-3:** Prior to the issuance of grading or building permits, the project operator shall obtain the necessary permits and approvals from the Union Pacific Railroad for the construction of a crossing arm, or other crossing improvements to the Lone Pine Branch rail line. Copies of all permits and approvals shall be submitted to the Kern County Planning and Natural Resources Department.

### **Significant Effect**

The project would not result in inadequate emergency access (Impact 4.14-4).

### **Description of Significant Impact**

During the construction phase of the project, heavy construction-related traffic could interfere with emergency response to the project site or emergency evacuation procedures in the event of an emergency such as a wildfire, or a chemical spill at the site.

To ensure emergency access during construction, Mitigation Measure MM 4.13-1 requires the preparation of a construction traffic control plan and includes assurance of access for emergency vehicles to the project site. During project operation, Mitigation Measure MM 4.13-1 requires the project proponents to obtain Kern County approval of all proposed access road design prior to construction ensuring onsite emergency access is adequate. With the implementation of Mitigation Measure MM 4.13-1, impacts related to inadequate emergency access would be reduced to less than significant levels.

### **Finding**

## EXHIBIT A

The project has the potential to result in inadequate emergency access. Implementation of Mitigation Measure MM 4.13-1 would reduce impacts to less-than-significant levels.

### **Level of Significance**

Impacts would be less than significant with mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.13-1, described above, would reduce impacts to a less-than-significant level.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The proposed project would not have any environmental effects on transportation and traffic that cannot be mitigated to a less-than-significant level.

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

### **Significant Effect**

The proposed project would not have a cumulative environmental impact on transportation and traffic.

### **Description of Significant Impact**

Future development within the County, such as other large solar energy projects, would generate a large number of trips to and from the respective project site, using local roadways. Construction of these projects would result in an increase in temporary delays and construction vehicle trips on the local roadway network. However, implementation of Mitigation Measure MM 4.13-1 would reduce the temporary construction traffic impacts of the proposed project individually, and minimize its contribution to cumulative traffic impacts.

Many of the other solar projects are located approximately 15 to 30 miles south of the proposed project, near the communities of Mojave and Rosamond. While the construction schedules for several of these projects may overlap with that of the proposed project, they are several miles away and their construction vehicles are not likely to travel extensively on the segments of SR 14 that are in the vicinity of the project site. While they may use SR 14 and SR 58, much of the traffic created by the cumulative projects is likely to disperse in different directions, using various highways and roadways. Additionally, the peak construction traffic created by the cumulative projects would be temporary, and their onsite operations staff would be minimal and not create considerable permanent increases to nearby traffic volumes.

On the project-level, with implementation of mitigation measures MM 4.13-1 and MM 4.13-3, the proposed project is anticipated to create traffic impacts that are considered less than significant. Additionally, the proposed project's contribution to potential cumulative impacts would be temporary and would fall to nominal levels upon completion of construction. Therefore, impacts of the proposed project combine with impacts from past, present, or reasonably foreseeable projects in the vicinity are expected to result in less than significant cumulative impact related to traffic.

## EXHIBIT A

### Finding

The project has the potential to contribute to cumulative impacts on transportation and traffic. Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3 would reduce the cumulative impact to less than significant.

### Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

### Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3, described above, would reduce impacts to a less-than-significant level.

#### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on transportation.

### UTILITIES AND SERVICE SYSTEMS

#### ***A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.***

The proposed project would not exceed wastewater treatment requirements of the applicable regional water quality control board (Impact 4.14-1).

The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 4.14-2).

The proposed project would have sufficient water supplies available to service the project from existing entitlements and resources or would not need new or expanded water supply entitlements (Impact 4.14-4).

The project would comply with federal, state, and local statutes and regulations related to solid waste (Impact 4.14-6).

#### ***B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.***

### **Significant Effect**

The proposed project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 4.14-3).

### **Description of Significant Impact**

Although the project would create a small amount of additional impervious surface and would require water for dust suppression during construction activities and panel washing during operations, these changes



## EXHIBIT A

would not substantially increase the amount of stormwater runoff. As with the previously approved project, the project area does not rely on constructed stormwater drainage systems. The pattern and concentration of runoff could be altered by project activities, such as grading of the site and roads. However, grading and installation of impervious surfaces for roads, support structures and the operation and maintenance building are anticipated to be minimal. Furthermore, the proposed project would be required to implement BMPs, comply with requirements of the Kern County Code of Building Regulations, as well as with Kern County Development Standards and compliance with the NPDES General Permit. Implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce impacts on water quality to less than significant.

### **Finding**

The project has the potential to have a significant impact on stormwater drainage facilities. Implementation of Mitigation Measure MM 4.8-1 and MM 4.8-2, described in Section 4.8, *Hydrology and Water Quality*, would reduce the impact to less than significant.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2, described in Section 4.8, *Hydrology and Water Quality*, would further reduce impacts to less than significant.

### **Significant Effect**

The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (Impact 4.14-5).

### **Description of Significant Impact**

As with the previously approved project, the proposed project is not expected to generate a substantial amount of waste that would exceed the capacity of local landfills. The Mojave-Rosamond Landfill has a remaining capacity of 76,310,297 cubic yards (CalRecycle, n.d. a). The next closest landfill is the Ridgecrest Landfill, which has sufficient capacity (5,037,428 cubic yards) to accept construction waste from the proposed project. If the Mojave-Rosamond Landfill reaches capacity, construction materials would be taken to the Ridgecrest Landfill for disposal. Furthermore, Mitigation Measure MM 4.14-2 would require an on-site recycling coordinator to facilitate the recycling, to the extent feasible, of all waste generated during construction, operation, and decommissioning of the proposed project. Therefore, construction impacts of the project to existing landfills are anticipated to be less than significant.

During operation, the proposed project would produce relatively small amounts of waste associated with maintenance activities. As part of the proposed project, recyclable materials including wood, shipping materials, and metals would be separated. The existing landfills have adequate capacity, and the recycling of decommissioned materials (Mitigation Measure MM 4.14-2) would further reduce the waste stream. Therefore, the proposed project would not generate a significant amount of solid waste during operation and would not exceed the permitted capacity of local landfills. Impacts would be less than significant.

### **Finding**

## EXHIBIT A

The project has the potential to solid waste impacts. However, implementation of Mitigation Measure MM 4.14-2 would reduce the impact to less than significant.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.14-2 would reduce impacts to less than significant.

### **Mitigation Measure**

MM 4.14-2: During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. An on-site recycling coordinator shall be designated by the project operator to facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal. The name and phone number of the coordinator shall be provided to the Kern County Waste Management Department prior to issuance of building permits.

### ***C. Environmental Effects of the Project that Cannot Be Mitigated to a Less Than Significant Level.***

The project would not have any environmental effects on utilities that cannot be mitigated to a less-than-significant level.

### ***D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.***

### **Significant Effect**

The proposed project would not have a cumulative environmental impact on utilities and service systems.

### **Description of Significant Impact**

The proposed project would not generate substantial volumes of wastewater as there would only be up to five employees during operation. Furthermore, the proposed project would install a septic system with leach lines as approved by the Kern County Environmental Health Services Division. The other planned projects may or may not propose an operation and maintenance building that would require the installation of a septic system with leach line. Implementation of Mitigation Measures MM 4.8-1 and MM 4.8-2 would reduce impacts on water quality to less than significant. Therefore, the proposed project would not have the potential to combine with impacts from past, present, or reasonably foreseeable projects to result in a cumulative impact to water quality or wastewater.

As with the previously approved project, the proposed project would generate a minimal amount of waste and is not expected to significantly impact Kern County landfills. To ensure the proposed project reduces the amount of waste sent to landfills, implementation of Mitigation Measure MM 4.14-2 requires that debris and waste generated shall be recycled to the extent feasible. Therefore, impacts would be less than

## EXHIBIT A

significant. Other planned projects are expected to comply with state and local waste reduction policies as well. Therefore, the proposed project would not be expected to combine with impacts from past, present, or reasonably foreseeable projects to result in a cumulative impact to landfills.

### **Finding**

The project has the potential to contribute to cumulative impacts on utilities and service systems. Implementation of Mitigation Measures MM 4.8-1, MM 4.8-2, described in Section 4.8, *Hazards and Hazardous Materials*, and MM 4.14-2 would reduce the impact to less-than-significant.

### **Level of Significance**

Impacts would be less than significant with implementation of mitigation.

### **Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.8-1, MM 4.8-2, described in Section 4.8, *Hazards and Hazardous Materials*, and MM 4.14-2, described above, would reduce impacts to less than significant.

### ***E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant and Unavoidable Impact on the Environment.***

The proposed project would not have a significant and unavoidable cumulative environmental impact on utilities and service systems.

## **SECTION III. FINDINGS REGARDING CONSIDERATIONS, WHICH MAKE CERTAIN ALTERNATIVES, ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT INFEASIBLE.**

The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(s)(3) of the *CEQA Guidelines*.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a proposed project. When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the project, while avoiding or substantially lessening the project's significant effects. Thus, objectives for the proposed project were considered by this board in evaluating the alternatives. These objectives are as follows:

- Construct and operate a solar energy facility capable of producing up to 500 MW AC of electricity to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030;
- To provide energy to the electric grid to meet increasing demand for in-state generation;
- To facilitate enhanced grid operation by constructing and operating a solar energy generation facility coupled with energy storage system; and
- Integrate operating facilities with other existing solar projects in the vicinity to maximize economies of scale

# EXHIBIT A

## ALTERNATIVE 1: NO PROJECT ALTERNATIVE

Alternative 1, the No Project Alternative, assumes that the development of the 500 MW PV solar facility on the 2,652.7-acre site would not occur. The No Project Alternative would not require a General Plan amendment to the Circulation Element of the Kern County General Plan to remove sections and midsection line road reservations. The No Project Alternative would not require a change in Zone Classifications for the project site from A-1 (Limited Agriculture), E (20) RS (Estate, 20 acres, Residential Suburban Combining), and PL RS MH (Platted Lands, Residential Suburban Combining, Mobile Home Combining) to A (Exclusive Agriculture). Nor would the alternative require five CUPs to allow for the construction and operation of a solar energy electrical facility.

### **Finding**

The No Project Alternative would avoid the significant and unavoidable impacts associated with the proposed project. However, this alternative would result in greater GHG emissions impacts than the proposed project because the potential offset or displacement of GHGs from operation of the solar power generating facility, compared with traditional gas- or coal-fired power plants, would not be realized.

This alternative would not achieve any of the project objectives listed above, such as helping to achieve California's renewable energy goals or promoting economic development and bring living-wage jobs to the region throughout the life of the proposed project.

## ALTERNATIVE 2: REDUCED SITE ACREAGE – DEVELOPMENT IN EXISTING DISTURBED AREAS

Under Alternative B, the Reduced Site Acreage Alternative would avoid development of Site 1, the northern portion of Site 2, and the western portion of Site 4. Eliminating these portions from development would reduce the development area from 2,652.7 to approximately 1,430 acres (a net reduction of approximately 1,222 acres). Similar to the proposed project, this alternative would require: approval of a General Plan Amendment to the Circulation Element of the Kern County General Plan; and, a change in Zone Classifications for the project site from A-1 (Limited Agriculture), E (20) RS (Estate, 20 acres, Residential Suburban Combining), and PL RS MH (Platted Lands, Residential Suburban Combining, Mobile Home Combining) to A (Exclusive Agriculture). This alternative avoids the need for a CUP for Site 1. This alternative would require four CUPs to allow for the construction and operation of a solar energy electrical facility.

### **Finding**

Compared to the proposed project, the Reduced Site Acreage Alternative would result in fewer impacts to aesthetics, air quality (construction period/short-term), biological resources, cultural resources, noise and traffic and transportation. Despite an incremental reduction in severity, significant and unavoidable impacts to aesthetics, air quality (cumulative), and biological resources (cumulative) would remain.

The Reduced Site Acreage Alternative meets many project objectives. However, it meets certain objectives to a lesser degree than the proposed project. Among these are to construct and operate a solar energy facility capable of producing up to 500 MW of electricity to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030 and to provide energy to the electric grid to meet increasing demand for in-state generation.

# EXHIBIT A

## ALTERNATIVE 3: ALTERNATIVE DEVELOPMENT CONFIGURATION

The purpose of this alternative is to locate the area of solar development west of Neuralia Road, increasing the project's distance from the Desert Tortoise Research Natural Area. Alternative 3 would avoid development of Site 1 and Site 2. Eliminating Site 1 and Site 2 would reduce the development by 1,290.3 acres. Instead, this alternative would develop areas located further to the west (approximately 942.8 acres). This alternative would reduce the overall development area from 2,652.7 acres to 2,305.3 acres (a net reduction of approximately 347 acres).

This alternative would require approval of a General Plan Amendment to the Circulation Element of the Kern County General Plan. This alternative would also require a change in Zone Classifications for the project site from A-1 (Limited Agriculture), A-1 MH (Limited Agriculture Mobile Home Combining), PL RS (Platted Lands, Residential Suburban Combining), PL RS GH (Platted Lands, Residential Suburban Combining, Geologic Hazard Combining), PL RS MH (Platted Lands, Residential Suburban Combining, Mobile Home Combining), and PL RS MH GH (Platted Lands, Residential Suburban Combining, Mobile Home Combining, Geologic Hazard Combining) to A (Exclusive Agriculture).

This alternative avoids the need for a CUP for Site 1 and Site 2. However, this alternative is located on numerous parcels, which are not under the ownership of the project applicant. Due to ownership and parcelization of this area, this alternative would likely require approval of more CUPs to allow for the construction and operation of a solar energy electrical facility compared to the proposed project.

### **Finding**

Compared to the proposed project, Alternative 3 would result in fewer impacts to aesthetics, biological resources, cultural resources, and traffic and transportation. Despite an incremental reduction in severity, significant and unavoidable impacts to aesthetics, air quality (cumulative), and biological resources (cumulative) would remain. Due to the proximity of the project to the Fremont rural community on three sides, Alternative 3 could have greater noise and air quality impacts to sensitive receptors during construction.

Alternative 3 meets many project objectives. However, it meets certain objectives to a lesser degree than the proposed project. Among these are to construct and operate a solar energy facility capable of producing up to 500 MW of electricity to assist the State of California in achieving its 50 percent renewable portfolio standard by 2030 and to provide energy to the electric grid to meet increasing demand for in-state generation.

## ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The *CEQA Guidelines* require the identification of an environmentally superior alternative to the project (*CEQA Guidelines*, Section 15126.6[e][2]). An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Selection of an environmentally superior alternative is based on an evaluation of the extent to which the alternatives reduce or eliminate the significant impacts associated with the project on a comparison of the remaining environmental impacts of each alternative. In conducting this comparative evaluation, it can be difficult to make a determination of relative significance because some categories are relatively more or

## EXHIBIT A

less important and cannot be simply summed. In some cases, these categories do not create a picture of the nuances of the alternatives.

### **Finding**

Because the No Project Alternative cannot be the Environmentally Superior Alternative under CEQA, Alternative 2, the Reduced Site Acreage Alternative, is considered the Environmentally Superior Alternative. Alternative 2 would result in fewer impacts to aesthetics, air quality (construction period/short-term), biological resources, cultural resources, noise and traffic and transportation compared to the proposed project. Despite an incremental reduction in severity, significant and unavoidable impacts to aesthetics, air quality (cumulative), and biological resources (cumulative) would remain.



**Exhibit B**  
**15093 Statement of**  
**Overriding Considerations**

# **EXHIBIT B**

## **STATEMENT OF OVERRIDING CONSIDERATIONS**

**State CEQA Guidelines Section 15093**

**for**

**Eland 1 Solar Project**

**By 68SF 8me LLC**

**GPA 9, Map 152; GPA 1, Map 152-28;  
ZCC 11, Map 152; ZCC 12, Map 152;  
ZCC 1, Map 152-28; ZCC 13, Map 152;  
CUP 23, Map 152; CUP 24, Map 152;  
CUP 25, Map 152; CUP 26, Map 152;  
CUP 3, Map 152-28.**

**Final Environmental Impact Report  
SCH# 2012011029**

**Lead Agency: Kern County Planning and Natural Resource Department**

## EXHIBIT B

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The Eland 1 Solar Project would result in environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures required for the project, would remain significant and unavoidable adverse impacts, as discussed in the Supplemental Environmental Impact Report (SEIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

- 1) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings. Although the proposed project is generally well sited, the industrial nature of the facility, when introduced into the project viewshed, would substantially change the visual character of the landscape from sensitive viewers for the life of the project. In addition, there would be incremental, significant impacts to views from scenic vistas within the nearby BLM lands. The proposed facility would be visually dominant in an area that is currently undeveloped and the rural visual character of the project site would be substantially replaced with an industrial character. Based on these considerations, the project site's visual character would be significantly altered by the project. Implementation of mitigation measures would reduce impacts to visual character, but there are no feasible mitigation measures that can be implemented to preserve the existing open space landscape character while developing a solar energy facility. This is considered to be a significant and unavoidable impact.
- 2) The proposed project would result in cumulative aesthetics impacts. The project in combination with the cumulative projects would have significant and unavoidable impacts related to aesthetics. The "scarcity" rating criterion is particularly likely to be significantly impacted by widespread development in the area, as unobstructed views of regional topographical features and undeveloped lands would be less available as acreage is developed with PV panels and new transmission lines are constructed. Although implementation of mitigation measures would reduce impacts, the conversion of thousands of acres in a presently rural area to solar and wind energy production uses cannot be mitigated to a degree that impacts are no longer significant. This is considered to be a significant and unavoidable impact.
- 3) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards. The proposed project together with all other identified cumulative solar projects within the Kern County portion of the Mojave Desert Air Basin and the basin as a whole would contribute to a cumulatively considerable net increase of criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards and would therefore result in temporary significant cumulative impacts. Implementation of mitigation measures would reduce impacts but cumulative construction emissions would be considered cumulatively significant, even with implementation of mitigation measures. This is considered to be a temporary significant and unavoidable impact.
- 4) The proposed project would result in cumulative air quality impacts. The proposed project together with all other identified cumulative solar projects within the Kern County portion of the Mojave Desert Air Basin and the basin as a whole would contribute to a cumulatively considerable net increase of criteria pollutant for which the projects' region is nonattainment under applicable federal or state ambient air quality standards and would therefore result in

## EXHIBIT B

temporary significant cumulative impacts. Implementation of mitigation measures would reduce impacts but cumulative construction emissions would be considered cumulatively significant, even with implementation of mitigation measures. This is considered to be a temporary significant and unavoidable impact.

- 5) The proposed project would result in cumulative biological resources impacts. As urbanization pressures increase within Kern County, impacts to biological resources within the region are increasing on a cumulative level. When considered with other past, present, and reasonably foreseeable future projects, the project would have an incremental contribution to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area, even with the implementation of mitigation measures including avoidance, minimization and compensation. Therefore, the proposed project, coupled with other development proposed in the area, would result in a significant and unavoidable contribution to cumulative loss of habitat for primarily transient species that may utilize habitat at the project area. This is considered a significant and unavoidable impact.

### Findings

This Planning Commission finds and determines that it has considered the identified means of lessening or avoiding the project's significant effects and the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not reduced to below a level of significance after mitigation. The Planning Commission further finds and determines that the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits of the project, as discussed below, outweigh its unavoidable adverse environmental effects. Such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (*CEQA Guidelines* Section 15092(b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the Final EIR, and the record of proceedings for the project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this Commission would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

### Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the Planning Commission determines that the adverse environmental impacts of the project are "acceptable" if any of these benefits would be realized. The project would provide benefits to the County of Kern as follows:

- 1) The proposed project would help to meet the increasing demand for clean, renewable electrical power.
- 2) The proposed project would establish five solar PV power-generating facilities that are of a sufficient size and configuration to produce a combined total of approximately 500 MW (AC) of electricity.

## EXHIBIT B

- 3) The proposed project would produce and transmit electricity at a competitive cost.
- 4) The proposed project would minimize environmental effects by:
  - a) Using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure where practicable;
  - b) Minimizing impacts to threatened species and endangered species;
  - c) Minimizing water use; and
  - d) Reducing greenhouse gas emissions.
- 5) The proposed project would use technology that is available, proven, efficient, easily maintained, recyclable, and environmentally sound.
- 6) Implementation of the proposed project would be consistent with the stated goals and policies of Section 5.4.5, Solar Energy Development, as outlined in the Energy Element of the Kern County General Plan.
- 7) The proposed project would develop solar energy facilities that are economically feasible and commercially financeable.
- 8) The proposed project would assist the State of California in meeting greenhouse gas (GHG) emissions reduction goal by 2020 and 2030 as required by the California Global Warming Solutions Act (AB 32), as amended by Senate Bill 32 in 2016.
- 9) The proposed project would assist the State of California in in meeting their obligations under California's Renewables Portfolio Standard (RPS) under Senate Bill 100 (2018), which requires that 50 percent of all electricity sold in the state be generated from renewable energy sources by December 31, 2026.
- 10) The proposed project would generate up to 1,000 construction jobs and up to 5 full time equivalent (FTE) jobs on site, and provide increased business for local contractors and vendors.

**Exhibit C**  
**Mitigation Monitoring**  
**& Reporting Program**  
**(MMRP)**



# **DRAFT**

## **Mitigation Monitoring & Reporting Plan (MMRP)**

**Eland 1 Solar Project**  
**By 68SF 8me LLC**

GPA 9, Map 152; GPA 1, Map 152-28;  
ZCC 11, Map 152; ZCC 12, Map 152;  
ZCC 1, Map 152-28; ZCC 13, Map 152;  
CUP 23, Map 152; CUP 24, Map 152;  
CUP 25, Map 152; CUP 26, Map 152;  
CUP 3, Map 152-28.



## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project					
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.1	Aesthetics				
#1	<p><b>MM 4.1-1:</b> Prior to any clearing or ground disturbing activities, the project proponent/operator shall submit a Maintenance and Trash Abatement/Pest Management Program to the Kern County Planning and Natural Resources Department for review and approval. The program shall include, but not limited to the following:</p> <ol style="list-style-type: none"><li>1. The project proponent/operator shall clear debris from the project area at least twice per year once the project is operational.</li><li>2. Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.</li><li>3. The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris.</li><li>4. Construction trash removal, once a month during construction including a recycling program. Receptacles shall include provisions for a locking system to prevent pest/rodent access to food waste receptacles that shall be implemented.</li><li>5. The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans.</li><li>6. The following stipulation shall be included: "All vegetation, debris or any other natural material collected as part of mowing, clearing or preparing the site for construction shall be removed the same day of such activities. Stockpiling is permitted for a period which shall not exceed ten (10) consecutive hours."</li></ol>	<p>Prior to ground disturbing activities, and during construction, operation and decommissioning</p> <p>Kern County Planning and Natural Resources Department; Kern County Waste Management Department; Recycling Coordinator; Kern County Public Works Department - Development Review</p>			
		<p><b>Steps to Compliance:</b></p> <ol style="list-style-type: none"><li>A. This mitigation measure shall be incorporated as a condition of approval.</li><li>B. Recycle construction waste to the extent feasible.</li><li>C. Provide Kern County Planning and Natural Resources Department and Kern County Waste Management Department with copies of hauling receipts.</li><li>D. Kern County Public Works Department - Development Review will verify in the field during the construction period.</li></ol>			

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
4.1	<b>Aesthetics</b>			
#2	<p><b>MM 4.1-2:</b> The project proponent/operator shall install metal fence slats or similar view-screening materials as approved by the Kern County Planning and Natural Resources Department in all on-site perimeter fencing adjacent to parcels zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project proponent/operator (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Planning and Natural Resources Department requesting this requirement be waived. Should the project proponent/operator sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.</p>	<p>Prior to site plan approvals and issuance of grading permits</p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall implement fencing as outlined in mitigation.</p> <p>C. Kern County Public Works Department will verify in the field during the construction period.</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review</p>	
#3	<p><b>MM 4.1-3:</b> a) Drought-tolerant plants, species to be determined through consultation with landscape experts with local knowledge and approved by the Kern County Planning and Natural Resources Department, shall be planted along the fence line at 500-foot intervals where the adjoining property is zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project proponent/operator (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Natural Resources Department requesting this requirement be waived. Should the project proponent/operator or agency sell the adjacent property, drought-tolerant shall be planted prior to the sale. Landscaping must be continuously maintained on the project site(s) by the project proponent/operator in accordance with Section 19.86 (Landscaping Standards) of the Kern County Zoning Ordinance.</p> <p>b) Prior to the commencement of operations, the project proponent/operator must submit a landscape re-vegetation and restoration plan for the project site. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place as needed to establish re-vegetation. Seed mix shall be determined through consultation with local experts and</p>	<p>During project operations</p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall implement landscaping practices as outlined in mitigation.</p> <p>C. Project proponent/operator shall submit a landscape re-vegetation and restoration plan to the Kern County Planning and Natural Resources Department for approval.</p>		

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
4.1	<b>Aesthetics</b> shall be approved by the Kern County Planning and Natural Resources Director prior to planting. The plan must include the approved native seed mix, a timeline for seeding the site, percentage of the site to be covered, detail the consultation efforts completed and the methods and schedule for installation of fencing that complies with wildlife agency regulations, and prohibition on the use of toxic rodenticides. Ground cover must be continuously maintained on the project site by the project proponent/operator. The re-vegetation and restoration of the site shall be monitored annually for a three-year period with an annual evaluation report submitted to the Kern County Planning and Natural Resources Director for the three-year period. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, consistent with site conditions prior to implementation of the project.			
#4	<b>MM 4.1-4:</b> Project facility lighting shall comply with “Dark Sky” lighting guidelines, and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.	Prior to site plan approvals and issuance of building permits	Kern County Public Works Department - Development Review	
		<b>Steps to Compliance:</b> A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent/operator shall ensure all outdoor lighting meet the minimum requirements for safety and security standards as well as provide the minimum illumination needed to achieve safety and security objectives as outlined in mitigation. C. The Kern County Public Works Department - Development Review shall verify compliance in the field.		
#5	<b>MM 4.1-5:</b> Proposed onsite buildings shall use non-reflective materials as approved by the Kern County Planning and Natural Resources Department.	Prior to site plan approvals and issuance of building permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review	
		<b>Steps to Compliance:</b> A. This mitigation measure shall be incorporated as a condition of approval for		

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.1	Aesthetics				
#6	MM 4.1-6: Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting.	any site plan review.			
		B. The Kern County Planning and Natural Resources Department shall review the design plans prior to site plan approval and issuance of building permits.			
		Prior to issuance of building permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review		
		<b>Steps to Compliance:</b> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall ensure that all panels and hardware utilizes advanced technologies utilized to the extent possible to minimize glare and spectral highlighting as outlined in mitigation. C. The Kern County Planning and Natural Resources Department shall review the design plans prior to site plan approval and issuance of building permits. D. The Kern County Public Works Department - Development Review shall verify compliance in the field.			
<b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.					

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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4.2	Air Quality			
#7	<p><b>MM 4.2-1:</b> The project proponent/operator shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:</p> <p>1. Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:</p> <p>i. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.</p> <p>ii. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighing agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.</p> <p>iii. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighing agent.</p> <p>iv. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.</p> <p>v. All trucks entering or leaving the project site shall cover all loads</p>	<p>Prior to issuance of grading permits and during operations</p> <p>Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review</p>		
<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit Site Specific Dust Control Plan to the Kern County Public Works Department - Development Review.</p> <p>C. The Kern County Public Works Department - Development Review shall verify compliance of vehicular control measures in the field during the construction and decommissioning phases of the project.</p> <p>D. The notice shall be mailed to all parcels within 1,000 feet of the project site and one sign shall be posted at the construction site, no sooner than 15 days prior to construction.</p> <p>E. Documentation shall be sent to the Kern County Planning and Natural Resources Department.</p> <p>F. The Kern County Public Works Department - Development Review shall verify in the field during the construction phase of the project.</p>				



## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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4.2	Air Quality				
	<p>of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.</p> <p>vi. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.</p> <p>vi. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.</p> <p>vii. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.</p> <p>viii. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.</p> <p>ix. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.</p> <p>2. Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:</p> <p>i. Once initial <del>leveling</del> <u>grading</u> has ceased, all inactive soil areas within the construction site <u>disturbed by grading</u> shall be immediately treated with a dust palliative <u>or</u> other appropriate <u>material to minimize dust.</u> (SR- 3/14/19)</p> <p>ii. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.</p> <p>iii. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.</p> <p>3. Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:</p> <p>i. No vehicle shall exceed 10 miles per hour on unpaved areas within the project site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such</p>				

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.2 Air Quality</b>					
	<p>speeds do not create visible dust emissions.</p> <p>ii. Visible speed limit signs shall be posted at the project site entrance(s).</p> <p>iii. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.</p> <p>iv. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.</p> <p>v. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.</p> <p>vi. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheel washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.</p>				
#8	<p><b>MM 4.2-2:</b> The project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:</p> <p>a) All equipment shall be maintained in accordance with the manufacture's specifications.</p> <p>b) Equipment shall be shut down when not in use for extended periods of time.</p> <p>c) No individual piece of construction equipment shall operate no longer than eight cumulative hours per day. (SR-3/14/19)</p> <p>d) Electric equipment shall be used whenever feasible in lieu of diesel or</p>	<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall submit evidence of implementation of compliance with practices as outlined in mitigation.</p> <p>C. The Kern County Public Works Department - Development Review shall verify in the field during the construction phase of the project.</p>	Kern County Public Works Department - Development Review		

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.2 Air Quality</b>					
	<p>gasoline <input type="checkbox"/> powered equipment.</p> <p>e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.</p> <p>f) On <input type="checkbox"/> road and off <input type="checkbox"/> road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.</p>				
#9	<p><b>MM 4.2-3:</b> The project proponent/operator shall continuously comply with the following measures during construction and operation to control NOX emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:</p> <p>a) 2006 engines or pre-2006 engines with California Air Resources Board certified Level 3 diesel emission controls will be used to the extent possible.</p> <p>b) All on-road construction vehicles, except those meeting the 2006/California Air Resources Board certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to worker personal vehicles.</p> <p>c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacturer's specifications.</p>	<p>Prior to issuance of a grading or building permit</p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall submit evidence of implementation of compliance with practices as outlined in mitigation to the Kern County Planning and Natural Resources Department.</p> <p>C. The Kern County Public Works Department - Development Review shall verify in the field during the construction phase of the project.</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review</p>		
#10	<p><b>MM 4.2-4:</b> The project proponent/operator shall continuously comply with the following during operation to control fugitive dust emissions:</p> <p>a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation</p> <p>b) The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not</p>	<p>During Construction activities</p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall submit evidence of implementation of compliance with practices as outlined in mitigation to the Kern County</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review s</p>		

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.2</b>					
	<b>Air Quality</b>				
	<p>cause visible dust plumes.</p> <p>c) Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex.</p>	<p>Planning and Natural Resources Department.</p> <p>C. The Kern County Public Works Department - Development Review shall verify in the field during the construction phase of the project.</p>			
<b>#11</b>	<p><b>MM 4.2-5:</b> Prior to ground disturbance activities, the project proponent shall provide a “Valley Fever Training Information Packet” and conduct training sessions for all construction personnel. A copy of the handout and a schedule of education sessions shall be provided to the Kern County Planning and Natural Resources Department. All evidence of the training session(s) and handout(s) shall be submitted to the Kern County Planning and Natural Resources Department on a monthly basis. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The evidence submitted to the Kern County Planning and Natural Resources Department regarding the “Valley Fever Training Handout” and Session(s) shall include the following:</p> <p>a) A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.</p> <p>b) Distribution of an information packet that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever; symptoms of exposure; and instruction for reporting cases of flu-like or respiratory illness symptoms to the Site Safety Officer. Those with persistent systems lasting more than 3 days shall be recommended to seek immediate medical advice.</p> <p>c) Training on methods that may help prevent Valley Fever infection.</p> <p>d) A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though use of the equipment is not mandatory during work, the equipment shall be readily available and</p>	<p>Prior to and during construction and decommissioning</p> <p>Kern County Planning and Natural Resources Department</p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. All Valley Fever materials shall be provided to all construction personnel and all training sessions shall be conducted prior to construction activities.</p> <p>C. The project proponent shall submit all evidence of the training session materials, handout(s) and schedule to the Kern County Planning and Natural Resources Department within 72 hours of the first training session.</p>			

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.2					
	Air Quality				
	shall be provided to employees for use during work, if requested by an employee. Proof that the demonstration is included in the training shall be submitted to the county. This proof can be via printed training materials/agenda, DVD, digital media files, or photographs.				
#12	MM 4.2-6 Prior to the issuance of grading permits, a onetime fee shall be paid to the Kern County Public Health Services Department in the amount of \$3,200 for Valley Fever public awareness programs.	Prior to issuance of grading permits	Kern County Public Health Services Department.		
	<b>Steps to Compliance:</b> A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall pay the onetime fee to the Kern County Public Health Services Department.				
<b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.					

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3 Biological Resources					
#13	<p><b>MM 4.3-1:</b> Prior to the issuance of a grading or building permit:</p> <ul style="list-style-type: none"><li>- <u>Project Site (Sites 1 through 5, where project construction is initiated): (RTC-3/4/19)</u></li><li>- The project developer/operator shall provide evidence to the Kern County Planning and Natural Resources Department that a Section 2081 Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) for Desert Tortoise (if determined to be required) and/or Mohave Ground Squirrel (if determined to be required) has been obtained. (RTC-3/4/19)</li><li>- If it is determined that an ITP is not required for any Site or portion of a Site (i.e., Sites 1 through 5) <del>such a permit is not required</del>, the project developer/operator shall provide a letter describing the consultation process and wildlife agency determination, indicating that an ITP <del>permit</del> is not required. The letter shall also identify the CDFW point of contact and contact information. <del>Should an ITP not be required for either species, then the project developer/operator shall be responsible for implementing the specific mitigation measures designed to avoid impacts to these species (MM 4.3-11, 4.3-12 and 4.3-13). (RTC-3/4/19)</del></li><li>- If an ITP is required for either species (Desert Tortoise or Mohave Ground Squirrel), then specific measures to reduce potential for take would be identified and implemented through the ITP consultation process. This includes specific details and requirements for project construction, operations, and decommissioning, including fencing requirements. Should an ITP be required, those specifications identified in Mitigation Measures 4.3-11, 4.3-12 and 4.3-13 may be modified accordingly to reflect the ITP consultation process and specific conditions required as part of the ITP. (RTC-3/4/19)</li></ul> <p><b>Off-Site Gen-Tie</b></p> <ul style="list-style-type: none"><li>- The project developer/operator shall provide evidence to the Kern County Planning and Natural Resources Department that</li></ul>	Prior to issuing of a grading or building permit	Kern County Planning and Natural Resources Department; U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, if necessary		
		<p><b>Steps to Compliance:</b></p> <p>A. If required by California Department of Fish and Wildlife, a copy of the Section 2081 permit for incidental take shall be submitted to the Kern County Planning and Natural Resources Department. If a Section 2081 permit is not required, the project proponent/operator shall submit a statement verifying the determination of the California Department of Fish and Wildlife.</p> <p>B. Copies of all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Natural Resources Department.</p>			



## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	<p>- an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service has been obtained for Mohave ground squirrel and/or Desert Tortoise. (RTC-3/4/19)</p> <p>Specific measures to reduce potential for take of the species would be identified and implemented through the ITP consultation process with CDFW and U.S. Fish and Wildlife Service. This includes specific details and requirements for project construction, operation, and decommissioning. Specifications identified in Mitigation Measures 4.3-11, 4.3-12 and 4.3-13 may be modified accordingly to reflect the ITP consultation process and specific conditions required as part of the ITP, or as modified through National Environmental Policy Act review for those portions of the gen-tie that traverse BLM lands. (RTC-3/4/19)</p>				
#14	<p><b>MM 4.3-2:</b> Prior to the issuance of grading or building permits, the project proponent/operator shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by United States Fish and Wildlife Service to oversee compliance with the protection measures for desert tortoise and other special species. The project Lead Biologist shall be onsite during all fencing and ground disturbance activities throughout the construction phase. The project Lead Biologist shall have the right to halt all activities that are in violation of the desert tortoise or other special species protection measures. Work shall proceed only after hazards to desert tortoise or other special species are removed and the species is no longer at risk. The project biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted onsite.</p>	<p>Prior to issuance of grading or building permits</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review; U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, if necessary</p>		
		<p><b>Steps to Compliance:</b></p> <p>A. The project proponent/operator shall conduct a pre-construction survey that is performed by a qualified biologist for the presence of desert tortoises.</p> <p>B. The project proponent/operator shall submit copies of the survey results to the Kern County Planning and Natural Resources Department.</p> <p>C. If desert tortoises are present on site, a qualified biologist shall develop a plan for desert tortoise translocation and monitoring prior to project construction as described in MM 4.3-2.</p> <p>D. If desert tortoises are discovered, the Kern County Public Works Department - Development Review shall verify in the field the compliance and</p>			

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
		<p>E. The operator shall conduct annual biological monitoring. The applicant shall submit results of monitoring to the Kern County Planning and Natural Resources Department and the appropriate wildlife agencies for review and verification of compliance.</p>			
<b>#15</b>	<p><b>MM 4.3-3:</b> Prior to issuance of grading or building permit and for the duration of construction activities, the project proponent shall demonstrate it has in place a Worker Environmental Awareness Program (WEAP) for all construction workers at the project site. The Lead Biologist shall ensure all construction personnel on-site complete WEAP training prior to conducting any construction related activities on-site. As part of the WEAP training, the project Lead Biologist shall perform the following training-related tasks:</p> <ul style="list-style-type: none"> <li>a) Provide the training materials for WEAP training. These materials shall include the measures and mitigation requirements for protected plant and wildlife species (e.g., avoidance and buffer requirements, nighttime construction limitations, etc.); and applicable fire protection measures. WEAP training will also include driver training to avoid and minimize collision risks with protected species, and reporting protocols in the event that any dead or injured wildlife are discovered.</li> <li>b) Send a copy of all WEAP training materials to the Kern County Planning and Natural Resources Department.</li> <li>c) Maintain a list of on-site of all employees who have undergone WEAP training. A copy of this list shall be provided to the Kern County Planning and Natural Resources Department as necessary. (SR-3/14/19)</li> </ul>	<p>Prior to issuance of grading or building permits, and during construction activities</p>	Kern County Planning and Natural Resources Department		
<b>#16</b>	<p><b>MM 4.3-4:</b> The program shall be presented by the Lead Biologist and shall include information on the life history of the desert tortoise, as well as other special-status wildlife and plant species that may be encountered during construction, operations and maintenance, and decommissioning activities, their legal protections, the definition of “take” under the Endangered Species Act (ESA) or California Endangered Species Act (CESA), measures the project operator is implementing to protect the desert tortoise and other special-status species, reporting requirements, specific measures that each worker shall employ to avoid take of the desert tortoise and other special-</p>	<p>Prior to issuance of grading or building permits and during construction</p>	Kern County Planning and Natural Resources Department		
		<p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval.</li> <li>B. All construction workers shall attend the Construction Worker Environmental Awareness Training and Education Program prior to participating in construction activities; any employee responsible for the operation and maintenance of the completed facilities shall also receive this training</li> <li>C. An acknowledgement form signed by each worker indicating that environmental training has been completed will be kept on record.</li> <li>D. A copy of the training materials, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.</li> </ul>			
		<p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval.</li> <li>B. All construction workers shall attend the Construction Worker Environmental Awareness Training and Education Program prior to participating in</li> </ul>			

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	<b>Biological Resources</b>				
	<p>status wildlife species, and penalties for violation of the Aet ESA or CESA. Identification and information regarding sensitive plants (such as the alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopteris, Barstow woolly sunflower, sagebrush loeflingia, white pygmy-poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish-hook cactus or other special- status plant species) shall also be provided to construction personnel. (RTC-3/4/19)</p> <ul style="list-style-type: none"> <li>i. An acknowledgement form signed by each worker indicating that environmental training has been completed.</li> <li>ii. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;</li> <li>iii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.</li> <li>iv. The construction crews and contractor(s) shall be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.</li> </ul>	<p>construction activities; any employee responsible for the operation and maintenance of the completed facilities shall also receive this training</p> <ul style="list-style-type: none"> <li>C. An acknowledgement form signed by each worker indicating that environmental training has been completed will be kept on record.</li> <li>D. A copy of the training materials, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.</li> </ul>			
#17	<p><b>MM 4.3-5:</b> The anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided.</p>	<p>Prior to construction</p> <p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>B. Kern County Public Works Department will verify in the field during the construction period.</li> </ul>			
	Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review				

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
#18	MM 4.3-6: New and existing roads that are planned for either construction or widening shall not extend beyond the planned impact area. All vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.	During construction	Kern County Public Works Department		
		<b>Steps to Compliance:</b> A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. Kern County Public Works Department will verify in the field during the construction period.			
#19	MM 4.3-7: Spoils shall be stockpiled in disturbed areas presently lacking native vegetation. Stockpile areas shall be marked to define the limits where stockpiling can occur. Standard best management practices shall be employed to prevent loss of habitat due to erosion caused by project related impacts (i.e., grading or clearing for new roads). All detected erosion shall be remedied within two days of discovery.	During construction	Kern County Public Works Department		
		<b>Steps to Compliance:</b> A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent/operator shall mark stockpile areas to define the limits where stockpiling can occur. C. Kern County Public Works Department will verify in the field during the construction period.			
#20	MM 4.3-8: Fueling of equipment shall take place within existing paved roads, and not within or adjacent to drainages or native desert habitats. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.	Prior to and during construction	Kern County Planning and Natural Resources Department Kern County Public Works Department		
		<b>Steps to Compliance:</b> A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. Kern County Building Inspectors shall verify in the field prior to and during the construction period.			
#21	MM 4.3-9: Ground disturbing construction activity shall be monitored by the qualified Lead Biologist or by biological monitors under the Lead Biologist's supervision to ensure compliance with avoidance and minimization measures.	During construction	Kern County Public Works Department		
		<b>Steps to Compliance:</b> A. This mitigation measure shall be incorporated as a condition of approval for			

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
#22	<p><b>MM 4.3-10:</b> The introduction of exotic plant species shall be avoided and controlled wherever possible, and may be achieved through physical or chemical removal and prevention. Preventing exotic plants from entering the site via vehicular sources shall include measures such as implementing Track-clean or other method of vehicle cleaning for vehicles coming and going from the site. Earth-moving equipment shall be cleaned prior to transport to the project area. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by California Department of Fish and Wildlife and the United States Fish and Wildlife Service.</p>	<p>any site plan review.</p> <p>B. Kern County Public Works Department will verify in the field during the construction period.</p>			
		During construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. Kern County Public Works Department will verify in the field during the construction period.</p>			
#23	<p><b>MM 4.3-11:</b> Implement the following measures:</p> <p><del>In the event ground disturbance does not commence on the transmission line corridor within two (2) years of the last rare plant surveys (RTC-3/4/19)</del></p> <p>Prior to construction, the project operator and/or contractor shall retain a qualified biologist or botanist to conduct preconstruction rare plant survey(s) in areas identified as potentially suitable habitat for Barstow woolly sunflower <del>along the within the Eland 1 Solar site project sites and along the alternative gen-tie and other collector line routes during the appropriate blooming period in accordance with the guidelines established by the California Department of Fish and Wildlife (CDFW) (2018), for alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopterus, Barstow woolly sunflower, sagebrush leffingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act (RTC-3/4/19)</del> If no special status Barstow woolly sunflower plant species are observed during the focused surveys, no further</p>	<p>During construction and operations</p> <p>Kern County Planning and Natural Resources Department; Kern County Public Works Department; California Department of Fish and Wildlife, if necessary</p>			
<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. If necessary, implement site-specific recommendations under the guidance of a qualified biologist, including preparation of a Habitat Mitigation Plan in consultation with California Department of Fish and Wildlife.</p> <p>C. The Habitat Mitigation Plan shall include practices as outlined in mitigation.</p> <p>D. A copy of the Habitat Mitigation Plan and all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Natural Resources Department</p> <p>E. Kern County Public Works Department will verify in the field during the construction period.</p>					

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	<p>actions would be required.</p> <p>If any of these plant species are found during the preconstruction surveys, the project operator and/or contractor shall delay ground disturbance activities and contact California Department of Fish and Wildlife for consultation. If required, in consultation with California Department of Fish and Wildlife, a Habitat Mitigation Plan shall be prepared that includes, at a minimum, the following: (RTC-3/4/19)</p> <p>a) If alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopterus, Barstow woolly sunflower(s), sagebrush leeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act (RTC-3/4/19) are observed within the proposed project footprint during preconstruction surveys, the qualified biologist or botanist shall delay ground disturbance activities and contact CDFW for consultation. (RTC-3/4/19) <del>The</del> proposed project shall be designed in consultation with the Lead Biologist, to reduce impacts to the species through the establishment of preservation areas and buffers. If avoidance or minimization measures are implemented onsite, a Habitat Mitigation Plan shall be developed to ensure adequate management and conservation of botanical resources on-site over the long term. A copy of the Habitat Mitigation Plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) <del>If the proposed project would eliminate more than 10 percent of the local population of alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopterus, Barstow woolly sunflower, sagebrush leeflingia, white pygmy poppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, (RTC-3/4/19) If Barstow woolly sunflower(s) are observed within the proposed project footprint</del></p>				

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	<p>during preconstruction surveys, and impacts cannot be avoided, the Habitat Mitigation Plan would also include the following:</p> <ul style="list-style-type: none"> <li>i. The area of occupied habitat to be preserved and removed;</li> <li>ii. Identification of onsite or offsite preservation, restoration, or enhancement location(s);</li> <li>iii. Methods for preservation, restoration, enhancement, and/or population translocation;</li> <li>iv. A replacement ratio and success standard of 1:1 for occupied habitat lost unless a lower mitigation ratio and/or alternative mitigation is agreed to in coordination with CDFW;</li> <li>v. A five year monitoring program to ensure mitigation success;</li> <li>vi. Adaptive management and remedial measures in the event that performance standards are not achieved;</li> <li>vii. Financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity.</li> </ul> <p>c) <del>Prior to the commencement of ground disturbance activities, botanical surveys for alkali mariposa lily, Charlotte's phacelia, creamy blazing star, desert cymopterus, Barslow woolly sunflower, sagebrush leafhopper, white pygmy peppy, Mojave sunflower, Death Valley sandmat, golden goodmania, solitary blazing star, and Mojave fish hook cactus or other special status plant species, including species protected by the California Desert Native Plants Act, shall be conducted. The surveys shall be conducted within potentially suitable habitat along the Eland 1 Solar site and alternative gen tie and collector line routes that would be directly affected by the proposed project. Copies of all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Natural Resources Department. (RTC-3/4/19)</del></p>				
#24	MM 4.3-12: The project proponent/operator and /or contractor shall	Prior to issuance of grading or building	Kern County Planning and Natural Resources Department;		



## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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4.3	Biological Resources				
<p>implement the following:</p> <p>i. Prior to issuance of grading or building permits but after obtaining a project Section 2081 permit for incidental take, if required by California Department of Fish and Wildlife, the entire solar facility site (east of SR 14 for the Eland 1 Solar site) shall be fenced with a permanent desert tortoise exclusion fence to keep any desert tortoise that may be using habitat adjacent to the facility from entering during construction, operations and maintenance, and dismantling and restoration (decommissioning) phases. The fencing type shall follow current fence specifications established by the United States Fish and Wildlife Service. Desert tortoise-proof gates shall be established at all photovoltaic solar facility entry points. Workers installing the exclusion fencing shall have undergone the worker training program mandated in Mitigation Measure MM 4.3-3 and a biological monitor under the authority of the project Lead Biologist shall be present during exclusion fencing installation.</p> <p>ii. The fencing shall be inspected monthly and immediately after all major rainfall events. Any damage to the fencing shall be repaired immediately or no later than 2 days following the observation.</p> <p>iii. Following the construction of desert tortoise exclusion fencing, around the solar facility perimeter as described above, clearance surveys shall be conducted by the Lead Biologist to ensure that no desert tortoises or other listed wildlife species are trapped within the fenced area. The Lead Biologist may be assisted by biological monitors under the supervision of the Lead Biologist. Clearance surveys shall adhere to the current United States Fish and Wildlife Service clearance survey protocols described in the Desert Tortoise Field Manual, including a minimum of two clearance passes to be completed after desert tortoise-proof fencing is installed, which shall coincide with heightened desert tortoise activity from late March through May and September through October.</p> <p>iv. If a desert tortoise is found on the site during project construction or operations, active construction or operations shall cease in the vicinity of the animal and the desert tortoise shall be passively restricted to the area encompassing its observed position on the</p>		<p>permits and within 14 days prior to the commencement of any ground-disturbing activities and during construction</p> <p>U.S. Fish and Wildlife Service; and California Department of Fish and Wildlife, if necessary</p>			
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The surveys shall be conducted in accordance with U.S. Fish and Wildlife Service protocol (USFWS, 2010).</p> <p>C. Should desert tortoises be observed during preconstruction surveys, consultation with U.S. Fish and Wildlife Service and California Department of Fish and Wildlife shall commence.</p> <p>D. The Authorized Biologist shall have the appropriate education and experience to accomplish biological monitoring and mitigation tasks.</p> <p>E. A Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.</p> <p>F. Weekly inspection under all nests in the project area for evidence of raven predation on local wildlife (bones, carcasses, etc.), and, if evidence of predation is noted, the project proponent shall submit a report to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Kern County Planning and Natural Resources Department within five calendar days.</p> <p>G. Evidence of the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife determination and payment of any required fees shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>H. Reports shall be submitted to U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and the Kern County Planning and Natural Resources Department.</p>			

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	<p>construction site and its point of entry shall be determined if possible. The Lead Biologist shall install a temporary tortoise-proof fence around this area. Concurrent with this effort, United States Fish and Wildlife Service and California Department of Fish and Wildlife shall be consulted regarding any additional avoidance, minimization, or mitigation measures that may be necessary. Once the desert tortoise is observed leaving the site, work in the area can resume. A report shall be prepared by the Lead Biologist to document the activities of the desert tortoise within the site; all fence construction, modification, and repair efforts; and movements of the desert tortoise once again outside the permanent tortoise-proof fence. This report shall be submitted to wildlife and resource agency representatives and the Kern County Planning and Natural Resources Department.</p> <p>v. Outside permanently fenced desert tortoise exclusion areas, the project proponent/operator shall limit the areas of disturbance in desert tortoise habitat. Parking areas; new roads; pulling sites; and staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.</p> <p>vi. The Lead Biologist or biological monitor shall monitor any ground-disturbance activities that occur outside the desert tortoise exclusion fencing. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. Prior to conducting brushing or grading activities in desert tortoise habitat outside the permanently fenced area, a Lead Biologist or biological monitor under the supervision of a Lead Biologist shall survey the area immediately prior to conducting these activities to ensure that no desert tortoises are present.</p> <p>vii. At the end of each work day, the Lead Biologist shall ensure that all trenches, bores, and other excavations outside the permanently fenced area have been inspected for the presence of desert tortoise and backfilled, if no tortoise is present. If backfilling is not feasible, these excavations shall be modified to ensure that they cannot</p>				

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	potentially entrap desert tortoises (e.g., equipped with desert tortoise escape ramps, covered to prevent desert tortoise access, enclosed with a desert tortoise exclusion fence).				
viii.	Any construction pipe, culvert, or similar structure stored within desert tortoise habitat (i.e., outside areas with desert tortoise exclusion fencing) shall be inspected for desert tortoise before the material is moved, buried, or installed.				
ix.	Water used for dust abatement shall be minimized, as allowed by Kern County, to prevent the formation of puddles that could attract common ravens and other desert tortoise predators to the site and nearby.				
x.	No vehicle or equipment parked outside the fenced areas shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of desert tortoise. If present, the desert tortoise shall be left to move on its own.				
xi.	Vehicular traffic to and from the project site shall use existing routes of travel (e.g., SR 14). Cross country vehicle and equipment use outside designated work areas shall be prohibited. Vehicle speeds within the project site shall not exceed 25 miles per hour on roads within desert tortoise habitat.				
xii.	All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Lead Biologist shall be informed of any hazardous spills within 24 hours. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility.				
xiii.	A long-term trash abatement program shall be established for construction, operations, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.				
xiv.	Workers shall be prohibited from bringing pets and firearms to the project area and from feeding wildlife.				

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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<b>4.3 Biological Resources</b>					
	<p>xv. Intentional killing or collection of either plant or wildlife species, including listed species such as desert tortoise, in the survey area and surrounding areas shall be prohibited. The Lead Biologist, wildlife and resource agency representatives and Kern County Planning and Natural Resources Department shall be notified within 24 hours of any such occurrences.</p> <p>xvi. Ongoing monitoring shall be conducted by either the Lead Biologist or by biological monitors under the Lead Biologist's supervision. The biological monitors shall have experience in monitoring for desert tortoise.</p> <p>xvii. During construction daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report for the wildlife and resource agencies and Kern County Planning and Natural Resources Department on a monthly basis, documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report would also provide information on the overall biological-resources-related activities conducted, including the worker awareness training, clearance/pre-activity surveys, monitoring activities, and any observed desert tortoise or other special-status species, including injuries and fatalities.</p> <p>xviii. The project proponent/operator shall develop a site-specific Common Raven Management Plan in accordance with United States Fish and Wildlife Service guidelines and shall implement management measures for ravens in the project area. These measures may include but are not limited to designing structures to eliminate perches, waste management, road kill management, management of ponded water during construction and operations, and nest removal on structures within the photovoltaic facility site and along the transmission line.</p>				
<b>#25</b>	<p><b>MM 4.3-13:</b> The project proponent/operator and /or contractor shall implement the following during Operation and Maintenance:</p> <ul style="list-style-type: none"> <li>Desert tortoise exclusion fencing and gates shall be maintained on a</li> </ul>	During project operations	Kern County Planning and Natural Resources Department; Kern County Public Works Department		

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	<p>regular basis.</p> <ul style="list-style-type: none"> <li>A 25-mile per hour speed limit shall be applied for travel during maintenance activities. Travel shall be confined to existing roads and previously disturbed areas.</li> <li>Desert tortoise-proof secure gates shall be installed where access roads enter the photovoltaic solar facility; no access roads outside of the photovoltaic solar facility shall be fenced.</li> <li>Work occurring outside areas with desert tortoise exclusion fencing shall only occur during daylight hours.</li> </ul>	<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall implement the practices as outlined in mitigation to ensure protection of listed species such as desert tortoise through special fencing and gates, and setting speed limits during maintenance activities.</p> <p>C. Kern County Public Works Department will verify in the field during project operation.</p>			
#26	<p><b>MM 4.3-14:</b> The project proponent/operator and /or contractor shall implement the following during project decommissioning:</p> <ol style="list-style-type: none"> <li>All applicable construction phase general protection measures shall be implemented during decommissioning.</li> <li>A 25-mile-per-hour speed limit on paved or stabilized unpaved roads shall be applied for travel during decommissioning activities. Travel shall be confined to existing roads and previously disturbed areas.</li> <li>If a desert tortoise is detected in the work area during decommissioning activities, no work shall be conducted until the desert tortoise moves on its own outside of the work area.</li> <li>Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours.</li> </ol>	<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. Kern County Public Works Department will verify in the field during the construction period.</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department</p>		
#27	<p><b>MM 4.3-15:</b> The following measures shall be implemented during project construction, operations, and decommissioning activities with respect to western burrowing owls.</p> <p>a) A project Lead Biologist shall be onsite during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in</p>	<p>Prior to the issuance of grading permits and during construction operations, and decommissioning activities</p> <p><b>Steps to Compliance:</b></p> <p>A. Contract a qualified biologist to perform pre-construction survey for burrowing owl with 30 days prior to the start of ground disturbing activities.</p> <p>B. If nests or burrowing owls are found, contract a qualified biologist to prepare</p>	<p>Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife</p>		

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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4.3		Biological Resources	
		<p>the California Department of Fish and Wildlife Staff Report (March 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with desert tortoise pre-construction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.</p> <p>b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the CDFW Staff Report (see below) from an active burrow during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), unless otherwise authorized by California Department of Fish and Wildlife. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with Table 2 (see below) of the Staff Report and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Wildlife, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15).</p>	
		<p>C. If necessary, implement site-specific recommendations under the guidance of a qualified biologist.</p> <p>D. Prior to issuance of grading permits, the applicant shall provide Kern County Planning and Natural Resources Department a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.</p> <p>E. During construction activities, monthly and final compliance reports shall be provided to California Department of Fish and Wildlife, the Kern County Planning and Natural Resources Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the project.</p>	

Location	Time of year	Level of disturbance		
		Low	Medium	High
Nesting sites	April 1-Aug	656 ft	1640 ft	1640 ft

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
--------	--------------------	-------------------------------	-------------------------------	------	----------

4.3 Biological Resources					
	15				
	Nesting sites	Aug 16-Oct 15	656 ft	656 ft	1640 ft
	Any occupied burrow	Oct 16-Mar 31	164 ft	328 ft	1640 ft
	<p>c) During the nonbreeding (winter) season (October 16 to March 31), consistent with Table 2 (see above) of the Staff Report, ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Burrowing Owl Mitigation Staff Report (2012).</p> <p>d) Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Wildlife office and submitted to the Kern County Planning and Natural Resources Department. The plan shall include, at a minimum:</p> <ol style="list-style-type: none"> <li>Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;</li> <li>Type of scope and appropriate timing of scoping to avoid impacts;</li> <li>Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape i.e., look for sign immediately inside the door).</li> <li>How the burrow(s) shall be excavated. Excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been</li> </ol>				



## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	<b>Biological Resources</b>				
	<p>excavated and it can be determined that no owls reside inside the burrow);</p> <ul style="list-style-type: none"> <li>v. Removal of other potential owl burrow surrogates or refugia onsite;</li> <li>vi. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;</li> <li>vii. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;</li> <li>viii. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy diskimg, or immediate and continuous grading) until development is complete.</li> <li>e) Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.</li> <li>f) Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).</li> <li>g) In accordance with the Burrowing Owl Exclusion Plan a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.</li> <li>h) During construction activities, monthly and final compliance reports shall be provided to California Department of Fish and</li> </ul>				

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3 Biological Resources					
	Wildlife, the Kern County Planning and Natural Resources Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.				
#28	<p><b>MM 4.3-16: a)</b> Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site in accordance with burrowing owl Staff Report guidance and in consultation with California Department of Fish and Wildlife. At a minimum, the following recommendations shall be implemented:</p> <ul style="list-style-type: none"><li>i. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating.</li><li>ii. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include:<ul style="list-style-type: none"><li>a) Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.</li><li>iii. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Wildlife approved burrowing owl conservation bank, the project proponent/operator may purchase available burrowing owl conservation bank credits.</li></ul></li><li>b) Develop and implement a mitigation land management plan in accordance with burrowing owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.<ul style="list-style-type: none"><li>i. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism</li></ul></li></ul>	<p>During construction and 30 days prior to the start of ground disturbing activities</p> <p>Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife</p>			
<p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"><li>A. Contract a qualified biologist to perform pre-construction survey for burrowing owl with 30 days prior to the start of ground disturbing activities.</li><li>B. If nests or burrowing owls are found, contract a qualified biologist to prepare site-specific recommendations.</li><li>C. If necessary, implement site-specific recommendations under the guidance of a qualified biologist.</li><li>D. Prior to issuance of grading permits, the applicant shall provide Kern County Planning and Natural Resources Department a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.</li></ul>					

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	<p>such as an endowment.</p> <p>ii. Habitat shall not be altered or destroyed, and burrowing owls shall not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Wildlife-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.</p> <p>iii. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.</p> <p>iv. Consult with the California Department of Fish and Wildlife when determining off-site mitigation acreages.</p>				
#29	<p><b>MM 4.3-17:</b> Prior to issuance of grading or building permits:</p> <p>a) The project proponent/operator shall mitigate for permanent impacts to suitable desert tortoise and Mohave ground squirrel habitat, should an Incidental Take Permit be required from CDFW, through an approved mitigation bank, or in-lieu fee program. Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired in consultation with the wildlife or resource agency. Compensatory mitigation lands purchased may provide habitat for all three species, as well as rare plants and State Waters (only if impacted by the project). Verification of compliance shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>b) Prepare a Habitat Mitigation and Monitoring Plan (if required, should an Incidental Take Permit be required for the project) that outlines all project compensatory mitigation for desert tortoise, western burrowing owl and Mohave ground squirrel, in coordination with the California Department of Fish and Wildlife, and the Regional Water Quality Control Board.</p> <p>i. Compensatory lands shall be of similar or better quality than habitat</p>	<p>Prior to site plan approvals and issuance of grading or building permits</p> <p><b>Steps to Compliance:</b></p> <p>A. The project proponent/operator shall mitigate for permanent impacts to desert tortoise, Mohave ground squirrel, and western burrowing owl habitats through an approved mitigation bank, or in-lieu fee program.</p> <p>B. Verification of compliance shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>C. The project proponent/operator shall prepare a Habitat Mitigation and Monitoring Plan, if required, that outlines mitigation for desert tortoise, Mohave ground squirrel, and western burrowing owl.</p> <p>D. The project proponent/operator shall coordinate with the California Department of Fish and Wildlife, and the Regional Water Quality Control Board on the Habitat Mitigation and Monitoring Plan.</p>	<p>Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife; Regional Water Quality Control Board</p>		

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	<p>lost, and preferably shall be located in the vicinity of the site.</p> <p>ii. Compensatory lands shall be permanently preserved through a conservation easement.</p> <p>iii. The Plan shall identify conservation actions to ensure that the compensatory lands are managed to ensure the continued existence of the species.</p> <p>iv. The Plan shall identify an approach for funding assurance for the long term management of the conserved land.</p>				
<b>#30</b>	<p><b>MM 4.3-18:</b> Prior to the issuance of grading or building permit the following shall be implemented:</p> <p>i. Not more than 14 days prior to site clearing, a qualified biologist shall conduct a preconstruction avian nesting survey. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.</p> <p>ii. Surveys shall not be conducted for the entire project site at one time; they shall be phased so that surveys occur shortly before that portion of the site is disturbed. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. The survey shall cover all reasonably potential nesting locations on and within 250 feet of the project site—this includes ground nesting species.</p> <p>iii. If construction is scheduled to occur during the non-nesting season (August 2 to January 31), no preconstruction surveys or additional measures are required.</p> <p>iv. If construction begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required. However, if there is a break of 14 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before construction begins again.</p> <p>v. If active nests are found a 250-foot, no-disturbance buffer (or as otherwise determined in consultation with California Department of Fish and Wildlife) shall be created around the active nests. If the nest(s) are found in an area where ground disturbance is scheduled to</p>	<p>Prior to site plan approvals and issuance of grading or building permits</p> <p><b>Steps to Compliance:</b></p> <p>A. The project proponent/operator shall ensure that a pre-construction survey is conducted by a qualified biologist, or provide evidence of a waiver issued by California Department of Fish and Wildlife.</p> <p>B. If active nests are found, a qualified biologist shall implement site specific recommendations.</p> <p>C. The project proponent/operator shall submit a copy of the report to the Kern County Planning and Natural Resources Department for review and verification of compliance.</p>	<p>Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife, if necessary</p>		

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	<p>occur, the project proponent/operator shall avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by re-locating the project component(s) to avoid the area.</p> <p>vi. All vertical tubes used in project construction, such as solar mounts and chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.</p>				
<b>#31</b>	<p><b>MM 4.3-19:</b> Prior to the issuance of grading or building permit the following shall be implemented:</p> <ul style="list-style-type: none"> <li>i. Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens prior to installation of desert tortoise exclusion fencing. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.</li> <li>ii. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox or Northern harrier, which includes fallow agricultural land and scrub habitats. If no potential American badger or desert kit fox dens are present, no further mitigation is required.</li> <li>iii. If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox: <ul style="list-style-type: none"> <li>a. If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-use during construction.</li> <li>b. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish and Wildlife. Entrances to the dens shall be blocked with one-way doors or soil, sticks, and debris for three to five days to discourage use of these dens prior to project</li> </ul> </li> </ul>	<p>Prior to site plan approvals and issuance of grading or building permits</p>	<p>Kern County Planning and Natural Resources Department; U.S. Fish and Wildlife Service and California Department of Fish and Wildlife, if necessary; Kern County Public Works Department - Development Review</p>		
		<p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. Contract a qualified biologist to perform pre-construction survey for kit fox and American badger.</li> <li>B. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.</li> <li>C. If dens are found, contract a qualified biologist to monitor and excavate dens and notify wildlife agencies to discuss and develop relocation options.</li> <li>D. If necessary, implement relocation options under the guidance of a qualified biologist.</li> <li>E. Prior to issuance of grading or building permits, provide Kern County Planning a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, monitoring, excavating, and kit fox relocation.</li> <li>F. Kern County Public Works Department will verify escape ramps, capping, and presence of closed containers in the field during the construction period.</li> </ul>			

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	<p>disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. The collapsing of active desert kit fox dens shall not occur without prior consultation with the California Department of Fish and Wildlife. A biologist shall remain on-call throughout construction in the event a badger or desert kit fox wanders onto the site.</p> <p>c. Construction activities shall not occur within 50 feet of active badger dens. The project proponent/operator shall contact California Department of Fish and Wildlife immediately if natal badger dens are detected to determine suitable buffers and other measures to avoid take.</p> <p>d. Construction activities shall not occur within 100 feet of active kit fox dens. The project proponent/operator shall contact California Department of Fish and Wildlife immediately if natal kit fox dens are detected to determine suitable buffers and other measures to avoid take.</p>				
#32	<p><b>MM 4.3-20:</b> Prior to the issuance of a final certificate of occupancy, a Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. This plan shall include but is not limited to:</p> <p>i. Identification of all raven nests within the project area during construction;</p> <p>ii. Weekly inspection under all nests in the project area for evidence of desert tortoise predation (scutes, shells, etc.), and, if evidence of predation is noted, submit a report to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Kern County Planning and Natural Resources Department within five calendar days; and</p> <p>iii. Provisions for the management of trash that could attract common</p>	<p>Prior to the issuance of a final certificate of occupancy</p>	<p>Kern County Planning and Natural Resources Department; U.S. Fish and Wildlife Service and California Department of Fish and Wildlife</p>		
		<p><b>Steps to Compliance:</b></p> <p>A. The project proponent/operator shall submit copies of the plan to the Kern County Planning and Natural Resources Department.</p> <p>B. The operator shall conduct weekly inspections and submit results of monitoring to the Kern County Planning and Natural Resources Department and the appropriate wildlife agencies for review and verification of compliance.</p>			

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	<b>Biological Resources</b>				
	<p>ravens during the construction and operation phases of the project.</p> <p>iv. Should the U.S. Fish and Wildlife Services determine it is necessary for the proposed project to participate in the regional comprehensive raven management plan, to address biological resources; the project proponent/operator shall be subject to compensation through the payment of fees not to exceed \$150 per disturbed acre. Evidence of the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife determination and payment of any required fees shall be submitted to the Kern County Planning and Natural Resources Department.</p>				
#33	<p><b>MM 4.3-21:</b> If required (i.e., if California Department of Fish and Wildlife jurisdictional streambed is impacted by the project), prior to issuance of a grading or building permit for that component of the project that would directly impact a California Department of Fish and Wildlife jurisdictional area, the project proponent/operator shall provide evidence to the Kern County Planning and Natural Resources Department that a Section 1600 Streambed Alteration Agreement has been obtained from California Department of Fish and Wildlife.</p>	<p>Prior to issuance of grading or building permits</p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall submit a copy of the Section 1600 Streambed Alteration Agreement to the Kern County Planning and Natural Resources Department verification of compliance.</p>	<p>Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife, if necessary</p>		
#34	<p><b>MM 4.3-22:</b> The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized:</p> <ul style="list-style-type: none"> <li>Any laydown areas and/or material and spoils from project activities shall be located away from jurisdictional areas or sensitive habitat and protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.</li> <li>Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.</li> <li>Any spillage of material shall be stopped if it can be done safely. The</li> </ul>	<p>During construction</p> <p>A. The project proponent/operator shall implement the mitigation, as identified, to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized.</p> <p>B. The project proponent/operator shall ensure construction within washes occurs during the dry season (generally April 15 – October 15) and shall avoid periods in the summer.</p> <p>C. If required, the project proponent/operator shall ensure a ratio no less than 1:1</p>	<p>Kern County Planning and Natural Resources Department; Regional Water Quality Control Board; California Department of Fish and Wildlife</p>		



## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Biological Resources				
	<p>contaminated area shall be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative shall be notified.</p> <ul style="list-style-type: none"><li>• All work within the washes shall be conducted to avoid periods of flowing water. Construction within washes shall be timed to occur during the dry season (generally April 15 – October 15), to the maximum extent feasible, and shall avoid periods in the summer when convective thunderstorms are predicted.</li><li>• If required, compensatory mitigation for Arizona-style crossings, within waters subject to the jurisdiction of California Department of Fish and Wildlife or the Regional Water Quality Control Board, shall occur either on-site or offsite at a ratio no less than 1:1. As outlined in Mitigation Measure MM 4.3-17, if required, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Wildlife.</li><li>• If mitigation is required and onsite mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation lands shall be comprised of similar or more well-developed desert wash and preferably be located in the vicinity of the site or watershed. Offsite land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the conserved land.</li></ul> <p>Copies of correspondences and determinations by the Regional Water Quality Control Board and California Department of Fish and Wildlife shall be submitted to the Kern County Planning and Natural Resources Department. It is noted that the final mitigation ratio required by the RWQCB and California Department of Fish and Wildlife for acquisition</p>	<p>for compensatory mitigation for Arizona-style crossings, within waters subject to the jurisdiction of California Department of Fish and Wildlife or the Regional Water Quality Control Board.</p> <p>D. As stated in MM 4.3-17, if required, the project proponent/operator shall prepare a Habitat Mitigation and Monitoring Plan that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Wildlife.</p> <p>E. Copies of correspondences and determinations by the Regional Water Quality Control Board and California Department of Fish and Wildlife shall be submitted to the Kern County Planning and Natural Resources Department</p>			

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	of regulatory permits may differ from that proposed in this environmental impact report.				
#35	<p><b>MM 4.3-23:</b> Prior to issuance of a grading or building permit, the project proponent/operator shall provide evidence that the following measures will be implemented with respect to the construction and installation of power lines:</p> <p>a) Construct all power transmission lines to the 2006 Avian Power Line Interaction Committee Guidelines specifications to protect birds from electrocution and collision. Appropriate notes regarding these specifications shall be included on any grading permit, building permit or final map.</p> <p>b) Submit written documentation to the Kern County Planning and Natural Resources Department verifying that all power lines are constructed to Avian Power Line Interaction Committee Guidelines. The project proponent/operator shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee Guidelines document) to protect birds from electrocution and collision.</p> <p>c) Install power collection and transmission facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques as outlined in Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee, 2006).</p>	<p>Prior to issuing of grading and building permits and during construction</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review</p>		
		<p><b>Steps to Compliance:</b></p> <p>A. The project proponent/operator shall submit written documentation to the Kern County Planning and Natural Resources Department showing that all power lines are constructed to 2006 Avian Power Line Interaction Committee Guidelines.</p> <p>B. The project proponent/operator shall install power collection and transmission facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques.</p> <p>C. The Kern County Public Works Department - Development Review will verify in the field during construction.</p>			
#36	<p><b>MM 4.3-24:</b> Prior to the issuance of grading or building permits, the Project proponent/operator shall:</p> <p>a) Provide evidence to the Kern County Planning and Natural Resources Department that consultation with the Kern County Agricultural Commissioner has taken place regarding removal of plants protected under the California Desert Native Plants Act;</p> <p>b) If the Agricultural Commissioner determines that a permit is not required, the project proponent/operator shall provide a letter describing the consultation process and Commissioner's determinations, indicating that such authorization is not required. The letter shall also identify the</p>	<p>Prior to site plan approvals and issuance of grading or building permits</p>	<p>Kern County Planning and Natural Resources Department; Kern County Agricultural Commissioner</p>		
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall consult with the Kern County Agricultural Commissioner about the removal of plants under the California Desert Native</p>			

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.3 Biological Resources</b>					
	Commissioner's points of contact and contact information;  c) If required by the Agricultural Commissioner, the Project proponent/operator shall provide evidence to the Kern County Planning and Natural Resources Department that a California Desert Native Plant removal permit has been obtained.	Plants Act and submit evidence of the Commissioner's determinations, if required by the Commissioner, to the Kern County Planning and Natural Resources Department.			
<b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.					

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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<b>4.4</b>	<b>Cultural Resources</b>				
<b>#37</b>	<p><b>MM 4.4-1:</b> Prior to issuance of grading permits, the project proponent/operator shall:</p> <p>a) Retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards as published in Title 36, Code of Federal Regulations, part 61 (36 CFR Part 61) to carry out all mitigation measures related to archaeological and historical resources.</p> <p>b) The services of a qualified archaeological monitor and Native American monitor shall be retained by the project proponent/operator to monitor all ground-disturbing activities associated with the construction of the proposed project. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the project area, provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the supervision of the qualified archaeologist.</p> <p>c) The qualified archaeologist, archaeological monitor and Native American monitor shall be provided all project documentation related to cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the qualified archaeologist, archaeological monitor and Native American monitor.</p>	<p>Prior to issuance of grading permits and during construction</p> <p><b>Steps to Compliance:</b></p> <p>A. Documentation that a qualified archaeological monitor and Native American monitor have been retained by the project proponent/operator to monitor initial ground-disturbing activities shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>B. If cultural materials or artifacts are discovered, halt all work and contact a qualified archaeologist and Native American monitor to assess finds and recommend procedures.</p> <p>C. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor.</p> <p>D. Prior to final tract or parcel map recordation, provide Kern County Planning and Natural Resources Department a report of the findings prepared by a qualified archaeologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.</p>	Kern County Planning and Natural Resources Department		
<b>#38</b>	<p><b>MM 4.4-10:</b> Prior to the issuance of grading or building permits, and for the duration of construction activities, a Construction Worker Environmental and Cultural Awareness Training Program shall be provided to all new construction workers within one week of employment at the project site, laydown area and/or transmission routes. The training shall be prepared and conducted by the qualified archaeologist and may include participation of the Native American Monitor. The training may be in the form of a video. The qualified archaeologist shall be available to answer questions posed by</p>	<p>Prior to issuance of grading or building permits</p> <p><b>Steps to Compliance:</b></p> <p>A. A qualified archaeological monitor and Native American monitor shall be retained by the project proponent/operator to conduct training.</p> <p>B. A copy of the Construction Worker Environmental and Cultural Awareness</p>	Kern County Planning and Natural Resources Department		

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	<b>Cultural Resources</b>				
	<p>employees. The training may be discontinued when ground disturbance is completed or suspended, but must resume when construction activities resume. The training shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>i. A discussion of applicable cultural resources statutes, regulations and related enforcement provisions;</li> <li>ii. An overview of the prehistoric and historic environmental setting and context, as well as current cultural information regarding local tribal groups, provided by the Native American Monitor or tribal leader;</li> <li>iii. A summary of the effects of the proposed project on cultural resources;</li> <li>iv. Samples or visuals of artifacts that might be found in the project area;</li> <li>v. A discussion of what such artifacts may look like when partially or totally buried and then freshly exposed;</li> <li>vi. A discussion of what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction;</li> <li>vii. Instruction that in the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short-term and long term treatment plan. The qualified archaeologist, in consultation with the Planning and Natural Resources Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance;</li> <li>viii. An informational guide that identifies the reporting procedures in the event of a discovery;</li> <li>ix. Other information as deemed necessary by the qualified archaeologist or Native American Monitor;</li> <li>x. An acknowledgement form signed by each worker indicating that environmental/ cultural training has been completed.</li> <li>xi. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental/ cultural training. Construction workers</li> </ul>	<p>Training Program and the acknowledgement form signed by each worker indicating that environmental/ cultural training has been completed shall be submitted to the Kern County Planning and Natural Resources Department</p>			

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.4 Cultural Resources</b>					
	<p>shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;</p> <p>xii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.</p>				
#39	<p><b>MM 4.4-12:</b> If cultural resources are encountered during the course of ground disturbing activities, the project proponent/operator shall cease any ground disturbing activities within 100 feet of the find until it can be evaluated by the qualified archaeologist. Cultural resource materials may include, but are not limited to, prehistoric lithic artifacts, groundstone, fire-affected rock, midden (culturally-modified soil), historic-era household debris, ceramics, industrial materials, glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the resources may be significant, he or she shall notify the Planning and Natural Resources Department and shall develop an appropriate treatment plan for the resources. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Planning and Natural Resources Department. Avoidance or preservation in place shall be the preferred means of mitigating impacts to cultural resources. The Planning and Natural Resources Department shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curatorial facility, if curation is deemed appropriate. A curation agreement between the project proponent/operator and accredited curatorial facility shall be executed prior to the issuance of a grading permit.</p>	<p>During grading and construction</p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall retain a qualified archaeologist to monitor grading and other earth-disturbing activities and, if activities uncover historical resources, to assess finds and recommended procedures.</p> <p>C. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence, and determinations regarding historical resources prepared by the qualified archaeologist.</p> <p>D. Kern County Building Inspectors will verify compliance in the field prior to and during the construction period</p>	Kern County Planning and Natural Resources Department		
#40	<p><b>MM 4.4-13a:</b> Prior to issuance of a grading permit, a paleontological resource monitoring and mitigation plan (PRMMP) shall be prepared. The PRMMP shall provide detailed recommended monitoring locations; a description of a worker training program; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and</p>	<p>Prior to issuance of grading permits and during construction</p> <p><b>Steps to Compliance:</b></p>	Kern County Planning and Natural Resources Department		

## Exhibit C

### Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.4 Cultural Resources</b>					
	<p>notification procedures in the event of a fossil discovery by a paleontological monitor or other project personnel. As part of the PRMMP, a curation agreement with LACM or another accredited repository shall be obtained, or alternatively, this requirement shall be specific in the PRMMP to address any discovery of subsequent curation of paleontological resources.</p> <p>It is recommended that construction excavations that disturb Pleistocene sediments be monitored by a professional paleontologist.</p> <p>Further, all excavations in all locations of the project site mapped as Quaternary older alluvial deposits (Qoa) shall be initially monitored to determine whether project excavations will disturb Pleistocene-age sedimentary deposits. Areas mapped as Quaternary alluvial deposits (Qa) shall be spot-checked during excavations that exceed depths of 5 feet to check for underlying, paleontologically-sensitive Pleistocene-age sedimentary deposits. If older deposits are observed, full time monitoring shall be implemented in these areas.</p> <p>If it is determined that only Quaternary alluvial deposits (Qa), quartz monzonite, and/or artificial fill is impacted, the paleontological monitoring program shall be reduced or suspended.</p> <p>Any subsurface bones or potential fossils that are unearthed during construction shall be evaluated by a professional paleontologist as described in PRMMP.</p>	<p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall prepare a paleontological resource monitoring and mitigation plan (PRMMP) as identified in the mitigation measure.</p> <p>C. If necessary, the project proponent/operator shall retain a qualified paleontologist to assess finds and recommended procedures.</p> <p>D. If necessary, additional avoidance, testing, and evaluation or data recovery excavations shall occur by a qualified paleontologist.</p> <p>E. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence, and determinations.</p>			
#41	<p><b>MM 4.4-14:</b> If human remains are uncovered during project construction, the project proponent/operator shall immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15004.5 (e)(1) of the CEQA Guidelines. The Kern County Planning and Natural Resources Department shall also be notified of the discovery. If the County Coroner determines that the remains are Native American, the project proponent/operator shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the project proponent/operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where</p>	<p>During construction</p> <p><b>Kern County Planning and Natural Resources Department</b></p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. If required, the project proponent/operator shall contact the County Coroner to assess the find.</p> <p>C. If required, the County Coroner shall contact the Native American Heritage Commission to assess the find.</p> <p>D. The Kern County Planning and Natural Resources Department shall verify</p>			



## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
<b>4.4 Cultural Resources</b>					
	the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.	compliance with the mitigation measure.			
<b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.					

## Exhibit C

### Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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4.5 Geology and Soils					
#42	<p><b>MM 4.5-1:</b> Prior to the issuance of grading permits, the project proponent/operator shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the sites. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design shall be subject to approval and follow-up inspection by the Kern County Public Works Department. Final design requirements shall be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. A copy of the approved design shall be submitted to the Kern County Planning and Natural Resources Department.</p>	<p>Prior to issuing building and grading permits, and during grading and construction</p>			
		<p><b>Steps to Compliance:</b></p> <p>A. Provide Kern County Public Works Department - Development Review a copy of the geotechnical report prior to issuance of building and grading permits.</p> <p>B. Provide the construction supervisor and building inspector with the geotechnical report and adhere to all specifications and procedures and site conditions in the geotechnical report or, if more stringent, the California Building Code.</p> <p>C. If the project is altered from what is described in the report, contact a qualified soils engineer to review and reevaluate the changes.</p> <p>D. If the building inspector finds site preparation or construction activities out of compliance with the geotechnical report or the California Building Code, contact a qualified special investigator to review all grading, construction, and changes and verify that all changes are in accordance with approved grading plan, the geotechnical report, and recognized principles and practices.</p> <p>E. If necessary, provide site investigative reports prepared by the applicant's engineer of record, the geotechnical engineer, and the special investigator for review by Kern County Public Works Department.</p> <p>F. If necessary, provide Kern County Planning and Natural Resources Department and Kern County Public Works Department with evidence of compliance with the soils engineer's review and reevaluation and/or the special investigator's review.</p>			
		<p><b>Steps to Compliance:</b></p>			
#43	<p><b>MM 4.5-2:</b> The project proponent/operator shall limit grading to the minimum area necessary for construction. The operator shall retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction.</p>	<p>Prior to approval of grading and building plans and during grading</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department</p>		

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Initials
4.5	Geology and Soils			
			<p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall limit grading in the grading plans as outlined in the mitigation.</p> <p>C. The project proponent/operator shall have a California registered professional engineer review final grading earthwork and foundation plans prior to construction as outlined in mitigation.</p> <p>D. The Kern County Public Works Department - Development Review and Kern County Planning and Natural Resources Department shall review and approve prior to issuing building and grading permits.</p> <p>E. The project proponent/operator shall provide copies of the final grading earthwork and foundation plans to the Kern County Planning and Natural Resources Department for verification and compliance.</p>	
#44	<p><b>MM 4.5-3:</b> The project proponent/operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional and submitted for review and approval by the Kern County Public Works Department. The plan shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>i. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department shall be reviewed for applicability);</li> <li>ii. Provisions to maintain flow in washes, should it occur, throughout construction;</li> <li>iii. Provisions for site revegetation using native plants;</li> <li>iv. Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department;</li> <li>v. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and</li> </ul>	<p>Prior to approval of grading and building plans and during grading</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department</p>	
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall have a California registered professional engineer review final grading earthwork and foundation plans prior to construction as outlined in mitigation.</p> <p>C. The Kern County Public Works Department - Development Review and Kern County Planning and Natural Resources Department shall review and approve prior to issuing building and grading permits.</p>		

## Exhibit C

Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Initials Date
<b>4.5</b>	<b>Geology and Soils</b>			
	vi. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.			
<b>#45</b>	<p><b>MM 4.5-4:</b> The project proponent/operator shall conduct grading activities pursuant to Kern County Grading Ordinance, Chapter 17.28 and as follows:</p> <ul style="list-style-type: none"> <li>i. Grade sites near slopes and embankments in a way that would prevent or minimize erosion damage to the slope;</li> <li>ii. Seed or otherwise revegetate complete slopes;</li> <li>iii. On steeper slopes, including wash embankments as necessary, use mulching or biodegradable erosion control blankets as appropriate to stabilize the topsoil until vegetation can be reestablished; and</li> <li>iv. On slopes where unusual flow conditions (e.g., flooding) are expected, employ more substantial erosion protection measures such as grouted cobble slope facings or manufactured slope protection.</li> </ul>	During grading and construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department	
		<p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>B. The project proponent/operator shall limit grading in the grading plans as outlined in the mitigation.</li> <li>C. The project proponent/operator shall have a California registered professional engineer review final grading earthwork and foundation plans prior to construction as outlined in mitigation.</li> <li>D. The project proponent/operator shall provide copies of the final grading earthwork and foundation plans to the Kern County Planning and Natural Resources Department for verification and compliance.</li> <li>E. Kern County Public Works Department will verify in the field during the construction period</li> </ul>		
<b>#46</b>	<b>MM 4.5-5:</b> Prior to the issuance of any building permit for the operation and maintenance facility, the project proponent/operator shall obtain all required permits and approvals from Kern County Environmental Health Services Division, and shall implement all required conditions regarding the design and siting of the septic system and leach fields.	Prior to issuing of building permits	Kern County Planning and Natural Resources Department; Kern County Environmental Health Services Division	
		<p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. Plans for septic system shall be submitted to the Kern County Environmental Health Services Division for approval.</li> <li>B. Project proponent/operator shall submit final approved plans and permits for the septic system to the Kern County Planning and Natural Resources Department</li> </ul>		

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project					
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.5	Geology and Soils				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.					

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date
				Initials

4.6	Greenhouse Gas Emissions			
	No Mitigation required.			

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project						
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials	
4.7	Hazards and Hazardous Materials					
#47	<p>MM 4.7-1: Prior to the issuance of grading or building permits, the project proponent shall prepare a Hazardous Materials Business Plan and submit it to the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.</p> <p>1. The Hazardous Materials Business Plan shall:</p> <ul style="list-style-type: none"><li>a. Delineate hazardous material and hazardous waste storage areas;</li><li>b. Describe proper handling, storage, transport, and disposal techniques;</li><li>c. Describe methods to be used to avoid spills and minimize impacts in the event of a spill;</li><li>d. Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction;</li><li>e. Establish public and agency notification procedures for spills and other emergencies including fires.; and</li><li>f. Include procedures to avoid or minimize dust from existing residual pesticide and herbicide use that may be present on the site.</li></ul> <p>2. The project proponent/operator shall provide the Hazardous Materials Business Plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.</p> <p>3. A copy of the approved Hazardous Materials Business Plan shall be submitted to the Kern County Planning and Natural Resources Department.</p>	<p>Prior to issuance of grading or building permits, during operation</p>	<p>Kern County Planning and Natural Resources Department Kern County Environmental Health Services Division/Hazardous Materials Section</p>			
		Steps to Compliance:				
		<p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. The project proponent shall submit a Hazardous Materials Business Plan to the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval.</p> <p>C. The project proponent shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.</p> <p>D. A copy of the approved Hazardous Materials Business Plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>E. Submit final hazardous material business plan to the Kern County Environmental Health Services Department/Hazardous Materials Section for review and approval.</p>				
#48	<p><del>MM 4.7-2: Herbicides should not be used without approval by the Kern County Planning and Natural Resources Department and California Department of Fish and Wildlife.(RTC-3/4/19) The contractor or project personnel shall use herbicides that are approved by the California</del></p>	<p>Prior to construction</p>	<p>Kern County Planning and Natural Resources Department.; Kern County Environmental Health Services Division</p>			



# Exhibit C

Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Initials
4.7	<p><b>Hazards and Hazardous Materials</b></p> <p>Department of Fish and Wildlife and U.S. Fish and Wildlife Service. Personnel applying herbicides shall have all appropriate state and local herbicide applicator licenses and comply with all state and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the manufacturer's directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated. (RTC-3/4/19)</p>	<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall use herbicides as described in mitigation during construction and operations.</p> <p>C. The Kern County Environmental Health Services Division shall verify compliance and licenses.</p> <p>D. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department.</p>		
#49	<p>MM 4.7-3: In the event that suspect asbestos-containing materials are uncovered during project construction, work at the project sites shall immediately halt and a qualified hazardous materials professional shall be contacted and brought to the project sites to make a proper assessment of the suspect materials. All potentially friable asbestos-containing materials shall be removed in accordance with Federal, State, and local laws and the National Emissions Standards for Hazardous Air Pollutants guidelines prior to ground disturbance that may disturb such materials. All demolition activities shall be undertaken in accordance with California Occupational Safety and Health Administration standards, as contained in Title 8 of the California Code of Regulations, Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1% asbestos shall also be subject to South Coast Air Quality Management District regulations. Demolition shall be performed in conformance with Federal, state, and local laws and regulations so that construction workers and/or the public avoid significant exposure to asbestos-containing materials.</p>	<p>Prior to construction</p> <p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. If necessary, the project proponent/operator shall retain a hazardous material professional to assess potential asbestos-containing materials.</p> <p>C. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department.</p>	<p>Kern County Planning and Natural Resources Department</p>	

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date
				Initials
<b>4.7</b>	<b>Hazards and Hazardous Materials</b>			
	<p><b>MM 4.7-4:</b> Prior to issuance of grading or building permits or any ground disturbance activities on Site 5, the project proponent shall:</p> <ul style="list-style-type: none"> <li>a) Collect representative samples of soils on Site 5. Phase II soil testing is recommended at Site 5 to determine residual herbicide and pesticide chemicals from agricultural activities; and</li> <li>b) Phase II soil testing for the area of the former UST, current AST, and hazardous storage area located at Site 5 to evaluate the potential for impacts to the subsurface from these features.</li> </ul> <p>A copy of the Phase II testing and a report of the results and any required remediation shall be submitted to the Kern County Environmental Health Services Division/Hazardous Materials Section as well as Kern County Planning and Natural Resources Department. Any additional required investigation or remediation shall be performed in accordance with applicable laws under the oversight of the jurisdictional agencies.</p>		<p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. If necessary, the project proponent/operator shall retain a hazardous material professional to assess potential asbestos-containing materials.</p> <p>C. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department.</p>	
<p><b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.</p>				

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date
				Initials

4.8 Hydrology and Water Quality				
#50	<p><b>MM 4.8-1:</b> Prior to issuance of a grading permit, the project proponent/operator shall submit a Stormwater Pollution Prevention Plan and applicable permits shall be obtained from the Lahontan Regional Water Quality Control Board (RWQCB) for the project to the Kern County Planning and Natural Resources Department that specifies best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:</p> <ul style="list-style-type: none"> <li>a) <u>Mow (rather than clear and grub the entire site) existing vegetation in all areas of the projects site where practicable;</u> (RTC-3/4/19)</li> <li>b) Stockpiling and disposing of demolition debris, concrete, and soil properly;</li> <li>c) Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;</li> <li>d) Implementing erosion controls;</li> <li>e) Properly managing construction materials;</li> <li>f) Proper protections for fueling and maintenance of equipment and vehicles; and</li> <li>g) Managing waste, aggressively controlling litter, and implementing sediment controls.</li> </ul>	Prior to issuance of grading permit	Kern County Planning and Natural Resources Department; Kern County Public Works Department	
		<p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>B. The project proponent/operator shall submit a Stormwater Pollution Prevention Plan (SWPPP) that specifies Best Management Practices.</li> <li>C. The Kern County Engineering, Surveying and Permit Services Division shall review and approve the Stormwater Pollution Prevention Plan.</li> <li>D. Copies of approval SWPPP shall be submitted to Kern County Planning and Natural Resources Department.</li> </ul>		
#51	<p><b>MM 4.8-2:</b> Prior to issuance of a grading permit, the project operator shall prepare a drainage plan that is designed to minimize runoff and surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The final design of the solar arrays shall include one-foot of freeboard clearance between the bottom of the solar panel and the calculated maximum flood depths Site grading shall be designed to prevent increasing the existing 100-year water surface elevations more than one foot or as required by Kern County's Floodplain Ordinance. <u>Additionally, the drainage plan shall</u></p>	Prior to issuance of grading permit	Kern County Public Works Department - Development Review; Kern County Planning and Natural Resources Department	
		<p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> </ul>		

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
4.8	Hydrology and Water Quality include a plan for the disposal of drainage waters originating onsite and from adjacent road- right-of-ways (if required). (RTC-3/4/19)The drainage plan shall be prepared in accordance with the Kern County Grading Code, Kern County Hydrology Manual and policies related thereto and approved by the Kern County Engineering, Surveying and Permit Services Department.	B. The project proponent/operator shall provide drainage plans to the Kern County Public Works Department for review and approval. C. A copy of the approved drainage plan shall be submitted to the Kern County Planning and Natural Resources Department.		
<b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.				

# Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
<b>4.9</b>	<b>Land Use and Planning</b>			
<b>#52</b>	<p>MM 4.9-1: Prior to issuance of any building permit, the project operator shall provide a Decommission Plan for review and approval by the Kern County Planning and Natural Resources Department <del>Engineering, Surveying, and Permit Services Department or a County-contracted consulting firm at a cost to be borne by the project operator. (SR-3/14/19).</del> The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining undeveloped land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project proponent/operator is incapable of performing the work or has abandoned the solar facility, thereby requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting a Decommission Plan, the project proponent/operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the site as identified on the approved Decommission Plan in the event that at any point in time the project proponent/operator determines it is not in the company's best interest to operate the facility.</p> <p>The financial assurance required prior to issuance of any building permit shall be established using one of the following:</p> <ul style="list-style-type: none"> <li>a) An irrevocable letter of credit;</li> <li>b) A surety bond;</li> <li>c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or</li> <li>d) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Natural Resources Department.</li> </ul> <p>The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Public Works Department - Development Services or County-contracted consulting firm(s) at a cost to be borne by the project proponent/operator to substantiate</p>	<p>Prior to issuance of building permits</p> <p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>B. Prior to issuance of any building permit, the project proponent/operator shall provide a Decommission Plan for review and approval by the Kern County Public Works Department - Development Review or a County-contracted consulting firm at a cost to be borne by the project proponent/operator.</li> <li>C. The project proponent/operator shall prepare a decommissioning plan and submit the appropriate financial assurances to the Kern County Planning and Natural Resources Department.</li> </ul>	Kern County Planning and Natural Resources Department; Kern County Public Works Department	

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Initials
4.9	<p><b>Land Use and Planning</b></p> <p>those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project proponent/operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project proponent/operator.</p> <p>Should any portion of the solar field not be in operational condition for a consecutive period of twelve 12 months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project proponent/operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project proponent/operator may provide the director of the Kern County Planning and Natural Resources Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources Director shall consider any such request at a Director's Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance. In no case shall a solar field that has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date, the solar facility was first deemed abandoned.</p>			
#53	<p><b>MM 4.9-2:</b> Prior to the operation of the solar facility, the operator shall consult with the Department of Defense and the operations staff at the Mojave Air and Space Port to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry and to coordinate regarding generation-tie location and heights to avoid potential frequency conflicts with military operations and other public aircraft. (RTC-3/4/19)</p>	<p>Prior to project operations</p>	<p>Kern County Planning and Natural Resources Department; Department of Defense Frequency Management Office</p>	
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall consult with the appropriate Department of Defense Frequency Management Office and Mojave Air and Space Port to coordinate frequency deconfliction.</p>		

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date Initials
4.9	Land Use and Planning			
			C. The project proponent/operator shall submit a copy of the determination by the appropriate Frequency Management Office and Mojave Air and Space Port to the Kern County Planning and Natural Resources Department to verify compliance.	
<b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.				



## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date
				Initials

4.11	Noise			
#54	<p><b>MM 4.11-1:</b> To reduce temporary construction related noise impacts, the following shall be implemented by the project proponent/operator during on-site construction activities that would occur within 1,000 feet of an occupied, offsite noise-sensitive receptor:</p> <ul style="list-style-type: none"> <li>a) To the extent practicable, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</li> <li>b) To the extent practicable, the construction contractor shall locate the pile driver such that the rear of the machine faces toward the noise sensitive receptors when the vibratory pile driver is being utilized.</li> <li>c) A “noise disturbance coordinator” shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.</li> <li>d) The construction contractor shall ensure proper maintenance and working order of equipment and vehicles, and that all construction equipment is equipped with manufacturers approved mufflers and baffles.</li> <li>e) The construction contractor shall install and/or maintain sound-control devices in all construction and impact equipment, no less effective than those provided on the original equipment.</li> <li>f) Construction contracts shall specify that notices shall be sent out to all residences immediately adjacent to the construction areas at least 15 days prior to commencements of construction. The notices shall include the constructions schedule and a telephone number where complaints can be registered with the noise disturbance coordinator. A sign legible at a distance of 50 feet shall also be posted at the construction site throughout construction, which includes the same details as the notices.</li> <li>g) Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.</li> </ul>	<p>Prior to and during construction</p> <p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval.</li> <li>B. The construction contractor shall ensure that all construction equipment is equipped with manufacturer-approved mufflers and baffles.</li> <li>C. The construction contractor shall establish a Noise Disturbance Coordinator for the project during construction.</li> <li>D. Contact information for the Disturbance Coordinator shall be submitted to the Kern County Planning and Natural Resources Department prior to commencement of any ground disturbing activities.</li> <li>E. The project proponent shall comply with the Kern County Noise Ordinance.</li> <li>F. The Kern County Public Works Department - Development Review will verify compliance in the field during inspection.</li> </ul>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review</p>	

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project					
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.11	Noise				
#55	MM 4.11-2: Project construction hours shall comply with the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020).	During construction	Kern County Public Works Department - Development Review		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The Kern County Public Works Department - Development Review shall verify compliance.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.					

# Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date
Initials				

4.12	Public Services			
#56	<p>MM 4.12-1: In order to reduce impacts to public services including police and fire protection, the following shall be implemented:</p> <p>a. The project proponent/operator shall pay for impacts to countywide public protection, sheriff patrol and investigation, and fire services at a rate of \$29.59 per 1,000 square feet of panel-covered ground for the facility operation for the entire covered area of the project. The total amount shall be divided by the number of years of operation and paid on a yearly basis. The total amount will be divided by the number of years of operation and paid on a yearly basis. The annual amount will be based on the square footage of ground covered by April 30 of each year, if completed in phases. The amount will be paid for each and all years of operation. The fee will be paid to the Kern County Auditor/Controller by April 30 of each calendar year.</p> <p>b. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than \$1,000 per megawatt per year, than they will pay those taxes plus an amount necessary to equal the equivalent of \$1,000 per megawatt. The amount shall be paid for all years of operation. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year.</p> <p>c. The project proponent/operator shall work with County staff to determine how to maximize the County's receipt of sales and use taxes related to the taxable portion of the construction of the project. This process shall include, but is not necessarily limited to, the project proponent/operator: obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, registering this address with the California Department of Tax and Fee Administration (CDFTA), using this address for acquisition, purchasing and billing purposes associated with the taxable portion of the proposed project, and causing the project proponent/operator's general contractor and significant subcontractors to obtain a permit or sub-permit (as applicable) from the CDTFA using</p>	<p>Prior to issuance of building and grading permits and during construction and operation</p>	<p>Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review</p>	
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval.</p> <p>B. Prior to the issuance of any building permits, the project proponent shall pay for impacts on countywide public protection, sheriff's patrol and investigative services, and fire services project proponent</p> <p>C. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department</p> <p>D. Prior to the issuance of any building permits on the property, the project proponent shall submit a letter detailing the hiring efforts prior to commencement of construction</p> <p>E. The Kern County Public Works Department - Development Review shall verify compliance in the field.</p>		

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project					
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.12	Public Services				
	such street address, to the extent permitted under applicable law. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.				
#57	<p><b>MM 4.12-2:</b> The project proponent/operator shall develop and implement a fire safety plan for use during construction and operation. The project proponent/operator will submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire precautions including, but not limited to, the following:</p> <p>a) All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working order.</p> <p>b) Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.</p> <p>c) Fire rules will be posted on the project bulletin board at the contractor's field office and areas visible to employees.</p> <p>d) Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials.</p> <p>e) Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires to prevent them from growing into more serious threats.</p> <p>f) The project proponent/operator shall make an effort to restrict the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.</p>	<p>Prior to issuance of building and grading permits and during construction and operation</p> <p>Kern County Fire Department; Kern County Planning and Natural Resources Department; Kern County Public Works Department - Development Review</p>			
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. The project proponent/operator shall submit a fire safety plan to the Kern County Fire Department for review and approval.</p> <p>C. An approved fire safety plan shall be submitted to the Kern County Planning and Natural Resources Department.</p> <p>D. The Kern County Public Works Department - Development Review shall verify compliance in the field.</p>			
<p><b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.</p>					

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Initials
4.13	<b>Traffic and Transportation</b>			
#58	<p><b>MM 4.13-1:</b> Prior to the issuance of construction or building permits, the project proponent/operator shall:</p> <p>a) Prepare and submit a Construction Traffic Control Plan to Kern County Roads Department and the California Department of Transportation District 9 office for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:</p> <ul style="list-style-type: none"> <li>i. Timing of deliveries of heavy equipment and building materials;</li> <li>ii. Directing construction traffic with a flag person;</li> <li>iii. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;</li> <li>iv. Ensuring access for emergency vehicles to the project site;</li> <li>v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;</li> <li>vi. Maintaining access to adjacent property;</li> <li>vii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hour, distributing construction traffic flow across alternative routes to access the project site, and avoiding residential neighborhoods to the maximum extent feasible;</li> </ul> <p>b) Obtain all necessary permits for the work within the road right of way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department.</p>	<p>Prior to issuance of construction or building permits and after construction</p> <p><b>Steps to Compliance:</b></p> <ul style="list-style-type: none"> <li>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</li> <li>B. The project proponent/operator shall submit a traffic control plan to the Kern County Roads Department for review and approval.</li> <li>C. The project proponent/operator shall obtain necessary encroachment permits from Kern County Roads Department and California Department of Transportation, if necessary.</li> <li>D. The project proponent/operator shall provide the Kern County Planning and Natural Resources Department with a copy of an approved traffic control plan, encroachment permits and executed secured agreements, which includes identification of roads to be used during construction.</li> <li>E. The project proponent/operator shall submit preconstruction and post-construction videos documenting repairs to roads used during construction, as outlined in mitigation.</li> <li>F. The Kern County Planning and Natural Resources Department shall review videos and documentation and verify compliance.</li> </ul>	<p>Kern County Planning and Natural Resources Department; Kern County Roads Department; California Department of Transportation</p>	

## Exhibit C

Mitigation Measure Monitoring Program - Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Initials Date
<b>4.13</b>	<b>Traffic and Transportation</b>			
	<p>c) Enter into a secured agreement with Kern County to ensure that any county roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.</p> <p>Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department and the Kern County Roads Department.</p> <p>d) Submit documentation that identifies the roads to be used during construction. The project proponent/operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction activities. The project proponent/operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Roads Department and the Planning and Natural Resources Department.</p> <p>e) Subsequent to completion of construction, submit a post-construction video log and inspection report to the County. This information shall be submitted in DVD format. The county, in consultation with the project proponent/operator's engineer, shall determine the extent of remediation required, if any.</p> <p>f) <u>Coordinate construction traffic to avoid possible conflicts during the project construction phases. (RTC-3/4/19)</u></p>			
<b>#59</b>	<p><b>MM 4.13-3:</b> Prior to the issuance of grading or building permits, the project proponent/operator shall obtain the necessary permits and approvals from the Union Pacific Railroad for the construction of a crossing arm, or other crossing improvements to the Lone Pine Branch rail line. Copies of all permits and approvals shall be submitted to the Kern County Planning and Natural Resources Department.</p>	<p>Prior to issuance of building or grading permits</p>	<p>Kern County Planning and Natural Resources Department; Union Pacific Railroad</p>	
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. Copies of all permits and approvals shall be submitted to the Kern County Planning and Natural Resources Department.</p>		
<b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.				

## Exhibit C

Mitigation Measure Monitoring Program – Supplemental Environmental Impact Report for Eland 1 Solar Project				
Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Initials

4.14	Utilities and Service Systems			
#60	<p><b>MM 4.14-2:</b> During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. An on-site recycling coordinator shall be designated by the project proponent/operator to facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal. The name and phone number of the coordinator shall be provided to the Kern County Waste Management Department prior to issuance of building permits.</p>	<p>Prior to issuing building permits</p> <p>During construction, operation, and decommissioning</p>	<p>Kern County Planning and Natural Resources Department;</p> <p>Kern County Waste Management Department</p>	
		<p><b>Steps to Compliance:</b></p> <p>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</p> <p>B. Prior to issuance of building permits, designate onsite-recycling coordinator, provide name, and phone number to Kern County Waste Management Department.</p> <p>C. Recycle construction waste to the extent feasible.</p> <p>D. Provide Kern County Planning and Natural Resources Department and Kern County Waste Management Department with copies of hauling receipts.</p>		
<p><b>Justification:</b> Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final SEIR to the extent feasible.</p>				



# **Resolutions**

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

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In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR GENERAL PLAN AMENDMENT CASE NO. 9, MAP NO. 152**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

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**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

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**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65354 (known as the Planning and Zoning Law), the Kern County Planning Commission considers proposed amendments to the County's General and Specific Plans and must provide a recommendation on all such proposed amendments to the Kern County Board of Supervisors; and

***DRAFT***

(b) Pursuant to the Zoning Ordinance, Section 19.102.135, such advisory actions shall be considered by the Planning Commission prior to consideration by the Board of Supervisors, following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing; and

(c) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(d) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(e) Said application has been made pursuant to provisions of Chapter 19.102 of said Ordinance Code, and requests two amendments to the Circulation Element of the Kern County General Plan to eliminate road reservations along section and midsection lines in Sections 23, 28, 31, 32, 33, 34, and 45, T31SR, R37E, MDB&M in Zone Maps 152 and 152-28. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(f) The Planning and Natural Resources Department has reviewed the matter and prepared a report containing detailed description and analysis of the proposed amendment to the General Plan, (copy of the report is on file with the Planning and Natural Resources Department and incorporated herein by this reference as if set forth in full); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **CERTIFY** said

Environmental Impact Report and **ADOPT** Mitigation Measure Monitoring Program and **APPROVE**, as recommended by Staff, the application for the reasons specified in this Resolution; and

(b) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) Approval of this request would promote development that is consistent with existing and potential land uses of surrounding the area and will allow a reasonable use of this property.
- (6) The project will require minimal expansion of infrastructure to support the proposed development.
- (7) In accordance with Senate Bill 18 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) In accordance with Assembly Bill 52 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) The proposed solar energy facility is located in a rural area of the County adjacent to agricultural development and transmission lines. Given these existing uses, there is little potential for the area to be development as an

urban center or major transportation corridor in the long term future. As such, the identified arterial/collector roadway designations are not necessary to facilitate future traffic needs in the area.

- (9) Approval of the requested General Plan Amendment is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
  - (10) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
  - (11) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan.
  - (12) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives will maintain accessibility for neighboring properties.
  - (13) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan because it will maintain adequate traffic safety; and
- (c) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)  
VARIOUS (owner) (1)  
LiUNA/Arthur Izzo (1)  
File (3)

cc

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

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In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR GENERAL PLAN AMENDMENT CASE NO. 1, MAP NO. 152-28**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

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I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

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**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

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**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65354 (known as the Planning and Zoning Law), the Kern County Planning Commission considers proposed amendments to the County's General and Specific Plans and must provide a recommendation on all such proposed amendments to the Kern County Board of Supervisors; and

***DRAFT***



(b) Pursuant to the Zoning Ordinance, Section 19.102.135, such advisory actions shall be considered by the Planning Commission prior to consideration by the Board of Supervisors, following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing; and

(c) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(d) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(e) Said application has been made pursuant to provisions of Chapter 19.102 of said Ordinance Code, and requests two amendments to the Circulation Element of the Kern County General Plan to eliminate road reservations along section and midsection lines in Sections 23, 28, 31, 32, 33, 34, and 45, T31SR, R37E, MDB&M in Zone Maps 152 and 152-28. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(f) The Planning and Natural Resources Department has reviewed the matter and prepared a report containing detailed description and analysis of the proposed amendment to the General Plan, (copy of the report is on file with the Planning and Natural Resources Department and incorporated herein by this reference as if set forth in full); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said

Environmental Impact Report and **ADOPT** Mitigation Measure Monitoring Program and **APPROVE**, as recommended by Staff, the application for the reasons specified in this Resolution; and

(b) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) Approval of this request would promote development that is consistent with existing and potential land uses of surrounding the area and will allow a reasonable use of this property.
- (6) The project will require minimal expansion of infrastructure to support the proposed development.
- (7) In accordance with Senate Bill 18 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) In accordance with Assembly Bill 52 and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.
- (8) The proposed solar energy facility is located in a rural area of the County adjacent to agricultural development and transmission lines. Given these existing uses, there is little potential for the area to be development as an

urban center or major transportation corridor in the long term future. As such, the identified arterial/collector roadway designations are not necessary to facilitate future traffic needs in the area.

- (9) Approval of the requested General Plan Amendment is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
  - (10) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
  - (11) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan.
  - (12) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives will maintain accessibility for neighboring properties.
  - (13) Approval of the Amendment to the Circulation Element of the Kern County General Plan is consistent with the objectives of the Circulation Element of the Plan because it will maintain adequate traffic safety; and
- (c) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)  
VARIOUS (owner) (1)  
LiUNA/Arthur Izzo (1)  
File (3)

cc

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR ZONE CHANGE CASE NO. 13, MAP NO. 152**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

---

**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297. 206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and



(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, as recommended by Staff, the application for the reasons specified in this Resolution; and

(c) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.

- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
  - (8) Approval and implementation of the request zone change will facilitate the construction of a 500 Megawatt solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and 5 full time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
  - (9) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing energy transmission facilities.
  - (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
  - (11) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
  - (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
  - (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts solar photovoltaic facility. The A (Exclusive Agriculture) District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:
- Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)
  - VARIOUS (owner) (1)
  - LiUNA/Arthur Izzo (1)
  - File (3)

cc

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR ZONE CHANGE CASE NO. 1, MAP NO. 152-28**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

---

**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297. 206:Map 152 and 609:Map 152-28 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **CERTIFY** said Environmental Impact Report and **ADOPT** Mitigation Measure Monitoring Program and **APPROVE**, as recommended by Staff, the application for the reasons specified in this Resolution; and

(c) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.

- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
  - (8) Approval and implementation of the request zone change will facilitate the construction of a 500 Megawatt solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and 5 full time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
  - (9) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing energy transmission facilities.
  - (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
  - (11) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
  - (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
  - (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts solar photovoltaic facility. The A (Exclusive Agriculture) District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:
- Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)
  - VARIOUS (owner) (1)
  - LiUNA/Arthur Izzo (1)
  - File (3)

cc



**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR ZONE CHANGE CASE NO. 12, MAP NO. 152**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

---

**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297. 206:Map 152 and 609:Map 152-28 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, as recommended by Staff, the application for the reasons specified in this Resolution; and

(c) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
- (5) Approval of the requested zone change and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.
- (6) The requested zone change will facilitate the development of a utility-scale solar energy facility. Given the lack of existing urban development infrastructure in the area, the economic uses and viability of this land are limited. Implementation of this project represents the best and highest use of this land by allowing these individual owners to develop their property with a use that is compatible with the surrounding land uses in the vicinity.

- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
  - (8) Approval and implementation of the request zone change will facilitate the construction of a 500 Megawatt solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and 5 full time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
  - (9) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing energy transmission facilities.
  - (10) Approval of the requested zone change will authorize the implementation of development that is consistent with surrounding land uses and provide opportunities to capitalize on existing transmission infrastructure.
  - (11) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
  - (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
  - (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts solar photovoltaic facility. The A (Exclusive Agriculture) District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)  
VARIOUS (owner) (1)  
LiUNA/Arthur Izzo (1)  
File (3)

cc

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR ZONE CHANGE CASE NO. 11, MAP NO. 152**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

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**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

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**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297. 206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly four changes in zone classifications from A-1 (Limited Agriculture) to A (Exclusive Agriculture), on 265.3 acres; from A-1 MH (Limited Agriculture - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres; from PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152; and from E (20) RS (Estate - 20 acres - Residential Suburban Combining) to A (Exclusive Agriculture), on approximately 81 acres within Zone Map 152-28 or more restrictive districts. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and



(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, as recommended by Staff, the application for the reasons specified in this Resolution; and

(c) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The requested zone change is consistent with the applicable provisions of the Kern County General Plan, and with previous zone change approvals in the area.
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- (7) Approval of the change in zone classification will allow for the construction of a utility-scale solar facility that is consistent with the purpose of continuing the Board of Supervisors' adopted alternative energy goal.
  - (8) Approval and implementation of the request zone change will facilitate the construction of a 500 Megawatt solar energy facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of 300 construction and 5 full time operational jobs are consistent with the objectives of the Kern County General Plan that encourage economic development that creates jobs and capital investments in urban and rural areas that benefits residents, businesses, and industries, as well as ensuring future governmental fiscal stability while encouraging new development to utilize existing infrastructure and services.
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  - (12) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
  - (13) Implementation of the proposed zone change to A (Exclusive Agriculture) will facilitate development of a 500 megawatts solar photovoltaic facility. The A (Exclusive Agriculture) District is consistent with the existing rural residential character of Western Antelope Valley and implementation of the proposed solar facility is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)  
VARIOUS (owner) (1)  
LiUNA/Arthur Izzo (1)  
File (3)

cc

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 23, MAP NO. 152**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

---

**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **CERTIFY** said Environmental Impact Report and **ADOPT** Mitigation Measure Monitoring Program and **APPROVE**, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.
- (6) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
  - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
  - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
  - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
  - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
  - (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

- (f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction
- (7) **Prior to the issuance of building permits, the applicant shall submit documentation of the following:**
  - (a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
  - (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
    - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
  - (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
  - (c) All storage and pressure tanks shall be painted an earthen hue color.
  - (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
  - (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
  - (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
  - (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
  - (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the



requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and

(e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)  
VARIOUS (owner) (1)  
LiUNA/Arthur Izzo (1)  
File (3)

cc

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 24, MAP NO. 152**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

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**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

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**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.
- (6) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
  - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
  - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
  - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
  - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
  - (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

- (f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction
- (7) **Prior to the issuance of building permits, the applicant shall submit documentation of the following:**
  - (a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
  - (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
    - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
  - (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
  - (c) All storage and pressure tanks shall be painted an earthen hue color.
  - (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
  - (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
  - (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
  - (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
  - (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the



requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and

(e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)  
VARIOUS (owner) (1)  
LiUNA/Arthur Izzo (1)  
File (3)

cc

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 25, MAP NO. 152**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

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**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

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**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.
- (6) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
  - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
  - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
  - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
  - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
  - (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

- (f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction
- (7) **Prior to the issuance of building permits, the applicant shall submit documentation of the following:**
- (a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
    - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
  - (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
  - (c) All storage and pressure tanks shall be painted an earthen hue color.
  - (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
  - (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
  - (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
  - (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the



requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
  - (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
  - (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
  - (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
  - (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
  - (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
  - (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
  - (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and
- (c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and
  - (d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and

(e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)  
VARIOUS (owner) (1)  
LiUNA/Arthur Izzo (1)  
File (3)

cc

**BEFORE THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 26, MAP NO. 152**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

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I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

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**SECRETARY OF THE PLANNING COMMISSION  
COUNTY OF KERN, STATE OF CALIFORNIA**

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**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.
- (6) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
  - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
  - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
  - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
  - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
  - (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

- (f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction
- (7) **Prior to the issuance of building permits, the applicant shall submit documentation of the following:**
- (a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
- (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
    - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
  - (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
  - (c) All storage and pressure tanks shall be painted an earthen hue color.
  - (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
  - (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
  - (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
- (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
  - (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the



requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
- (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
- (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
- (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
  - (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
  - (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and
- (e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:
- Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)
  - VARIOUS (owner) (1)
  - LiUNA/Arthur Izzo (1)
  - File (3)

cc

**BEFORE THE PLANNING COMMISSION**  
**COUNTY OF KERN, STATE OF CALIFORNIA**

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In the matter of:

**RESOLUTION NO. \*\*\***

**APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 3, MAP NO. 152-28**

South of Munsey Road, east and west of Neuralia Road, east of State Route (SR) 14, north and south of Phillips Road, in the unincorporated Kern County, southeast of the unincorporated community of Cantil, and immediately north of California City Eland 1 Solar Project by 68SF 8me, LLC (PP18211)

**FINDINGS AND DETERMINATION**

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by \*\*\*, seconded by \*\*\*, was duly passed and adopted by said Planning Commission at an official meeting hereof this **14th** day of **March, 2019**, by the following vote, to wit:

**AYES: \*\*\***

**NOES: \*\*\***

**ABSTAINED: \*\*\***

**ABSENT: \*\*\***

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**SECRETARY OF THE PLANNING COMMISSION**  
**COUNTY OF KERN, STATE OF CALIFORNIA**

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**R E S O L U T I O N**

**SECTION 1. WHEREAS:**

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

***DRAFT***

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.206:Map 152 and 609:Map 152-28** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: Various

Section 23, 28, 31, 32, 34, and 45, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly five Conditional Use Permits to allow for construction and operation of a 500-megawatts (MW) solar photovoltaic (PV) electrical generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District. The project would be supported by a 230 kilovolt (kV) gen-tie electrical transmission line(s) originating from one or more on-site substation(s) and/or switchyard(s) and terminating at the Los Angeles Department of Water and Power (LADWP), Barren Ridge Substation. The project's permanent facilities would include: service roads, a power collection system, communication cables, overhead and underground transmission lines, electrical switchyards, project substations, and operations and maintenance facilities; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

**SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution

and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28, authorizes the construction and operation of a solar photovoltaic (PV) power generation facilities generating up to a maximum of 500 megawatts of renewable electrical energy on the 2,652.7 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Supplemental Environmental Impact Report associated with initial approval of this conditional use permit; and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this conditional use permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.
- (3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Eland 1 Solar Project by 68SF 8me LLC (Conditional Use Permit No. 23 Map No. 152, Conditional Use Permit No. 24 Map 152, Conditional Use Permit No. 25 Map 152, Conditional Use Permit No. 26 Map 152, Conditional Use Permit No. 3 Map 152-28), included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.
- (4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.
- (5) All necessary building permits must be obtained.
- (6) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
  - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program (MMMP).
  - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
  - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
  - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.
  - (e) The project operator shall develop and implement an on-site Pest Management Plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Natural Resources Department.

- (f) The project proponent shall encourage all contractors for the project to hire at least 50 percent of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts, prior to commencement of construction
- (7) **Prior to the issuance of building permits, the applicant shall submit documentation of the following:**
  - (a) Solar panel support/foundation structures shall be constructed in such a way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Planning and Natural Resources Director.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
  - (a) The following improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County and by encroachment permit issued by the Director of the Public Works Department/Building and Development Division:
    - 1. Under encroachment permit, issued by County of Kern Public Works Department/ Building and Development Division, construct paved private road approaches at locations to be approved by the Public Works Department. This does not constitute approval of the location shown on the plans.
  - (b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
  - (c) All storage and pressure tanks shall be painted an earthen hue color.
  - (d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
  - (e) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
  - (f) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Natural Resources Department.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
  - (a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.
  - (b) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the



requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

- (c) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.
  - (d) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.
- (10) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.
  - (11) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
  - (12) For portions of the project that abut residentially zoned parcels, an Additional Aesthetics Setback of 100 feet shall be required from the project property boundary line, which includes the centerline of any public roadway. If a public roadway does not exist between the project site and the residentially zoned property, the 100 foot setback shall be measured from the edge of the shared property line. The project proponent shall be responsible for continued dust controls and weed maintenance within this additional aesthetic setback area. No solar panels, substations or operating equipment shall be located in and or stored in the identified setback area.
  - (13) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
  - (14) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
  - (15) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
  - (16) At the time building permits are applied for, a filing fee of \$130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at \$100 per hour; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Supplemental Environmental Impact Report, and the Planning Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Supplemental Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Supplemental Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency's determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.
- (5) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.
- (11) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit will facilitate development of a 500 megawatts solar photovoltaic facility. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and

(e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Eland 1 Solar Project by 68SF 8me, LLC (PP18211) (applicant) (1)  
VARIOUS (owner) (1)  
LiUNA/Arthur Izzo (1)  
File (3)

cc