SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

4/3/0

FROM: TLMA – Planning Department

SUBMITTAL DATE:
February 11, 2014

SUBJECT: McCoy Solar Energy Project – **CONDITIONAL USE PERMIT NO. 3682, PUBLIC USE PERMIT NO. 911, ORDINANCE NO. 664.53, DEVELOPMENT AGREEMENT NO. 77 and CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT NO. 528** – Fast Track Authorization No. 2013-01 Applicant: McCoy Solar, LLC – Engineer/Representative: Tetra Tech – Fourth/Fourth Supervisorial District – Location: Northerly of Interstate 10, southerly of McCoy Wash, easterly of McCoy Mountains, northwesterly of Blythe Airport.

RECOMMENDED MOTION: That the Board of Supervisors open the public hearing and at the close of the public hearing:

1. ADOPT Resolution No. 2014-054 Certifying Environmental Impact Report No. 528 and Adopting Environmental Findings Pursuant to the California Environmental Quality Act, Adopting a Mitigation Monitoring and Reporting Program, and Adopting a Statement of Overriding Considerations; and
2. APPROVE Conditional Use Permit No. 3682, subject to the attached conditions of approval and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054; and
3. APPROVE Public Use Permit No. 911; subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054; and,
4. INTRODUCE and ADOPT on successive weeks Ordinance No. 664.53 Approving Development Agreement No. 77, based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054.

(continued on page 2)

Juan C. Perez
TLMA Director/Interim Planning Director

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL
BY: TIFFANY N. NORTH DATE 2/19/14

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	$ N/A	$ N/A	$ N/A	$ N/A	Consent ☐ Policy ☒
NET COUNTY COST	$ N/A	$ N/A	$ N/A	$ N/A	

SOURCE OF FUNDS: N/A

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

County Executive Office Signature

APPROVE
BY: Denise C. Harden

MINUTES OF THE BOARD OF SUPERVISORS

☐ Positions Added ☐ Change Order
☐ A-30 ☐ 4/5 Vote

Prev. Agn. Ref.: | **District:** 4/4 | **Agenda Number:** 16-1

BACKGROUND:

Project Description and location:
Conditional Use Permit No. 3682 proposes to permit approximately 50 megawatt photovoltaic (PV) energy generating facility (solar power plant) on approximately 477 acres of privately owned land (APNs 812-130-006, 812-130-007, and 812-130-008). The action to be considered by the Board is a portion of a larger overall solar project known as the McCoy Solar Energy Project. The overall solar project proposes to construct, operate, maintain and decommission a PV solar power plant with a capacity of up to 750 MW on approximately 477 acres of land under the jurisdiction of the County and 4,096 acres of public land administered by the Bureau of Land Management (BLM).

The PV panel area/solar arrays within the 477 acres under the County's jurisdiction include the entire disturbed area of the panels and encompass approximately 344 acres. Approximately 516,000 panels would be placed on the land under the County's jurisdiction. The other proposed facilities on land under the County's jurisdiction would be limited to inverters, up to two water wells, a portion of the access road, and Southern California Edison's distribution line. The McCoy Solar Energy Project would generate and deliver solar-generated power to the California electric grid through an interconnection at the Colorado River Substation. In order to connect to the electric grid a transmission or Gen-Tie Line is proposed. The majority of the Gen-Tie Line will be located on BLM administered land. Portions of the Gen-Tie Line will need to cross a County owned parcel (APN 818-210-014). Crossing of the County owned parcel requires the applicant to obtain a Public Use Permit (PUP No. 911) from the County, as well as a grant of a non-exclusive easement from the County to McCoy Solar, LLC for access and utility lines. The grant of a non-exclusive easement is being considered by this Board under a companion agenda item.

The applicant has proposed entering into a Development Agreement (DA No. 77) with the County for the Project consistent with the County's solar power plant program. County staff has reached an agreement with the applicant on the provisions of the development agreement. DA No. 77 has a term of thirty years and will grant the applicant vesting rights to develop the Project in accordance with the terms of the agreement. DA No. 77 contains terms consistent with Board of Supervisors Policy No. B-29, including terms regarding annual public benefits payments and increases (Section 4.2 of DA No. 77) and local sales and use taxes (Section 4.3 of DA No. 77). DA No. 77 also contains an agreement between the parties with regard to the computation of development impact fees using the surface mining fee category on a Project Area basis as set forth in Section 13 of Ordinance No. 659 (Section 4.4 and Exhibit G of DA No. 77). Per State law, a development agreement is a legislative act which must be approved by ordinance. Proposed Ordinance No. 664.53, an Ordinance of the County of Riverside Approving Development Agreement No. 77, incorporates by reference and adopts DA No. 77.

Approval and use of Conditional Use Permit No. 3682 and Public Use Permit No. 911 are conditioned upon Development Agreement No. 77 being entered into and effective.

Project Components:
Impact on Citizens and Businesses
Environmental Impact Report No. 528 studied the overall McCoy Solar Energy Project and its impacts, as described in the attached staff report and Resolution 2014-054. The project will aid in the transmission of renewable energy to the power grid. The project would employ an average of 341 construction workers over a 46-month period and would provide approximately 20 permanent, full-time jobs in the County.

SUPPLEMENTAL:

Additional Fiscal Information

As stated above, the applicant and County staff have reached an agreement on the provisions of Development Agreement No. 77. Under DA No. 77, the applicant will submit annual public benefit payments of $150 per acre, increased annually by 2% from and after 2013, based on the solar power plant net acre amount of 4,442 acres at full build out. The total "solar power plant net acreage", agreed upon by the applicant, was calculated using the definition in Board of Supervisors' Policy No. B-29. The project is scheduled to be built in phases and the initial annual public benefit payments will based on the solar power plant net acreage included in each phase until complete build out. The first phase will include a solar power plant net acreage of 2262 acres. The second phase will include a solar power plant net acreage of 2180 acres. The applicant will also take agreed upon actions to ensure that local sales and use taxes are directly allocated to the County to the maximum extent possible under the law. Additionally, the applicant will submit an agreed upon Development Impact Fee payment of approximately $1,210,468 as set forth in DA No. 77.

Staff labor and expenses to process this project have been paid directly through McCoy's deposit based fees.

Contract History and Price Reasonableness

N/A

Agenda Item No.:
Area Plan: Desert Center
Zoning Area: Chuckwalla
Supervisorial District: Fourth/Fourth
Project Planner: Damaris Abraham
Board of Supervisors: February 25, 2014

FAST TRACK AUTHORIZATION NO. 2013-01
CONDITIONAL USE PERMIT NO. 3682
PUBLIC USE PERMIT NO. 911
DEVELOPMENT AGREEMENT NO. 77
Environmental Impact Report No. 528
Applicant: McCoy Solar, LLC
Engineer/Representative: Tetra Tech

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit
Conditional Use Permit No. 3682 proposes to permit approximately 50 megawatt (MW) photovoltaic (PV) energy generating facility (solar power plant) on approximately 477 acres of privately owned land (APNs 812-130-006, 812-130-007, and 812-130-008). The Project to be considered by the Board of Supervisors is a portion of a larger overall project known as the McCoy Solar Energy Project. The majority of the McCoy Solar Energy Project is on Bureau of Land Management (BLM) land. The overall solar project proposes to construct, operate, maintain, and decommission a PV solar energy generating facility (solar power plant) with a capacity up to 750 megawatts (MW) on approximately 477 acres of land under the jurisdiction of the County of Riverside and 4,096 acres of public owned land administered by the BLM. The Project would generate and deliver solar power to the California electric grid through an interconnection at the Colorado River Substation (CRS).

The overall McCoy Solar Energy project would be phased and constructed in two units. The 477 acres of land under the County's jurisdiction is located within Unit 1. The proposed facilities on land under the County's jurisdiction would be limited to solar arrays and inverters, up to two water wells, a portion of the access road, and the distribution line. All of the operations and maintenance buildings and the gen-tie line would be on the BLM-administered portion of Unit 1. The access road area within the 477 acres under the County's jurisdiction includes perimeter and solar panel access roads and encompasses approximately 22 acres. The PV panel area within these 477 acres includes the entire disturbed area of the panels and encompasses approximately 344 acres. A single-axis tracking system or a fixed tilt ground mount will be used for the structures that support the PV panels with the maximum height of the panels being 6 feet high. Approximately 516,000 PV panels would be placed on the land under the County's jurisdiction.

Public Use Permit
In order to connect the solar power plant to the electric grid, it is necessary to construct a transmission or Gen-Tie Line. The majority of the Gen-Tie Line will be located on BLM administered land. The Gen-Tie line will connect the solar power plant site to the proposed Southern California Edison Colorado River Substation. Portions of the Gen-Tie Line will need to cross a thin (approximately 20 foot wide) County owned parcel (APN 818-210-014). Crossing of the County owned parcel (APN 818-210-014) requires the applicant to obtain a Public Use Permit (PUP No. 911) from the County, as well as a grant of non-exclusive easement from the County to McCoy Solar, LLC for access and utility lines.

Development Agreement
The applicant has proposed entering into a Development Agreement (DA No. 77) with the County for the Project consistent with the County's solar power plant program. Board of Supervisors Policy No. B-29 regarding Solar Power Plants states, "[N]o approval required by Ordinance Nos. 348 or 460 shall be given for a solar power plant unless the Board first approves a development agreement with the solar power plant owner and the development agreement is effective." County staff has reached an

agreement with the applicant on the provisions of the development agreement. DA No. 77 has a term of thirty years and will grant the applicant vesting rights to develop the Project in accordance with the terms of the agreement. DA No. 77 contains terms consistent with Board of Supervisors Policy No. B-29, including terms regarding annual public benefits payments and increases (Section 4.2 of DA No. 77) and local sales and use taxes (Section 4.3 of DA No. 77). DA No. 77 also contains an agreement between the parties with regard to the computation of development impact fees using the surface mining fee category on a Project Area basis as set forth in Section 13 of Ordinance No. 659 (Section 4.4 and Exhibit G of DA No. 77). Approval of Conditional Use Permit No. 3682 and Public Use Permit No. 911 are conditioned upon Development Agreement No. 77 being entered into and effective

Per State law, a development agreement is a legislative act which must be approved by ordinance. Proposed Ordinance No. 664.53, an Ordinance of the County of Riverside Approving Development Agreement No. 77, incorporates by reference and adopts DA No. 77 consistent with Government Code section 65867.5.

Non-exclusive Easement
Additionally, to access the project site and to transfer the generated power to the grid, the applicant also requires non-exclusive easements for access and utility lines across two different sections of APN 818-210-014 owned by the County. APN 818-210-014 is a twenty foot wide strip of land that connects the Blythe Airport grounds to a water storage tank situated approximately 7,000 feet to the west of the airport perimeter. The water storage tank is not currently in use, and there are no plans to bring it back into use.

The applicant will not construct, erect or place any building, improvements, structures, fixtures and/or landscaping on any portion of APN 818-210-014 which would obstruct or interfere with the County's use of the property. A similar non-exclusive easement was granted by the County to CA Solar 10, LLC in June 2011 for another solar power plant project.

On January 28, 2014, the Board of Supervisors adopted Resolution 2014-038, Notice of Intention to Convey Easement Interests in Real Property to McCoy Solar, LLC. In it, the Board directed that notice be given of its intention to convey the following non-exclusive easement interests in portions of APN 818-210-014: a 2,099 square foot access easement (Parcel "A") and a 4,593 square foot utility easement (Parcel "B"), more particularly described in Exhibit "A" and depicted on Exhibit "B", attached to Resolution 2014-038. The Board will be considering adoption of Resolution No. 2014-039, Authorization to Convey Easement Interests in Real Property to McCoy Solar, LLC, by a companion agenda item at the public hearing. Said grant of the non-exclusive easements will be contingent upon Development Agreement No. 77 being entered into and effective.

Project location and Access
The proposed solar power plant site is located in a rural area of the Sonoran Desert in unincorporated Riverside County. It is located approximately 6 miles north of Interstate-10 (I-10), south of McCoy Wash, east of the McCoy Mountains, and north of the Blythe Airport.

Access to the solar power plant site access would be via Mesa Drive and Black Rock Road. The project would use an existing unimproved access road from Black Rock Road to a point just south of the southern edge of the solar power plant site boundary which would be improved as part of the project.

Environmental Impact Report (EIR) No. 528 studied the overall McCoy Solar Energy Project and its impacts.

ISSUES OF POTENTIAL CONCERN:

EIR Issues- Significant and Unavoidable Impacts

EIR No. 528 studied the project's potential environmental impacts. The EIR concluded that there are three (3) categories that remained significant and unavoidable, even after mitigation. These three (3) significant and unavoidable impacts are to Aesthetics, Visual Quality, Light and Glare; Air Quality; and Biological Resources. In the event that the project is approved, these three (3) significant and unavoidable impacts will require the Board of Supervisors to make a statement of overriding considerations balancing the benefits of the project against its unavoidable environmental risks. The three (3) significant and unavoidable impacts are explained below:

Aesthetics, Visual Quality, Light and Glare
Impacts resulting from construction, operation and maintenance, and decommissioning of the project could result in a cumulative effect on visual resources in combination with other past, present, or reasonably foreseeable future actions. The segment of I-10 within the vicinity of the project is defined in the Riverside County General Plan as a County-eligible scenic highway. The project would be developed directly adjacent to two other proposed large-scale solar facilities, enXco McCoy to the north and Blythe Solar Power Project to the south. The large-scale, closely spaced nature of projects along I-10, among other factors, would result in long-term, significant, adverse impacts on I-10 as a scenic resource. Mitigation Measures 6-1a-d would slightly reduce the cumulative visual impacts, but not to such a degree as to avoid or substantially reduce the impacts to visual values of the region. Because no mitigation is feasible that would reduce impacts from these locations to less than significant, the cumulative impact to visual resources, including scenic vistas and visual character, would remain significant and unavoidable.

Air Quality
The estimated maximum daily emissions during construction and decommissioning would exceed the Mojave Desert Air Quality Management District (MDAQMD) threshold, indicating that Project-related PM10 emissions could result in an exceedance of the state PM10 24-hour ambient air quality standard. Even with the implementation of APM AIR-1, the MDAQMD daily threshold for PM10 would continue to be exceeded. AMP AIR-1 and Mitigation Measure 4.3-1 represent the best available fugitive dust control measures that would be feasible to implement during construction of the project. No feasible mitigation is available to reduce this impact to a less-than-significant level. The short-term construction and decommissioning related PM10 impact would be considered significant and unavoidable. Moreover, the contribution of the Project to a cumulatively significant impact related to PM10 emissions would be cumulatively considerable.

Biological Resources
Construction of the project could attract both local and migratory birds, potentially resulting in on-site mortality and injury to a variety of birds, including fully-protected, special status, and other avian species protected under the Migratory Bird Treaty Act. The potential for direct impacts to special-status birds to occur during the construction phase could continue through the operation and maintenance phase until solar panels and other infrastructure are removed during decommissioning. In addition, one potential

bat roost was identified outside the western boundary of the overall solar power plant site. The project would avoid this potential bat roost. However, if a special-status bat is present in the vicinity of the project, there is a possibility that the project could disrupt nighttime bat foraging activities beginning when the solar panels are installed and concluding when they are removed from the site as a potential consequence of the "fake lake effect." Although most bats use echolocation to locate their prey and successfully avoid other objects, the project could pose a collision risk for bats. The potential impacts to birds and bats described above for construction would be similar during operation and maintenance, as well as during decommissioning. It cannot be known with certainty what numbers or species of birds and bats could be affected by collisions with solar panels or other infrastructure during any phase of the project when panels are present. The connection or lack of a connection between the avian and bat fatalities and injuries reported on other sites and solar project development has not conclusively been determined. Wildlife agencies are continuing to evaluate the "lake effect" phenomena. Mitigation Measure 4.4-5A would provide avian and bat injury and mortality monitoring and an adaptive management strategy that would help characterize the extent of the issue, but may not reduce the impacts to a less-than significant level. The impact could remain significant and unavoidable.

OVERVIEW:

The County has reviewed the project and determined that it is consistent with all zoning standards, the General Plan, and all other applicable ordinances. Additionally, the EIR has been completed in accordance, consistent with all California Environmental Quality Act (CEQA) requirements.

The project would help achieve the State of California mandates established by Executive Order S-14-08 requiring investor-owned utilities to purchase 33 percent of their energy portfolio from renewable energy sources by 2020. The production renewable energy from the project has the added benefit of reducing air quality impacts and GHG emissions that would be produced by fossil-fuel based generation facilities. As explained in the EIR, the project would be developed on contiguous lands with an excellent solar resource and is within close proximity to transmission infrastructure and access roads in order to minimize environmental impacts. The project would employ an average of 341 construction workers over a 46-month period and would provide approximately 20 permanent, full-time jobs in the County. It will also provide other important benefits to the local and regional economy from the purchase of equipment and supplies, sales tax revenue as agreed upon in the terms of DA No. 77, and benefits to temporary housing establishments, such as hotels and motels. Additionally, the project will result in the contribution of significant development impact fees under Ordinance No. 659 which would assure that the project pays its fair share of capital costs of facilities, as defined in Ordinance No. 659, associated with development of the project.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5):	Open Space: Rural (OS:RUR) (20 Acre Minimum)
2. Surrounding General Plan Land Use (Ex. #5):	Open Space: Rural (OS:RUR) (20 Acre Minimum) to the north, south, east, and west
3. Existing Zoning (Ex. #2):	Controlled Development Areas – 10 Acre Minimum (W-2-10)
4. Surrounding Zoning (Ex. #2):	Natural Assets (N-A) to the north, south, and west Controlled Development Areas – 10 Acre Minimum (W-2-10) to the east

5. Existing Land Use (Ex. #1):	Vacant
6. Surrounding Land Use (Ex. #1):	Agricultural and vacant to the east and vacant with mountains to the west
7. Project Data:	Total Acreage: 477 Megawatts: 50 MW
8. Environmental Concerns:	See Environmental Impact Report No. 528

RECOMMENDATIONS:

ADOPTION of **RESOLUTION NO. 2014-054 Certifying ENVIRONMENTAL IMPACT REPORT NO. 528,** adopting environmental findings pursuant to the California Environmental Quality Act, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations; and

APPROVAL of **PUBLIC USE PERMIT NO. 911**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054; and,

APPROVAL of **CONDITIONAL USE PERMIT NO. 3682**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054; and

INTRODUCTION and **ADOPTION** on successive weeks of **ORDINANCE NO. 664.53,** an Ordinance of the County of Riverside Approving Development Agreement No. 77**,** subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-054.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings and in the EIR, which are incorporated herein by reference.

1. The project site is designated Open Space: Rural (OS:RUR) (20 Acre Minimum) on the Desert Center Area Plan. The Open Space: Rural land use designation is applied to remote privately owned open space areas with limited access and a lack of public services.

2. Through the imposition of conditions of approval, project design, and mitigation measures as set forth in greater detail in Resolution No. 2014-054, the proposed project is consistent with Land Use Policies of the Open Space: Rural designation, including:

   a. LU 20.1 that requires structures designed to maintain the environmental character in which they are located.
   b. LU 20.2 that requires development designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance.
   c. LU 20.3 that requires adequate and available circulation facilities, water resources, sewer facilities, and/or septic capacity exist to meet the demands of the proposed land use.

d. LU 20.4 that ensures development does not adversely impact the open space and rural character of the surrounding area.

Additionally, open space areas exist on all sides of the project site within County jurisdiction and would not be developed as part of the proposed project. Accordingly, the project will not result in a change to the overall rural character of the area.

3. General Plan policy LU 15.15, applicable to all area plans and land use designations, encourages, in an environmentally and fiscally responsible manner, the development of renewable energy resources and related infrastructure, including but not limited to, the development of solar power plants in the County of Riverside. The conditions of approval and mitigation measures ensure that the project is being developed in an environmentally responsible manner. The terms of DA No. 77 also ensure that the project is being developed in a fiscally responsible manner.

4. The project site is surrounded by properties which are designated Open Space: Rural (OS:RUR) (20 Acre Minimum) to the north, south, east, and west.

5. The zoning for the subject site is Controlled Development Areas – 10 Acre Minimum (W-2-10).

6. The proposed use, a solar power plant, is a permitted use, subject to approval of a conditional use permit, in the W-2-10 zone, in accordance with Section 15.1.d. (32) of Ordinance No. 348. (Ord. No. 348.4705, Amended 12-08-11)

7. The proposed use, a solar power plant, is consistent with the development standards set forth in the W-2-10 zone.

8. The project site is surrounded by properties which are zoned Natural Assets (N-A) to the north, south, and west and Controlled Development Areas – 10 Acre Minimum (W-2-10) to the east.

9. Similar uses have been constructed and are operating in the project vicinity.

10. The Gen-Tie Line that crosses a County owned parcel (APN 818-210-014) is a permitted use subject to approval of a public use permit in accordance with Section 18.29 of Ordinance No. 348.

11. The project is not located within a Conservation Area of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

12. This project has Fast Track status per Board of Supervisors Policy No. B-29 which states that solar power plants subject to the Board policy shall be eligible for an expedited entitlement process. The overall project will create up 750 MW of PV solar power, including up to 50 MW on land under the County's jurisdiction, and will provide renewable energy to the southern California region.

13. Development Agreement No. 77 is consistent with the General Plan, public health, safety and general welfare. The express terms of DA No. 77 grants the applicant a vested right to develop the project in accordance with existing land use regulations, including in accordance with the

General Plan. The conditions of approval and mitigation measures, the approvals of which are incorporated in the exhibits to DA No. 77, ensure that the solar power plant project is developed in a way that is consistent with public health, safety and general welfare. Moreover, Development Agreement No. 77 will provide significant benefits. DA No. 77 contains terms consistent with Board of Supervisors Policy No. B-29, including terms regarding annual public benefits payments and increases (Section 4.2 of DA No. 77) and local sales and use taxes (Section 4.3 of DA No. 77). DA No. 77 also contains an agreement between the parties with regard to the computation of development impact fees using the surface mining fee category on a Project Area basis as set forth in Section 13 of Ordinance No. 659 (Section 4.4 and Exhibit G of DA No. 77). All of these development agreement provisions ensure that the DA No. 77 will provide significant benefits.

14. Environmental Impact Report No. 528 studied the site. Where potentially significant impacts were identified, mitigation measures were proposed that would reduce the extent of the impacts to a less-than-significant level and were made conditions of approval. The analysis found that the following three (3) categories be potentially significant and unavoidable:

    a. Aesthetics, Visual Quality, and Light and Glare (cumulatively)
    b. Air Quality (individually and cumulatively)
    c. Biological Resources (individually and cumulatively)

CONCLUSIONS:

1. The proposed project is in conformance with the Open Space: Rural (OS:RUR) (20 Acre Minimum) Land Use Designation, the Solar Energy Resources Policy, and with all other elements of the Riverside County General Plan.

2. The proposed project is consistent with the Controlled Development Areas – 10 Acre Minimum (W-2-10) zoning classification of Ordinance No. 348, with Section 18.29 of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.

3. The public's health, safety, and general welfare are protected through project design, the conditions of approval and mitigation measures.

4. The proposed project is conditionally compatible with the present and future logical development of the area.

5. The proposed project will have a significant effect on the environment as defined by CEQA. As set forth in Resolution No. 2014-054, the County has balanced the benefits against any unavoidable environmental impacts.

6. The proposed project will not preclude reserve design for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received. 11 comment letters were received during the public review period for the Draft EIR and 6 comment letters were received during the public review period for the Revised Draft EIR. Responses to those comment letters are in the Final EIR.

2. The project site is not located within:
   a. A Fault Zone;
   b. A County Service Area;
   a. An Airport Influence Area;
   b. An Agricultural Preserve;
   c. A High Fire area;
   d. A City Sphere of Influence; or,
   e. The Stephens Kangaroo Rat Fee Area.

3. The project site is located within:
   c. Area of Flooding Sensitivity;
   d. An area susceptible to subsidence;
   e. An area with moderate liquefaction potential; and,
   a. The boundaries of the Palo Verde Valley Unified School District.

4. The subject site is currently designated as Assessor's Parcel Numbers 812-130-006, 812-130-007, 812-130-008, and 818-210-014.

DA:da
Y:\Planning Case Files-Riverside office\CUP03682\BOS Hearings\Staff ReportCUP3682 PUP911.DA77.EIR528 REV-2 17 14.docx
Date Prepared: 01/07/14
Date Revised: 02/17/14

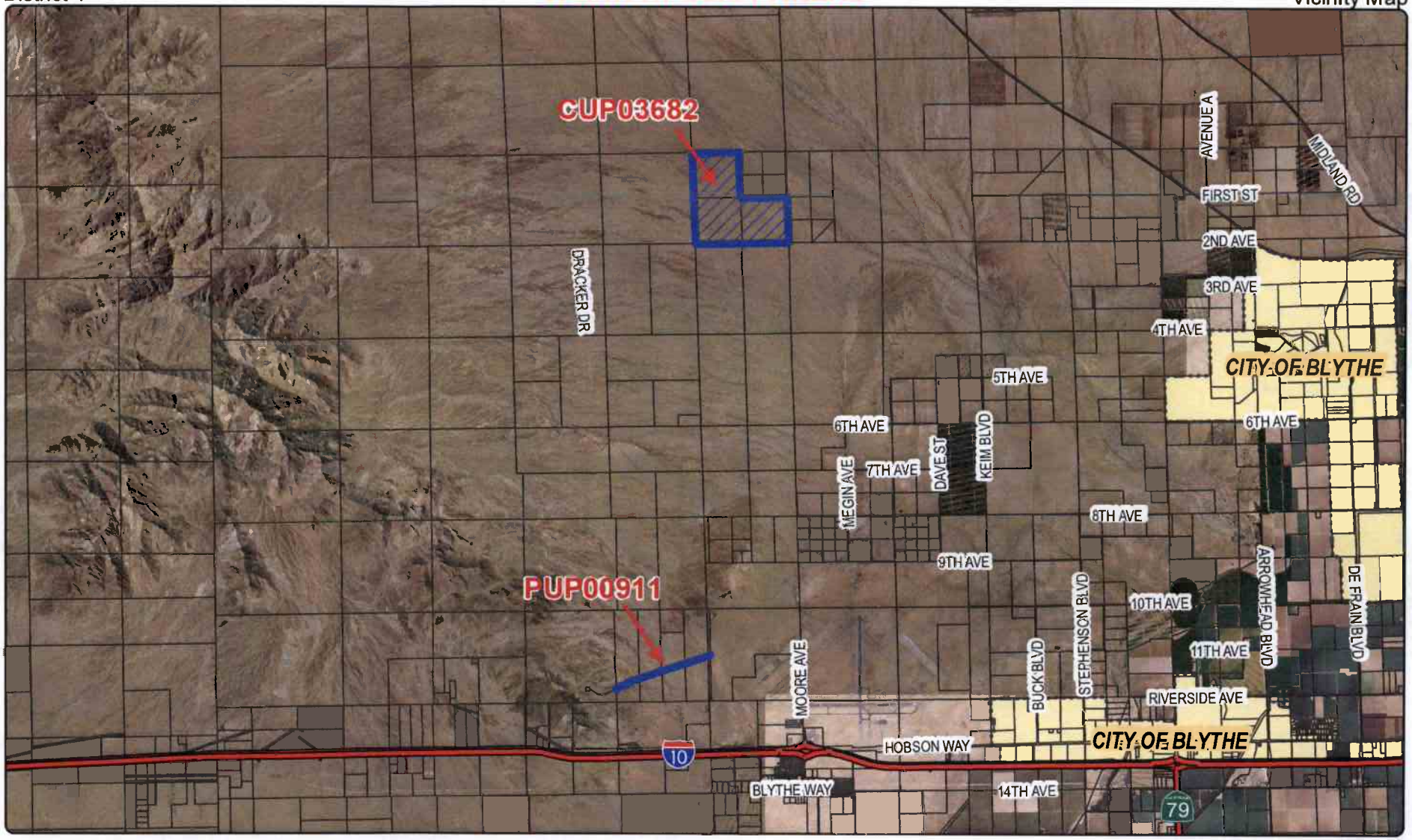
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP03682 PUP00911

VICINITY/POLICY AREAS

Supervisor Benoit
District 4

Date Drawn: 01/17/2014
Vicinity Map



Zoning Area: Chuckwalla
Township/Range: T5SR21E/T6SR21E
Section: 36, 26

Assessors Bk. Pg. 812-130
Thomas Bros. Pg.
Edition

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Miles

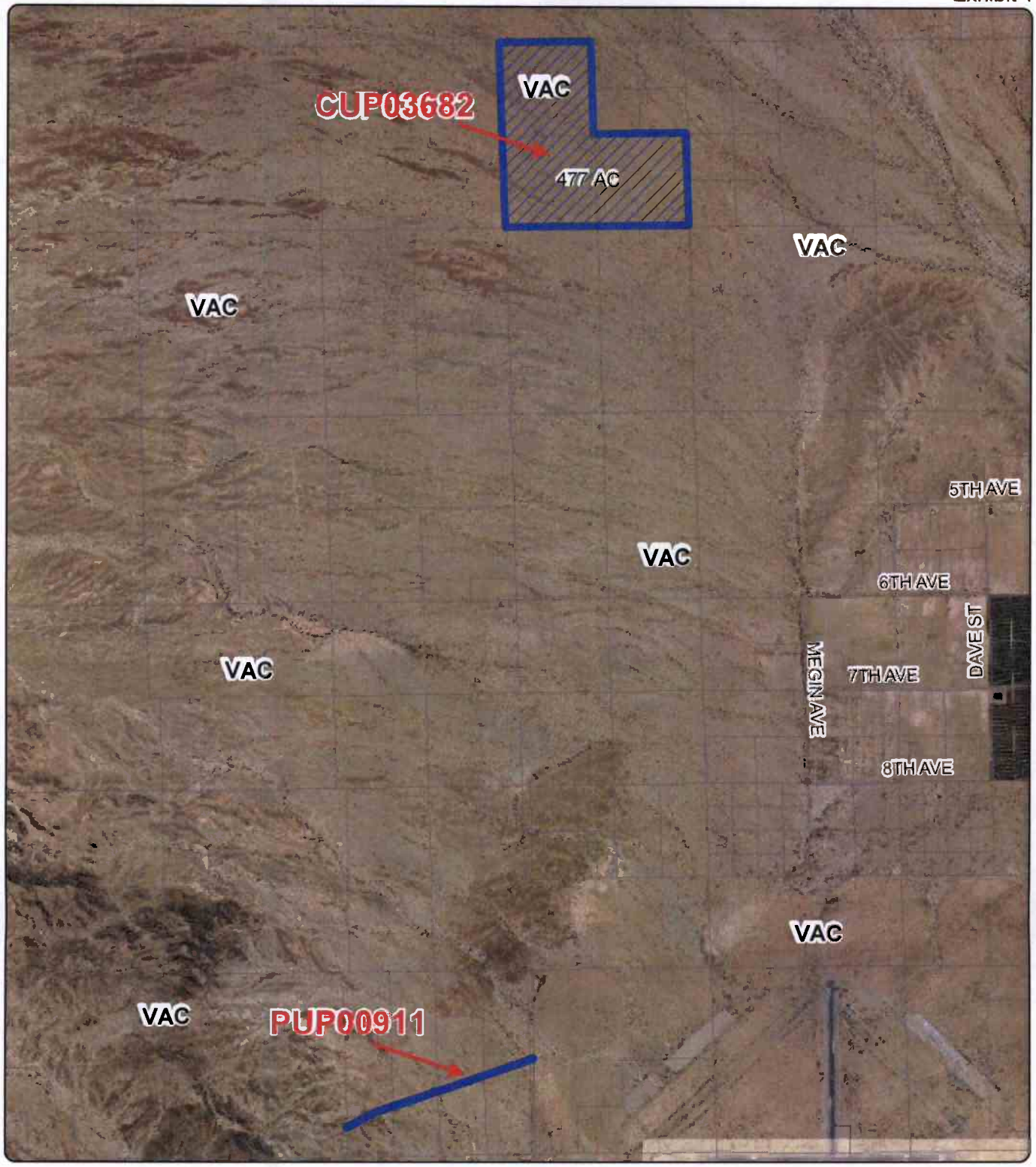
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP03682 PUP00911

LAND USE

Supervisor Benoit
District 4

Date Drawn: 01/17/2014
Exhibit 1



Zoning Area: Chuckwalla
Township/Range: T5SR21E/T6SR21E
Section: 36, 26

Assessors Bk. Pg. 812-130
Thomas Bros. Pg.
Edition

N

0 0.375 0.75 1.5 2.25
Miles

DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under exis ting zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at http://www.tlma.co.riverside.ca.us/index.html

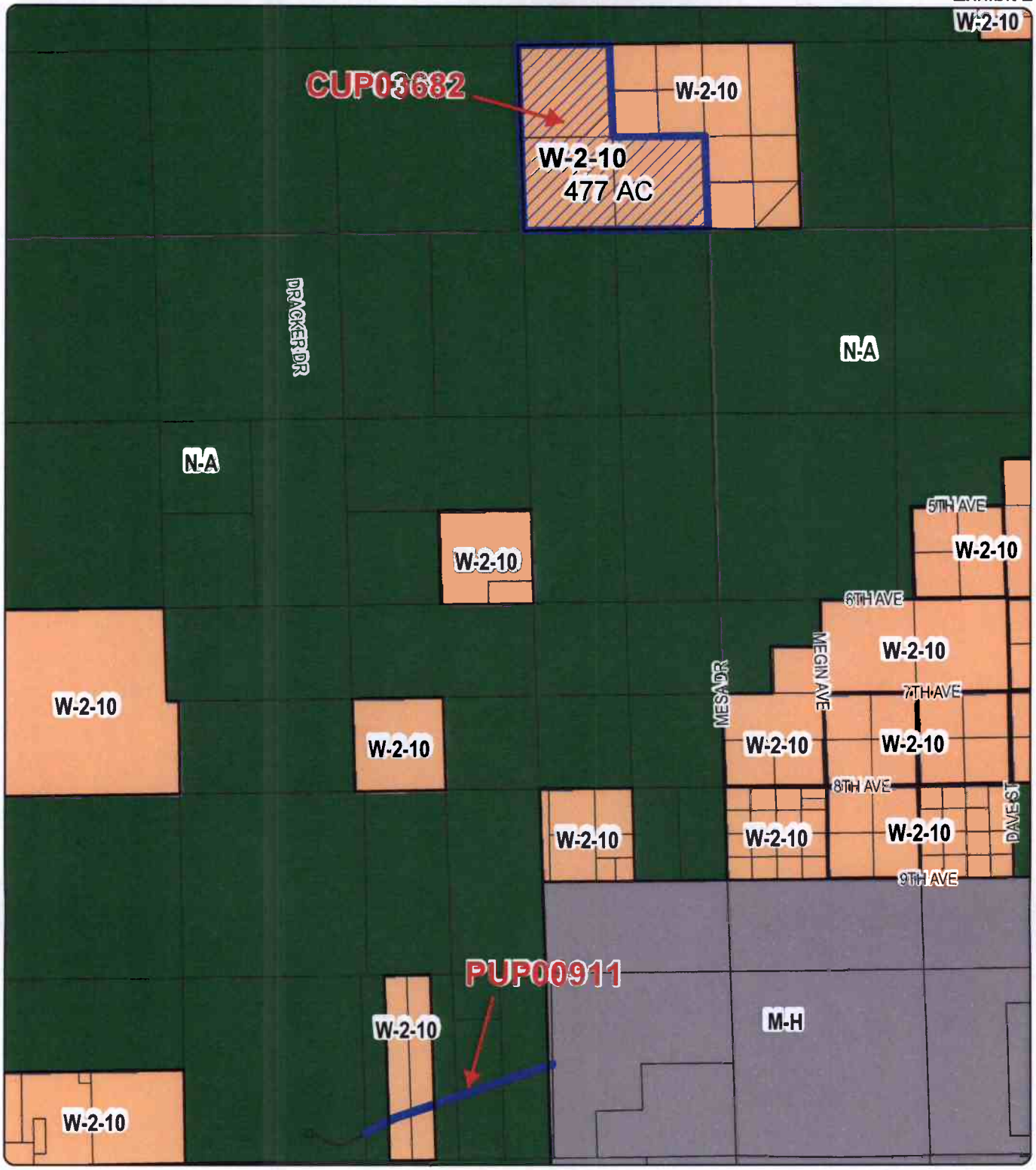
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP03682 PUP00911

EXISTING ZONING

Supervisor Benoit
District 4

Date Drawn: 01/17/2014
Exhibit 2



Zoning Area: Chuckwalla
Township/Range: T5SR21E/T6SR21E
Section: 36, 26

N

Assessors Bk. Pg. 812-130
Thomas Bros. Pg.
Edition

0 0.375 0.75 1.5 2.25
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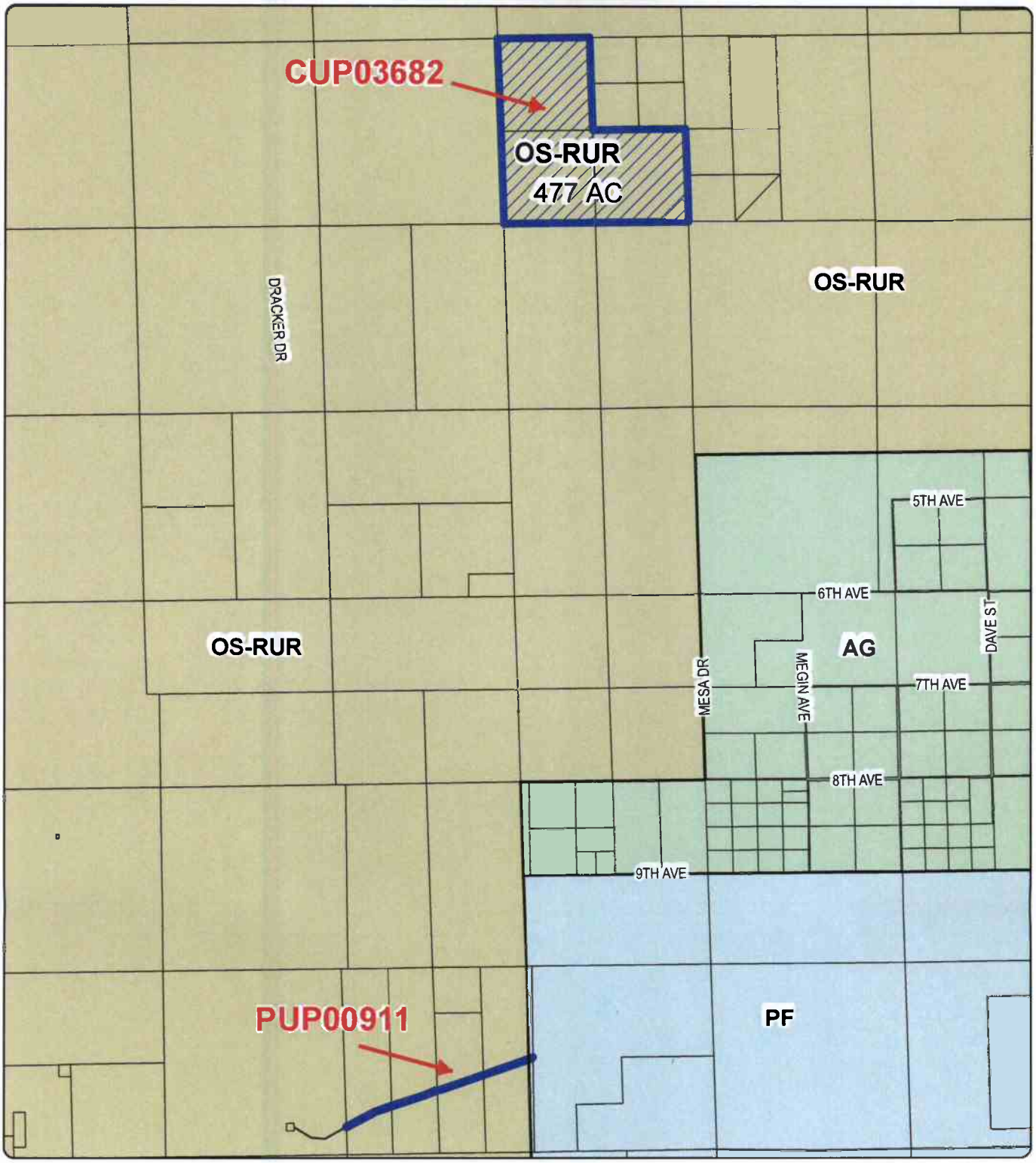
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP03682 PUP00911

EXISTING GENERAL PLAN

Supervisor Benoit
District 4

Date Drawn: 01/17/2014
Exhibit 5



Zoning Area: Chuckwalla
Township/Range: T5SR21E/T6SR21E
Section: 36, 26

Assessors Bk. Pg. 812-130
Thomas Bros. Pg.
Edition

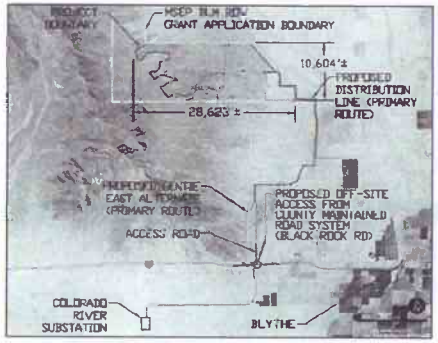
N

0 0.375 0.75 1.5 2.25
Miles

DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under exis ting zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at http://www.tlma.co.riverside.ca.us/index.html

McCOY SOLAR, LLC
CONDITIONAL USE PERMIT (CUP)

McCOY SOLAR ENERGY PROJECT - VICINITY MAP



GROSS PROJECT AREA = 4792 ACRES

DRAWING LIST

DRAWING No.	TITLE	FIGURE No.
NEMC-1-DW-111-000-001	COVER SHEET	
NEMC-1-DW-111-002-001	SOLAR PLANT SITE	1
NEMC-1-DW-111-002-002	SOLAR PLANT SITE - PRIVATE-LAND AREA DETAILS	2
NEMC-1-DW-111-002-004	2 MW BLOCK AND DC CABLING DETAILS	3
NEMC-1-DW-161-411-001	TYPICAL TRACKER DETAILS	4
NEMC-1-DW-161-411-002	TYPICAL POWER CONVERSION STATION DETAILS	5
NEMC-1-DW-161-411-003	TYPICAL O&M BUILDING AND SUBSTATION DETAILS	6
NEMC-1-DW-111-002-005	TYPICAL ELEVATIONS	7
NEMC-1-DW-111-002-006	TYPICAL LAYDOWN AREA DETAILS	8
NEMC-1-DW-111-735-001	TYPICAL FENCING AND GATE DETAILS	9
NEMC-1-DW-111-735-002	TYPICAL ROAD DETAILS	10

CASE #: CUP03682, AMD#. 1
EXHIBIT: A (Sheets 1-11)
DATED: 9/26/12
PLANNER: J. OLIVAS

GENERAL NOTES

1. SEE GENERAL ARRANGEMENT DRAWINGS FOR PROJECT ACCESS POINTS.
2. SEE DRAWING NEMC-1-DW-111-735-002 FOR ROAD DETAILS AND SURFACING.
3. SEE DRAWINGS NEMC-1-DW-111-002-001 AND NEMC-1-DW-161-411-003 FOR BUILDING LOCATIONS.
4. NO LAYDOWN OR STORAGE IS PLANNED IN THE PARKING AREA FOR THIS PROJECT.
5. EXISTING SITE ZONING IS W-2-10.
6. THE PROJECT IS LOCATED IN THE PALO VERDE UNIFIED SCHOOL DISTRICT.
7. SEE GENERAL ARRANGEMENT DRAWINGS NEMC-1-DW-111-002-001 AND NEMC-1-DW-161-411-003 FOR LOCATION OF ALL UTILITIES.
8. FIRE PROTECTION SYSTEMS WILL BE DESIGNED PER NFPA AND AUTHORITY HAVING JURISDICTION.
9. NOT FOR CONSTRUCTION.
10. ACTUAL LAND USE IS RURAL OPEN SPACE AND PROPOSED LAND USE IS SOLAR GENERATION FACILITY.
11. FUGITIVE DUST FROM ROADS AND DRIVING LANES THAT ARE NOT PAVED OR GRAVELED SHALL BE CONTROLLED BY PERIODIC APPLICATION OF WATER OR SOIL STABILIZER AS REQUIRED.
12. THE APPLICANT WILL CONSOLIDATE PARCELS, GRANT ADDITIONAL DEVELOPMENT AND OR GRADING EASEMENTS, OR MAKE OTHER ARRANGEMENTS BETWEEN THE UNDERLYING PARCELS AS NECESSARY TO COMPLY WITH RIVERSIDE COUNTY REGULATIONS.
13. THE PRIVATE LAND LOCATION OF THE PROJECT IS DEPICTED IN THE 1998 THOMAS BROTHERS MAPS CALIFORNIA ROAD ATLAS & DRIVERS GUIDE ON PAGE 103 GRID C4.
14. THE 477 ACRES OF PRIVATELY-OWNED LAND IS SUBJECT TO MODERATE LIQUEFACTION POTENTIAL AND WITHIN AREAS OF FLOODING SENSITIVITY. THE PROPOSED SITE IS NOT SUBJECT TO OTHER GEOLOGIC HAZARDS AND IS NOT WITHIN A SPECIAL STUDIES ZONE.
15. NO EASEMENTS ARE LOCATED ON THE PRIVATELY-OWNED LAND ACREAGE.

CUP LEGAL DESCRIPTION

APN 812130006 160 ACRES SOUTHEAST ONE-QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 21 EAST, SAN BERNARDINO BASE AND MERIDIAN.

APN 812130007 160 ACRES SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 21 EAST, SAN BERNARDINO BASE AND MERIDIAN.

APN 812130008 160 ACRES NORTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 21 EAST, SAN BERNARDINO BASE AND MERIDIAN.

PROJECT DESCRIPTION

THE PROJECT WILL BE AN UP TO 750 MW PHOTOVOLTAIC SOLAR ENERGY GENERATING FACILITY. APPROXIMATELY 477 ACRES WITHIN THE PROPOSED SOLAR PLANT SITE BOUNDARY IS ON PRIVATELY-OWNED LAND. THE PROJECT WOULD GENERATE AND DELIVER SOLAR-GENERATED POWER TO THE CALIFORNIA ELECTRICAL GRID THROUGH AN INTERCONNECTION AT THE COLORADO RIVER SUBSTATION PROPOSED BY SOUTHERN CALIFORNIA EDISON. UNIT 1, WHICH INCLUDES ALL OF THE PRIVATELY-OWNED LAND, IS EXPECTED TO GENERATE APPROXIMATELY 250 MW AND WILL INCLUDE FACILITIES SUCH AS THE SOLAR FIELD, AN ONSITE SUBSTATION, AND OPERATIONS AND MAINTENANCE FACILITY. THE PRIVATE LAND ACREAGE WILL ONLY BE USED FOR A PORTION OF THE SOLAR FIELD, WELLS, TRANSMISSION LINES AND ACCESS ROADS.

UTILITY	PROVIDER	CONTACT
FIRE	RIVERSIDE COUNTY FIRE DEPARTMENT	140 WEST BERNARD STREET BLYTHE, CA 92225 (760) 921-7822
POLICE	RIVERSIDE SHERIFFS DEPARTMENT	260 N SPRING STREET BLYTHE, CA 92225 (760) 921-7900
WATER	ON SITE WELLS	700 UNIVERSE BOULEVARD JUNO BEACH, FL 33408
WASTE WATER	ON SITE SEWAGE TREATMENT	700 UNIVERSE BOULEVARD JUNO BEACH, FL 33408
ELECTRIC	SOUTHERN CALIFORNIA EDISON	1 INNOVATION WAY POMONA, CA 91768 (800) 990-7788

ELECTRONIC COPY OF FINAL DOCUMENT

NOT FOR CONSTRUCTION
FOR PERMITTING ONLY

APPLICANT:
NEXTERA ENERGY RESOURCES, LLC
700 UNIVERSE BOULEVARD
JUNO BEACH, FL 33408

LAND OWNERS:

APN 812130006
SCOTT M. COOLEY AND HEYNEA MARIE COOLEY
15900 KENNEDY ROAD LOS GATOS CA 95032

APN 812130007
WILLIAMSON TRUST, ROBERT A. WILLIAMSON TRUSTEE
9217 DORRINGTON PLACE, ARLETA, CA 91331

APN 812130008
LYNDA M. STEWART, LYNN E. SANBLIN
LESLIE C. NEWQUIST TRUST DATED SEPTEMBER 15, 2005
7922 LA CAPELA LANE, CARLSBAD, CA 92009

PROJECT OWNER:
NEXTERA ENERGY RESOURCES, LLC
700 UNIVERSE BOULEVARD
JUNO BEACH, FL 33408

ENGINEER:
WORLEYPARSONS
2338 E. BIDWELL ST. SUITE 150
FOLSOM, CA 95630
916-817-2920

REV	DESCRIPTION	BY
F	REVISED PER CUP COMMENTS	AP
E	REVISED PER CUP COMMENTS	AP
D	REVISED PER CUP COMMENTS	AP
C	ISSUED FOR CUP	AP
B	ISSUED FOR CUP	AP
A	ISSUED FOR CLIENT REVIEW	AP

A. PRATT
A. ZIMMERMAN
A. PRATT
M. PEASON
A. ZIMMERMAN
V. PIETRUCHA

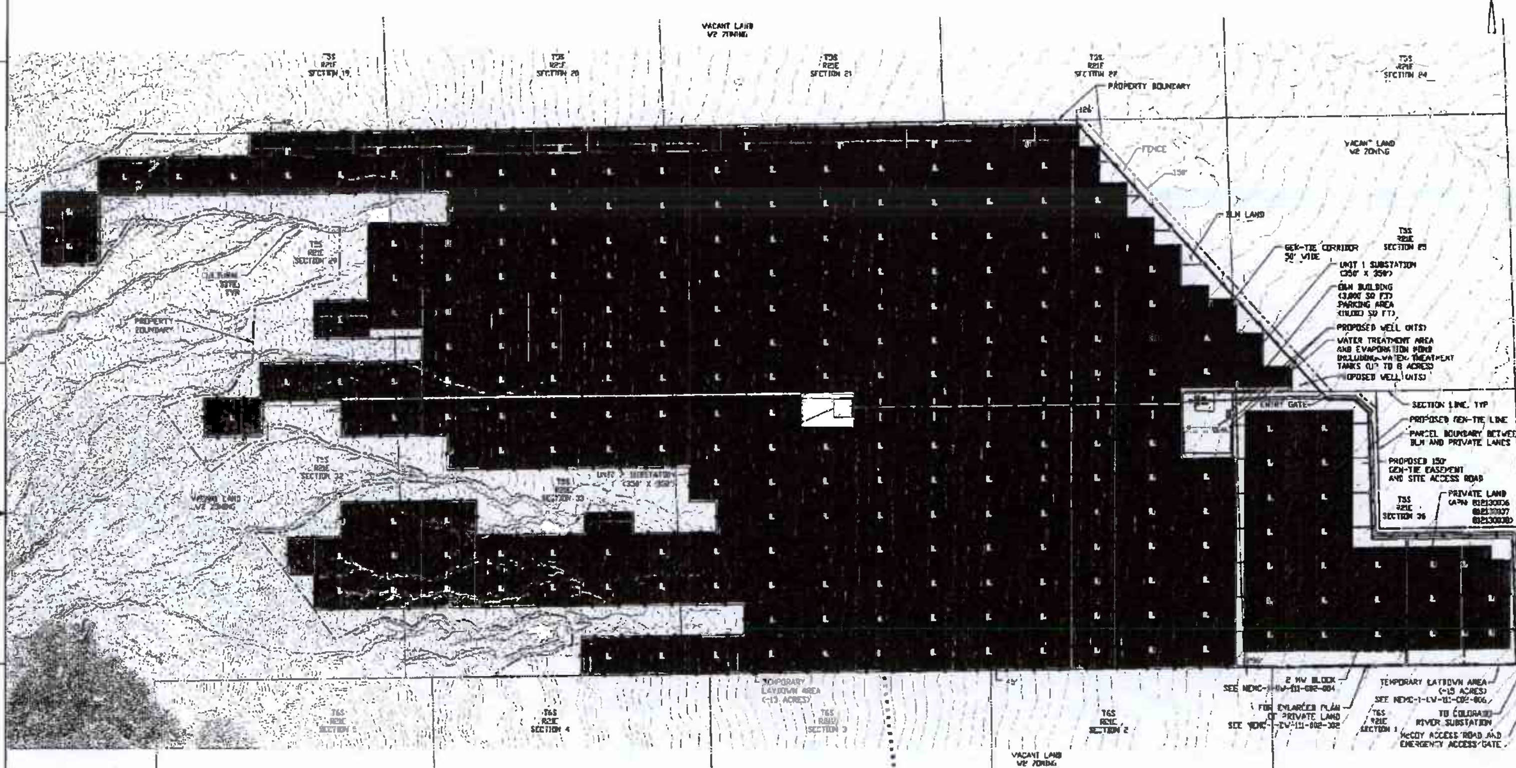
WorleyParsons
resources & energy

McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

COVER SHEET

NOT TO SCALE
ARCH E (36" x 24")

NEMC-1-DW-111-000-001 F



NOTES:

1. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.
2. THIS DRAWING IS REPRESENTATIVE AND BASED ON SPECIFIC TECHNOLOGY AND SPACING. THESE SPECIFICATIONS ARE SUBJECT TO CHANGE AND AFFECT THE TOTAL POWER OUTPUT AND DC/AC RATIO.
3. THE DC CAPACITY OF UNIT 1 IS 299 MW. THE DC CAPACITY OF UNIT 2 IS 304 MW. THE TOTAL DC CAPACITY OF THIS LAYOUT IS 604 MW USING APPROXIMATELY 6,228,392 FIRST SOLAR 97 W PANELS.
4. THE AC CAPACITY OF UNIT 1 IS 250 MW. THE AC CAPACITY OF UNIT 2 IS 254 MW. THE TOTAL AC CAPACITY OF THIS LAYOUT IS 504 MW LIMITED BY 243 – 2 MW INVERTER PACKAGES AND 18 – 1 MW INVERTER PACKAGES.
5. EACH TWO MW AC BLOCK CONTAINS 294 SINGLE AXIS TRACKERS. EACH TRACKER HOLDS 84 PANELS THREE HIGH IN PORTRAIT.
6. EACH TWO MW AC BLOCK CONTAINS 24,696 97 W PANELS IN STRINGS OF 12 FOR A DC/AC RATIO OF 1.2.
7. GROUND COVER RATIO IS 35% WHICH MAKES SHADING LOSSES NEGLIGIBLE.
8. LOCATIONS OF ALL EXISTING AND PROPOSED ITEMS ARE APPROXIMATE AND WILL NEED TO BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.
9. PERIMETER ROADS, INVERTER ACCESS ROADS AND MAINTENANCE ROADS RUNNING NORTH-SOUTH ARE 24 FT WIDE (TYPICAL). ALL MAINTENANCE ROADS RUNNING EAST-WEST ARE 16 FT WIDE (TYPICAL).
10. 8 FT CHAIN LINK FENCING WITH THREE STRAND BARB WIRE IS PROPOSED ALONG ALL PROPERTY LINES. 10 FT OFFSET TYPICAL WHERE ALLOWED.
11. O&M BUILDING IS FOR STORAGE OF SPARE PARTS AND CONTAINS A 500 SF OFFICE.
12. DISTURBED ACREAGE FOR PHASE 1: 2,170 ACRES; UNDISTURBED ACREAGE FOR UNIT 1: 84 ACRES; DISTURBED ACREAGE FOR PHASE 2: 2,057 ACRES; UNDISTURBED ACREAGE FOR UNIT 2: 341 ACRES.
13. THE WESTERN PROPERTY LINE AS SHOWN IS APPROXIMATE SUBJECT TO GROUND TRUTHING, FINAL LAYOUT, AND DETAILED DESIGN. LARGE WASHES SHOWN INSIDE THE PROPERTY BOUNDARY THAT ARE NOT PART OF THE SOLAR FIELD ARE NOT INTENDED TO BE GRADED OR MODIFIED.
14. THERE WILL BE NO REMOVAL OF NATURAL VEGETATION EXCEPT WHERE NEEDED ON ROAD ROUTE. ALL OTHER VEGETATION WILL BE MOWED.
15. THE PROPOSED SITE IS SUBJECT TO MODERATE LIQUEFACTION POTENTIAL AND WITHIN AREAS OF FLOODING SENSITIVITY. THE PROPOSED SITE IS NOT SUBJECT TO OTHER GEOLOGIC HAZARDS AND IS NOT WITHIN A SPECIAL STUDIES ZONE.
16. NO EASEMENTS ARE LOCATED ON THE PRIVATELY-OWNED LAND ACREAGE.
17. FENCING SETBACKS WILL BE DETERMINED DURING DETAILED DESIGN SO THAT ANY FENCING WILL BE WITHIN PROJECT BOUNDARY.

TOTAL ACREAGE = 4,792 ACRES*
ACREAGE DISTURBED = 4,227 ACRES*

*REFER TO NOTE 2

PRELIMINARY PLAN

1,000 0 1,000 2,000 3,000
SCALE: 1" = 1,000'

LEGEND

UNIT 1
UNIT 2
WELL (NOT DRAWN TO SCALE)
PROPOSED 230KV DOUBLE CIRCUIT GEN-TIE LINE
PROPOSED 230KV SINGLE CIRCUIT GEN-TIE LINE
PRIVATE LAND BOUNDARY LINE
PROJECT BOUNDARY LINE

PRELIMINARY
NOT FOR CONSTRUCTION

REV	DESCRIPTION
G	REVISED PER CUP COMMENTS
F	REVISED PER CUP COMMENTS
E	REVISED PER CUP COMMENTS
D	ISSUED FOR CUP
C	ISSUED FOR CUP
B	ISSUED FOR CUP
A	ISSUED FOR CLIENT REVIEW

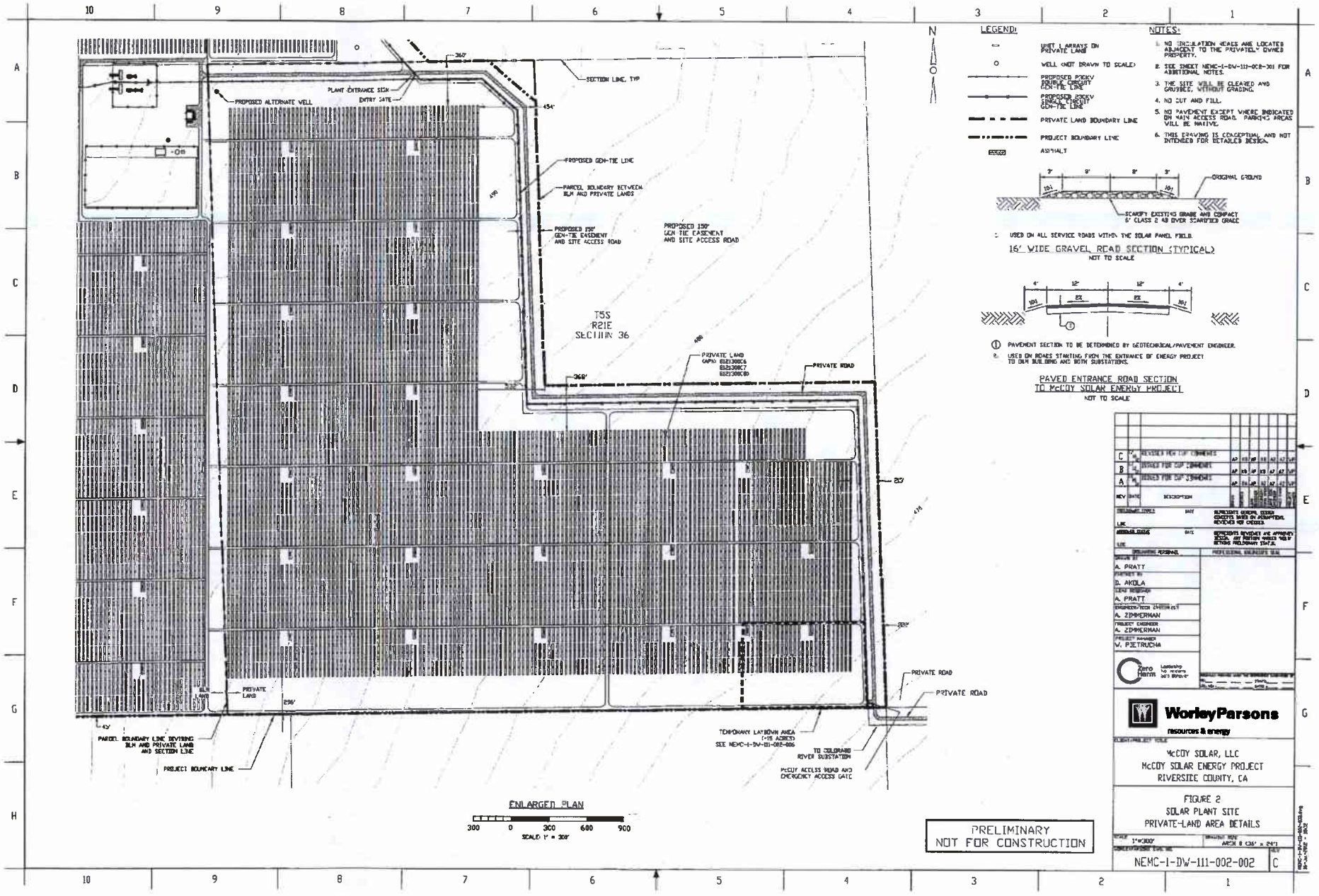
DRAWN BY: A. PRATT
CHECKED BY: D. AKGLA
A. PRATT
K. DEASON
PROJECT ENGINEER: A. ZIMMERMAN
PROJECT MANAGER: V. PIETRUCHA

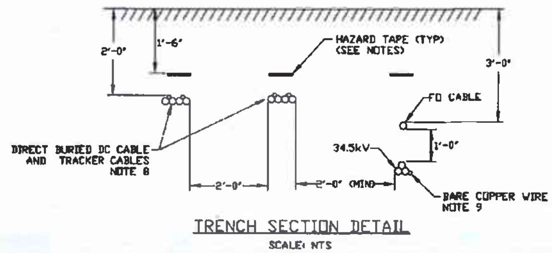
WorleyParsons
resources & energy

McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

FIGURE 1
SOLAR PLANT SITE

SCALE: 1"=1000'
DRAWING SIZE: ARCH D (36" x 24")
NEMC-1-DW-111-002-001 | REV G


PROPOSED ALTERNATE WELL
PLANT ENTRANCE SIGN
ENTRY GATE
SECTION LINE, TYP
PROPOSED GEN-TIE LINE
PARCEL BOUNDARY BETWEEN BLM AND PRIVATE LANDS
PROPOSED 150' GEN-TIE EASEMENT AND SITE ACCESS ROAD
PROPOSED 150' GEN TIE EASEMENT AND SITE ACCESS ROAD
T5S
R2E
SECTION 36
PRIVATE LAND
APN: 812130006
812130007
812130008
PRIVATE ROAD
PRIVATE ROAD
PRIVATE ROAD
PRIVATE LAND
PARCEL BOUNDARY LINE DIVIDING BLM AND PRIVATE LAND AND SECTION LINE
PROJECT BOUNDARY LINE
TEMPORARY LAYDOWN AREA (~15 ACRES)
SEE NEMC-1-DW-111-002-006
TO COLORADO RIVER SUBSTATION
McCOY ACCESS ROAD AND EMERGENCY ACCESS GATE
N
LEGEND:
UNIT ARRAYS ON PRIVATE LAND
WELL (NOT DRAWN TO SCALE)
PROPOSED 230KV DOUBLE CIRCUIT GEN-TIE LINE
PROPOSED 230KV SINGLE CIRCUIT GEN-TIE LINE
PRIVATE LAND BOUNDARY LINE
PROJECT BOUNDARY LINE
ASPHALT
NOTES:
1. NO CIRCULATION ROADS ARE LOCATED ADJACENT TO THE PRIVATELY OWNED PROPERTY.
2. SEE SHEET NEMC-1-DW-111-GCR-301 FOR ADDITIONAL NOTES.
3. THE SITE WILL BE CLEARED AND GRUBBED, WITHOUT GRADING.
4. NO CUT AND FILL.
5. NO PAVEMENT EXCEPT WHERE INDICATED ON MAIN ACCESS ROAD. PARKING AREAS WILL BE NATIVE.
6. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.
ORIGINAL GROUND
SCARIFY EXISTING GRADE AND COMPACT 6" CLASS 2 AB OVER SCARIFIED GRADE
1. USED ON ALL SERVICE ROADS WITHIN THE SOLAR PANEL FIELD.
16' WIDE GRAVEL ROAD SECTION (TYPICAL)
NOT TO SCALE
1. PAVEMENT SECTION TO BE DETERMINED BY GEOTECHNICAL/PAVEMENT ENGINEER.
2. USED ON ROADS STARTING FROM THE ENTRANCE OF ENERGY PROJECT TO O&M BUILDING AND BOTH SUBSTATIONS.
PAVED ENTRANCE ROAD SECTION TO McCOY SOLAR ENERGY PROJECT
NOT TO SCALE
ENLARGED PLAN
300 0 300 600 900
SCALE 1" = 300'
PRELIMINARY
NOT FOR CONSTRUCTION
A. PRATT
D. AKOLA
A. PRATT
A. ZIMMERMAN
A. ZIMMERMAN
V. PIETRUCHA
WorleyParsons
resources & energy
McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA
FIGURE 2
SOLAR PLANT SITE
PRIVATE-LAND AREA DETAILS
1"=300'
ARCH B (36" x 24")
NEMC-1-DW-111-002-002
C



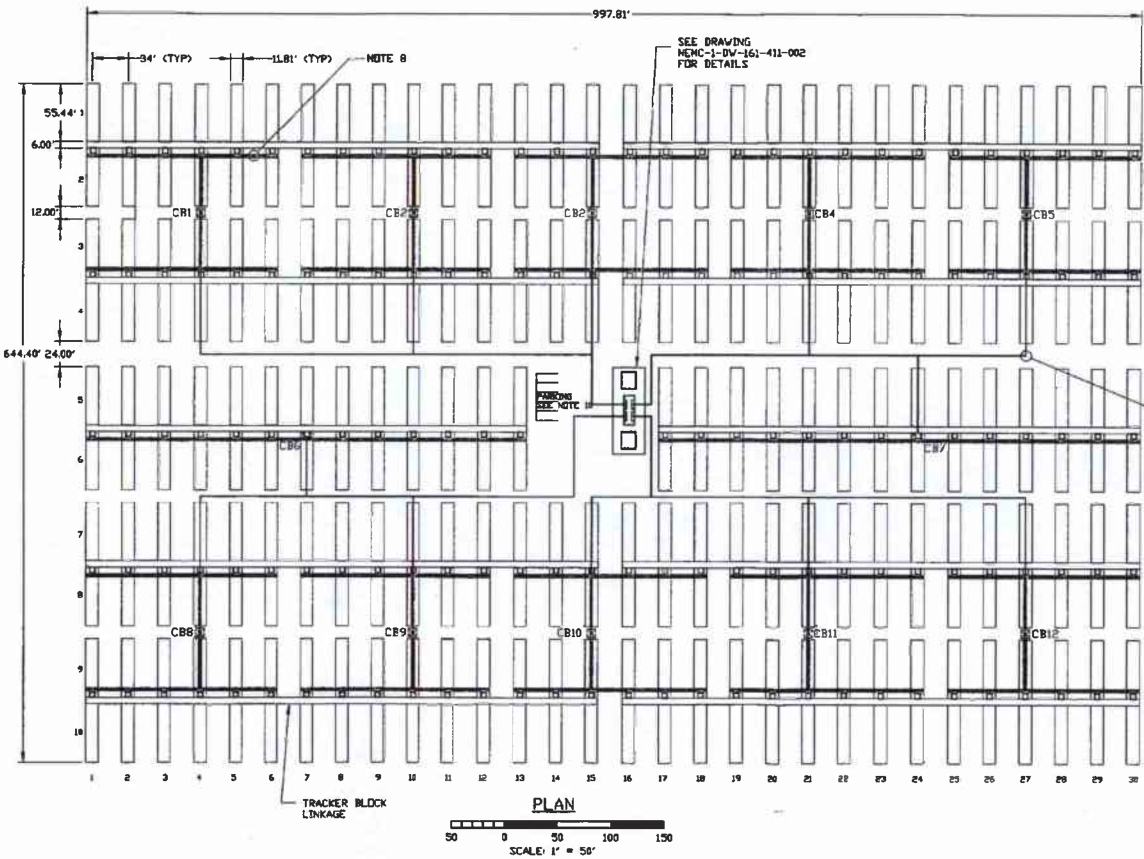
TRENCH SECTION DETAIL
SCALE: NTS

LEGEND:

Symbol	Description
(thin line)	DIRECT BURIED DC CABLE (CB TO INVERTER)
(thick line)	CABLE TRAY (SCB TO CB) OR DIRECT BURIED DC CABLE
CB3	COMBINER BOX (CB)
▫	SUBCOMBINER BOX (SCB)

NOTES:

1. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.
2. THIS DRAWING IS REPRESENTATIVE AND BASED ON SPECIFIC TECHNOLOGY AND SPACING. THESE SPECIFICATIONS ARE SUBJECT TO CHANGE AND AFFECT THE TOTAL POWER OUTPUT AND DC/AC RATIO.
3. THE DC CAPACITY OF THIS BLOCK IS 2.4 MW DC USING APPROXIMATELY 24,696 FIRST SOLAR 97 W PANELS IN STRINGS OF 12. THE ELECTRICAL CHARACTERISTICS OF THESE PANELS ARE ESTIMATED BASED ON THE FS-385 PANEL AND ARE ANTICIPATED TO BE IN PRODUCTION BY THE PROCUREMENT PHASE OF THIS PROJECT.
4. THE AC CAPACITY OF THIS BLOCK IS 2.00 MW AC LIMITED BY A SIEMENS SINVERT PVS2000 INVERTER PACKAGE. THE DC/AC RATIO IS 1.20.
5. EACH TWO MW AC BLOCK CONTAINS 294 SINGLE AXIS TRACKERS. EACH TRACKER HOLDS 84 PANELS THREE HIGH IN PORTRAIT.
6. GROUND COVER RATIO IS 35% WHICH MAKES SHADING LOSSES NEGLIGIBLE.
7. LOCATIONS OF ALL PROPOSED ITEMS ARE APPROXIMATE AND WILL NEED TO BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.
8. DC CABLE FROM SUB COMBINER BOX TO COMBINER BOX IS #6 AVG Cu RHW-2, 1000V, #1/0 AVG BARE COPPER GND IN 6' CABLE TRAY OR DIRECTLY BURIED.
9. DC CABLE FROM COMBINER BOX TO INVERTERS IS TWO-400KCMIL Cu RHW-2, 1000V, #3/0 AVG BARE COPPER GND DIRECTLY BURIED.
10. NO PAVEMENT EXCEPT ON MAIN ACCESS ROAD AS INDICATED ON DRAWING NEMC-1-DW-111-002-002. PARKING AREAS WILL BE NATIVE.



PLAN

NOT FOR CONSTRUCTION
FOR PERMITTING ONLY

REV	DESCRIPTION
E	REVISED PER CUP COMMENTS
D	REVISED PER CUP COMMENTS
C	REVISED PER CUP COMMENTS
B	ISSUED FOR CUP
A	ISSUED FOR CLIENT REVIEW

A. PRATT
A. ZIMMERMAN
A. PRATT
K. DEASON
A. ZIMMERMAN
V. PIETRUCHA

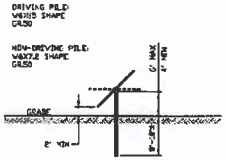
WorleyParsons resources & energy

McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

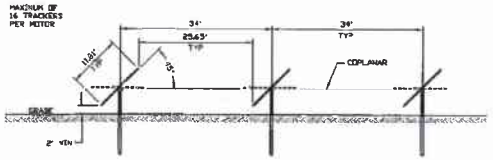
FIGURE 3
2 MW BLOCK AND
DC CABLING DETAILS

AS NOTED
ARCH D (36" × 24")

NEMC-1-DW-111-002-004 E



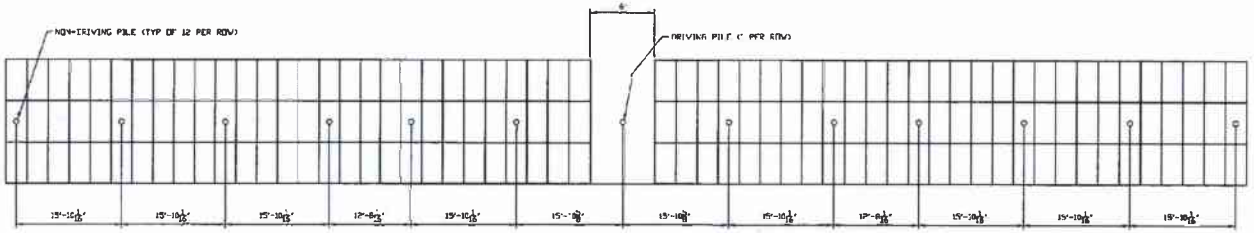
TYPICAL PILE FOUNDATION DETAIL
SCALED 1" = 1'



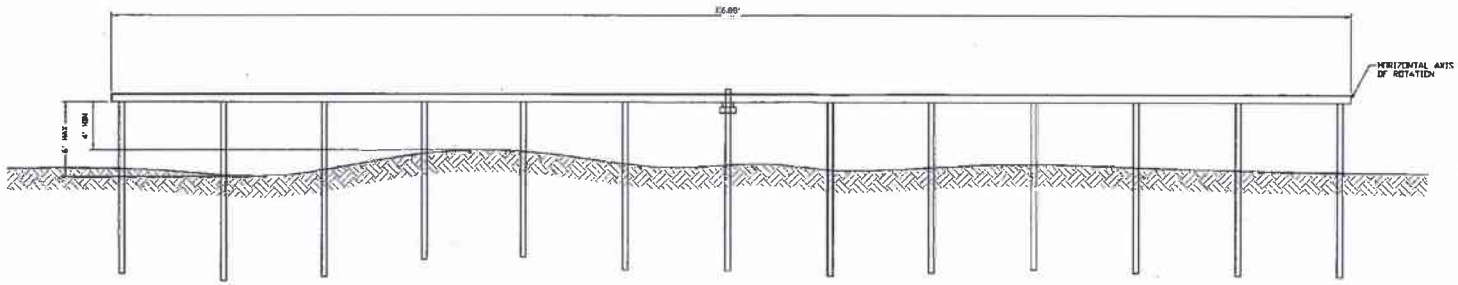
ELEVATION
TYPICAL PILE FOUNDATION DETAIL
SCALED 1" = 1'

NOTES:

1. SEE NEMC-1-DW-111-002-004 FOR PARKING LOCATIONS ALLOCATED NEAR TRACKER ROWS.
2. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.



PLAN
TYPICAL TRACKER ROW
SCALED 1" = 5'



ELEVATION (EAST/WEST)
TYPICAL TRACKER ROW
SCALED 1" = 5'

NOT FOR CONSTRUCTION
FOR PERMITTING ONLY

REV	DATE	DESCRIPTION
D		REVISED PER CUP COMMENTS
C		REVISED PER CUP COMMENTS
B		REVISED PER CUP COMMENTS
A		ISSUED FOR CUP

PRELIMINARY ISSUED — DATE
REPRESENTS GENERAL DESIGN CONCEPTS BASED ON ASSUMPTIONS. REVISIONS NOT CHECKED.

APPROVED FOR ISSUE — DATE
REPRESENTS REVIEWED AND APPROVED DESIGN, BUT FURTHER MINOR HELD REVISED PRELIMINARY STATUS

DESIGNED BY
A. PRATT

DRAWN BY
K. BEASON

CHECKED BY
A. PRATT

ENGINEERING SPECIALIST
K. BEASON

PROJECT ENGINEER
A. ZIMMERMAN

PROJECT MANAGER
V. PIETRUCHA

Zero Harm — Leadership No Incidents Safe Behavior

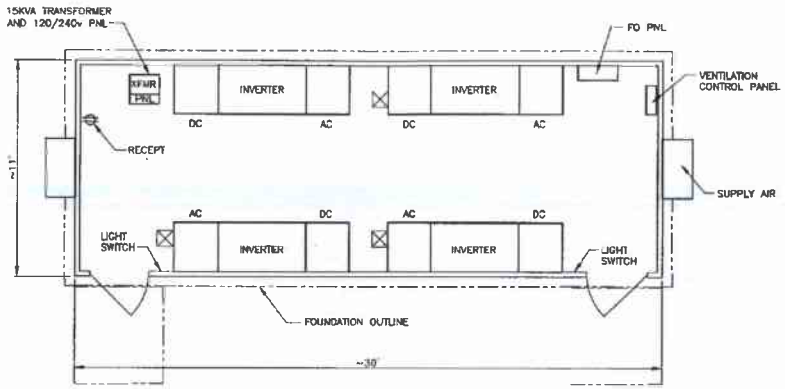
WorleyParsons
resources & energy

McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

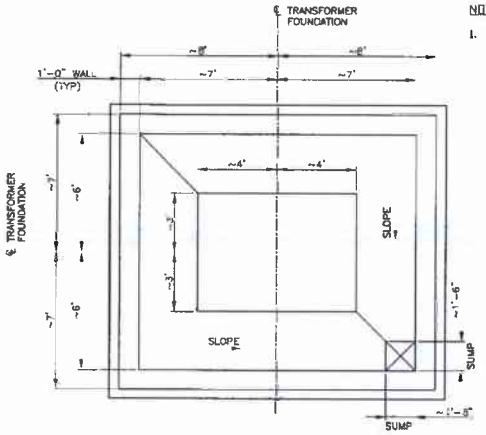
FIGURE 4
TYPICAL TRACKER DETAILS

SCALE: AS NOTED
DRAWING SIZE: ARCH D (36" x 24")

NEMC-1-DW-161-411-001 | D



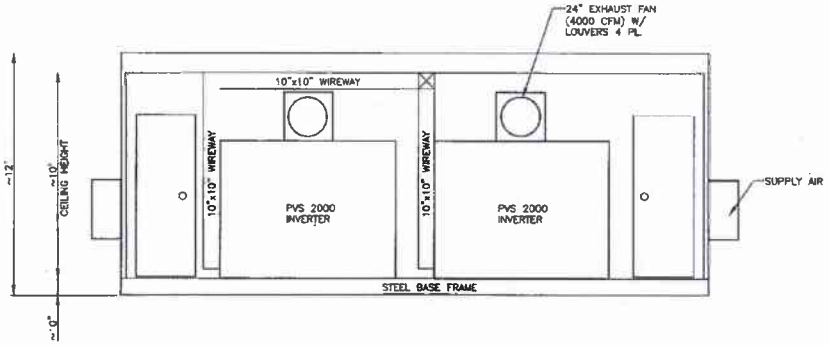
PLAN
TYPICAL INVERTER ENCLOSURE
SCALE: 3/8"=1'-0"



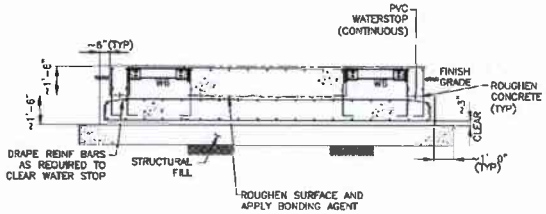
PLAN
TYPICAL TRANSFORMER FOUNDATION
SCALE: 3/8"=1'-0"

NOTES:

1. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.



ELEVATION
TYPICAL INVERTER ENCLOSURE
SCALE: 3/8"=1'-0"



ELEVATION
TYPICAL TRANSFORMER FOUNDATION
SCALE: 3/8"=1'-0"

NOT FOR CONSTRUCTION
FOR PERMITTING ONLY

REV	DESCRIPTION
B	ISSUED FOR CUP COMMENTS
A	ISSUED FOR CUP

A. PRATT
K. DEASON
A. PRATT
K. DEASON
V. PIETRUCHA
V. PIETRUCHA

Zero Harm Leadership for Incidents Safe Behavior

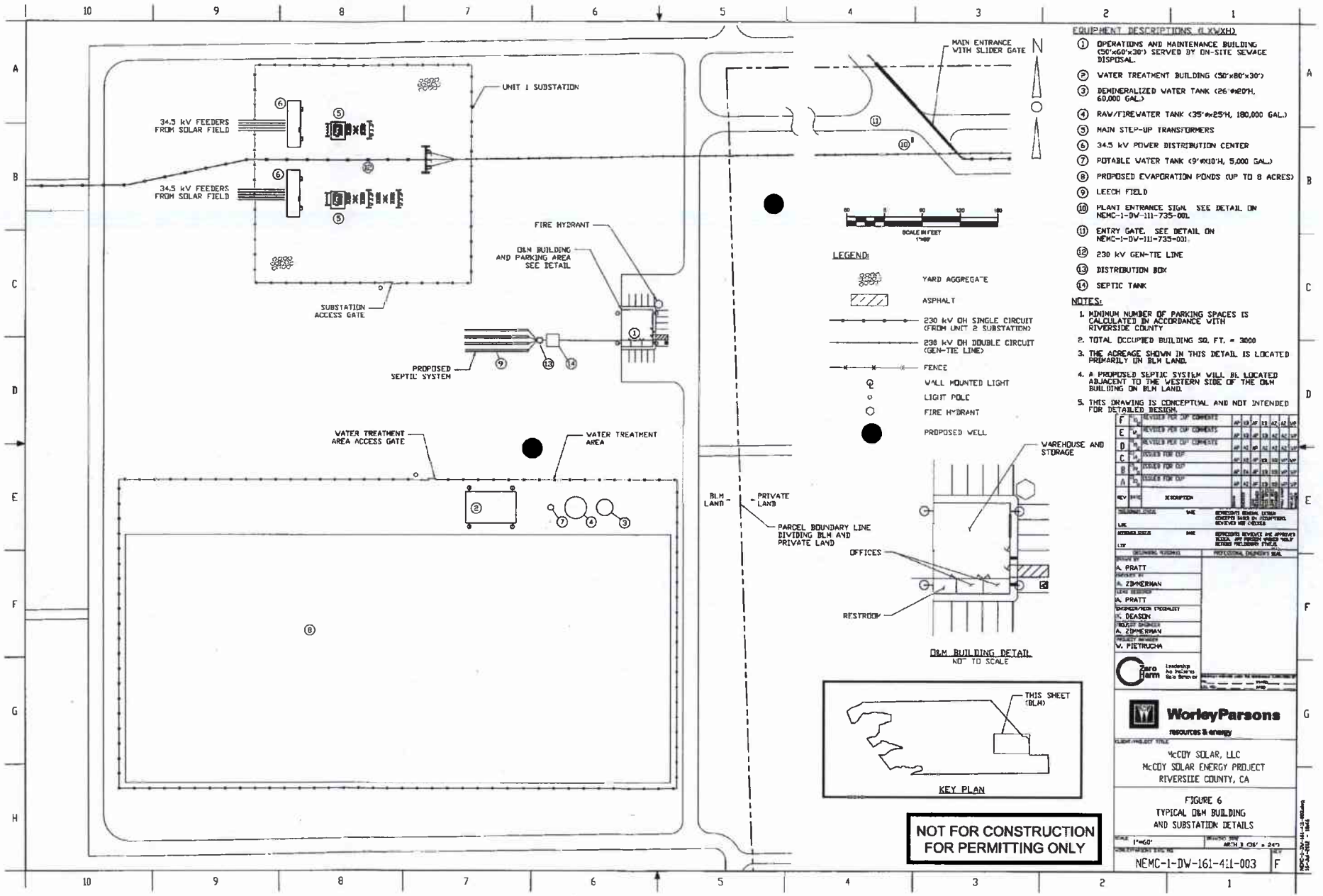
WorleyParsons
resources & energy

McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

FIGURE 5
TYPICAL POWER CONVERSION STATION DETAILS

SCALE: 3/8" = 1'-0"
DRAWING SIZE: ARCH D (36" x 24")

NEMC-1-DW-161-411-002 B



EQUIPMENT DESCRIPTIONS (LXWXH)

1. OPERATIONS AND MAINTENANCE BUILDING (50'x60'x30') SERVED BY ON-SITE SEWAGE DISPOSAL.
2. WATER TREATMENT BUILDING (50'x80'x30')
3. DEMINERALIZED WATER TANK (26'ø x20'H, 60,000 GAL.)
4. RAW/FIREWATER TANK (35'ø x25'H, 180,000 GAL.)
5. MAIN STEP-UP TRANSFORMERS
6. 34.5 kV POWER DISTRIBUTION CENTER
7. POTABLE WATER TANK (9'ø x10'H, 5,000 GAL.)
8. PROPOSED EVAPORATION PONDS (UP TO 8 ACRES)
9. LEECH FIELD
10. PLANT ENTRANCE SIGN. SEE DETAIL ON NEMC-1-DW-111-735-001.
11. ENTRY GATE. SEE DETAIL ON NEMC-1-DW-111-735-001.
12. 230 kV GEN-TIE LINE
13. DISTRIBUTION BOX
14. SEPTIC TANK

NOTES:

1. MINIMUM NUMBER OF PARKING SPACES IS CALCULATED IN ACCORDANCE WITH RIVERSIDE COUNTY
2. TOTAL OCCUPIED BUILDING SQ. FT. = 3000
3. THE ACREAGE SHOWN IN THIS DETAIL IS LOCATED PRIMARILY ON BLM LAND.
4. A PROPOSED SEPTIC SYSTEM WILL BE LOCATED ADJACENT TO THE WESTERN SIDE OF THE O&M BUILDING ON BLM LAND.
5. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.

REV	DESCRIPTION
F	REVISED PER CUP COMMENTS
E	REVISED PER CUP COMMENTS
D	REVISED PER CUP COMMENTS
C	ISSUED FOR CUP
B	ISSUED FOR CUP
A	ISSUED FOR CUP

A. PRATT
A. ZIMMERMAN
A. PRATT
K. DEASON
A. ZIMMERMAN
W. PIETRUCHA

Zero Harm

WorleyParsons resources & energy

McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

FIGURE 6
TYPICAL O&M BUILDING AND SUBSTATION DETAILS

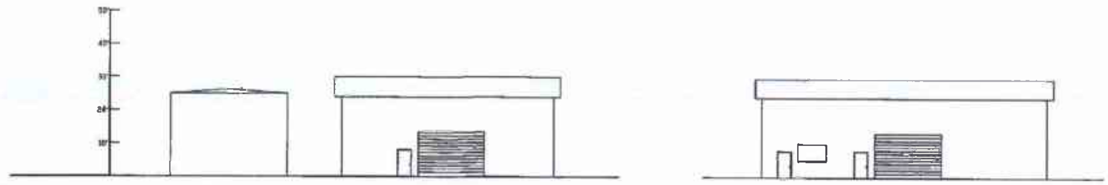
1"=60'
ARCH B (36" x 24")

NEMC-1-DW-161-411-003 F

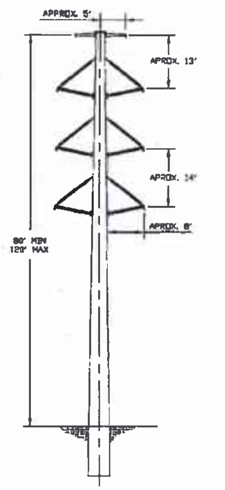
NOT FOR CONSTRUCTION
FOR PERMITTING ONLY

NOTES:

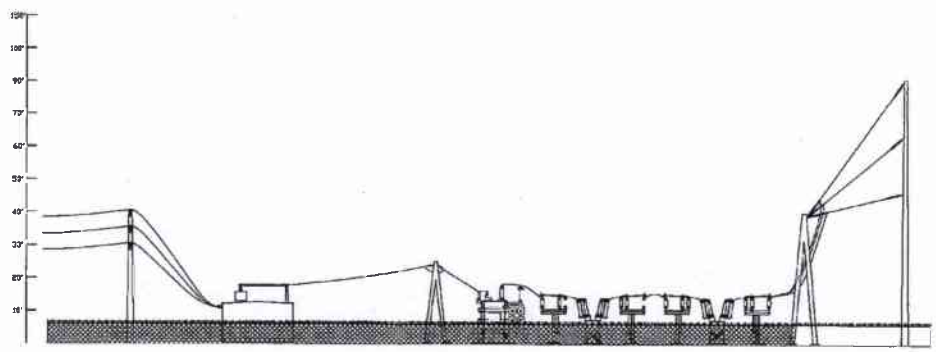
1. BUILDING AND TANK FINISHES AND COLORS WILL BE COMPLEMENTARY WITH THE SURROUNDING ENVIRONMENT.
2. SEE NEMC-1-DW-111-002-006 FOR PLAN VIEW.
3. THIS DRAWING IS CONCEPTUAL AND IS NOT INTENDED FOR DETAIL DESIGN.



ELEVATION
TYPICAL BUILDING AND WATER TANK
NOT TO SCALE



ELEVATION
230 KV DOUBLE CIRCUIT POLE
NOT TO SCALE



ELEVATION
TYPICAL SUBSTATION EQUIPMENT
NOT TO SCALE

REV	DATE	DESCRIPTION
E		REVISED FOR CUP COMMENTS
D		REVISED FOR CUP COMMENTS
C		ISSUED FOR CUP
B		ISSUED FOR CUP
A		ISSUED FOR CUP

REPRESENTS GENERAL DESIGN CONCEPTS BASED ON ASSUMPTIONS. REVIEWED NOT CHECKED.

REPRESENTS REVIEWED AND APPROVED DESIGN. ANY PORTION MARKED "HOLD" RETAINS PRELIMINARY STATUS.

PROFESSIONAL ENGINEER'S SEAL

DRAWN BY: P. McKENNA
CHECKED BY: D. AKOLA
LEAD DESIGNER: A. PRATT
ENGINEER/TECH SPECIALIST: K. DEASON
PROJECT ENGINEERING MANAGER: V. PIETRUCHA
PROJECT MANAGER: V. PIETRUCHA

Zero Harm — Leadership, No Incidents, Safe Behaviour

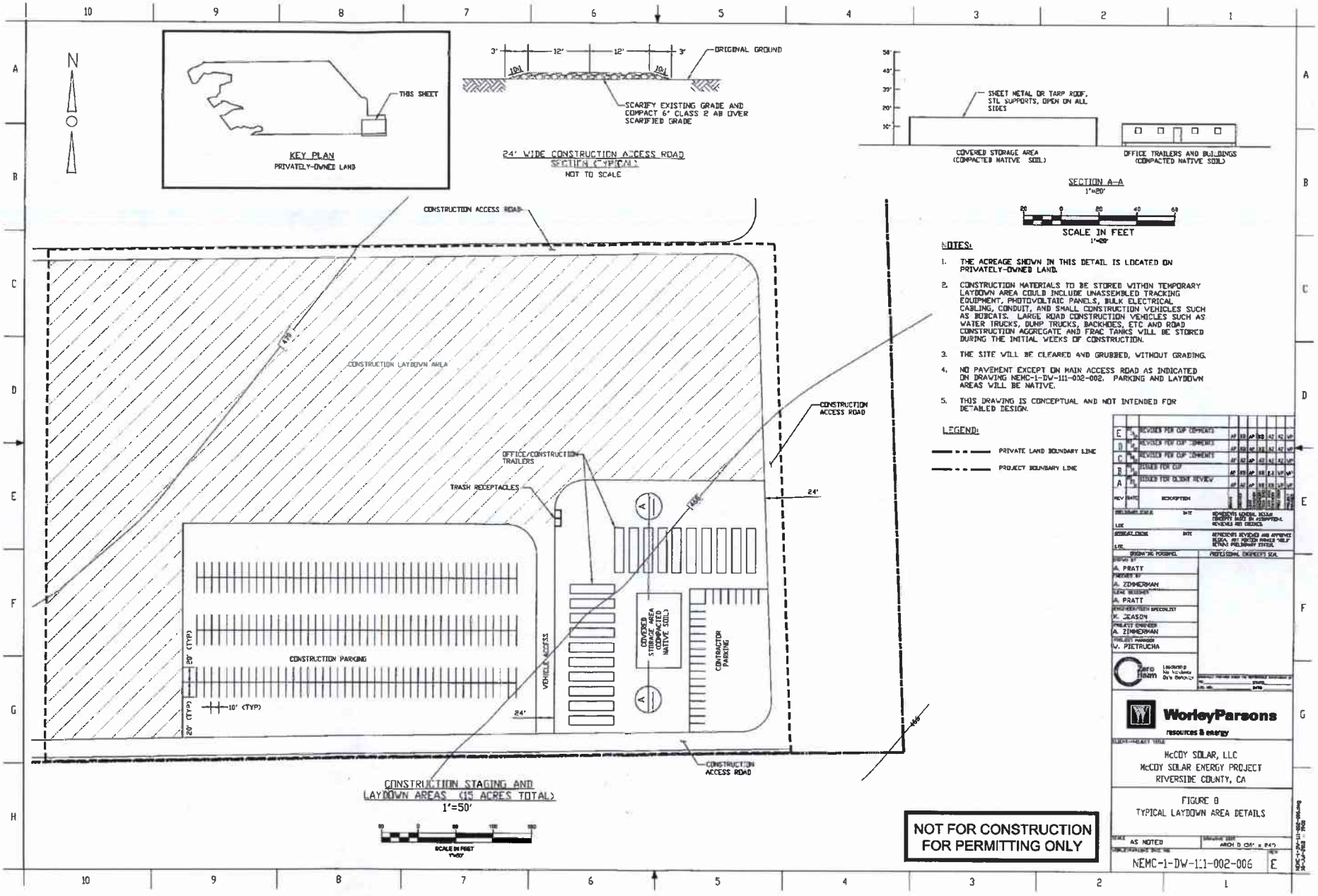
WorleyParsons
resources & energy

CLIENT/PROJECT TITLE
McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

FIGURE 7
TYPICAL ELEVATIONS

NOT FOR CONSTRUCTION
FOR PERMITTING ONLY

SCALE: NTS
DRAWING SIZE: ARCH E (36" x 24")
NEMC-1-DW-111-002-005 | REV: E



NOTES:

1. THE ACREAGE SHOWN IN THIS DETAIL IS LOCATED ON PRIVATELY-OWNED LAND.
2. CONSTRUCTION MATERIALS TO BE STORED WITHIN TEMPORARY LAYDOWN AREA COULD INCLUDE UNASSEMBLED TRACKING EQUIPMENT, PHOTOVOLTAIC PANELS, BULK ELECTRICAL CABLING, CONDUIT, AND SMALL CONSTRUCTION VEHICLES SUCH AS BOBCATS. LARGE ROAD CONSTRUCTION VEHICLES SUCH AS WATER TRUCKS, DUMP TRUCKS, BACKHOES, ETC AND ROAD CONSTRUCTION AGGREGATE AND FRAC TANKS WILL BE STORED DURING THE INITIAL WEEKS OF CONSTRUCTION.
3. THE SITE WILL BE CLEARED AND GRUBBED, WITHOUT GRADING.
4. NO PAVEMENT EXCEPT ON MAIN ACCESS ROAD AS INDICATED ON DRAWING NEMC-1-DW-111-002-002. PARKING AND LAYDOWN AREAS WILL BE NATIVE.
5. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.

LEGEND:

PRIVATE LAND BOUNDARY LINE

PROJECT BOUNDARY LINE

REV	DATE	DESCRIPTION
E		REVISED PER CUP COMMENTS
D		REVISED PER CUP COMMENTS
C		REVISED PER CUP COMMENTS
B		ISSUED FOR CUP
A		ISSUED FOR CLIENT REVIEW

DESIGNED BY: A. PRATT
DRAWN BY: A. ZIMMERMAN
CHECKED BY: A. PRATT
ENVIRONMENTAL SPECIALIST: K. JEASON
PROJECT ENGINEER: A. ZIMMERMAN
PROJECT MANAGER: V. PIETRUCHA

WorleyParsons
resources & energy

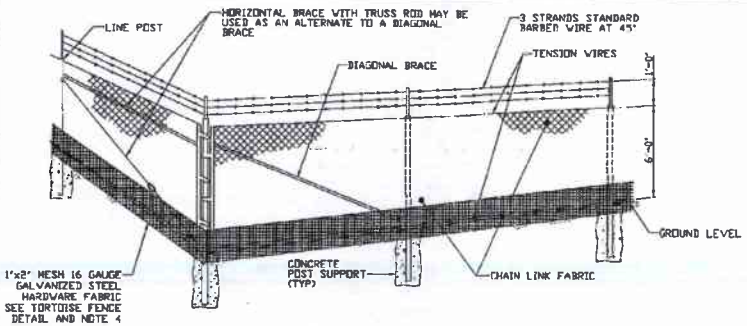
McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

FIGURE 8
TYPICAL LAYDOWN AREA DETAILS

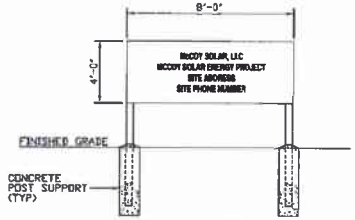
SCALE: AS NOTED
DRAWING SIZE: ARCH D (36" x 24")

NEMC-1-DW-111-002-006 E

NOT FOR CONSTRUCTION
FOR PERMITTING ONLY



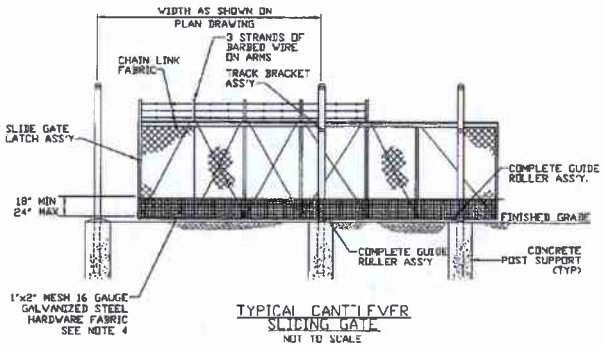
TYPICAL FENCE ELEVATION
NOT TO SCALE



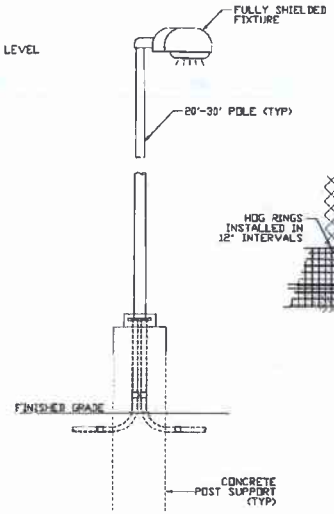
PLANT ENTRANCE SIGN
NOT TO SCALE

NOTES:

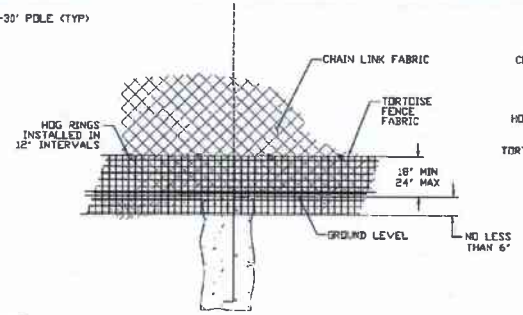
1. LIGHTING FIXTURES WILL BE DESIGNED AND INSTALLED PER THE RIVERSIDE COUNTY ZONING ORDINANCE.
2. LIGHTING FIXTURES WILL BE LOCATED IN AND NEAR EQUIPMENT MAINTENANCE AREAS, ABOVE DOORWAYS, AND WITHIN THE COMMON SERVICES AREA.
3. PLANT ENTRANCE SIGN LOCATED AT PLANT MAIN ACCESS GATE.
4. TORTOISE FENCE CLOTH TO BE ATTACHED TO CHAIN LINK FENCE FABRIC WITH HOG RINGS AT 12" MAXIMUM SPACING.
5. BACKFILL TRENCH WITH EXCAVATED MATERIAL AND COMPACT.
6. FENCING SETBACKS WILL BE DETERMINED DURING DETAILED DESIGN SO THAT ANY PONDING WILL BE WITHIN PROJECT BOUNDARY.
7. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.



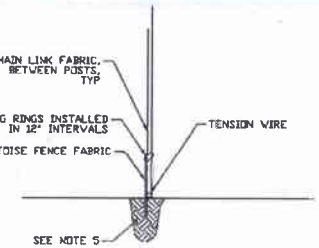
TYPICAL CANTILEVER SLIDING GATE
NOT TO SCALE

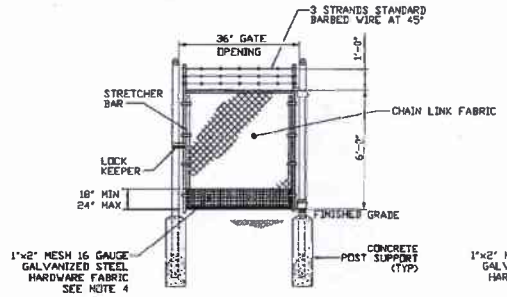


TYPICAL LIGHT POLE DETAIL
NOT TO SCALE

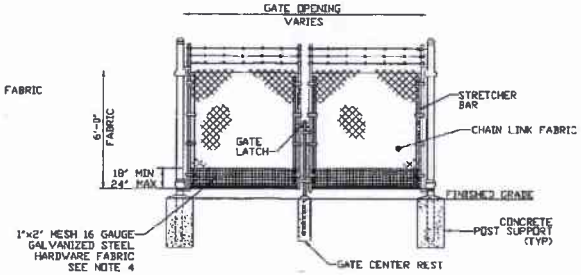


TORTOISE FENCE DETAIL
NOT TO SCALE

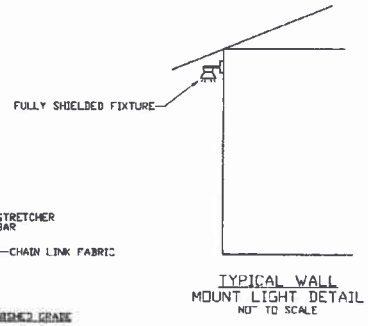




TYPICAL SINGLE SWING GATE
NOT TO SCALE



TYPICAL DOUBLE SWING GATE
NOT TO SCALE



TYPICAL WALL MOUNT LIGHT DETAIL
NOT TO SCALE

NOT FOR CONSTRUCTION
FOR PERMITTING ONLY

REV	DESCRIPTION
C	REVISED PER CUP COMMENTS
B	ISSUED FOR CUP
A	ISSUED FOR CUP

P. McKENNA
B. AKOLA
A. PRATT
K. BEASON
V. PIETRUCHA
V. PIETRUCHA

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resources & energy

McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

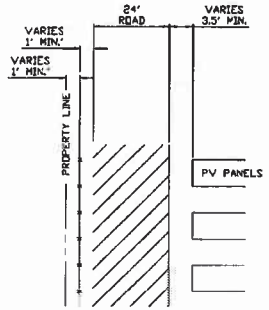
FIGURE 9
TYPICAL FENCING AND GATE DETAILS

NTS | ARCH D (36" x 24")

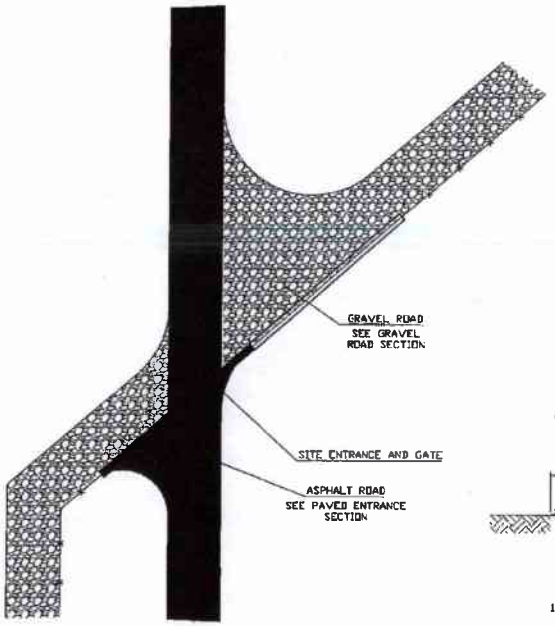
NEMC-1-DW-111-735-001 | C

NOTES:

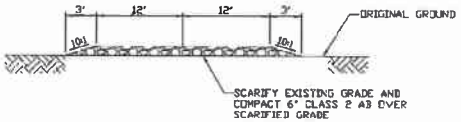
1. SEE NEMC-1-DW-111-735-001 FOR FENCE DETAILS.
2. THIS DRAWING IS CONCEPTUAL AND IS NOT INTENDED FOR DETAILED DESIGN.



TYPICAL PROPERTY BOUNDARY DETAIL
NOT TO SCALE

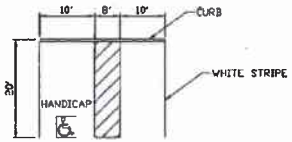


SITE ACCESS DETAIL
NOT TO SCALE

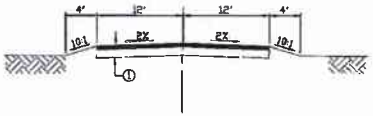


1. USED ON ALL PERIMETER ACCESS ROAD AND CONSTRUCTION ACCESS ROADS.

24' WIDE GRAVEL ROAD SECTION (TYPICAL)
NOT TO SCALE



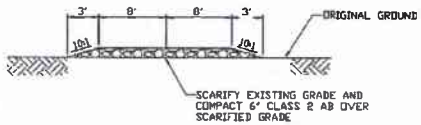
PARKING SPACE DETAILS
NOT TO SCALE



① PAVEMENT SECTION TO BE DETERMINED BY GEOTECHNICAL/PAVEMENT ENGINEER.

2. USED ON ROADS STARTING FROM THE ENTRANCE OF ENERGY PROJECT TO O&M BUILDING AND BOTH SUBSTATIONS.

PAVED ENTRANCE ROAD SECTION
TO McCOY SOLAR ENERGY PROJECT
NOT TO SCALE



1. USED ON ALL SERVICE ROADS WITHIN THE SOLAR PANEL FIELD.

16' WIDE GRAVEL ROAD SECTION (TYPICAL)
NOT TO SCALE

NOT FOR CONSTRUCTION
FOR PERMITTING ONLY

REV	DATE	DESCRIPTION
E		REVISED PER CUP COMMENTS
D		REVISED PER CUP COMMENTS
C		ISSUED FOR CUP
B		ISSUED FOR CUP
A		ISSUED FOR CLIENT REVIEW

P. McKENNA
D. AKOLA
A. PRATT
K. DEASON
A. ZIMMERMAN
V. PIETRUCHA

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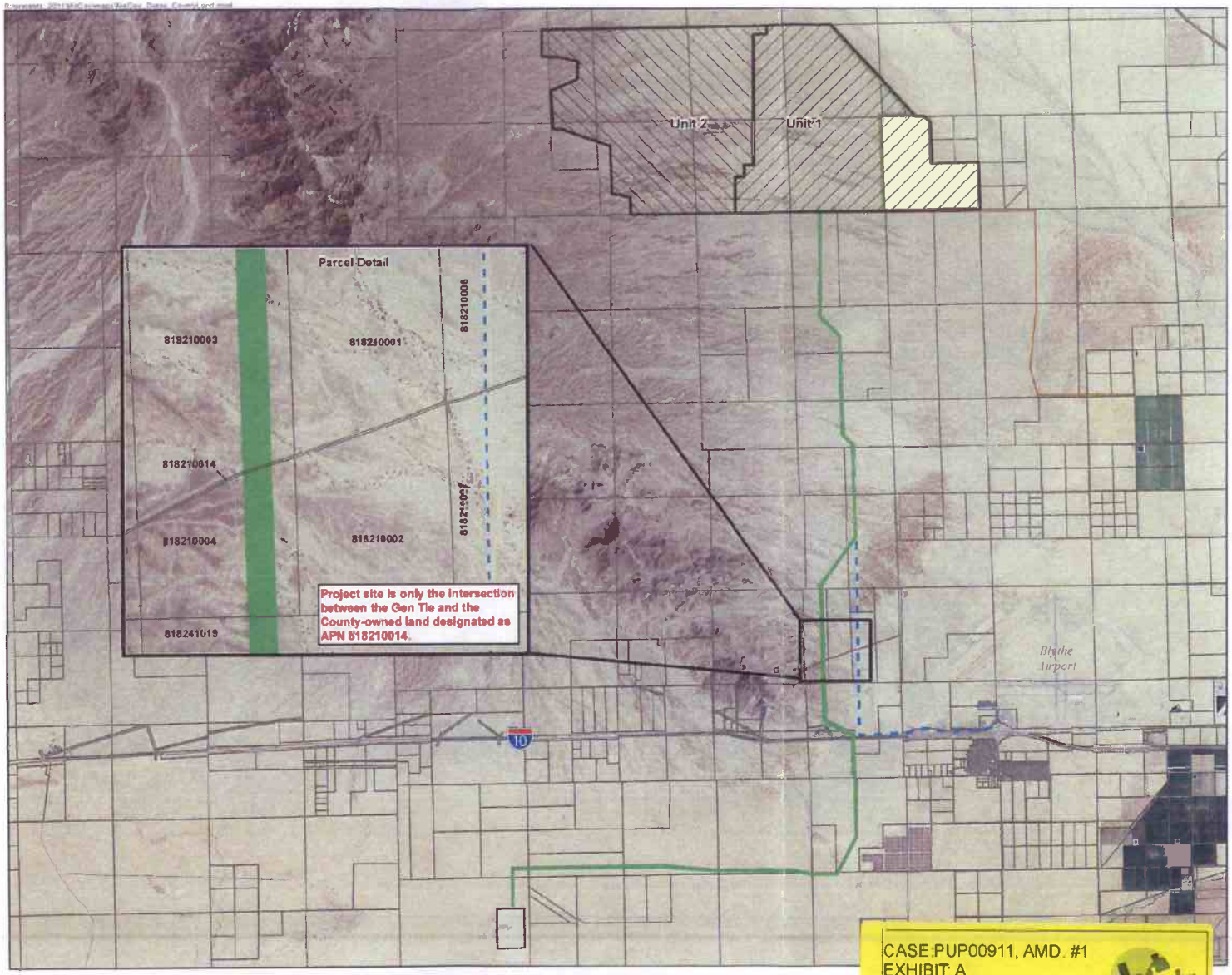
resources & energy

McCOY SOLAR, LLC
McCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

FIGURE 10
TYPICAL ROAD DETAILS

NTS

NEMC-1-DW-111-735-002 E



McCOY SOLAR ENERGY PROJECT RIVERSIDE COUNTY, CA

Legend

MSEP Solar Plant Site Boundary
- Unit 1
- Unit 2
- Shared Access Road with BSPP
- Distribution Line
- Linear Corridor (includes Generation Tie Line)
- Proposed Colorado River Substation (SCE)
- Assessor's Parcels
- Private Parcels

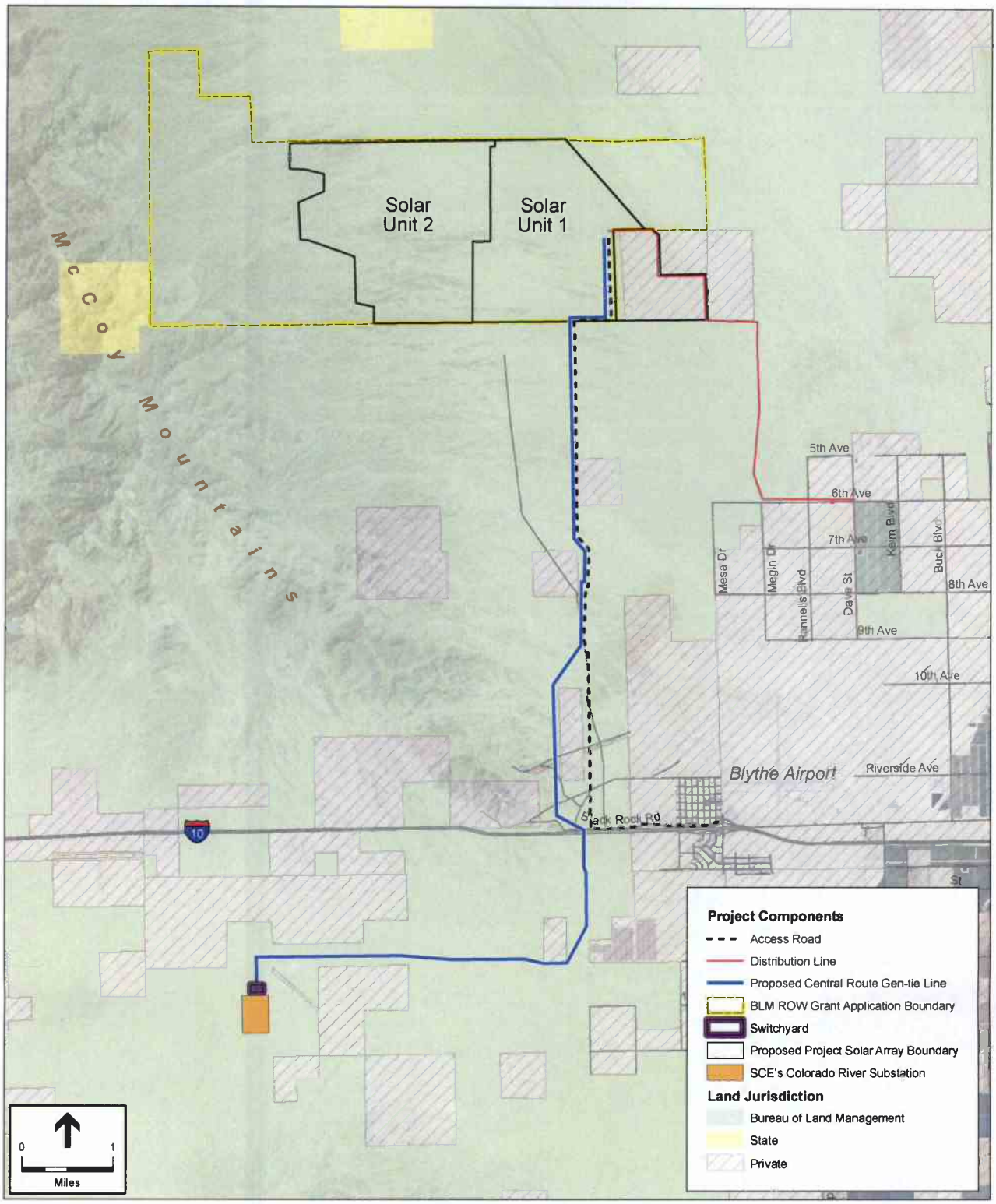
0 0.75 1.5
Miles

Notes:
(a) UTM Zone 11, NAD 1983 Projection.
(b) Source data: ESRI, BLM, USGS 7.5' DRGs, TTEC

CASE: PUP00911, AMD. #1
EXHIBIT: A
DATE: 12/24/13
PLANNER: L. ROSS

PUP GENERAL PROJECT FEATURES

TETRA TECH



SOURCE: NextEra, 2012

McCoy Solar Energy Project . 211516

Figure 2-2

Proposed Project

Board of Supervisors County of Riverside

RESOLUTION NO. 2014-054

CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT NO. 528 (SCH # 2011101007), ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVING THE MCCOY SOLAR ENERGY PROJECT

WHEREAS, McCoy Solar, LLC (the Applicant) filed an Application for Land Use and Development with the Riverside County Planning Department seeking a Conditional Use Permit (CUP No. 3682) and Public Use Permit (PUP No. 911) and has proposed to enter into a development agreement (DA No. 77) with the County of Riverside (the County) to construct, operate, maintain and decommission the McCoy Solar Energy Project (Project); and

WHEREAS, the Project consists of an up-to-750 megawatt (MW) photovoltaic (PV) solar energy generating facility and related infrastructure in unincorporated Riverside County on a combination of private lands under the jurisdiction of the County and public lands administered by the Bureau of Land Management (BLM); and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the California Environmental Quality Act (CEQA) Guidelines (14 Cal. Code Regs. §15000 et seq.), the County is the lead agency for the Project; and

WHEREAS, the BLM and the County initially intended to prepare a joint Environmental Impact Statement (EIS) / Environmental Impact Report (EIR) for the Project under the National Environmental Policy Act (NEPA) and CEQA; and

WHEREAS, the County solicited comments (including input about the scope and content of the environmental review, as well as potential feasible alternatives and mitigation measures) from responsible

FORM APPROVED COUNTY COUNSEL
BY: TIFFANY N. NORTH DATE 2/13/14

agencies, trustee agencies, and the public in a Notice of Preparation (NOP) of a joint EIS/EIR for the Project, which was filed on October 3, 2011 and circulated for a period of 30 days pursuant to CEQA Guidelines sections 15082(a) and 15375; and

WHEREAS, the BLM and County decided, after the October 2011 NOP was issued, to proceed independently under federal and state law; and

WHEREAS, the County solicited comments (including input about the scope and content of the environmental review, as well as potential feasible alternatives and mitigation measures) from responsible agencies, trustee agencies, and the public in a NOP of the EIR for the Project, which was filed on May 31, 2012 and circulated for a period of 30 days pursuant to CEQA Guidelines sections 15082(a) and 15375; and

WHEREAS, approximately21 comment letters were received by the County in response to the October 2011 NOP, and approximately 6 comment letters were received by the County in response to the May 2012 NOP, which assisted the County in refining the issues and alternatives for analysis in the Draft EIR (DEIR); and

WHEREAS, pursuant to Public Resources Code section 21083.9 and CEQA Guidelines sections 15082(c) and 15083, the County held a public scoping meeting on October 19, 2011, to solicit public comments on the DEIR for the Project; and

WHEREAS, in compliance with CEQA (Pub. Res. Code §21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.), the County prepared a DEIR to analyze the potential environmental effects of the Project; and

WHEREAS, the DEIR was completed and released for public review on July 18, 2013, and the County initiated a 45-day public comment period by filing a Notice of Completion and Availability with the State Clearinghouse and the Riverside County Assessor-Clerk-Recorder's Office; and

WHEREAS, pursuant to Public Resources Code section 21092, the County also provided a Notice of Availability to all organizations and individuals who had previously requested such notice, and published the Notice of Availability on July 19, 2013, in The Press-Enterprise, a newspaper of general circulation in the Project area; and

WHEREAS, a revised Notice of Availability clarifying the locations where the DEIR was available for public review and extending the DEIR review period to October 1, 2013, was published in The Press-Enterprise on August 17, 2013; and,

WHEREAS, during the 74-day comment period (July 19, 2013 to October 1, 2013), the County consulted with, and requested comments from, responsible and trustee agencies, other regulatory agencies and other interested parties pursuant to CEQA Guidelines section 15086; and

WHEREAS, during the official public review period for the DEIR, the County received 11 written comment letters; and

WHEREAS, comments received on the DEIR identified a new potential generation tie-line alignment, which would shift an approximately 1-mile portion of the proposed Central Route to the west by approximately 1,100 feet, that was added to the Project, analyzed in the Final EIR as "Option 2," and found not to cause any new or more significant impact than those analyzed in the DEIR; and,

WHEREAS, the County elected to recirculate certain portions of the DEIR for the public and interested agencies to review the potential implications of monitoring data from solar projects now being constructed in the California desert that began documenting mortality and injury of freshwater birds and other avian species, to provide additional review of the Project's potential dust-related impacts by expressly addressing Coccidioidomycosis, commonly known as valley fever, and to clarify conclusions reached in the DEIR regarding Aesthetics; and

WHEREAS, although this information did not constitute "significant new information" requiring recirculation as defined in CEQA Guidelines section 15088.5, the County prepared a Revised DEIR (Pub. Res. Code §21092.1; 14 Cal. Code Regs. §15088.5) to document the information for ease in public and agency review; and

WHEREAS, on November 18, 2013, the County recirculated the Revised DEIR for a 45-day review period; filed a Notice of Completion and Availability with the State Clearinghouse and the Riverside County Assessor-Clerk-Recorder's Office; mailed a Notice of Availability of the Revised DEIR to all agencies, organizations and individuals who previously had requested notice; published a Notice of Availability of the Revised DEIR in The Press-Enterprise; and made copies available for public review in

the Palo Verde library, the Lake Tamarisk library, and at the Riverside County Planning Department (both the Riverside and Palm Desert offices); and

WHEREAS, the County received 6 comment letters in response to the Revised DEIR, and prepared responses to those comments; and

WHEREAS, pursuant to Public Resources Code section 21092.5 and CEQA Guidelines 15088(b), the County provided each public agency that submitted comments on the DEIR or Revised DEIR with written responses to the agency's comments at least 10 days before considering the Final EIR for certification, on or about February 14, 2014; and

WHEREAS, pursuant to CEQA Guidelines Section 15132, the County released the Final EIR (hereinafter, the "EIR"), which consists of the DEIR, Revised DEIR, a list of all agencies and individuals who commented on the DEIR and Revised DEIR, comments received on the DEIR and Revised DEIR, written responses to all to significant environmental issues raised in the review, consultation, and comment processes for the DEIR and Revised DEIR; and

WHEREAS, all potentially significant adverse environmental impacts of the Project as modified were analyzed in the EIR; and

WHEREAS, as contained herein, the County has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all requirements of the Public Resources Code, the CEQA Guidelines, and Riverside County CEQA implementing procedures have been satisfied in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project, as well as feasible alternatives and mitigation measures, have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's potential environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with the Public Resources Code and the CEQA Guidelines; and

WHEREAS, all of the findings and conclusions made by the Board of Supervisors pursuant to this Resolution are based upon oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, environmental impacts identified in the EIR that the County finds will either have no impact or are less than significant and do not require mitigation are described in Section II below; and

WHEREAS, the environmental impacts identified in the EIR as potentially significant but which the County finds can be mitigated to a less-than-significant level through the implementation of Mitigation Measures identified in the Mitigation Monitoring and Reporting Program are described in Section III below; and

WHEREAS, environmental impacts identified in the EIR as potentially significant but which the County finds may not be mitigated to a level of less than significant, despite the imposition of all feasible Mitigation Measures identified in the EIR, are described in Section IV below; and

WHEREAS, the significant and less-than-significant cumulative environmental impacts identified in the EIR are described in Section V below; and

WHEREAS, growth-inducing impacts identified in the EIR are described in Section VI below; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Section VII below; and

WHEREAS, the Board of Supervisors has determined that the benefits of the Project outweigh its potential significant effects, and the basis for that determination is set forth in the Statement of Overriding Considerations included in Section VIII below; and

WHEREAS, the Mitigation Monitoring and Reporting Program sets forth the mitigation measures that the County shall require as binding obligations of the Applicant in connection with any part of the Project on land under County jurisdiction, is adopted in Section XI below, and is attached hereto as Exhibit "A"; and

WHEREAS, prior to taking action, the Board of Supervisors has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the Board of Supervisors and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, the County has not received any comments or information that produced substantial new information requiring recirculation Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5; and

WHEREAS, on February 25, 2014, the Board of Supervisors conducted duly noticed public hearings on the Project, at which time all persons wishing to testify were heard, and the Project was fully considered; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of the County of Riverside, in regular session assembled on February 25, 2014, that:

SECTION I

INTRODUCTION

A. Project Description

McCoy Solar LLC, (the Applicant) would construct, operate, maintain, and decommission a photovoltaic (PV) solar energy generating facility with a capacity up to 750 megawatts (MW) and necessary ancillary facilities, including a generation tie line, access road, and switch yard in the unincorporated County. The precise generation capacity or megawatts would depend on the technology selected and efficiencies available. The Project would be developed on approximately 477 acres of private and County-owned land subject to the land use jurisdiction of Riverside County and on approximately 4,096 acres of public land administered by BLM. The facilities to be located on the private land subject to Riverside County's jurisdiction would include solar arrays and inverters, a portion of the access road, electric power distribution line, and telecommunications line. The 12.5-mile generation tie line, with a right-of-way width of 100 feet, would require approximately 136 acres of public lands. The Project has been modified to include a potential generation tie-line alignment, which would shift an approximately 1-mile portion of the proposed Central Route to the west by approximately 1,100 feet. The proposed 2-acre

switch yard would be located adjacent to Southern California Edison's Colorado River Substation, into which it would connect. The Project would generate and deliver solar power to the California electrical grid through an interconnection at the Colorado River Substation (CRS).

B. Legal Requirements

Pursuant to section 15091 of the CEQA Guidelines, the County may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the County makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which will avoid or substantially lessen the significant environmental impact as identified in the EIR; or
2. Such changes or alterations are within the responsibility and jurisdiction of a public agency other than the County, and such changes have been adopted by such other agency, or can and should be adopted by such other agency; or
3. Specific economic, social, legal or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Notably, Public Resources Code section 21002 requires an agency to "substantially lessen or avoid" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoided, satisfy section 21002's mandate. (Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 521 ("CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level"); Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles (1986) 177 Cal. App. 3d 300, 309 ("[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance . . . if such would render the project unfeasible").)

The Public Resources Code requires that lead agencies adopt feasible mitigation measures or alternatives to substantially lessen or avoid significant environmental impacts. An agency need not, however, adopt infeasible mitigation measures or alternatives. (CEQA Guidelines §15091(a), (b).) Public

Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines section 15091 adds "legal" considerations as another indicia of feasibility. (See also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565.) Project objectives also inform the determination of "feasibility." (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 401, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Id.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (Leonoff v. Monterey County Board of Supervisors (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project's environmental alternatives is not required; rather, the requirement is that sufficient information be produced "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." Outside agencies (including courts) are not to "impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken." (Residents Ad Hoc Stadium Com. v. Board of Trustees (1979) 89 Cal.App.3d 274, 287.)

C. Summary of Environmental Findings

This document contains the findings required under CEQA and the CEQA Guidelines. Public Resources Code section 21081.6 requires the County to prepare and adopt a Mitigation Monitoring and Reporting Program for any Project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The County adopts a Mitigation Monitoring and Reporting Program for the Project in Section IX of this Resolution.

As explained above, the County issued a Revised DEIR for additional agency and public input regarding potential implications of construction monitoring data from California desert solar projects that began documenting mortality and injury of avian species and potential dust-related impacts expressly including Coccidioidomycosis, commonly known as valley fever; and to clarify conclusions reached in the DEIR regarding Aesthetics. The County does not believe that the information provided in the Revised DEIR constituted "significant new information" requiring recirculation pursuant to CEQA Guidelines section 15088.5. However, in order to effectively evaluate the implications of this information and to provide additional opportunity for the public to review potential dust-related impacts of the Project, the County elected to revise the DEIR's biological resources and air quality analyses.

No comments made in the public hearing conducted by the Board of Supervisors or any additional information submitted to the County has produced any significant new information requiring recirculation or additional environmental review of the Final EIR under CEQA because no new significant environmental impacts were identified, no substantial increase in the severity of any environmental impacts would occur, and no feasible mitigation measures or Project alternatives as defined in CEQA Guidelines section 15088.5 were rejected.

As more fully explained below, the Board of Supervisors has determined that based on all of the evidence presented, including, but not limited to: the EIR; written and oral testimony given at meetings and hearings; and submission of comments from the public, organizations, and regulatory agencies; and the responses prepared to the public comments, the following environmental impacts associated with the Project are:

1. **No Impact or Less-Than-Significant Impacts that Do Not Require Mitigation**
    - Substantially Adversely Affect a Scenic Vista
    - Substantially Damage Scenic Resources within a State Scenic Highway
    - Convert or Indirectly Result in the Conversion of Farmland to Non-Agricultural Use
    - Conflict with Zoning for Agricultural Use or with a Williamson Act Contract
    - Conflict with Zoning for or Cause Rezoning of Forest Land, Timberland, or land zoned Timberland Production

- Result in the Loss of Forest Land or Convert or Indirectly Result in the Conversion of Forest Land to Non-Forest Use
- Construction and Decommissioning Annual Criteria Pollutant Emissions of Volatile Organic Compounds (VOC), Nitrogen Oxides (NOx), Carbon Monoxide (CO), Oxides of Sulfur (SOx), Respirable Particulate Matter (PM10), and Fine Particulate Matter (PM2.5)
- Construction and Decommissioning Maximum Daily Emissions of VOC, NOx, CO, SOx, and PM2.5
- Operation and Maintenance Emissions of VOC, NOx, CO, SOx, PM2.5, and PM10 from Equipment and Vehicles
- Exposure of Sensitive Receptors to Substantial Pollutant Concentrations
- Exposure of Sensitive Receptors to Odorous Emissions
- Impacts to Special-Status Wildlife Species – Couch's Spadefoot Toad
- Impacts to Nelson's Bighorn Sheep and Burro Deer
- Impacts to the Protected Waters of the United States
- Conflict with Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Local Policies Protecting Biological Resources
- Impacts to Unique Paleontological Resources or Sites or Unique Geological Features
- Cumulative Prehistoric and Historic Resources/Human Remains
- Cumulative Paleontological Resources
- Effects on Local and Regional Energy Supplies and on Peak and Base Period Energy Demand
- Compliance with Energy Standards
- Inefficient, Wasteful, and Unnecessary Consumption of Energy
- Operation and Maintenance Transportation Energy Use Requirements
- Soils Incapable of Supporting the Use of Septic Tanks
- Greenhouse Gas Emissions
- Hazards Within 0.25 Mile of an Existing or Proposed School
- Hazardous Materials Sites

- Public and Private Airport Hazards
- Cumulative Hazards and Hazardous Material Impacts
- Place Houses or Structures Within a 100-Year Flood Hazard Area
- Result in Inundation by Seiche, Tsunami, or Mudflow
- Physically Divide an Established Community
- Conflict with Applicable Land Use Plan, Policy, or Regulation
- Cumulative Land Use Compatibility Impacts
- Impacts on Mineral Resources
- Noise Impacts
- Cumulative Project-Generated Noise Impacts
- Growth-Inducing Impacts
- Impacts on Population and Housing
- Impacts on Public Services
- Impacts on Recreation
- Impacts on the Performance of the Circulation System
- Conflict with Congestion Management Program
- Change in Air Traffic Patterns
- Impacts on Public Transit, Bicycle, or Pedestrian Facilities
- Impacts on Capacity of Water or Wastewater Treatment Facilities
- Impacts to Water Supply Entitlements
- Solid Waste Impacts
- Cumulative Solid Waste Impacts

2. **Potentially Significant Impacts That Can be Avoided or Reduced to a Less Than Significant Level Through Implementation of Mitigation Measures**

- New Sources of Light and Glare Adversely Affecting Views
- Operation and Maintenance Emissions of Fugitive Dust
- Impacts to Special-Status Plant Species

- Impacts to Special-Status Wildlife Species – Desert Tortoise
- Impacts to Special-Status Wildlife Species – Mojave Fringe-Toed Lizard
- Impacts to Nesting Birds
- Impacts to Golden Eagle
- Impacts to Burrowing Owl
- Impacts to American Badger and Desert Kit Fox
- Impacts to Sensitive Vegetation Communities Including Riparian Habitat
- Impacts to the Protected Waters of the State
- Interference with the Movement of Native Wildlife Through Existing Migratory Corridors
- Impacts to Historical and Archaeological Resources
- Unknown Human Remains
- Construction and Decommissioning Transportation Energy Use Requirements
- Earthquakes and Seismic Hazards
- Soil Erosion or Loss of Topsoil
- Unstable Geologic Features
- Expansive Soils
- Cumulative Geology, Soils, and Seismicity Impacts
- Transportation, Use, and Disposal of Hazardous Materials
- Accidental Release of Hazardous Materials
- Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan
- Wildland Fire Hazards
- Violate Water Quality Standards or Waste Discharge Requirements
- Substantially Deplete Groundwater Supplies or Interfere with Recharge
- Substantially Alter Drainage Patterns Resulting in Erosion or Flooding
- Contribute Runoff Water Exceeding the Capacity of Stormwater Drainage Systems
- Expose People or Structures to Flooding Hazards
- Cumulative Water Quality Degradation

- Increased Roadway Hazards
- Emergency Access
- Cumulative Impacts to Area Roadways
- Exceed Wastewater Treatment Requirements
- Impacts on Capacity of Stormwater Drainage Facilities
- Compliance with Solid Waste Regulations

3. **Potentially Significant Impacts that Cannot be Avoided or Reduced to a Less Than Significant Level:**
   - Cumulative Impact to the Existing Visual Character or Quality of the Site and its Surroundings
   - Construction and Decommissioning Maximum Daily Emissions of PM10
   - Contribution to Cumulative Regional Air Quality Conditions
   - Impacts on Special-Status and Migratory Birds and on Special-Status Bats

SECTION II

FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as have "no impact" or a "less than significant" impact. Nevertheless, these findings fully account for all resource areas, including resource areas that were identified in the EIR to have either no impact or a less than significant impact on the environment. The Board of Supervisors hereby finds that the Project would either have no impact or a less-than-significant impact in the following resource areas:

D. Aesthetics, Visual Quality, and Light and Glare

1. Adverse Effect on a Scenic Vista (Impact 4.1-1): The Project does not result in a substantial adverse effect on a scenic vista. Due to distance, screening elements, and the size and orientation of Project components, the Project would not block scenic elements in the landscape, and would range from imperceptible to beginning to attract attention, while not dominating the viewshed. Overall visual change

would range from low to low-to-moderate. In conjunction with the visual sensitivity of each Key Observation Point (KOP) analyzed, the resulting visual impact would range from not significant (KOPs 1, 4, and 5) to adverse but not significant (KOPs 2, 3, 6, and 7). [DEIR 4.1-26] Visual impacts to views from I-10, a County-eligible scenic highway, would be adverse but not significant. The Project would not dominate the landscape character from the main public vantage points in the study area. Id.

2. Damage Scenic Resources within a State Scenic Highway: There are no designated or eligible State Scenic Highways from which the Project would be visible. Therefore, construction, operation, maintenance, and decommissioning of the Project would have no impact with respect to damaging scenic resources within a state scenic highway. [DEIR 4.1-26]

3. Degrade the Existing Visual Character or Quality of the Site and its Surroundings (Impact 4.1-2): The Project does not substantially degrade the existing visual character or quality of the site or its surroundings. The impact of construction, operation and maintenance, and decommissioning on the visual character and quality of the site and its surroundings would be adverse, but less than significant because the Project would result in low to low-to-moderate visual change. [DEIR 4.1-29]

E. Agriculture and Forestry Resources

1. Convert Farmland to Non-Agricultural Use: There is no designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the Project area according to the California Division of Land Resource Protection, Farmland Mapping and Monitoring Program Important Farmland map. [DEIR 4.2-3] Therefore, no impact related to Farmland would occur.

2. Conflict with Existing Zoning for Agricultural Use, or a Williamson Act Contract: The Project would not be located on lands subject to a Williamson Act contract. The Project site is located on lands zoned W-2-10 (Controlled Development Area) by Riverside County. Although these lands are not specifically zoned for agricultural use, allowed uses include field and tree crops, aviaries, and grazing of farm animals. However, because its proposed uses are also permitted within W-2-10 zones, the Project would not conflict with this zoning designation. [DEIR 4.2-3, 4] No impact would occur.

3. Conflict with Existing Zoning for, or Cause Rezoning of, Forest Land, Timberland, or Timberland Zoned Timberland Production: The Project site does not contain any land defined as forest

land as defined by Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or land zoned Timberland Production as defined by Government Code section 51104(g). The Project could not conflict with these zoning types or cause rezoning of these lands. [DEIR 4.2-4] No impact would occur.

4. Loss of Forest Land or Conversion of Forest Land to Non-Forest Use: As no forest land is present on the Project site, the Project could not result in the loss of forest land or conversion of forest land to non-forest use. [DEIR 4.2-4] No impact would occur.

5. Indirect Conversion of Farmland or Forest Land: The Project site does not contain farmland or forest land, and as a result, the Project could not cause changes in the existing environment that would result in the conversion of these lands to other uses. [DEIR 4.2-4] No impact would occur.

F. Air Quality

1. Conflict With or Obstruct Implementation of the Applicable Air Quality Plan: The Mojave Desert Air Quality Management District (MDAQMD) Triennial Revision to the 1991 Air Quality Attainment Plan includes recommendations for measures to control VOC and NO_x emissions generated from a variety of sources. The plan does not specifically address short-term construction emissions. Project operation would not include any major emission sources of VOC or NO_x. Therefore, Project operation would not conflict with or obstruct implementation of the MDAQMD Triennial Revision to the 1991 Air Quality Attainment Plan. There would be no impact. [DEIR p. 4.3-16]

2. Exposure of Sensitive Receptors to Substantial Pollutant Concentrations (Impact 4.3-4): The MDAQMD CEQA guidelines specify that industrial Projects within 1,000 feet of existing or planned sensitive receptor land uses, including residences, must be evaluated for this criterion. There are no sensitive receptors within 1,000 feet of the Project site. This impact would be less than significant. [DEIR p. 4.3-22]

3. Exposure of Sensitive Receptors to Odorous Emissions (Impact 4.3-5): Project construction would include sources, such as diesel equipment, which could result in the creation of objectionable odors; however, since the construction activities would be temporary and spatially dispersed, and would generally be conducted at least 0.4 mile from the nearest residences, the construction-related odors would have a

negligible effect on people in the area. The impact would be less than significant. Operation and maintenance would not create odorous emissions. There would be no impact. The air quality impact of the Project with respect to creation of odors during decommissioning would be similar to that described for the construction phase. The impact would be less than significant. [DEIR p. 4.3-22]

G. Biological Resources

1. Impacts on Couch's Spadefoot Toad (Impact 4.4-5): If present, direct effects to Couch's spadefoot toads would include loss of potential breeding habitat and direct mortality during grading or construction. Indirect impacts could result from hydrology changes that reduce flow to breeding areas. In addition, construction noise could trigger emergence when breeding conditions are not favorable. Focused breeding season surveys observed no adults, tadpoles, or eggs in breeding locations in the surveyed area, and it is considered unlikely that Couch's spadefoot toads occur on the Project site. Therefore, this impact would be less than significant. [DEIR p. 4.4-102]

2. Impacts on Nelson's Bighorn Sheep and Burro Deer (Impact 4.4-10): The intermountain valley floor within the solar plant site is unlikely to serve as a potential movement corridor for Nelson's bighorn sheep based on their documented absence from the McCoy Mountains. Due to the absence of bighorn sheep from the Project area, the construction phase of the Project would not adversely affect habitat for this species or cause effects to individual sheep or sheep populations. The Project would not present a complete barrier to movement between mountain ranges as sheep still could disperse around the site to the west, north, and east. Direct and indirect construction impacts to burro deer include the loss of foraging habitat in desert dry wash woodlands, vegetated swales, and Sonoran creosote bush scrub habitat, and potential barriers to local and regional deer movement. The Project would not present a barrier to regional movement because deer still could disperse around the site to the west, north, and east. Impacts to bighorn sheep and burro deer would be less than significant. [DEIR pp. 4.4-110, 4.4-111]

3. Construction Impacts on the Movement of Migratory Birds and Bats (Impact 4.4-17A): Monitoring data from other Projects increasingly suggests that solar energy generation technologies including PV produce reflected light and polarized light that may attract resident and migratory birds and bats to solar facilities, and could contribute to injury and mortality related to collision with PV panels and other Project-

related structures. However, no evidence indicates that solar PV facilities interfere with local bird movement or migratory patterns. Thus, the effects of the Project to bird and bat movement and migratory corridors would be less than significant. [Revised DEIR p. 2-81]

4. Operation and Maintenance Impacts on the Movement of Migratory Birds and Bats (Impact 4.4-18A): Monitoring data from other Projects increasingly suggests that solar energy generation technologies including PV produce reflected light and polarized light that may attract resident and migratory birds and bats to solar facilities, and could contribute to injury and mortality related to collision with PV panels and other Project-related structures. However, no evidence indicates that solar PV facilities interfere with local bird movement or migratory patterns. Thus, the effects of the Project to bird and bat movement and migratory corridors would be less than significant. [Revised DEIR p. 2-82]

5. Federally Protected Wetlands: In a letter dated August 30, 2011, the U.S. Army Corps of Engineers (USACE) determined that the proposed site does not contain waters of the United States pursuant to Title 33 of the Code of Federal Regulations section 325.9, and determined that work on the site does not require a Department of the Army Permit Based on this determination, the Project would not impact federally protected wetlands through direct removal, filling, hydrological interruption, or other means, as defined by Clean Water Act section 404. [DEIR p. 4.4-115]

6. Local Policies or Ordinances Protecting Biological Resources: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and it is consistent with the open space protection policy of the Riverside County General Plan. [DEIR p. 4.4-118]

7. Habitat Conservation Plans or Natural Community Conservation Plans: The Project site is not within the boundaries of any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would result. [DEIR p. 4.4-118]

H. Cultural and Paleontological Resources

1. Unique Paleontological Resource or Site or Unique Geological Feature (Impact 4.5-2): The Project would have no impact on unique geological features because the site is underlain by relatively flat

sandy soils that are present in all desert basins throughout the region, and there are no geologically unique rock outcroppings within the Project site. No significant paleontological resources were identified within the Project site during the course of the field survey. However, based on the geological setting, the museum records search, and Society of Vertebrate Paleontology paleontological resource potential, the site is underlain either at the surface or within shallow depths by rock units that have or may have high potential for paleontological resources. Shallow excavations have the potential to disturb yet unknown or undiscovered but potentially significant fossil resources. Applicant-proposed measures would: 1) require a worker environmental training program to be established and administered by a qualified paleontologist prior to the start of construction; 2) ensure that the qualified paleontologist is present for all earth disturbing work in sensitive paleontological areas; and 3) ensure a paleontological monitoring report is completed by the qualified paleontologist at the end of construction that summarizes all Project construction-related impacts to paleontological resources, in compliance with Riverside County General Plan policies OS 19.6 through OS 19.8. Given that the Applicant-proposed measures include multiple measures to avoid damage to fossil resources, including construction monitoring, and much of the Project-related excavations would utilize backhoes, impacts related to construction would be less than significant. [DEIR pp. 4.5-35, 4.5-36]

I. Energy Conservation

1. Energy Requirements by Amount and Fuel Type for Each Stage of the Project (Impact 4.6-1): The energy consumed during each phase would be greater than the baseline value. However, energy used during each phase would be necessary to implement the Project, and none of the proposed energy-consuming activities associated with each phase would be a wasteful or inefficient use of energy. Additionally, decommissioning would restore the site to baseline conditions, making it a non-energy consuming site. The Project would have a less-than-significant impact with respect to fuel and electrical energy requirements. [DEIR pp. 4.6-6 through 4.6-8]

2. Local and Regional Energy Supplies and Requirements for Additional Capacity (Impact 4.6-2): Construction would be temporary, and neither petroleum nor electricity consumption during construction would represent a substantial depletion of local or regional energy supplies. Petroleum consumption during operation and maintenance and decommissioning would be lower than annual

construction-related fuel use Therefore, the Project would have a less-than-significant effect on local and regional energy supplies and/or requirements for additional capacity. [DEIR p. 4.6-9]

3. Peak and Base Period Demands for Electricity and Other Forms of Energy: During construction and decommissioning, the Applicant would recycle all recyclable materials at appropriate facilities, and would therefore be in compliance with Title 42 of the United States Code section 4331(b)(6). Additionally, the use of energy during construction and decommissioning would not be unnecessary, wasteful, or inefficient because it would be necessary for the completion of the Project and construction and decommissioning equipment would comply with all applicable fuel economy and energy efficiency standards. No adverse impact on efforts to achieve existing energy standards would result. [DEIR p. 4.6-10]

4. Compliance with Existing Energy Standards: During construction and decommissioning, the Applicant would recycle all recyclable materials at appropriate facilities, and would therefore be in compliance with Title 42 of the United States Code section 4331(b)(6). Additionally, construction and decommissioning equipment would comply with all applicable fuel economy and energy efficiency standards. The Project would use solar energy technology, an eligible renewable energy resource that meets criteria set forth in California Public Utilities Code section 399.12, Public Resources Code section 25741, and *Renewables Portfolio Standard: Eligibility Guidebook.*[1] The permitting process for the Project would require that it comply with all applicable policies and standards. Thus, the Project would comply with, directly support, and further efforts toward achieving existing energy standards. No adverse impact on efforts to achieve existing energy standards would result. [DEIR p. 4.6-10]

5. Effects on Energy Resources (Impact 4.6-3): The Project would not directly reduce the state's reliance on natural gas and oil for energy, but would use minimal amounts of diesel and gasoline, and would contribute to the state's available sources of non-petroleum electrical generation, potentially indirectly affecting the state's use of natural gas and oil. By producing up to 750 MW of renewable solar energy during its operational lifetime, the Project would increase the state's reliance on renewable energy

[1] California Energy Commission, 2012. Renewables Portfolio Standard Eligibility. 5th ed. Commission Guidebook. CEC-300-2012-002-CMF. May 2012. Available online: http://www.energy.ca.gov/2012publications/CEC-300-2012-002/CEC-300-2012-002-CMF.pdf.

sources and enhance the quality of renewable resources by using renewable solar energy to produce electricity. The Project's energy consumption would be minimal and would not be wasteful, inefficient, or unnecessary. Therefore, the Project's effects on energy resources would be less than significant. [DEIR pp. 4.6-10, 4.6-11]

6. Operation and Maintenance Use of Diesel and Gasoline (Impact 4.6-5): Operation- and maintenance-related use of transportation energy would consist of employee commutes, maintenance-related vehicle use on-site and along the gen-tie line, and any necessary hauling of supplies and wastes generated during this phase. Due to the low number of employees and the limited need for deliveries and waste hauling throughout the operational period, it is anticipated that transportation energy consumption would be low. The use of transportation energy for maintenance-related trips would be necessary to the maintenance of the solar plant and related facilities. Therefore, during operation and maintenance, the use of transportation energy would not be considered inefficient, wasteful, or unnecessary, and this impact would be less than significant. [DEIR p. 4.6-12]

J. Geology and Soils

1. Risk of Loss due to Landslides (Impact 4.7-3): The Project site is located on the broad, gently southeast-sloping alluvial fan and alluvial fan deposits of the Palo Verde Mesa. Slope gradients on the Project site do not generally exceed 1 percent. The potential for earthquake-induced landslides to occur is negligible because the Project site is nearly flat. Impacts related to this criterion are considered to be less than significant. [DEIR p. 4.7-19]

2. Soils Incapable of Adequately Supporting the Use of Septic Tanks (Impact 4.7-7): Installation of the septic system would require a permit issued by the Riverside County Department of Environmental Health. As a result, the soils present at the location of the proposed septic system would have to be suitable to support such a system. In order obtain the permit, the Applicant would have to demonstrate that soil conditions would be adequate to support proposed septic systems by conducting a percolation test. If soil and site conditions are inadequate to support a standard septic system, special designs would be required or the system would not be permitted. Alternatively, if a septic system could not be installed, waste would be held in a holding tank and trucked off-site. Through adherence to the

described regulations, this impact would be less than significant during construction, operation and maintenance, and decommissioning. [DEIR p. 4.7-24]

K. Greenhouse Gas Emissions

1. Greenhouse Gas Emissions That May Have a Significant Impact on the Environment (Impact 4.8-1): The sum of annual operation greenhouse gas (GHG) emissions (including direct and indirect emissions and accounting for the potential reduction in carbon sequestration) and the amortized construction and decommissioning GHG emissions would be up to 2,870 tons (2,603 metric tons) CO2e per year, which would be below the MDAQMD's annual CO2e CEQA threshold. In addition, by generating electricity that would displace the generation of electricity from natural gas-fired combined-cycle power plants, the Project would result in a net reduction in GHG emissions, and its impact would be less than significant. [DEIR pp. 4.8-16 through 4.8-18]

2. Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases (Impact 4.8-2): The Project would not conflict with the GHG reduction goals of Assembly Bill 32 or the relevant Recommended Actions in the California Air Resources Board's Climate Change Scoping Plan that relate to transportation, the RPS, and high global warming potential gases. [DEIR pp. 4.8-14, 4.8-15]

L. Hazards and Hazardous Materials

1. Hazardous Emissions, Materials, Substances, or Waste Within 0.25 Mile of an Existing or Proposed School: There are no schools located within 0.25 mile of the Project site; therefore, the Project would cause no impact related to this criterion. [DEIR p. 4.9-22]

2. Hazardous Materials Sites: The Phase I Environmental Site Assessment performed for the site (DEIR Appendix G) included a database search of regulatory agency lists of hazardous materials sites, including those compiled pursuant to Government Code section 65962.5. According to the database search, the Project site is not a known hazardous materials site. [DEIR p. 4.9-22]

3. Hazards within Blythe Airport Influence Area (Impact 4.9-3): Approximately 5.86 miles of the proposed gen-tie line would be located within the Blythe Airport Influence Area in Airport Compatibility Zones C, D, and E, with about 1,500 feet in Zone C. Because gen-tie line support poles

would be spaced 800 feet apart, approximately 40 poles with heights from 70 to 145 feet would be located within these airport zones. Airport Land Use Commission (ALUC) review of Projects for consistency with the Airport Land Use Compatibility Plan (ALUCP) is required for all structures greater than 70 feet in Zone C, and 150 feet in Zones D or E. On September 12, 2013, ALUC issued a finding that the Project is conditionally consistent with the ALUCP, subject to the conditions imposed by ALUC and the imposition of any additional conditions to comply with Federal Aviation Administration (FAA) regulations. The FAA would conduct a safety analysis to determine the effect of the proposed towers and transmission line on aircraft operations. The Project must receive a "Determination of No Hazard to Air Navigation" in order to proceed. [DEIR pp. 4.9-22, 4.9-23]

4. Airstrip Hazards: The nearest private airstrip, W.R. Byron Field (FAA ID: 44CA), is located more than 3.5 miles northeast of proposed gen-tie line and 6 miles from the solar plant site. Because the Project would be outside the vicinity of the private airstrip, it would not result in a safety hazard associated with people residing or working in the vicinity of a public or private airport and no impact would occur. [DEIR p. 4.9-23]

M. Hydrology and Water Quality

1. Degrade Water Quality: No sources of water quality degradation other than those identified in Section III(H) of these Findings have been identified. [DEIR p. 4.10-50]

2. Place Housing Within a 100-Year Flood Hazard Area: The Project would not involve the construction of any housing. Therefore, it would result in no impact related to the placement of housing within a 100-year flood hazard area. [DEIR p. 4.10-50]

3. Structures that Would Impede or Redirect Flood Flows (Impact 4.10-8): The entire site is located within a flood hazard area, as identified by Riverside County Floodplain Management Ordinance No. 458, and as being located in a Flood Awareness Map and would be subject to the permitting and design requirements of that ordinance, as discussed in the Local regulations subsection above. The minimal increase in flood flow volumes along McCoy Wash during a 100-year event, as a result of the Project, would be conveyed by Palo Verde Irrigation District flood control infrastructure. The proposed generation

tie-line and associated facilities would not interfere with anticipated flood flows. Therefore, the proposed facilities are not anticipated to significantly impede or redirect flood flows. [DEIR pp. 4.10-50, 4.10-51]

4. Inundation by Seiche, Tsunami, or Mudflow: The Project would be located approximately 140 miles from the Pacific Ocean, with an elevation of at least 400 feet amsl. The site is not located adjacent to or in close proximity to any lakes or other large water bodies that could be subject to seiche. Finally, mudflows generally occur as a result of heavy rain inclement upon areas that were recently denuded of vegetation, along major drainage ways that are downstream of high topographic relief areas with highly erodible soils, or as a result of volcanic activity. These conditions do not occur on-site. Therefore, the Project would not be affected by potential tsunami, seiche, or mudflow. [DEIR p. 52]

N. Land Use and Planning

1. Physically Divide an Established Community: The Project site is in a rural area of the Sonoran Desert in unincorporated Riverside County. The site is located approximately 13 miles northwest of the City of Blythe and approximately 32 miles east of Desert Center, and is not within or adjacent to any established community. Therefore, the Project could not physically divide an established community and would have no impact with respect to this criterion. [DEIR pp. 4.11-3, 4.11-4]

2. Conflict with Applicable Land Use Plan, Policy, or Regulation: The W-2-10 zoning classification allows structures and the pertinent facilities necessary and incidental to the development and transmission of electrical power. Because the Project would construct structures and facilities related to the development and transmission of electrical power within these lands, the Project would conform to this zoning designation. On September 12, 2013, ALUC issued a finding that the Project is conditionally consistent with the ALUCP, subject to the conditions imposed by ALUC and the imposition of any additional conditions to comply with FAA regulations. . The BLM analyzed impacts of the Project on these lands in its Final EIS and, pursuant to its land use planning policies, adopted requirements for the Applicant to compensate for the loss of these lands while emphasizing other uses on the Project site.[2]

[2] Bureau of Land Management (BLM), 2012. McCoy Solar Energy Project Proposed Plan Amendment and Final Environmental Impact Statement. December 2012. Available online: http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/McCoy.html.

Therefore, the Project would not conflict with applicable federal land use plans or policies. [DEIR pp. 4.11-4, 4.11-5]

3. Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan: The Project site is not within the boundaries of any adopted habitat conservation plan or natural community conservation plan. Therefore, the Project would cause no impact related to either type of conservation planning document. However, a short segment of the gen-tie line, as well as the proposed switchyard, overlap a Multi Species Wildlife Habitat Management Area designated in the BLM's California Desert Conservation Area (CDCA) Plan, but would not conflict with the management objectives for this area. [DEIR p. 4.11-5]

O. Mineral Resources

1. Loss of Availability of a Mineral Resource of State or Regional Significance (Impact 4.12-1): Although construction, operation, and maintenance activities could preclude aggregate material exploration and production on the Project site, similar mineral resources are widely available throughout the region and neither the State Miming and Geology Board nor Riverside County has officially designated the area as an aggregate resource area or mineral deposit of statewide or regional significance. Consequently, the impact of the Project on the availability of a known mineral resource would be less than significant. Decommissioning would remove Project components, thereby making the land available for future exploration or production of aggregate materials. [DEIR p. 4.12-5]

2. Loss of Availability of a Locally Important Mineral Resource Recovery Site: The Project site is classified as Mineral Resource Zone (MRZ)-4 by Riverside County, which indicates a lack of information about the value of aggregate resources underlying the site. Given that the rest of eastern Riverside County is classified as MRZ-4, that deposits of similar age and lithology likewise underlie 1,544,000 acres of eastern Riverside County, and that there are no other local plans or land use plans in the Project area that designate locally important mineral resource recovery sites, the Project would result in no impact on a locally important mineral resource recovery site. [DEIR p. 4.12-6]

P. Noise

1. Noise Levels in Excess of Published Standards (Impact 4.13-1): Long-term operation and maintenance noise (i.e., noise from the solar power plant equipment, the on-site substations, on-site maintenance activities, off-site commuting worker and delivery trips, and gen-tie corona noise) would not exceed County noise standards, including the daytime (55 dBA L_{eq}) and nighttime (45 dBA L_{eq}) exterior standards. The maximum noise exposure at a residence would be as high as 35 dBA L_{eq} as a result of gen-tie line corona discharge during wet weather conditions. This noise exposure level would be less than the County's nighttime exterior standard, and would therefore result in a less-than-significant impact. [DEIR p. 4.13-14]

2. Groundborne Vibration and Noise: Temporary sources of groundborne vibration and noise during construction and decommissioning would result from operation of conventional heavy construction equipment such as graders, bulldozers, and loaded haul trucks. However, vibration and noise levels attenuate rapidly from the source. At a distance of 0.4 mile, which is the approximate distance between the closest residences and any of the Project components involving active heavy construction equipment, vibration would not be perceivable. Therefore, construction and decommissioning would cause no groundborne vibration impacts. Operation and maintenance would not introduce any new sources of perceivable groundborne vibration or noise to the study area. Consequently, the Project would cause no operation- or maintenance-related impacts associated with groundborne vibration or noise. [DEIR pp. 4.13-14, 4.13-15]

3. Permanent Increase in Ambient Noise Levels in the Project Vicinity Above Existing Levels (Impact 4.13-2): Maximum noise exposure due to the Project at the nearest residence would be no higher than 35 dBA L_{eq} as a result of gen-tie line corona discharge during wet weather conditions (see above). This noise exposure level would be less than existing measured ambient noise levels (36 dBA L_{eq}) at the nearest residence during nighttime hours. Related impacts would be less than significant. Temporary or periodic noise levels associated with operation of the solar power plant would be limited primarily to breaker noise at the proposed on-site substations and panel washing activities. These would not be expected to be audible at the nearest residence locations. [DEIR p. 4.13-15]

4. Temporary or Periodic Increase in Ambient Noise Levels in the Project Vicinity Above Existing Levels (Impact 4.13-3): Short-term noise from construction and decommissioning activity and traffic would be less than construction noise standards or ambient noise sources and would not result in significant effects at the nearest receptors. [DEIR pp. 4.13-16 through 4.13-18]

5. Airport Noise Levels (Impact 4.13-4): Workers who would construct and decommission the proposed gen-tie line could be exposed to periodic short-term aircraft overflight noise associated with the Blythe Airport; however, because the Blythe Airport is a general aviation airport with few large aircraft operations, the overflight noise levels would be exposed to be less than the average construction and decommissioning activity noise levels to which the workers would be exposed. Therefore, the impact would be less than significant. [DEIR p. 4.13-18]

6. Airstrip Noise Levels: The nearest private airstrip, W.R. Byron Field (FAA ID: 44CA), is located approximately 5 miles east-southeast of the proposed solar plant site. Because the Project would not be within the immediate vicinity of this airstrip, there would be no impact. [DEIR p. 4.13-18]

Q. Population and Housing

1. Directly or Indirectly Induce Substantial Population Growth (Impact 4.14-1): The majority of the construction, operation and maintenance, and decommissioning workforce is expected to come from the existing labor pool in western Riverside County, with some workers from the Blythe area and La Paz County. Due to the temporary nature of construction work, workers are not expected to relocate permanently to the local area in order to work on the Project. Permanent employees, if recruited from areas outside the Blythe area, may choose to relocate to the area. There is a sufficient supply of housing either for sale or rent to accommodate those workers. Although the Project would produce additional electricity and increase service capacity, it is intended to meet the demand for energy that is already Projected based on growth in demand for electricity in SCE's service area, and therefore would not be growth inducing. Thus, the Project would cause a less-than-significant indirect impact on growth related to the extension of electrical infrastructure. [DEIR pp. 4.14-7, 4.14-8]

2. Displace Existing Housing: There is no existing housing on the Project site. Development of the Project would not displace any housing units and would not require construction of new housing. Consequently, the Project would cause no impact. [DEIR p. 4.14-8]

3. Displace People, Necessitating the Construction of Replacement Housing: There are no residents on the Project site. The Project would not displace any people and would not require replacement housing to be built elsewhere. Therefore, the Project would cause no impact. [DEIR p. 4.14-8]

R. Public Services

1. New or Physically Altered Fire Protection Facilities (Impact 4.15-1): The Project does not propose to construct a new fire station or other fire protection facilities, the construction of which could cause significant environmental impact. The Project site is located within the service area of the Riverside County Fire Department (RCFD), which has indicated that development of the Project would adversely affect its ability to maintain acceptable response times in responding to calls for service due to its remote location. If facilities are constructed or acquired due to the effects of the Project and/or using funds provided by the Project, the construction of such facilities could cause significant environmental impacts indirectly attributable to the Project. However, the location, size, nature, and other details of such facilities, if needed, or the environmental effects their construction or alteration are not yet known. Because too little is known about whether, and if so what, facilities would be constructed with Project-related fees, any impact analysis and attempt to reach conclusions about the environmental effects they could cause would be speculative. [DEIR pp. 4.15-5 through 4.15-7]

2. New or Physically Altered Police Protection Facilities, Schools, or Other Public Facilities: The Project would not result in substantial adverse impacts related to police protection, schools, other types of public facilities (e.g., public libraries, hospitals, or other civic uses) because it would not result in a significant increase of local population or housing, which is typically associated with increased demand for public services and facilities. Therefore, the Project would not have an effect on the service goals of these public services and would have a no impact associated with the provision of new or physically altered facilities for police protection, schools, libraries, hospitals, or other civic uses. [DEIR pp. 4.15-5 through 4.15-8]

S. Recreation

1. Substantial Physical Deterioration of Neighborhood and Regional Parks (Impact 4.16-1): If any temporary or permanent workers should move into the region from elsewhere, the existing parks and recreational facilities have adequate capacity to accommodate the associated increase in use without resulting in substantial physical deterioration. [DEIR pp. 4.16-7, 4.16-8]

2. New or Expanded Recreational Facilities (Impact 4.16-2): The Project does not include new recreational facilities. In its Record of Decision approving the portions of the Project on federally administered land, the BLM stipulated that the Project cannot preclude the maintenance of north/south off-highway vehicle (OHV) connectivity to the west side of the Big Maria Wilderness Area and to the northeast side of the Palen-McCoy Wilderness Area. One outcome may be that the Applicant, in consultation with the BLM, would elect to reestablish north/south OHV connectivity to the west side of the Big Maria Wilderness Area and to the northeast side of the Palen-McCoy Wilderness Area outside of the Project site. In that case, the establishment of a new open OHV route could result in physical effects on the environment. Because implementation of this measure is speculative, and no specific potential route has been identified, no further analysis is provided in the EIR. However, if a new route were proposed, the applicable Lead Agency or Agencies would conduct supplemental environmental review as necessary. The Project-related increase in population would not result in a change in this ratio such that it would fall below the City of Blythe's standard of 4.5 acres per 1,000 residents. Therefore, it would not result in the need to construct or expand recreational facilities. Impacts would be less than significant. [DEIR p. 4.16-9]

T. Transportation and Traffic

1. Conflict with Measures of Effectiveness for the Performance of the Circulation System (Impact 4.17-1): The increased traffic volumes on local roads (e.g., Mesa Drive and Black Rock Road) would remain at levels less than the carrying capacity of those two-lane roads (which is about 10,000 to 15,000 vehicles per day). I-10 has sufficient capacity to accommodate Project-related traffic while maintaining acceptable LOS during the peak-hour periods. Traffic increases that would primarily occur on I-10 and Mesa Drive (and possibly Hobson Way) during construction would not substantially disrupt public transit service. There are no bicycle or pedestrian facilities that would be affected by Project activities, and

any Project-related increase in traffic would not reduce, disrupt, or eliminate access to existing bicycle and pedestrian facilities. [DEIR pp. 4.17-9 through 4.17-14]

2. Conflict with Congestion Management Program (Impact 4.17-2): The construction and decommissioning activities associated with the Project would generate the highest amount of traffic; however, the increase in traffic from these activities would be temporary. Furthermore, the increase in traffic from construction, operation, maintenance, and decommissioning activities would not result in any degradation in levels of service along I-10. Because construction, operation, maintenance, and decommissioning would not result in any long-term impacts on Congestion Management Plan (CMP) facilities, the impacts to the CMP roadway network and established programs would be less than significant. [DEIR p. 4.17-14]

3. Change in Air Traffic Patterns: The Project would not change air traffic patterns, increase air traffic levels, or result in a change in location that would result in substantial safety risks. Therefore, the construction, operation, maintenance, and decommissioning of the Project would cause no impact. [DEIR p. 4.17-14]

4. Operational Traffic Hazards (Impact 4.17-4): The Project and its facilities would not result in an increase in hazards due to a design feature once built and operational. The minimal amount of traffic associated with operation and maintenance activities at the Project site would not be substantial relative to background traffic volumes on roads used to access the site, and would not result in any adverse traffic hazards on adjacent roadways. Therefore, impacts to traffic hazards during operation and maintenance activities would be less than significant. [DEIR p. 4.17-16]

5. Public Transit, Bicycle, or Pedestrian Facilities (Impact 4.17-6): Riverside County and local jurisdictions therein have established policies in their general plans to regulate transportation system performance and encourage the use of designated truck routes to promote the efficient movement of goods as well as enhance access and safety measures for all users of the roadway. During construction, operation, maintenance, and decommissioning, vehicles would access the Project site via I-10, Mesa Drive, and Black Rock Road, with some workers possibly using Hobsonway. The traffic increases during Project activities would not substantially disrupt public transit service, and would not reduce, disrupt, or eliminate access to

existing bicycle and pedestrian facilities. As a result, the effect on alternative transportation facilities due to construction, operation, maintenance, and decommissioning of the Project would be less than significant. [DEIR pp. 4.17-17, 4.17-18]

U. Utilities and Service Systems

1. New or Expanded Water or Wastewater Treatment Facilities: The Project would not require any connections to local or regional water supply or wastewater treatment systems, and would not withdraw water from or provide wastewater to any such systems. The Project would not require the construction or expansion of any off-site wastewater treatment facilities, and no impact would occur. [DEIR p. 4.18-8]

2. New or Expanded Water Entitlements (Impact 4.18-3): Project construction, operation and maintenance, and decommissioning would require a total of approximately 1,670 to 2,190 acre-feet (AF) of water, the consumption of which would be spread over all phases (the 46-month construction period, 30-year operation period, and 24-month decommissioning period). This volume of water represents about 0.02 percent of the total groundwater storage (6.84 million AF) reported by the Department of Water Resources for the Palo Verde Groundwater Basin (DEIR Appendix H-3, p. 4-1). Therefore, the Project water supply would be sufficient to serve the Project, and the impact on groundwater basin storage would be minimal. [DEIR pp. 4.18-9 through 4.18-11; Final EIR Responses to Comments A5-1-A5-6.]

3. Wastewater Treatment Capacity: the Project would not require or result in a new connection to a wastewater treatment facility or provider, and no existing connection exists on site. Wastewater would be treated on site. Therefore, the Project would not contribute additional wastewater flows to any wastewater treatment provider or facility, and so would not use available or require new capacity at any wastewater treatment plant. No impact would occur. [DEIR p. 4.18-11]

4. Landfill Capacity (Impact 4.18-4): Based on the permitted capacity of the Blythe Landfill, Project-related solid waste disposal needs would not exceed the capacity of the Blythe Landfill to accommodate the Project's or other regional waste disposal needs. [DEIR pp. 4.18-11, 4.18-12]

SECTION III

FINDINGS REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The Board of Supervisors finds that the following environmental impacts identified in the EIR are potentially significant but can be mitigated to a less-than-significant level. The potentially significant impacts and the mitigation measures which would reduce them to a less-than-significant level are set out in the EIR and are summarized as follows:

V. Aesthetics, Visual Quality, and Light and Glare

1. New Sources of Light and Glare (Impact 4.1-3): The Project would create temporary lighting sources during construction and decommissioning required for nighttime lighting and safety and security in a 10-acre area on the southeastern corner of the Project site. Nighttime lighting could be noticeable by nearby motorists on Midland Road, residents of the Mesa Bluffs and Fairway Villa Golf Communities, and could affect the nighttime experience for users of the Midland Long Term Visitor Area (LTVA). Daytime glare attributed to untreated bare-metal structures and PV panel surfaces associated with the Project also could contribute to the visual contrast of the Project in the environment during all phases of the Project when such structures would be located on the Project site. Potentially affected observers would be travelers on I-10 (for the generation-tie line) and Midland Road (for the solar field), users of recreational areas, and visitors to the McCoy or Big Maria Mountains or the Midland LTVA.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant-level the Project's short- and long-term light and glare-related impacts. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measure 4.1-3 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

Mitigation Measure 4.1-3 states:

Visual design elements shall be integrated into the construction plans, details, shop drawings and specifications to minimize impacts from light and glare, including the following:

1. Materials, coatings, or paints having little or no reflectivity shall be used whenever possible.
2. The gen-tie line and the distribution line shall utilize nonspecular conductors and nonreflective coatings on insulators.

A lighting plan shall be prepared that documents how lighting will be designed and installed to minimize night-sky impacts during facility construction and operations. Lighting for facilities should not exceed the minimum number of lights and brightness required for safety and security, and should not cause excessive reflected glare. Low-pressure sodium light sources should be used to reduce light pollution. Full cut-off luminaires should be used to minimize uplighting. Lights should be directed downward or toward the area to be illuminated. Light fixtures should not spill light beyond the Project boundary. Lights in highly illuminated areas that are not occupied on a continuous basis should have switches, timer switches, or motion detectors so that the lights operate only when the area is occupied. Where feasible, vehicle mounted lights should be used for night maintenance activities. Wherever feasible, consistent with safety and security, lighting should be kept off when not in use. Visual design elements within the lighting plan shall be measureable and monitored while under construction, while operational, and when decommissioned. The plan shall include a monitoring and compliance plan that establishes the monitoring requirements and thresholds for acceptable performance. The lighting plan shall include a process for promptly addressing and mitigating complaints about potential lighting impacts.

Timing/Implementation: Prior to and during construction

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's light and glare to less than significant by ensuring that nighttime lighting would minimized and directed downward to avoid spilling light beyond the Project boundary and by using nonreflective and nonspecular materials and coatings [DEIR pp. 4.1-29 through 4.1-31].

W. Air Quality

1. Operation- and Maintenance-Related Criteria Air Pollutant Emissions (Impact 4.3-2): The disturbance of desert pavement could result in long-term emissions of fugitive dust that could result in or contribute to an exceedance of a federal or state PM10 ambient air quality standard.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's long-term fugitive dust impacts. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measure 4.3-2 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.3-2 states:

The Applicant shall ensure that all areas where desert pavement has been disturbed during construction of the Project shall be applied with a non-toxic soil stabilizer prior to Project operation. The Applicant shall develop, for review and approval by the County, a plan that outlines the frequency of non-toxic soil stabilizer applications based on the specifications of the selected soil stabilizer.

Timing/Implementation: During operation

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's operation-related emissions to less than significant by ensuring that areas of disturbed desert pavement are applied with a soil stabilizer to minimize fugitive dust emissions [DEIR pp. 4.3-19 through 4.3-21].

2. Expose Workers to Coccidioides Fungal Spores if Present in Desert Soils (Impact 4.3-4A): Fugitive dust generated during Project activities could expose workers to Coccidioides fungal spores if they are present in affected desert soils. If a susceptible person inhaled a spore made airborne by disturbance of Project soils and became ill as a result, a significant impact on human health could result. To reduce potential impacts associated with the inhalation of dust, the Applicant has committed to implementing the Project-specific control measures set forth in Applicant Proposed Measure (APM) AIR-1. Further, as described in DEIR section 2.4.12, the Applicant would implement a Health and Safety Program to ensure working safety and minimize worker hazards during construction, including a personal protective equipment program, an Emergency Action Plan, and an Injury and Illness Prevention Program. Construction-related safety programs and procedures would include a respiratory protection program. [Revised DEIR 2-47 through 2-49]

Finding: In concert with APM AIR-1 and the Health and Safety Program, the Mitigation Measures outlined below would reduce to a less-than-significant level the Project's potential impacts related to Coccidioides fungal spore exposure. The Mitigation Measures reflect changes or alterations that the County has required, or incorporated into the Project, that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.3-2 and 4.4-3a.1.b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

See Mitigation Measure 4.3-2 in Section III(B)(1) of these Findings and Mitigation Measure 4.4-3a in Section III(C)(3) of these Findings.

Rationale: Implementation of the above Mitigation Measures would reduce the Project's operation-related emissions to less than significant by ensuring that areas of disturbed desert pavement are applied with a soil stabilizer to minimize fugitive dust emissions and limiting ground disturbance to the minimum necessary for construction activities and using dust suppressants [Revised DEIR pp. 2-47 through 2-49].

X. Biological Resources

1. Impacts to Special-Status Plant Species (Impact 4.4-1): Implementation of the Project could result in direct mortality or the loss of habitat for special-status plant species. Specifically, clearing and grading activities related to Project construction would cause the direct removal of all populations of Harwood's milk-vetch, Abram's spurge, Las Animas colubrina, ribbed cryptantha, Utah milkvine, Harwood's eriastrum, and desert unicorn plant that occur within the disturbance area. There is an additional chance that new special-status plant populations, likely of the species already identified on-site, could be located on the Project site or linear corridors prior to construction.

Finding: The Mitigation Measures outlined below would reduce to a less-than-significant level the Project's impacts to special-status plant species. The Mitigation Measures reflect changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.4-1a through 4.4-1f in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

Mitigation Measure 4.4-1a states:

The Applicant shall assign at least one Designated Biologist to the Project. The Applicant shall submit the resume of the proposed Designated Biologist(s), with at least three references and contact information, to the County for approval in consultation with California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS).

The Designated Biologist must meet the following minimum qualifications:

1. Bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field;
2. Three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society;
3. Have at least one year of field experience with biological resources found in or near the Project area;
4. Meet the current USFWS Authorized Biologist qualifications criteria (www.fws.gov/ventura/speciesinfo/protocols_guidelines), demonstrate familiarity with protocols and guidelines for the desert tortoise, and be approved by the USFWS;
5. Possess a California Endangered Species Act (CESA) Memorandum of Understanding pursuant to Fish and Game Code section 2081(a) for desert tortoise.

In lieu of the above requirements, the resume shall demonstrate to the satisfaction of the County, in consultation with CDFW and USFWS, that the proposed Designated Biologist or alternate has the appropriate training and background to effectively implement the mitigation measures.

Timing/Implementation: Prior to the initiation of construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1b states[3]:

The Applicant shall ensure that the Designated Biologist performs the activities described below during any site mobilization activities, construction-related ground disturbance, grading, boring or trenching activities. The Designated Biologist may be assisted by the approved Biological Monitor(s) but

[3] This mitigation measure would also mitigate impacts to desert tortoise.

remains the contact for the Applicant and the County. The Designated Biologist Duties shall include the following:

1. Advise the Applicant's construction and operation managers on the implementation of the biological resources mitigation measures;
2. Consult on the preparation of the Biological Resources Mitigation, Implementation, and Monitoring Plan (BRMIMP) to be submitted by the Applicant;
3. Be available to supervise, conduct and coordinate mitigation, monitoring, and other biological resources compliance efforts, particularly in areas requiring avoidance or containing sensitive biological resources, such as special-status species or their habitat;
4. Clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions;
5. Inspect active construction areas where animals may have become trapped prior to construction commencing each day. At the end of the day, inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way;
6. Notify the Applicant and the County of any non-compliance with any biological resources mitigation measure;
7. Respond directly to inquiries of the County regarding biological resource issues;
8. Maintain written records of the tasks specified above and those included in the BRMIMP. Summaries of these records shall be submitted in the Monthly Compliance Report and the Annual Compliance Report;
9. Train the Biological Monitors as appropriate, and ensure their familiarity with the BRMIMP, Worker Environmental Awareness Program (WEAP) training, and USFWS guidelines on desert tortoise surveys and handling procedures[4]; and

[4] Available at: http://www.fws.gov/ventura/species_information/protocols_guidelines/

10. Maintain the ability to be in regular, direct communication with representatives of CDFW, USFWS, and the County, including notifying these agencies of dead or injured listed species and reporting special-status species observations to the California Natural Diversity Data Base.

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1c states:

The Designated Biologist shall submit the resume, at least three references, and contact information of the proposed Biological Monitors to the County. The resume shall demonstrate, to the satisfaction of the County, the appropriate education and experience to accomplish the assigned biological resource tasks. The Biological Monitor is the equivalent of the USFWS-approved biologist (also "Service-approved biologist").

Biological Monitor(s) training by the Designated Biologist shall include familiarity with the mitigation measures, BRMIMP, WEAP, and USFWS guidelines on desert tortoise surveys and handling procedures.

Timing/Implementation: Prior to the initiation of construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1d states:

The Biological Monitors shall assist the Designated Biologist in conducting surveys and in monitoring of site mobilization activities, construction-related ground disturbance, grading, boring or trenching. The Designated Biologist shall remain the contact for the Applicant and the County.

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1e states:

The Applicant's construction/operation manager shall act on the advice of the Designated Biologist and Biological Monitor(s) to ensure conformance with the biological resources mitigation measures. The Designated Biologist shall have the authority to immediately stop any activity that is not in compliance with these conditions and/or order any reasonable measure to avoid take of an individual of a listed species. If required by the Designated Biologist and Biological Monitor(s) the Applicant's construction/operation

manager shall halt all site mobilization, ground disturbance, grading, boring, trenching, and operation activities in areas specified by the Designated Biologist. The Designated Biologist shall:

1. Require a halt to all activities in any area when determined that there would be an unauthorized adverse impact to biological resources if the activities continued;
2. Inform the Applicant and the construction/operation manager when to resume activities; and
3. Notify the County if there is a halt of any activities and advise the County of any corrective actions that have been taken or would be instituted as a result of the work stoppage.

If the Designated Biologist is unavailable for direct consultation, the Biological Monitor shall act on behalf of the Designated Biologist.

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1f states:

The Applicant shall develop a BRMIMP, and shall submit two copies of the proposed BRMIMP to the County for review and approval. The Applicant shall implement the measures identified in the approved BRMIMP. The BRMIMP shall incorporate avoidance and minimization measures described in final versions of the Invasive Weed Management Plan (Mitigation Measure 4.4-8), the Special-Status Plant Species Impact Avoidance and Mitigation Plan (Mitigation Measure 4.4-1g) and Decommissioning and Reclamation Plan (Mitigation Measure 4.4-7), the Desert Tortoise Relocation Translocation Plan (Mitigation Measure 4.4-2b), the Raven Management Plan (Mitigation Measure 4.4-3b), the Burrowing Owl Mitigation and Monitoring Plan (Mitigation Measure 4.4-8), and all other biological mitigation and/or monitoring plans associated with the Project.

The BRMIMP shall be prepared in consultation with the Designated Biologist and shall include accurate and up-to-date maps depicting the location of sensitive biological resources that require temporary or permanent protection during construction and operation. The BRMIMP shall include complete and detailed descriptions of the following:

1. All biological resources mitigation, monitoring, and compliance measures proposed and agreed to by the Applicant;

2. All biological resources mitigation measures identified as necessary to avoid or mitigate impacts;
3. All biological resource mitigation, monitoring and compliance measures required in federal agency terms and conditions, such as those provided in the USFWS Biological Opinion;
4. All sensitive biological resources to be impacted, avoided, or mitigated by Project construction, operation, and closure;
5. All required mitigation measures for each sensitive biological resource;
6. All measures that shall be taken to avoid or mitigate temporary disturbances from construction activities;
7. Duration for each type of monitoring and a description of monitoring methodologies and frequency;
8. Performance standards to be used to help decide if/when proposed mitigation is or is not successful;
9. All performance standards and remedial measures to be implemented if performance standards are not met;
10. Biological resources-related facility closure measures including a description of funding mechanism(s);
11. A process for proposing plan modifications to the County and appropriate agencies for review and approval; and
12. A requirement to submit any sightings of any special-status species that are observed on or in proximity to the Project site, or during Project surveys, to the California Natural Diversity Database (CNDDB) per CDFW requirements.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1g states:

For this four-part measure, the Applicant shall: A) prepare and implement a Special-Status Plant Species Impact Avoidance and Mitigation Plan that meets the approval of County; B) ensure adequate special-status plant surveys and reporting; C) avoid, minimize and mitigate for impacts to special-status plants; and D) fund or support a compensatory mitigation program for special-status plants through land acquisition, restoration/enhancement, or a combination of acquisition and restoration/ enhancement.

In this discussion, the term "Project Disturbance Area" encompasses all areas to be temporarily and permanently disturbed by the Project, including the plant site, linear facilities, and areas disturbed by temporary access roads, fence installation, construction work lay-down and staging areas, parking, storage, or by any other activities resulting in disturbance to soil or vegetation.

A) Special-Status Plant Impact Avoidance and Minimization Measures

This measure contains the Best Management Practices and other measures designed to avoid accidental impacts to plants occurring outside of the Project Disturbance Area and within 100 feet of the Project Disturbance Area during construction, operation, and decommissioning. The Applicant shall incorporate all measures for protecting special-status plants in close proximity to the site into the BRMIMP (Mitigation Measure 4.4-1f). These measures shall include the following elements:

1. *Site Design Modifications*: Incorporate site design modifications to minimize impacts to special-status plants along the Project linears: limiting the width of the work area; adjusting the location of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as an alternative to blading temporary roads to preserve the seed bank, and minor adjustments to the alignment of the roads and pipelines within the constraints of the Project Area. If engineered diversion channels are included, their discharge points shall be designed to maintain the natural surface drainage patterns between the engineered channel and the outlet of the natural washes that flow toward the south and east, downstream of the Project These modifications shall be clearly depicted on the grading and construction plans, and on report-sized maps in the BRMIMP.
2. *Establish Environmentally Sensitive Areas (ESAs)*. Prior to the start of any ground- or vegetation-disturbing activities, a qualified Project biologist shall establish ESAs to protect avoided special-

status plants that occur outside of the Project Disturbance Areas and within 100 feet of Project Disturbance Areas. This includes plant occurrences identified during the late season 2011 surveys. The locations of ESAs shall be clearly depicted on construction drawings, which shall also include all avoidance and minimization measures on the margins of the construction plans. The boundaries of the ESAs shall be placed a minimum of 20 feet from the uphill side of the occurrence and 10 feet from the downhill side. Where this is not possible due to construction constraints, other protection measures, such as silt-fencing and sediment controls, may be employed to protect the occurrences. Equipment and vehicle maintenance areas, and wash areas, shall be located 100 feet from the uphill side of any ESAs. ESAs shall be clearly delineated in the field with temporary construction fencing and signs prohibiting movement of the fencing or sediment controls under penalty of work stoppages and additional compensatory mitigation. ESAs shall also be clearly identified (with signage or by mapping on site plans) to ensure that avoided plants are not inadvertently harmed during construction, operation, or closure.

3. *Special-Status Plant Worker Environmental Awareness Program (WEAP).* The WEAP (Mitigation Measure 4.4-17, below) shall include training components specific to protection of special-status plants that may occur in the Study Area.
4. *Herbicide and Soil Stabilizer Drift Control Measures.* Special-status plant occurrences within 100 feet of the Project Disturbance Area shall be protected from herbicide and soil stabilizer drift. The Invasive Weed Management Plan (Mitigation Measure 4.4-3a) shall include measures to avoid chemical drift or residual toxicity to special-status plants consistent with guidelines such as those provided by the Nature Conservancy's The Global Invasive Species Team (Hillmer and Liedtke, 2003), the USEPA, and the Pesticide Action Network Database.[5]
5. *Erosion and Sediment Control Measures.* Erosion and sediment control measures shall not inadvertently impact special-status plants (e.g., by using invasive or non-native plants in seed

[5] Available at: http://www.pesticideinfo.org

mixes, introducing pest plants through contaminated seed or straw, etc.). These measures shall be incorporated in any required Drainage, Erosion, and Sedimentation Control Plans.

6. *Avoid Special-Status Plant Occurrences*. Areas for spoils, equipment, vehicles, and materials storage areas; parking; equipment and vehicle maintenance areas, and wash areas shall be placed at least 100 feet from any ESAs.
7. *Monitoring and Reporting Requirements*. The qualified botanist shall conduct weekly monitoring of the ESAs that protect special-status plant occurrences during construction and decommissioning activities.

B) Ensure Adequate Special-Status Plant Surveys and Reporting

At least 30 days prior to construction, the Applicant shall ensure that botanical surveys have been fully performed and reported on the proposed and alternative gen-tie routes, as described below:

1. *Survey Timing*. Surveys shall be timed to detect: a) summer annuals triggered to germinate by the warm, tropical summer storms (which may occur any time between June and October). Fall-blooming perennials that respond to the cooler, later season storms (typically beginning in September or October) shall only be required if blooms and seeds are necessary for identification or the species are summer-deciduous and require leaves for identification. The surveys shall not be timed to coincide with the statistical peak bloom period of the target species but shall instead be based on plant phenology and the timing of a significant storm event (i.e., a 10 mm or greater rain or multiple storm events of sufficient volume to trigger germination, as measured at or within 1 mile of the Project site). Surveys shall occur at the appropriate time to capture the characteristics necessary to identify the taxon.
2. *Surveyor Qualifications and Training*. Surveys shall be conducted by a qualified botanist knowledgeable in the complex biology of the local flora, and consistent with CDFW protocols (CDFG, 2009). Each surveyor shall be equipped with a GPS unit and record a complete tracklog; these data shall be compiled and submitted along with the Summer-Fall Survey Botanical Report (described below). Prior to the start of surveys, all crew members shall, at a minimum, visit reference sites (where available) and/or review herbarium specimens of all BLM

Sensitive plants, CNPS List 1B or 2 (Nature Serve rank S1 and S2) or proposed List 1B or 2 taxa, and any new reported or documented taxa, to obtain a search image. Because the potential for range extensions is unknown, the list of potentially occurring special-status plants shall include all special-status taxa known to occur within the Sonoran Desert region and the eastern portion of the Mojave in California. The list shall also include taxa with bloom seasons that begin in fall and extend into the early spring as many of these are reported to be easier to detect in fall, following the start of the fall rains.

3. *Survey Coverage*. The survey coverage or intensity shall be in accordance with the most recent BLM Survey Protocols, which specify that intuitive controlled surveys shall only be accomplished by botanists familiar with the habitats and species that may reasonably be expected to occur in the Project area (BLM, 2009).

4. *Documenting Occurrences*. If a special-status plant is detected, the full extent of the population on-site shall be recorded using GPS in accordance with BLM survey protocols. Additionally, the extent of the population within 1 mile of Project boundaries shall be assessed at least qualitatively to facilitate an accurate estimation of the proportion of the population affected by the Project. For populations that are very dense or very large, the population size may be estimated by simple sampling techniques. When populations are very extensive or locally abundant, the surveyor must provide some basis for this assertion and roughly map the extent on a topographic map. All but the smallest populations (e.g., a population occupying less than 100 square feet) shall be recorded as area polygons; the smallest populations may be recorded as point features. All GPS-recorded occurrences shall include: the number of plants, phenology, observed threats (e.g., OHV or invasive exotics), and habitat or community type. The map of occurrences submitted with the final botanical report shall be prepared to ensure consistency with definition of an occurrence by CNDDB, i.e., occurrences found within 0.25 mile of another occurrence of the same taxon, and not separated by significant habitat discontinuities, shall be combined into a single 'occurrence'. The Applicant shall also submit the raw GPS shape files and metadata, and completed CNDDB forms for each 'occurrence' (as defined by CNDDB).

5. *Reporting*. Raw GPS data, metadata, and CNDDB field forms shall be provided to the County within 2 weeks of the completion of each survey. If surveys are split into two or more periods (e.g., a late summer survey and a fall survey), then a summary letter shall be submitted following each survey period.

6. The Final Summer-Fall Botanical Survey Report shall be prepared consistent with CDFW guidelines (CDFG, 2009), and BLM 2009 guidelines and shall include all of the following components:

   a. the BLM designation, NatureServe Global and State Rank of each species or taxon found (or proposed rank, or CNPS List);

   b. the number or percent of the occurrence that will be directly affected, and indirectly affected by changes in drainage patterns or altered geomorphic processes;

   c. the habitat or plant community that supports the occurrence and the total acres of that habitat or community type that occurs in the Project Disturbance Area;

   d. an indication of whether the occurrence has any local or regional significance (e.g., if it exhibits any unusual morphology, occurs at the periphery of its range in California, represents a significant range extension or disjunct occurrence, or occurs in an atypical habitat or substrate);

   e. a completed CNDDB field form for every occurrence (occurrences of the same species within 0.25 mile or less of each other combined as one occurrence, consistent with CNDDB methodology), and

   f. two maps: one that depicts the raw GPS data (as collected in the field) on a topographic base map with Project features; and a second map that follows the CNDDB protocol for occurrence mapping.

C) Avoidance Requirements for Special-Status Plants

The Applicant shall avoid impacts to special-status plant populations whenever possible, as described below.

1. *Mitigation for CNDDB Rank 1 Plants.* Avoidance on Linear Corridors Required: If species with a CNDDB rank of 1 is detected within the Project Disturbance Area, the Applicant shall prepare and implement a Special-Status Plant Mitigation Plan (Plan) that describes measures to avoid and minimize impacts to plant populations on the Project linear corridors and construction laydown areas, unless such avoidance would create greater environmental impacts in other resource areas (e.g. Cultural Resource Sites) or other restrictions (e.g., FAA or other restrictions for placement of transmission poles). The Applicant shall provide compensatory mitigation as described below in Section D for impacts to Rank 1 plants that cannot be avoided.
2. *Preservation of the Germplasm of CNDDB Rank 1 Plants*. For all significant impacts to CNDDB Rank 1 Plants, regardless of whether compensatory mitigation is required, mitigation shall include seed collection from the affected special-status plants on-site prior to construction to conserve the germplasm and provide a seed source for restoration efforts. The seed shall be collected under the supervision or guidance of a reputable seed storage facility such as the Rancho Santa Ana Botanical Garden Seed Conservation Program, San Diego Natural History Museum, or the Missouri Botanical Garden. The costs associated with the long-term storage of the seed shall be the responsibility of the Applicant. Any efforts to propagate and reintroduce special-status plants from seeds in the wild shall be carried out under the direct supervision of specialists such as those listed above and as part of a Habitat Restoration/Enhancement Plan approved by the County.
3. Avoidance and protection of desert dry wash woodland riparian habitat. A 50-foot buffer shall be fenced around the approximately 4.2-acre area identified as desert dry wash woodland (riparian) within solar plant site Unit 2 as shown in EIR Figure 4.4-1. Fencing shall consist of three- or four-strand smooth wire fence that shall be erected concurrent with the installation of solar plant site perimeter fencing prior to construction within Unit 2. The desert dry wash woodland fencing shall be maintained and the enclosed area monitored for avian use for the duration of the Project.

D) Off-Site Compensatory Mitigation for Special-Status Plants

This section describes performance standards for mitigation for a range of options for compensatory mitigation.

Where compensatory mitigation is required under the terms of Section C, above, the Applicant shall mitigate Project impacts to special-status plant occurrences with compensatory mitigation. Compensatory mitigation shall consist of acquisition of habitat supporting the target species, or restoration/enhancement of populations of the target species, and shall meet the performance standards for mitigation described below. Compensatory mitigation shall be at a ratio of 3:1 for Rank 1 plants, with 3 acres of habitat acquired or restored/enhanced for every acre of habitat occupied by the special-status plant that will be disturbed by the Project Disturbance Area (for example, if the area occupied by the special-status plant collectively measured is 0.25 acre, the compensatory mitigation will be 0.75 acre). The mitigation ratio for Rank 2 plants shall be 2:1. So, for the example above, the mitigation ratio would be 0.5 acre for the Rank 2 plants.

The Applicant shall provide funding for the acquisition and/or restoration/ enhancement, initial improvement, and long-term maintenance and management of the acquired or restored lands. The actual costs to comply with this condition will vary depending on the Project Disturbance Area, the actual costs of acquiring compensation habitat, the actual costs of initially improving the habitat, the actual costs of long-term management as determined by a Property Analysis Record (PAR) report, and other transactional costs related to the use of compensatory mitigation.

The Applicant shall comply with other related requirements of this measure, as follows:

I. ***Compensatory Mitigation by Acquisition*:** The requirements for the acquisition initial protection and habitat improvement, and long-term maintenance and management of special-status plant compensation lands include all of the following:

1. *Selection Criteria for Acquisition Lands*. The compensation lands selected for acquisition may include any of the following three categories:

a. Occupied Habitat, No Habitat Threats: The compensation lands selected for acquisition shall be occupied by the target plant population and shall be characterized by site integrity and habitat quality that are required to support the target species, and shall be of

equal or better habitat quality than that of the affected occurrence. The occurrence of the target special-status plant on the proposed acquisition lands should be viable, stable or increasing (in size and reproduction).

b. Occupied Habitat, Habitat Threats. Occupied compensation lands characterized by habitat threats may also be acquired as long as the population could be reasonably expected to recover with habitat restoration efforts (e.g., OHV or grazing exclusion, or removal of invasive non-native plants) and is accompanied by a Habitat Enhancement/Restoration Plan as described in Section D.II, below.

c. Unoccupied but Adjacent. The Applicant may also acquire habitat for which occupancy by the target species has not been documented, if the proposed acquisition lands are adjacent to occupied habitat. The Applicant shall provide evidence that acquisitions of such unoccupied lands would improve the defensibility and long-term sustainability of the occupied habitat by providing a protective buffer around the occurrence and by enhancing connectivity with undisturbed habitat. This acquisition may include habitat restoration efforts where appropriate, particularly when these restoration efforts will benefit adjacent habitat that is occupied by the target species.

2. *Review and Approval of Compensation Lands Prior to Acquisition.* The Applicant shall submit a formal acquisition proposal to the County describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for special-status plants in relation to the criteria listed above, and must be approved by the County.

3. *Management Plan.* The Applicant or approved third party shall prepare a management plan for the compensation lands in consultation with the entity that will be managing the lands. The goal of the management plan shall be to support and enhance the long-term viability of the target special-status plant occurrences. The Management Plan shall be submitted for review and approval to the County.

4. *Integrating Special-Status Plant Mitigation with Other Mitigation lands*. If all or any portion of the acquired desert tortoise, waters of the state, or other required compensation lands meets the criteria above for special-status plant compensation lands, the portion of the other species' or habitat compensation lands that meets any of the criteria above may be used to fulfill that portion of the obligation for special-status plant mitigation.

5. *Compensation Lands Acquisition Requirements*. The Applicant shall comply with the following requirements relating to acquisition of the compensation lands after the County has approved the proposed compensation lands:

   a. Preliminary Report. The Applicant, or an approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the County. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the County. For conveyances to the state, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board.

   b. Title/Conveyance. The Applicant shall acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the County. Any transfer of a conservation easement or fee title must be to CDFW, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code §65965), or to another public agency approved by the County. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement shall be recorded in favor of CDFW or another entity approved by the County. If an entity other than CDFW holds a conservation easement over the compensation lands, the County may require that CDFW or another entity approved by the County, in consultation with CDFW, be named a third-party beneficiary of the conservation easement. The Applicant shall obtain approval of

the County of the terms of any transfer of fee title or conservation easement to the compensation lands.

c. Initial Protection and Habitat Improvement. The Applicant shall fund activities that the County requires for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities are estimated to be $330 per acre, using the estimated cost per acre for desert tortoise mitigation as a best available proxy, at the ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, but actual costs will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFW, or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code §65965), if it meets the approval of the County in consultation with CDFW, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFW takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFW or its designee.

d. Property Analysis Record. Upon identification of the compensation lands, the Applicant shall conduct a Property Analysis Record (PAR) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the County before it can be used to establish funding levels or management activities for the compensation lands.

e. Long-term Maintenance and Management Funding. In accordance with Mitigation Measure 4.4-1h (*Phasing*), the Applicant shall deposit in the National Fish and Wildlife Foundation's (NFWF) Renewable Energy Action Team (REAT) Account a non-wasting

capital long-term maintenance and management fee in the amount determined through the PAR or PAR-like analysis conducted for the compensation lands.

f. The County, in consultation with CDFW, may designate another non-profit organization to hold the long-term maintenance and management fee if the organization is qualified to manage the compensation lands in perpetuity. If CDFW takes fee title to the compensation lands, CDFW shall determine whether it will hold the long-term management fee in the special deposit fund, leave the money in the REAT Account, or designate another entity to manage the long-term maintenance and management fee for CDFW and with CDFW supervision.

g. Interest, Principal, and Pooling of Funds. The Applicant shall ensure that an agreement is in place with the long-term maintenance and management fund (endowment) holder/manager to ensure the following requirements are met:

i. Interest. Interest generated from the initial capital long-term maintenance and management fund shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action that is approved by the County and is designed to protect or improve the habitat values of the compensation lands.

ii. Withdrawal of Principal. The long-term maintenance and management fund principal shall not be drawn upon unless such withdrawal is deemed necessary by the County or by the approved third-party long-term maintenance and management fund manager, to ensure the continued viability of the species on the compensation lands.

iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar non-wasting funds that it holds from other Projects for long-term maintenance and management of compensation lands for special-status plants.

However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the County.

h. Other Expenses. In addition to the costs listed above, the Applicant shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFW or an approved third-party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures.

i. Mitigation Security. The Applicant shall provide financial assurances in accordance with Mitigation Measure 4.4-1h (*Phasing*), below, to the County to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing Project activities. Financial assurances shall be provided to the County in the form of an irrevocable letter of credit, a pledged savings account or another form of approved security ("Security"). The amount of the Security shall be $2,280 per acre, using the estimated cost per acre for desert tortoise mitigation as a best available proxy, at a ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2 plants, for every acre of habitat supporting the target special-status plant species which is impacted by the Project. The actual costs to comply with this condition will vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a PAR report. Prior to submitting the Security to the County, the Applicant shall obtain the County's approval of the form of the Security. The County may draw on the Security if the County determines the Applicant has failed to comply with the requirements specified in this condition. The County may use money from the Security solely for implementation of the requirements of this condition. The County's use of the Security to implement measures in this condition may not fully satisfy the Applicant's obligations under this condition, and the Applicant remains responsible for satisfying the

obligations under this condition if the Security is insufficient. The unused Security shall be returned to the Applicant in whole or in part upon successful completion of the associated requirements in this condition.

j. The Applicant may elect to comply with the requirements in this condition for acquisition of compensation lands, initial protection and habitat improvement on the compensation lands, or long-term maintenance and management of the compensation lands by funding, or any combination of these three requirements, by providing funds to implement those measures into the REAT Account established with the NFWF. To use this option, the Applicant must make an initial deposit to the REAT Account in an amount equal to the estimated costs (as set forth in the Security section of this condition) of implementing the requirement. If the actual cost of the acquisition, initial protection and habitat improvements, or long-term funding is more than the estimated amount initially paid by the Applicant, the Applicant shall make an additional deposit into the REAT Account sufficient to cover the actual acquisition costs, the actual costs of initial protection and habitat improvement on the compensation lands, and the long-term funding requirements as established in an approved PAR or PAR-like analysis. If those actual costs or PAR Projections are less than the amount initially transferred by the Applicant, the remaining balance shall be returned to the Applicant.

The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the Energy Commission. Such delegation shall be subject to approval by the County, in consultation with CDFW, BLM, and USFWS, prior to land acquisition, enhancement or management activities. The Applicant, or an approved third party to which the Applicant has delegated land acquisition activities pursuant to an executed agreement, shall acquire the land, in fee or in easement, no more than 18 months after the start of Project ground-disturbing activities.

II. ***Compensatory Mitigation by Habitat Enhancement/Restoration:*** As an alternative or adjunct to land acquisition for compensatory mitigation the Applicant may undertake habitat

enhancement or restoration for the target special-status plant species. Habitat enhancement or restoration activities must achieve protection at a 3:1 ratio for Rank 1 plants and 2:1 for Rank 2 plants, with improvements applied to 3 acres, or 2 acres, respectively, of habitat for every acre of special-status plant habitat directly or indirectly disturbed by the Project Disturbance Area (for example, if the area occupied by the special-status plant collectively measured is 0.25 acre, the improvements would be applied to an area equal to 0.75 acre at a 3:1 ratio, or 0.5 acre at a 2:1 ratio). Examples of suitable enhancement Projects include but are not limited to the following: i) control unauthorized vehicle use into an occurrence (or pedestrian use if clearly damaging to the species); ii) control of invasive non-native plants that infest or pose an immediate threat to an occurrence; iii) exclude grazing by wild burros or livestock from an occurrence; or iv) restore lost or degraded hydrologic or geomorphic functions critical to the species by restoring previously diverted flows, removing obstructions to the wind sand transport corridor above an occurrence, or increasing groundwater availability for dependent species.

If the Applicant elects to undertake a habitat enhancement Project for mitigation, the Project must meet the following performance standards: The proposed enhancement Project shall achieve rescue of an off-site occurrence that is currently assessed, based on the NatureServe threat ranking system (Master et al., 2009; see also Morse et al., 2004) with one of the following threat ranks: a) long-term decline >30 percent; b) an immediate threat that affects >30 percent of the population, or c) has an overall threat impact that is High to Very High. "Rescue" would be considered successful if it achieves an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High").

If the Applicant elects to undertake a habitat enhancement Project for mitigation, they shall submit a Habitat Enhancement/Restoration Plan to the County for review and approval, and shall provide sufficient funding for implementation and monitoring of the Plan. The amount of the Security shall be $2,280 per acre, using the estimated cost per acre for Desert Tortoise mitigation as a best available proxy, at the ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2

plants, for every acre of habitat supporting the target special-status plant species which is directly or indirectly impacted by the Project. The amount of the security may be adjusted based on the actual costs of implementing the enhancement, restoration and monitoring. The implementation and monitoring of the enhancement/restoration may be undertaken by an appropriate third party such as NFWF, subject to approval by the County. The Habitat Enhancement/Restoration Plan shall include each of the following:

1. Goals and Objectives. Define the goals of the restoration or enhancement Project and a measurable course of action developed to achieve those goals. The objective of the proposed habitat enhancement plan shall include restoration of a target special-status plant occurrence that is currently threatened with a long-term decline. The proposed enhancement plan shall achieve an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High").
2. Historical Conditions. Provide a description of the pre-impact or historical conditions (before the site was degraded by weeds or grazing or ORV, etc.), and the desired conditions.
3. Site Characteristics. Describe other site characteristics relevant to the restoration or enhancement Project (e.g., composition of native and pest plants, topography and drainage patterns, soil types, geomorphic and hydrologic processes important to the site or species.
4. Ecological Factors. Describe other important ecological factors of the species being protected, restored, or enhanced such as total population, reproduction, distribution, pollinators, etc.
5. Methods. Describe the restoration methods that will be used (e.g., invasive exotics control, site protection, seedling protection, propagation techniques, etc.) and the long-term maintenance required. The implementation phase of the enhancement must be completed within five years.
6. Budget. Provide a detailed budget and time-line, and develop clear, measurable, objective-driven annual success criteria.

7. Monitoring. Develop clear, measurable monitoring methods that can be used to evaluate the effectiveness of the restoration and the benefit to the affected species. The Plan shall include a minimum of five years of quarterly monitoring, and then annual monitoring for the remainder of the enhancement Project, and until the performance standards for rescue of a threatened occurrence are met. At a minimum the progress reports shall include: quantitative measurements of the Projects progress in meeting the enhancement Project success criteria, detailed description of remedial actions taken or proposed, and contact information for the responsible parties.
8. Reporting Program. The Plan shall ensure accountability with a reporting program that includes progress toward goals and success criteria. Include names of responsible parties.
9. Contingency Plan. Describe the contingency plan for failure to meet annual goals.
10. Long-term Protection. Include proof of long-term protection for the restoration site. For private lands this would include conservations easements or other deed restrictions; Projects on public lands must be contained in a Desert Wildlife Management Area, Wildlife Habitat Management Area, or other land use protections that will protect the mitigation site and target species.

Timing/Implementation: Surveys to be completed at least 30 days before the commencement of construction; avoidance and minimization measures to be implemented during construction; monitoring for at least 5 years

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1h states:

The Applicant shall provide compensatory mitigation for the total Project Disturbance Area and may provide such mitigation in multiple phases for distinct construction elements (e.g., Unit 1, Unit 2, etc.). These phases will generally include installation of fencing, clearing, grubbing and grading, and development of common facilities first, followed by the remaining power block units. All construction activities for the non-linear features during these subsequent phases will occur within desert tortoise exclusionary fenced areas that have been cleared in accordance with USFWS protocols.

Prior to initiating each phase of construction the Applicant shall submit the actual construction schedule, a figure depicting the locations of proposed construction and amount of acres to be disturbed. Mitigation acres are calculated based on the compensation requirements for each resource type including desert tortoise (Mitigation Measure 4.4-3d), western burrowing owl (Mitigation Measure 4.4-8), Mojave fringe-toed lizard (Mitigation Measure 4.4-4d), and state waters (Mitigation Measure 4.4-4b). Compensatory mitigation for each phase shall be implemented according to the timing required by each condition.

Timing/Implementation: Prior to the initiation of each phase of construction

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measures would reduce the Project's impact to special-status plant species to less than significant by requiring the identification of a Designated Biologist and Biological Monitors to carry out and/or support the implementation of the biological resources mitigation measures, the avoidance and minimization of rare plant impacts, and a Special-Status Plant Species Impact Avoidance and Mitigation Plan that includes preconstruction surveys, salvage activities for special-status plants and cacti, and off-site compensatory mitigation. [DEIR pp. 4.4-64 through 4.4-79]

2. Impacts to Desert Tortoise (Impact 4.4-2): The desert tortoise is the only federal or state-listed species that would be affected by the proposed Project. Approximately 2 tortoises would be relocated from the construction area or subject to mortality during construction and the Project would have a significant direct impact to approximately 4,500 acres of low-density desert tortoise habitat. Thus, the Project would have a significant direct effect on desert tortoises and their habitat.

Finding: The Mitigation Measures outlined below would reduce to a less-than-significant level the Project's potential impact to desert tortoise. The Mitigation Measures reflect changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.4-2a through 4.4-2c in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-2a states:

The Applicant shall undertake appropriate measures to manage the construction site and related facilities in a manner to avoid or minimize impacts to desert tortoise. Methods for clearance surveys, fence specification and installation, tortoise handling, artificial burrow construction, egg handling, and other procedures shall be consistent with those described in the USFWS (2009) *Desert Tortoise Field Manual* or more current guidance provided by CDFW and USFWS. The Applicant shall also implement all terms and conditions described in the Biological Opinion prepared by USFWS. The Applicant shall implement the following measures:

1. ***Desert Tortoise Exclusion Fence Installation.*** To avoid impacts to desert tortoises, permanent exclusion fencing shall be installed along the permanent perimeter security fence (boundaries) as phases are constructed. Biological monitoring or temporary fencing shall be used along linear features or any subset of the plant site phasing that does not correspond to permanent perimeter fencing. All fencing installation corridors shall be flagged to assist biologists in studying the fence route and surveyed within 24 hours prior to the initiation of fence construction. Clearance surveys of the desert tortoise exclusionary fence and utility rights-of-way alignments shall be conducted by the Designated Biologist(s) using techniques outlined in the USFWS' 2009 *Desert Tortoise Field Manual* and may be conducted in any season with USFWS and CDFW approval. Biological Monitors may assist the Designated Biologist under his or her supervision. These fence clearance surveys shall provide 100-percent coverage of all areas to be disturbed and an additional transect along both sides of the fence line. Disturbance associated with desert tortoise exclusionary fence construction shall not exceed 30 feet on either side of the proposed fence alignment. Prior to the surveys the Applicant shall provide to the County, CDFW, and USFWS a figure clearly depicting the limits of construction disturbance for the proposed fence installation. The fence line survey area shall be 90 feet wide centered on the fence alignment. Where construction disturbance for fence line installation can be limited to 15 feet on either side of the fence line, this fence line survey area may be reduced to an area approximately 60 feet wide centered on the fence alignment. Transects shall be no greater than 15 feet apart. All desert tortoise burrows, and burrows constructed by other species that might be used by desert

tortoises, shall be examined to assess occupancy of each burrow by desert tortoises and handled in accordance with the *Desert Tortoise Field Manual*. Any desert tortoise located during fence clearance surveys shall be handled by the Designated Biologist(s) in accordance with the *Desert Tortoise Field Manual*.

a. *Timing, Supervision of Fence Installation*. The exclusion fencing shall be installed in any area subject to disturbance prior to the onset of site clearing and grubbing in that area. The fence installation shall be supervised by the Designated Biologist and monitored by the Biological Monitors to ensure the safety of any tortoise present.

b. *Fence Material and Installation*. All desert tortoise exclusionary fencing shall be constructed in accordance with the USFWS' *Desert Tortoise Field Manual* (Chapter 8 – Desert Tortoise Exclusion Fence).

c. *Security Gates*. Security gates shall be designed with minimal ground clearance to deter ingress by tortoises. The gates may be electronically activated to open and close immediately after the vehicle(s) have entered or exited to prevent the gates from being kept open for long periods of time.

d. *Fence Inspections*. Following installation of the desert tortoise exclusion fencing for both the permanent site fencing and temporary fencing in the utility corridors, the fencing shall be regularly inspected. If tortoise were moved out of harm's way during fence construction, permanent and temporary fencing shall be inspected at least two times a day for the first 7 days to ensure a recently moved tortoise has not been trapped within the fence. Thereafter, permanent fencing shall be inspected monthly and during and within 24 hours following all major rainfall events. A major rainfall event is defined as one for which flow is detectable within the fenced drainage. Any damage to the fencing shall be temporarily repaired immediately to keep tortoises out of the site, and permanently repaired within 48 hours of observing damage. Inspections of permanent site fencing shall occur for the life of the Project. Temporary fencing shall be inspected weekly and, where drainages intersect the fencing, during and within 24 hours following major rainfall events. All temporary fencing

shall be repaired immediately upon discovery and, if the fence may have permitted tortoise entry while damaged, the Designated Biologist shall inspect the area for tortoise.

2. ***Desert Tortoise Clearance Surveys within the Plant Site.*** Clearance surveys shall be conducted in accordance with the final USFWS-approved *Desert Tortoise Translocation Plan, McCoy Solar Energy Project* (Appendix F in the Biological Assessment; TetraTech EC Inc., 2012) and shall consist of two surveys covering 100 percent the Project area by walking transects no more than 15 feet apart. If a desert tortoise is located on the second survey, a third survey shall be conducted. Each separate survey shall be walked in a different direction or parallel but offset to allow opposing angles of observation. Clearance surveys for non-linear areas of Phase 1A may be conducted outside the active season. Clearance surveys of the remaining portions of the power plant site may only be conducted when tortoises are most active in the Project vicinity (March through May or September through mid-November). Clearance surveys of linear features may be conducted during anytime of the year. Surveys outside of the active season in areas other than Phase 1A require approval by USFWS and CDFW. Any tortoise located during clearance surveys of the power plant site and linear features shall be relocated and monitored in accordance with the Desert Tortoise Relocation/Translocation Plan:

   a. *Burrow Searches*. During clearance surveys all desert tortoise burrows, and burrows constructed by other species that might be used by desert tortoises, shall be examined by the Designated Biologist, who may be assisted by the Biological Monitors, to assess occupancy of each burrow by desert tortoises and handled in accordance with the *Desert Tortoise Field Manual*. To prevent reentry by a tortoise or other wildlife, all burrows shall be collapsed once absence has been determined, but only on the last survey pass and if not occupied by other wildlife. Tortoises taken from burrows and from elsewhere on the power plant site shall be relocated or translocated as described in the Desert Tortoise Relocation/Translocation Plan.

   b. *Burrow Excavation/Handling*. All potential desert tortoise burrows located during clearance surveys would be excavated by hand, tortoises removed, and collapsed or blocked to prevent

occupation by desert tortoises. All desert tortoise handling and removal, and burrow excavations, including nests, would be conducted by the Designated Biologist, who may be assisted by a Biological Monitor in accordance with the *Desert Tortoise Field Manual*.

c. *Monitoring Following Clearing*. Following the desert tortoise clearance and removal from the power plant site and utility corridors, workers and heavy equipment shall be allowed to enter the Project site to perform clearing, grubbing, leveling, and trenching. A Designated Biologist shall oversee site clearing and shall be on-site during grading activities to find and move tortoises missed during the initial tortoise clearance survey. Should a tortoise be discovered, it shall be relocated or translocated as described in the Desert Tortoise Relocation/Translocation Plan.

3. ***Reporting.*** The Designated Biologist shall record the following information for any desert tortoises handled: a) the locations (narrative and maps) and dates of observation; b) general condition and health, including injuries, state of healing and whether desert tortoise voided their bladders; c) location moved from and location moved to (using GPS technology); d) gender, carapace length, and diagnostic markings (i.e., identification numbers or marked lateral scutes); e) ambient temperature when handled and released; and f) digital photograph of each handled desert tortoise as described in the paragraph below. Desert tortoise moved from within Project areas shall be marked and monitored in accordance with the Desert Tortoise Relocation/Translocation Plan (Mitigation Measure 4.4-2b).

Timing/Implementation: Flagging and fencing prior to ground disturbance; Reporting during construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-2b states:

Applicant shall develop and implement a final Desert Tortoise Relocation/Translocation Plan (Plan) that is consistent with current USFWS approved guidelines, and meets the approval of the County. The Plan shall include guidance during different phases of Project construction and shall include measures to

minimize the potential for repeated translocations of individual desert tortoises. The final Plan shall include all revisions deemed necessary by the County, USFWS, and CDFW.

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-2c states:

The Applicant shall provide County staff with reasonable access to the Project site and compensation lands under the control of the Applicant and shall otherwise fully cooperate with the County's efforts to verify the Project owner's compliance with, or the effectiveness of, mitigation measures. The Designated Biologist shall do all of the following:

1. ***Notification.*** Notify the County at least 14 calendar days before initiating construction-related ground disturbance activities; immediately notify the County in writing if the Applicant is not in compliance with any required conditions of Project approval, including but not limited to any actual or anticipated failure to implement mitigation measures within the specified time periods;
2. ***Monitoring During Grubbing and Grading.*** Remain on-site daily while vegetation salvage, grubbing, grading, and other ground-disturbance construction activities are taking place to avoid or minimize take of listed species, to check for compliance with all impact avoidance and minimization measures, and to check all exclusion zones to ensure that signs, stakes, and fencing are intact and that human activities are restricted in these protective zones.
3. ***Monthly Compliance Inspections.*** Conduct compliance inspections at a minimum of once per month after clearing, grubbing, and grading are completed and submit a monthly compliance report to the County, USFWS, and CDFW during construction.
4. ***Notification of Injured, Dead, or Relocated Listed Species.*** In the event of a sighting in an active construction area (e.g., with equipment, vehicles, or workers), injury, kill, or relocation of any listed species, the County, CDFW, and USFWS shall be notified immediately by phone. Notification shall occur no later than noon on the business day following the event if it occurs outside normal business hours so that the agencies can determine if further actions are required to protect listed species. Written follow-up notification via FAX or electronic communication

shall be submitted to these agencies within two calendar days of the incident and include the following information as relevant:

a. *Injured Desert Tortoise*. If a desert tortoise is injured as a result of Project-related activities during construction, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation and/or veterinarian clinic. Any veterinarian bills for such injured animals shall be paid by the Applicant. Following phone notification as required above, the County, CDFW, and USFWS shall determine the final disposition of the injured animal, if it recovers. Written notification shall include, at a minimum, the date, time, location, circumstances of the incident, and the name of the facility where the animal was taken.

b. *Desert Tortoise Fatality*. If a desert tortoise is killed by Project-related activities during construction or operation, submit a written report with the same information as an injury report. These desert tortoises shall be salvaged according to guidelines described in the USGS publication *Salvaging Injured, Recently Dead, Ill, and Dying Wild, Free-Roaming Desert Tortoise*. The Applicant shall pay to have the desert tortoises transported and necropsied. The report shall include the date and time of the finding or incident.

5. ***Stop Work Order.*** The County may issue the Applicant a written stop work order to suspend any activity related to the construction or operation of the Project to prevent or remedy a violation of one or more required conditions of Project approval (including but not limited to failure to comply with reporting, monitoring, or habitat acquisition obligations) or to prevent the illegal take of an endangered, threatened, or candidate species. The Applicant shall comply with the stop work order immediately upon receipt thereof.

Timing/Implementation: Notification prior to ground disturbance; reporting during construction

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measures would reduce potential impacts to desert tortoise to less than significant by requiring identification of a Designated Biologist and Biological

Monitors to carry out and/or support the implementation of the biological resources mitigation measures; avoidance and minimization of take and impacts on desert tortoise and desert tortoise habitat; and a detailed relocation/translocation plan that includes preconstruction clearance surveys of desert tortoise within Project disturbance areas. [DEIR pp. 4.4-80 through 4.4-84]

3. Indirect Effects on Desert Tortoise (Impact 4.4-3): The Project could have a significant indirect impact to desert tortoise habitat if construction activities result in the introduction of new invasive weed species or result in the spread of existing invasive weed species within or outside of construction areas. The Project would have significant direct or indirect impacts on desert tortoise if construction activities result in tortoises avoiding suitable foraging habitat due to noise, human activity, and/or equipment disturbance. The Project would also have a significant indirect impact on desert tortoise if increased predation by ravens occurred.

Finding: The Mitigation Measures outlined below would reduce to a less-than-significant level the Project's potential indirect impacts to desert tortoise. The Mitigation Measures reflect changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.4-3a through 4.4-3d in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-3a states:

Prior to beginning construction on the Project, the Applicant will prepare, circulate to the County for comment and approval, and then implement an Invasive Weed Management Plan that meets County approval to prevent the spread of existing weeds and the introduction of new weeds to the Project Area. The objective of the Weed Management Plan shall be to prevent the introduction of any new weeds and the spread of existing weeds as a result of Project construction, operation, and decommissioning. The Weed Management Plan shall include at a minimum the following information: specific weed management objectives and measures for each target non-native weed species; baseline conditions; a map of the Weed Management Areas; weed risk assessment and measures to prevent the introduction and spread of weeds; monitoring and surveying methods; and reporting requirements.

The Plan shall be consistent with BLM's *Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States* (BLM, 2007) and the National Invasive Species Management Plan (National Invasive Species Council, 2008), and will be implemented by the Applicant to reduce the potential for the introduction of invasive species during construction, operation and maintenance, and decommissioning of the Project. The draft plan will be reviewed and approved by the County.

The following measures are required in the Plan and will be implemented by the Applicant to monitor and control invasive species:

1. ***Preventative Measures During Construction.*** Equipment Cleaning: To prevent the spread of weeds into new habitats, and prior to entering the Project work areas, construction equipment will be cleaned of dirt and mud that could contain weed seeds, roots, or rhizomes. Equipment will be inspected to ensure they are free of any dirt or mud that could contain weed seeds and the tracks, feet, tires, and undercarriage will be carefully washed, with special attention being paid to axles, frame, cross members, motor mounts, underneath steps, running boards, and front bumper/brush guard assemblies. Other construction vehicles (e.g. pick-up trucks) that will be frequently entering and exiting the site will be inspected and washed on an as-needed basis.
    a. *Vehicle Washing*: All vehicles will be washed off-site when possible. Should off-site washing prove infeasible, an on-site cleaning station will be set up to clean equipment before it enters the work area. Either high-pressure water or air will be used to clean equipment and the cleaning site will be situated away from any sensitive biological resources. If possible, water used to wash vehicles and equipment will be collected and re-used. Ingress and egress will be limited to defined routes.
    b. *Site Soil Management*: Soil management will consist of limiting ground disturbance to the minimum necessary for construction activities and using dust suppressants to minimize the spread of seeds. Disturbed vegetation and topsoil will be re-deposited at or near the area from which they are removed to eliminate the transport of soil-borne invasive weed seeds, roots, or rhizomes. During reclamation of the temporarily cleared areas, the contractor will return topsoil and vegetative material to the areas from which they were stripped. County-

approved dust suppressants (e.g. water and/or palliative) will be minimized on the site as much as possible, but will use during construction to minimize the spread of airborne weed seeds, especially during very windy days. As appropriate, temporary drift fences may be installed to help control sand movement during construction.

c. *Weed-free Products*: Any use of hay or straw bales on the Project site will be limited to certified weed-free material. Other products such as gravel, mulch, and soil may also carry weeds and these products, too, will be certified weed-free. If needed, mulch will be made from the local, on-site native vegetation cleared from the Project area.

d. *Personnel Training*: Weed management will be part of mandatory site training for all construction personnel and will be included in initial Worker Environmental Awareness Program training briefings. Training will include weed identification and the threat of impacts including impacts to local agriculture, vegetation communities, wildlife, and creating fire potential. Training will also cover the importance of preventing the spread of weeds.

e. *Mechanical Weed Removal*: The Applicant primarily will use mechanical weed removal techniques with the use of herbicides on BLM-administered lands restricted to BLM-approved usage and on County-governed lands restricted to County-approved usage in areas that are not accessible through mechanical means or where mechanical weed removal is impractical.

f. *Herbicides*: The Applicant will use only County-approved pre- and/or post-emergent herbicides, as applicable. Pre-emergent herbicides will be applied to the soil before the weed seed germinates and is usually incorporated into the soil with irrigation or rainfall. Post-emergent herbicides will be applied directly to plants. Herbicides will be investigated in detail, made a part of the Invasive Weed Management Plan, and approved by County before use.

g. *Pesticides*: Pesticide use will be limited to non-persistent, immobile pesticides applied only in accordance with label and application permit directions and stipulations for terrestrial and

aquatic applications. Any pesticide applications, if used, will be conducted within the framework of County programs and policies, and will entail only the use of USEPA registered pesticides.

2. ***Containment and Control Measures.*** When Project monitoring (see below) indicates that invasive species are spreading, invasive species will be removed using mechanical and chemical methods. The Applicant will use mechanical weed removal methods as the preferred method, but herbicides may be used when conditions (such as wind, proximity of native vegetation) are such that the effect on native species is expected to be minimal. During suppression or eradication activities, care will be taken to have the least effect on native plant species. Herbicides used will be limited to those approved by the County. Herbicides will be applied before the invasive species flower and set seed.

   If monitoring indicates the spread of athel (*Tamarix spp.*), a woody invasive species, then athel will be controlled by cutting the trees and applying GarlonTM Ultra Herbicide to the stump immediately after cutting. All cut material generated during athel clearance will be removed from the site by truck. This material will be covered with a tarp or other material that will keep athel cuttings or seed from being spread by truck movement.

   The Applicant and its contractors will follow the BLM's Herbicide Use Standard Operating Procedures provided in Appendix B of the Record of Decision for the Final Vegetation Treatments Using Herbicides Programmatic Environmental Impact Statement (BLM, 2007) on BLM-administered lands and will follow Riverside County requirements on County-governed lands. Personnel responsible for weed control will be trained in the proper and safe use of all equipment and chemicals used for weed control.

3. ***Monitoring.*** Baseline weed conditions will be assessed during the pre-construction phase of the Project, during pre-construction surveys and staking and flagging of construction areas. A stratified random sampling technique will be used to identify and count the extent of weeds on the site.

Monitoring will take place each year during construction, and annually for 3 years following the completion of construction. The purpose of annual monitoring will be to determine if weed populations identified during baseline surveys have increased in density or are spreading as a result of the Project. Control methods will be implemented when measurable weed increases, as well as visually verified increases, are detected during monitoring. This will include small patches of unusually high density weeds (e.g., concentrations in swales) that are growing as a result of Project activities.

During construction, daily monitoring records will be kept by biological monitors that will include information relevant to invasive weeds. During Project operations and maintenance, noxious and invasive weed list and provide monitoring and management appropriate to any new species in coordination with the County.

After the 3 years of operations monitoring is complete, general management and monitoring of the Project area will be conducted by designated site personnel each year during both the germinating and early growing season (November through April) to eliminate new weed individuals prior to seed set. Throughout construction and long-term monitoring, personnel will be trained to identify weedy and native species and work with a trained vegetation monitor to determine where elimination is necessary.

4. ***Reporting.*** Results of monitoring and management efforts will be included in annual reports and a final monitoring report completed at the end of three years of post-construction monitoring. Copies of these reports will be kept on file at the site. Copies of each annual report as well as the final monitoring report will be sent to the County for review and comment. The County will use the results of these reports to determine if any additional monitoring or control measures are necessary.

5. ***Success Criteria.*** Weed control will be ongoing on the Project site for the life of the Project, but plan success will be determined by the County after the 3 years of operations monitoring through the reporting and review process. Success criteria will be defined as having no more than 10 percent increase in a weed species or in overall weed cover in any part of the Project.

Timing/Implementation: Preventative measures during construction; monitoring for the first three years of operation

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-3b states:

The Applicant shall implement a Raven Monitoring and Control Plan that is consistent with the most current USFWS-approved raven management guidelines, and which meets the approval of the County in consultation with USFWS and CDFW. A raven management plan included in the Applicant's BA shall provide the basis for the final plan, subject to review, revisions and approval from the County, CDFW, and USFWS. The management plan shall include but not be limited to a program to monitor raven presence in the Project vicinity, determine if raven numbers are increasing, and to implement raven control measures as needed based on monitoring results. The purpose of the plan is to avoid any Project-related increases in raven numbers during construction, operation, and decommissioning. The Applicant shall also provide funding for implementation of the USFWS Regional Raven Management Program, as described below.

1. The Raven Plan shall:
    a. Identify conditions associated with the Project that might provide raven subsidies or attractants;
    b. Describe management practices to avoid or minimize conditions that might increase raven numbers and predatory activities;
    c. Describe control practices for ravens;
    d. Establish thresholds that would trigger implementation of control practices;
    e. Address monitoring and nest removal during construction and for the life of the Project, and;
    f. Discuss reporting requirements.
2. USFWS Regional Raven Management Program: The Applicant shall submit payment to the Project sub-account of the REAT Account held by NFWF to support the USFWS Regional Raven Management Program. The one-time fee shall be as described in the cost allocation methodology or more current guidance as provided by USFWS or CDFW.

Timing/Implementation: Prior to the initiation of construction activities

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-3c states:

As directed by the County, USFWS, and CDFW based on current wildlife management information and data, the Applicant shall cover the evaporation ponds prior to any discharge with 1.5-inch mesh netting designed to exclude birds and other wildlife from drinking or landing on the water of the ponds. Netting with mesh sizes other than 1.5 inches may be installed if approved by the County in consultation with CDFW and USFWS. The netted ponds shall be monitored regularly to verify that the netting remains intact, is fulfilling its function in excluding birds and other wildlife from the ponds, and does not pose an entanglement threat to birds and other wildlife. The ponds shall include a visual deterrent in addition to the netting, and the pond shall be designed such that the netting shall never contact the water. Monitoring of the evaporation ponds shall include the following:

1. ***Monthly Monitoring*:** The Designated Biologist or Biological Monitor shall regularly survey the ponds at least once per month starting with the first month of operation of the evaporation ponds. The purpose of the surveys shall be to determine if the netted ponds are effective in excluding birds, if the nets pose an entrapment hazard to birds and wildlife, and to assess the structural integrity of the nets. The monthly surveys shall be conducted in 1 day for a minimum of 2 hours following sunrise (i.e., dawn), a minimum of 1 hour mid-day (i.e., 11:00 to 13:00), and a minimum of 2 hours preceding sunset (i.e., dusk) in order to provide an accurate assessment of bird and wildlife use of the ponds during all seasons. Surveyors shall be experienced with bird identification and survey techniques. Operations staff at the Project site shall also report finding any dead birds or other wildlife at the evaporation ponds to the Designated Biologist within one day of the detection of the carcass. The Designated Biologists shall report any bird or other wildlife deaths or entanglements within two days of the discovery to the County, CDFW, and USFWS.
2. ***Dead or Entangled Birds*:** If dead or entangled birds are detected, the Designated Biologist shall take immediate action to correct the source of mortality or entanglement. The Designated

Biologist shall make immediate efforts to contact and consult the Compliance Project Manager (CPM), CDFW, and USFWS by phone and electronic communications prior to taking remedial action upon detection of the problem, but the inability to reach these parties shall not delay taking action that would, in the judgment of the Designated Biologist, prevent further mortality of birds or other wildlife at the evaporation ponds.

3. ***Quarterly Monitoring*:** If after 12 consecutive monthly site visits no bird or wildlife deaths or entanglements are detected at the evaporation ponds by or reported to the Designated Biologist, monitoring can be reduced to quarterly visits.

4. ***Biannual Monitoring*:** If after 12 consecutive quarterly site visits no bird or wildlife deaths or entanglements are detected by or reported to the Designated Biologist and with approval from the County, USFWS and CDFW, future surveys may be reduced to two surveys per year, during the spring nesting season and during fall migration. If approved by the County, USFWS and CDFG, monitoring outside the nesting season may be conducted by the Environmental Compliance Manager.

5. ***Modification of Monitoring Program:*** Without respect to the above requirements the Applicant, CDFW, or USFWS may submit to the County a request for modifications to the evaporation pond monitoring program based on information acquired during monitoring, and may also suggest adaptive management measures to remedy any problems that are detected during monitoring or modifications if bird impacts are not observed. Modifications to the evaporation pond monitoring described above and implementation of adaptive management measures shall be made only after approval from the County, in consultation with USFWS and CDFW.

Timing/Implementation: During operation

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-3d states:

To fully mitigate for habitat loss and potential take of desert tortoise, the Applicant shall provide compensatory mitigation at a 1:1 ratio for impacts to 4,900 acres, adjusted to reflect the final footprint of

the selected Project alternative. For the purposes of this measure, the Project footprint means all lands directly disturbed in the construction and operation of the Project, including all linear features, as well as undeveloped areas inside the Project's boundaries that will no longer provide viable long-term habitat for the desert tortoise. To satisfy this measure, the Applicant shall acquire, protect and transfer 1 acre of desert tortoise habitat for every acre of habitat within the final Project footprint, and provide associated funding for the acquired lands, as specified below. Mitigation Measure 4.4-3d, below, may provide the Applicant with another option for satisfying some or all of the requirements in this measure. In lieu of acquiring lands itself, the Applicant may satisfy the requirements of this measure by depositing funds into the REAT Account established with the NFWF, as provided below in section 3.h. of this measure.

The timing of the mitigation shall correspond with the timing of the site disturbance activities. However, if security is posted in accordance with 3.g. below (Mitigation Security), the Applicant shall acquire, in fee or in easement, the land, no more than 18 months after the start of Project ground-disturbing activities. If compensation lands are acquired in fee title or in easement, the requirements for acquisition, initial improvement and long-term management of compensation lands include all of the following:

1. ***Selection Criteria for Compensation Lands.*** The compensation lands selected for acquisition in fee title or in easement shall:
    a. be within the Colorado Desert Recovery Unit, with potential to contribute to desert tortoise habitat connectivity and build linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and/or other preserve lands;
    b. provide habitat for desert tortoise with capacity to regenerate naturally when disturbances are removed;
    c. be prioritized near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation;
    d. be connected to lands with desert tortoise habitat equal to or better quality than the Project site, ideally with populations that are stable, recovering, or likely to recover;

e. not have a history of intensive recreational use or other disturbance that does not have the capacity to regenerate naturally when disturbances are removed or might make habitat recovery and restoration infeasible;

f. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;

g. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and

h. have water and mineral rights included as part of the acquisition, unless the County, in consultation with CDFW and USFWS, agrees in writing to the acceptability of land.

2. ***Review and Approval of Compensation Lands Prior to Acquisition.*** The Applicant shall submit a formal acquisition proposal to the County, CDFW, and USFWS describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for desert tortoise in relation to the criteria listed above. Approval from the County and CDFW, in consultation with BLM and the USFWS, shall be required for acquisition of all compensatory mitigation parcels.

3. ***Compensation Lands Acquisition Requirements.*** The Applicant shall comply with the following requirements relating to acquisition of the compensation lands after the County and CDFW, in consultation with BLM and the USFWS, have approved the proposed compensation lands:

a. *Preliminary Report.* The Applicant, or approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the County and CDFW. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the County and CDFW, in consultation with the USFWS. For conveyances to the state, approval may also be required from the California Department of General Services, the Fish and Game Commission, and the Wildlife Conservation Board.