b. *Title/Conveyance.* The Applicant shall 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 and CDFW. Transfer of either fee title or an approved conservation easement will usually be sufficient, but some situations, e.g., the donation of lands burdened by a conservation easement to BLM, will require that both types of transfers be completed. 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 BLM under terms approved by the County and CDFW. If an approved non-profit organization holds title to the compensation lands, a conservation easement shall be recorded in favor of CDFW in a form approved by CDFW. If an approved non-profit holds a conservation easement, CDFW shall be named a third-party beneficiary.

c. *Initial Habitat Improvement Fund.* The Applicant shall fund the initial protection and habitat improvement of the compensation lands. Alternatively, a non-profit organization may hold the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code §65965) and if it meets the approval of CDFW and the County. 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 PAR or PAR-like analysis to establish the appropriate long-term maintenance and management fee to fund the in-perpetuity management of the acquired mitigation lands.

e. *Long-term Maintenance and Management Fund.* The Applicant shall deposit in NFWF's REAT Account a non-wasting capital long-term maintenance and management fee in the amount determined through the PAR analysis conducted for the compensation lands.

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.

f. *Interest, Principal, and Pooling of Funds.* The Applicant, the County and CDFW shall ensure that an agreement is in place with the long-term maintenance and management fee holder/manager to ensure the following conditions:

i. Interest. Interest generated from the initial capital long-term maintenance and management fee 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 approved by CDFW designed to protect or improve the habitat values of the compensation lands.

ii. Withdrawal of Principal. The long-term maintenance and management fee principal shall not be drawn upon unless such withdrawal is deemed necessary by the CDFW or the approved third-party long-term maintenance and management fee manager to ensure the continued viability of the species on the compensation lands. If CDFW takes fee title to the compensation lands, monies received by CDFW pursuant to this provision shall be deposited in a special deposit fund established solely for the purpose to manage lands in perpetuity unless CDFW designates NFWF or another entity to manage the long-term maintenance and management fee for CDFW.

iii. Pooling Long-Term Maintenance and Management Fee Funds. CDFW, or a County- and CDFW-approved non-profit organization qualified to hold long-term maintenance and management fees solely for the purpose to manage lands in perpetuity, may pool the endowment with other endowments for the operation, management, and protection of the compensation lands for local populations of desert tortoise. However, for reporting

purposes, the long-term maintenance and management fee fund must be tracked and reported individually to the CDFW and County.

iv. 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 title and document review costs, expenses incurred from other state agency reviews, and 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.

g. *Mitigation Security*. The Applicant shall provide financial assurances to the County and CDFW with copies of the document(s) to the USFWS, to guarantee that an adequate level of funding is available to implement the mitigation measures described herein. These funds shall be used solely for implementation of the measures associated with the Project in the event the Applicant fails to comply with the requirements specified in this measure, or shall be returned to the Applicant upon successful compliance with the requirements in this measure. The County's or CDFW's use of the security to implement required measures may not fully satisfy the Applicant's obligations under this condition. Financial assurance can be provided to the County and CDFW in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security"). Prior to submitting the Security to the County, the Applicant shall obtain the County's and CDFW's approval, in consultation with the USFWS, of the form of the Security. Security shall be provided in the amounts calculated as follows:

i. land acquisition costs for compensation land, calculated at $500/acre.

ii. initial protection and improvement activities on the compensation land, calculated at $330/acre.

iii. Long term maintenance and management fee, calculated at $1,450 an acre.

The amount of security shall be adjusted for any change in the Project footprints for each phase as described above.

h. The Applicant may elect to fund the acquisition and initial improvement of compensation lands through NFWF by depositing funds for that purpose into NFWF's REAT Account. Initial deposits for this purpose must be made in the same amounts as the security required in 3.g., above, and may be provided in lieu of security. If this option is used for the acquisition and initial improvement, the Applicant shall make an additional deposit into the REAT Account if necessary to cover the actual acquisition costs and administrative costs and fees of the compensation land purchase once land is identified and the actual costs are known. If the actual costs for acquisition and administrative costs and fees are less than $500 per acre, the excess money deposited in the REAT Account shall be returned to the Applicant. Money deposited for the initial protection and improvement of the compensation lands shall not 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 County and CDFW. Such delegation shall be subject to approval by the County and CDFW, in consultation with the USFWS, prior to land acquisition, initial protection or maintenance and management activities.

Mitigation Measure 4.4-3e states:

The Applicant may choose to satisfy its mitigation obligations by paying an in-lieu fee instead of acquiring compensation lands, pursuant to California Fish and Game Code §§2069 and 2099 or any other applicable in-lieu fee provision, to the extent the in-lieu fee provision is found by the Fish and Game Commission to mitigate the impacts identified herein.

Rationale: Implementation of the above Mitigation Measures would reduce the Project's indirect impact 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 (as outlined above); requiring an integrated weed management plan to minimize the spread and introduction of invasive weeds; by requiring a raven management plan to monitor and control ravens on the

Project site to minimize predation on desert tortoise and other wildlife species; and by acquiring land to compensate for disturbance to desert tortoise habitat. [DEIR pp. 4.4-85 through 4.4-94]

4. Impacts to Mojave Fringe-Toed Lizard (Impact 4.4-4): Direct effects of Project construction on Mojave fringe-toed lizards include the potential for direct mortality and habitat loss.

Finding: The Mitigation Measures outlined below would reduce to a less-than-significant level the Project's potential impact to Mojave fringe-toed lizard. 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 4.4-4a through 4.4-4d in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-4a states:

The Applicant shall undertake the following measures to manage the construction site and related facilities in a manner to avoid or minimize impacts to biological resources:

1. ***Limit Area of Disturbance.*** The boundaries of all areas to be disturbed (including staging areas, access roads, and sites for temporary placement of spoils) shall be delineated with stakes and flagging prior to construction activities in consultation with the Designated Biologist. Spoils and topsoil shall be stockpiled in disturbed areas lacking native vegetation and which do not provide habitat for special-status species. Parking areas, staging and disposal site locations shall similarly be located in areas without native vegetation or special-status species habitat. All disturbances, Project vehicles and equipment shall be confined to the flagged areas.
2. ***Minimize Road Impacts.*** New and existing roads that are planned for construction, widening, or other improvements shall not extend beyond the flagged impact area as described above. All vehicles passing or turning around would do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.
3. ***Minimize Traffic Impacts.*** Vehicular traffic during Project construction and operation shall be confined to existing routes of travel to and from the Project site, and cross country vehicle and

equipment use outside designated work areas shall be prohibited. The speed limit shall not exceed 25 miles per hour within the Project area, on maintenance roads for linear facilities, or on access roads to the Project site, except on paved access roads where the speed limit shall not exceed 45 miles per hour.

4. ***Monitor During Construction.*** In areas that have not been fenced with desert tortoise exclusion fencing and cleared, the Designated Biologist shall be present at the construction site during all Project activities that have potential to disturb soil, vegetation, and wildlife. The Designated Biologist or Biological Monitor shall walk immediately ahead of equipment during brushing and grading activities.

5. ***Minimize Impacts of Transmission/Pipeline Alignments, Roads, Staging Areas.*** Staging areas for construction on the plant site shall be within the area that has been fenced with desert tortoise exclusion fencing and cleared. For construction activities outside of the plant site (transmission line, pipeline alignments) access roads, pulling sites, and storage and parking areas shall be designed, installed, and maintained with the goal of minimizing impacts to native plant communities and sensitive biological resources. Transmission lines and all electrical components shall be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) Suggested Practices for Avian Protection on Power Lines (APLIC, 2006) and Mitigating Bird Collisions with Power Lines (APLIC, 1994) to reduce the likelihood of large bird electrocutions and collisions.

6. ***Avoid Use of Toxic Substances.*** Soil bonding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants.

7. ***Minimize Lighting Impacts.*** Facility lighting shall be designed, installed, and maintained to prevent side casting of light towards wildlife habitat.

8. ***Minimize Noise Impacts.*** Loud construction activities (e.g., unsilenced pile driving) shall be avoided from February 15 to April 15 when it would result in noise levels over 65 dBA in nesting habitat (excluding noise from passing vehicles). Loud construction activities may be permitted from February 15 to April 15 only if:

a. the Designated Biologist provides documentation (e.g., nesting bird data collected using methods described in Mitigation Measure 4.4-6 and maps depicting location of the nest survey area in relation to noisy construction) to the County indicating that no active nests would be subject to 65 dBA noise, or

b. the Designated Biologist or Biological Monitor monitors active nests within the range of construction-related noise exceeding 65 dBA. The monitoring shall be conducted in accordance with Nesting Bird Monitoring and Management Plan approved by the County. The Plan shall include adaptive management measures to prevent disturbance to nesting birds from construction related noise. Triggers for adaptive management shall be evidence of Project-related disturbance to nesting birds such as: agitation behavior (displacement, avoidance, and defense); increased vigilance behavior at nest sites; changes in foraging and feeding behavior, or nest site abandonment. The Bird Monitoring and Management Plan shall include a description of adaptive management actions, which shall include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of disturbance to the nesting bird.

9. ***Avoid Vehicle Impacts to Desert Tortoise.*** Parking and storage shall occur within the area enclosed by desert tortoise exclusion fencing to the extent feasible. No vehicles or construction equipment parked outside the fenced area shall be moved prior to an inspection of the ground beneath the vehicle for the presence of desert tortoise. If a desert tortoise is observed, it would be left to move on its own. If it does not move within 15 minutes, a Designated Biologist or Biological Monitor under the Designated Biologist's direct supervision may remove and relocate the animal to a safe location if temperatures are within the range described in the USFWS' 2009 Desert Tortoise Field Manual.[6]

10. ***Avoid Wildlife Pitfalls*:**

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

a. *Backfill Trenches*. At the end of each work day, the Designated Biologist shall ensure that all potential wildlife pitfalls (trenches, bores, and other excavations) outside the area fenced with desert tortoise exclusion fencing have been backfilled. If backfilling is not feasible, all trenches, bores, and other excavations shall be sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise-exclusion fencing. All trenches, bores, and other excavations outside the areas permanently fenced with desert tortoise exclusion fencing shall be inspected periodically throughout the day, at the end of each workday and at the beginning of each day by the Designated Biologist or a Biological Monitor. Should a tortoise or other wildlife become trapped, the Designated Biologist or Biological Monitor shall remove and relocate the individual as described in the Desert Tortoise Relocation/Translocation Plan. Any wildlife encountered during the course of construction shall be allowed to leave the construction area unharmed.

b. *Avoid Entrapment of Desert Tortoise*. Any construction pipe, culvert, or similar structure with a diameter greater than 3 inches, stored less than 8 inches aboveground and within desert tortoise habitat (i.e., outside the permanently fenced area) for one or more nights, shall be inspected for tortoises before the material is moved, buried or capped. As an alternative, all such structures may be capped before being stored outside the fenced area, or placed on pipe racks. These materials would not need to be inspected or capped if they are stored within the permanently fenced area after the clearance surveys have been completed.

11. ***Minimize Standing Water.*** Water applied to dirt roads and construction areas (trenches or spoil piles) for dust abatement shall use the minimal amount needed to meet safety and air quality standards in an effort to prevent the formation of puddles, which could attract desert tortoises and common ravens to construction sites. A Biological Monitor shall patrol these areas to ensure water does not puddle and shall take appropriate action (e.g., coordinating with the contractor to reduce watering frequency) to reduce water application where necessary.

12. ***Dispose of Road-killed Animals.*** Road-killed animals or other carcasses detected on roads near the Project area shall be immediately reported to the Designated Biologist and picked up within 24 hours. The contractor and Designated Biologist shall be responsible for securing all required federal or State permits to handle and dispose of collected animals, including handling and disposal for scientific use. For special-status species roadkill, the Biological Monitor shall contact CDFW, and USFWS within 1 working day of receipt of the carcass for guidance on disposal or storage of the carcass. The Biological Monitor shall maintain and report special-status species records as described in Mitigation Measure 4.4-2.

13. ***Minimize Spills of Hazardous Materials.*** All vehicles and equipment shall be maintained in proper working condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Designated Biologist shall be informed of any hazardous spills immediately as directed in the Project Hazardous Materials Plan. Hazardous spills shall be immediately cleaned up and the contaminated soil properly disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated area. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks or spills.

14. ***Worker Guidelines.*** During construction all trash and food-related waste shall be placed in self-closing containers and removed daily from the site. Workers shall not feed wildlife or bring pets to the Project site. Except for law enforcement personnel, no workers or visitors to the site shall bring firearms or weapons.

    Vehicular traffic shall be confined to existing routes of travel to and from the Project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit when traveling on dirt access routes within desert tortoise habitat shall not exceed 25 miles per hour.

15. ***Implement Erosion Control Measures.*** Standard erosion control measures shall be implemented for all phases of construction and operation where sediment run-off from exposed slopes threatens to enter waters of the state. Sediment and other flow-restricting materials shall be moved to a location where they shall not be washed back into the stream. All disturbed soils

and roads within the Project site shall be stabilized to reduce erosion potential, both during and following construction. Areas of disturbed soils (access and staging areas) with slopes toward a drainage shall be stabilized to reduce erosion potential.

16. ***Monitor Ground-Disturbing Activities Prior to Pre-Construction Site Mobilization.*** If pre-construction site mobilization requires ground-disturbing activities such as for geotechnical borings or hazardous waste evaluations, a Designated Biologist or Biological Monitor shall be present to monitor any actions that could disturb soil, vegetation, or wildlife.

17. ***Revegetation of Temporarily Disturbed Areas.*** The Applicant shall prepare and implement a Revegetation Plan to restore all areas subject to temporary disturbance to pre-Project grade and conditions. Temporarily disturbed areas within the Project area include, but are not limited to: all proposed locations for linear facilities, temporary access roads, berms, areas surrounding the drainage diffusers, construction work temporary lay-down areas not converted to part of the solar field, and construction equipment staging areas. The Revegetation Plan shall include a description of topsoil salvage and seeding techniques and a monitoring and reporting plan, and the following performance standards by the end of monitoring year 2:

    a. at least 80 percent of the species observed within the temporarily disturbed areas shall be native species that naturally occur in desert scrub habitats; and

    b. relative cover and density of plant species within the temporarily disturbed areas shall equal at least 60 percent.

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-4b states:

The Applicant shall implement the following measures to avoid, minimize and mitigate for direct and indirect impacts to waters of the state and to satisfy requirements of California Fish and Game Code §§1600 and 1607.

1. ***Acquire Off-Site State Waters*:** The Applicant shall acquire, in fee or in easement, a parcel or parcels of land that includes at least 196.9 acres of state jurisdictional waters, or comparable

area based on actual Project impact to jurisdictional features that meets BLM and CDFW mitigation ratios, as identified in APM HYDRO-1. The parcel or parcels comprising the 196.6 acres of ephemeral washes shall include at least 10.8 acres of desert dry wash woodland. Under the Reduced Acreage Alternative, the mitigation requirement for impacts to riparian habitat and state waters would be a minimum of 63.3 acres that included at least 1.5 acres of desert dry wash woodland. If the Eastern Route Alternative were constructed the mitigation requirements for impacts to riparian habitat and state waters would be incrementally smaller than under the Central Route gen-tie line; however, these requirements would need to be finalized to include the impacts of road facilities on riparian habitat located on Project linears south of the Project. The terms and conditions of this acquisition or easement shall be as described in Mitigation Measure 4.4-3d (*Desert Tortoise Compensatory Mitigation*). Mitigation for impacts to state waters shall occur within the Palo Verde and surrounding watersheds, as close to the Project site as possible. If security is posted in accordance with Provision 2 below (Security for Implementation of Mitigation), the Applicant shall acquire, in fee or in easement, the land, no more than 18 months after the start of Project ground-disturbing activities.

2. ***Security for Implementation of Mitigation*:** The Applicant shall provide financial assurances to the County and CDFW to guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of state waters as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the County and CDFW in the form of an irrevocable letter of credit, a pledged savings account or Security prior to initiating ground-disturbing Project activities. Prior to submittal to the County, the Security shall be approved by the County, in consultation with CDFW and the USFWS, to ensure funding. An estimate of $448,932 in required Security funds was developed for land costs or the estimated costs of enhancement and endowment (see Mitigation Measure 4.4-3d, Compensatory Mitigation for Desert Tortoise Habitat Losses, for a discussion of the assumptions used in calculating the Security) based on an estimate of $2,280 per acre (196.9 acres) to fund acquisition, enhancement and long-term

management. For the Reduced Acreage Alternative, the Security amount is estimated to be $144,324. The estimate for the 59-acre Eastern Route Alternative is $134.520, which does not include road impacts on portions of the Eastern Route that deviates from the proposed Project gen-tie line. These amounts may change based on land costs or the estimated costs of enhancement and endowment. The final amount due will be determined by the PAR analysis conducted pursuant to Mitigation Measure 4.4-3d and approved by the County and CDFW. The final mitigation acreage is also subject to CDFW concurrence with Project impacts to waters of the state that were developed by the Applicant.

3. ***Preparation of Management Plan*:** The Applicant shall submit to the County and CDFW a draft Management Plan that reflects site-specific enhancement measures for the drainages on the acquired compensation lands. The objective of the Management Plan shall be to enhance the wildlife value of the drainages, and may include enhancement actions such as weed control, fencing to exclude livestock, or erosion control.

4. ***Code of Regulations*:** The Applicant shall provide a copy of the BRMMP and CDFW permits to all contractors, subcontractors, and the Applicant's Project supervisors. Copies shall be readily available at work sites at all times during periods of active work and must be presented to any CDFW personnel upon demand. The County reserves the right to issue a stop work order or allow CDFW to issue a stop work order after giving notice to the Applicant. If the County in consultation with CDFW, determines that the Applicant has breached any of the terms or conditions or for other reasons, including but not limited to the following:
   a. The information provided by the Applicant regarding streambed alteration is incomplete or inaccurate;
   b. New information becomes available that was not known to it in preparing the terms and conditions; or
   c. The Project or Project activities as described in the EIR have changed.

5. ***Best Management Practices:*** The Applicant shall also comply with the following conditions to protect drainages near the Project Disturbance Area:

a. The Applicant shall minimize road building, construction activities and vegetation clearing within ephemeral drainages to the extent feasible.

b. The Applicant shall not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter ephemeral drainages or be placed in locations that may be subjected to high storm flows.

c. The Applicant shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws, and it shall be the responsibility of the Applicant to ensure compliance.

d. Spoil sites shall not be located at least 30 feet from the boundaries and drainages or in locations that may be subjected to high storm flows, where spoils might be washed back into drainages.

e. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from Project-related activities, shall be prevented from contaminating the soil and/or entering waters of the state. These materials, placed within or where they may enter a drainage by the Applicant or any party working under contract or with the permission of the Applicant, shall be removed immediately.

f. No broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into, or placed where it may be washed by rainfall or runoff into, waters of the state.

g. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any drainage.

h. No equipment maintenance shall occur within 150 feet of any ephemeral drainage where petroleum products or other pollutants from the equipment may enter these areas under any flow.

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-4c states:

If engineered diversion channels are included in the Project, then, at least 12 months prior to Project closure, the Applicant shall prepare a draft Decommissioning and Reclamation Plan to remove the engineered diversion channels from the Project site, and implement the final plan upon site closure. The goal of the plan shall be to restore the site's topography and hydrology to a relatively natural condition and to establish native plant communities within the Project Disturbance Area. The Channel Decommissioning and Reclamation Plan shall include a cost estimate for implementing the proposed decommissioning and reclamation activities, and shall be consistent with the guidelines in BLM's 43 CFR 3809.550 et seq., subject to review and revisions from the County in consultation with USFWS and CDFW.

Timing/Implementation: At least 12 months prior to Project closure

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-4d states:

To mitigate for permanent habitat loss and direct impacts to Mojave fringe-toed lizards the Applicant shall provide compensatory mitigation at a 3:1 ratio, which may include compensation lands purchased in fee or in easement in whole or in part, for impacts to stabilized or partially stabilized desert dune habitat (19 acres x 3 = 57.0 acres); or three times (3X) the acreage of sand dune/partially stabilized sand dune habitat permanently impacted by the final Project footprint, whichever is greater. If compensation lands are acquired, the Applicant shall provide funding for the acquisition in fee title or in easement, initial habitat improvements, and long-term maintenance and management of the compensation lands.

1. ***Criteria for Compensation Lands*:** The compensation lands selected for acquisition shall:
    a. Be sand dune or partially stabilized sand dune habitat within the McCoy Valley or Chuckwalla Valley with potential to contribute to Mojave fringe-toed lizard habitat connectivity and build linkages between known populations of Mojave fringe-toed lizards and preserve lands with suitable habitat;

b. To the extent feasible, be connected to lands currently occupied by Mojave fringe-toed lizard;

c. To the extent feasible, be 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. Provide quality habitat for Mojave fringe-toed lizard, that has the capacity to regenerate naturally when disturbances are removed;

e. Not have a history of intensive recreational use or other disturbance that 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 the site is suitable for habitat;

h. Not be subject to property constraints (i.e. mineral leases, cultural resources); and

i. Be on land for which long-term management is feasible.

2. ***Security for Implementation of Mitigation*:** The Applicant shall provide financial assurances to the County to guarantee that an adequate level of funding is available to implement the acquisitions and enhancement of Mojave fringe-toed lizard habitat as described in this measure. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the County according to the measures outlined in Mitigation Measure 4.4-3d. The final amount due will be determined by an updated appraisal and a PAR analysis conducted as described in Mitigation Measure 4.4-3d.

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measures would reduce the Project's impact to Mojave fringe-toed lizard to less than significant by minimizing impacts to sensitive dune and sand sheet habitat; providing suitable compensatory habitat for habitat losses; and requiring identification of a

Designated Biologist and Biological Monitors to carry out and/or support the implementation of the biological resources mitigation measures (as outlined above). [DEIR pp. 4.4-94, 4.4-101]

5. Impacts to Nesting Birds (Impact 4.4-6): Direct impacts to migratory birds would include the permanent loss of breeding habitat within 4,500 acres of Sonoran creosote bush scrub and of desert dry wash woodland; and the related potential loss of eggs and young associated with construction. The proposed Project includes up to 8 acres of evaporation ponds, which would pose a potential hazard to waterfowl, shorebirds, and other resident or migratory birds that might drink or forage at the ponds due to the metabolic effects of ingesting excessive selenium or hypersaline water. Indirect impacts to migratory birds potentially include increased road kill hazard from construction traffic, increased predation from ravens, and disturbance from construction. Additionally, night lighting during construction has the potential to affect nesting bird species.

Finding: The Mitigation Measures outlined below would reduce to a less-than-significant level the Project's impact to nesting birds. 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 Measure 4.4-6 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-6 states:

Pre-construction nest surveys shall be conducted if construction activities would begin from February 1 through July 31. The Designated Biologist or Biological Monitor conducting the surveys shall be experienced bird surveyors familiar with standard nest-locating techniques such as those described in Martin and Guepel (1993). The goal of the nesting surveys shall be to identify the general location of the nest sites, sufficient to establish a protective buffer zone around the potential nest site, and need not include identification of the precise nest locations. Surveyors performing nest surveys shall not concurrently be conducting desert tortoise surveys. The bird surveyors shall perform surveys in accordance with the following guidelines:

1. Surveys shall cover all potential nesting habitat areas that could be disturbed by each phase of construction. Surveys shall also include areas within 500 feet of the boundaries of the active construction areas (including linear facilities);
2. At least two pre-construction surveys shall be conducted, separated by a minimum 10-day interval. One of the surveys shall be conducted within a 14-day period preceding initiation of construction activity. Additional follow-up surveys may be required if periods of construction inactivity exceed 3 weeks, an interval during which birds may establish a nesting territory and initiate egg laying and incubation;
3. If active nests or suspected active nests are detected during the survey, a buffer zone (protected area surrounding the nest, the size of which is to be determined by the Designated Biologist in consultation with CDFW) and monitoring plan shall be developed. Nest locations shall be mapped and submitted, along with a report stating the survey results, to the County; and
4. The Designated Biologist shall monitor the nest until he or she determines that nestlings have fledged and dispersed; activities that might, in the opinion of the Designated Biologist, disturb nesting activities, shall be prohibited within the buffer zone until such a determination is made.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impact to nesting birds to less than significant by producing a nesting bird management plan that would include conducting pre-construction nest surveys to locate actively nesting birds and establishing protective buffer zones around any active nests, as well as requiring identification of a Designated Biologist and Biological Monitors to carry out and/or support the implementation of the biological resources mitigation measures (as outlined above). [DEIR pp. 4.4-102 through 4.4-103; Revised DEIR p. 2-70]

6. Impacts to Golden Eagles (Impact 4.4-7): The Project is not expected to result in direct or indirect impacts to golden eagle nest sites because of the distance between known nest sites and the Project. Because of the expansive distance between the Project and active nest sites, low levels of golden eagle activity in nearby breeding territories, and the low density of prey available due to absence of vegetation

suitable as prey habitat, golden eagles are unlikely to forage in the immediate vicinity of the Project. However, the likelihood for significant impacts to golden eagles remains if eagles nest within 1 mile of the Project site prior to or during construction.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact to golden eagles. 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 4.4-7 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-7 states:

The Applicant shall implement the following measures to avoid or minimize Project-related construction impacts to golden eagles during initial Project construction and again prior to Project decommissioning.

1. ***Annual Inventory During Construction*:** For each calendar year during which construction will occur an inventory shall be conducted to determine if golden eagle territories occur within one mile of the Project boundaries. Survey methods for the inventory shall be as described in the *Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations* (Pagel et al., 2010) or more current guidance from the USFWS.
2. ***Inventory Data*:** Data collected during the inventory shall include at least the following: territory status (unknown, vacant, occupied, breeding successful, breeding unsuccessful); nest location, nest elevation; age class of golden eagles observed; nesting chronology; number of young at each visit; digital photographs; and substrate upon which nest is placed.
3. ***Determination of Unoccupied Territory Status*:** A nesting territory or inventoried habitat shall be considered unoccupied by golden eagles only after completing at least two full surveys in a single breeding season. In circumstances where ground observation occurs rather than aerial surveys, at least two ground observation periods lasting at least 4 hours or more are necessary to designate an inventoried habitat or territory as unoccupied as long as all potential nest sites and

alternate nests are visible and monitored. These observation periods shall be at least 30 days apart for an inventory, and at least 30 days apart for monitoring of known territories.

4. ***Monitoring and Adaptive Management Plan:*** If an occupied nest[7] is detected within 1 mile of the Project boundaries, the Applicant shall prepare and implement a Golden Eagle Monitoring and Management Plan for the duration of construction to ensure that Project construction activities do not result in injury or disturbance to golden eagles. The monitoring methods shall be consistent with those described in the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations (Pagel et al., 2010) or more current guidance from the USFWS. The Monitoring and Management Plan shall be prepared in consultation with the USFWS. Triggers for adaptive management shall include any evidence of Project-related disturbance to nesting golden eagles, including but not limited to: agitation behavior (displacement, avoidance, and defense), increased vigilance behavior at nest sites, changes in foraging and feeding behavior, or nest site abandonment. The Monitoring and Management Plan shall include a description of adaptive management actions, which shall include, but not be limited to, cessation of construction activities that are deemed by the Designated Biologist to be the source of golden eagle disturbance.

Timing/Implementation: During construction and prior to decommissioning

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impact to golden eagle to less than significant by conducting surveys prior to and during construction and producing a monitoring and management plan if golden eagles are nesting within 1-mile of the Project during

[7] An occupied nest is one used for breeding by a pair of golden eagles in the current year. Presence of an adult, eggs, or young, freshly molted feathers or plucked down, or current years' mutes (whitewash) also indicate site occupancy. Additionally, all breeding sites within a breeding territory are deemed occupied while raptors are demonstrating pair bonding activities and developing an affinity to a given area. If this culminates in an individual nest being selected for use by a breeding pair, then the other nests in the nesting territory will no longer be considered occupied for the current breeding season. A nest site is considered occupied throughout the periods of initial courtship and pair-bonding, egg laying, incubation, brooding, fledging, and post-fledging dependency of the young.

construction; the plan will include monitoring of any active nests to determine if adaptive management measures are necessary to implement. [DEIR pp. 4.4-103 through 4.4-105]

7. Impacts to Burrowing Owl (Impact 4.4-8): Construction activities would have a significant impact on burrowing owl if activities occur within 160 feet of occupied burrowing owl burrows, if destruction of active nests occurs, and/or if degradation of foraging habitat occurs adjacent to occupied burrows.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact to burrowing owl. 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 4.4-8 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-8 states:

The Applicant shall implement the following measures to avoid, minimize and offset impacts to burrowing owls:

1. ***Pre-Construction Surveys*:** The Designated Biologist or Biological Monitor shall conduct pre-construction surveys for burrowing owls no more than 30 days prior to initiation of construction activities. Surveys shall be focused exclusively on detecting burrowing owls, and shall be conducted from 2 hours before sunset to 1 hour after or from 1 hour before to 2 hours after sunrise. The survey area shall include the Project Disturbance Area and surrounding 500-foot survey buffer for each phase of construction in accordance with Mitigation Measure 4.4-1h (*Phasing*).
2. ***Implement Burrowing Owl Mitigation Plan*:** The Applicant shall prepare and implement a final Burrowing Owl Mitigation Plan. The Plan shall be approved by the County in consultation with USFWS and CDFW, and shall:
    a. identify suitable sites as close as possible to the Project site, and within 1 mile of the Project Disturbance Areas for creation or enhancement of burrows prior to passive relocation efforts;

b. provide guidelines for creation or enhancement of at least two natural or artificial burrows per relocated owl;

c. provide detailed methods and guidance for passive relocation of burrowing owls occurring within the Project disturbance area; and

d. describe monitoring and management of the passive relocation effort, including the created or enhanced burrow location and the Project area where burrowing owls were relocated from and provide a reporting plan.

e. include the following elements related to artificial burrow relocation:

i. A brief description of the Project and Project site pre-construction;

ii. The mitigation measures that will be implemented;

iii. Potential conflicting site uses or encumbrances;

iv. A comparison of the occupied burrow site(s) and the artificial burrow site(s) (e.g., vegetation, habitat types, fossorial species use in the area, and other features);

v. Artificial burrow(s) proximity to the Project activities, roads and drainages;

vi. Artificial burrow(s) proximity to other burrows and entrance exposure; Photographs of the site of the occupied burrow(s) and the artificial burrows;

vii. Map of the Project area that identifies the burrow(s) to be excluded as well as the proposed sites for the artificial burrows;

viii. A brief description of the artificial burrow design;

ix. Description of the monitoring that will take place during and after Project implementation including information that will be provided in a monitoring report.

x. A description of the frequency and type of burrow maintenance

Because elements (iv) through (vii) rely on information that can be obtained only during pre-construction surveys, those elements of the Plan shall be included in a separate relocation plan if and when relocation activities are proposed.

f. address the following elements related to the exclusion plan:

i. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species by use of a fiber-optic endoscope or comparable device;

ii. Describe the type of scope and appropriate timing of scoping to avoid impacts;

iii. Describe occupancy factors to look for and what will guide determination of vacancy and excavation timing (e.g., one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can't escape);

iv. Identify how the burrow(s) will be excavated (excavation using hand tools with refilling to prevent reoccupation is preferable whenever possible (may include using piping to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow);

v. Describe removal of other potential owl burrow surrogates or refugia on site; Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;

vi. Describe required monitoring of the exclusion site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;

vii. Identify how the impacted site will continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disking, or immediate and continuous grading) until development is complete.

3. ***Implement Avoidance Measures*:** If an active burrowing owl burrow is detected within 500 feet from the Project disturbance area the following avoidance and minimization measures shall be implemented:

a. *Establish Non-Disturbance Buffer*: Fencing shall be installed at a 250-foot radius from the occupied burrow to create a non-disturbance buffer around the burrow. The non-disturbance buffer and fence line may be reduced to 160 feet if all Project-related activities that might disturb burrowing owls would be conducted during the non-breeding season (September 1st

through January 31st). Signs shall be posted in English and Spanish at the fence line indicating no entry or disturbance is permitted within the fenced buffer.

b. *Monitoring*: If construction activities would occur within 500 feet of the occupied burrow during the nesting season (February 1 to August 31st) the Designated Biologist or Biological Monitor shall monitor to determine if these activities have potential to adversely affect nesting efforts, and shall make recommendations to minimize or avoid such disturbance.

4. ***Acquire Compensatory Burrowing Owl Habitat*:** Consistent with CDFW mitigation guidance (CBOC, 1993), the Applicant shall acquire, in fee or in easement, at least 45 acres of land suitable to support a resident population of burrowing owls and shall provide funding for the enhancement and long-term management of these compensation lands (based on three owl pairs and four unpaired owls observed during focused surveys and 6.5 acres per pair or individual bird; to be adjusted based on final survey findings). The responsibilities for acquisition and management of the compensation lands may be delegated by written agreement to CDFW or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the County, in consultation with CDFW prior to land acquisition or management activities. Additional funds shall be based on the adjusted market value of compensation lands at the time of construction to acquire and manage habitat.

   a. *Criteria for Burrowing Owl Mitigation Lands*: The terms and conditions of this acquisition or easement shall be as described in Mitigation Measure 4.4-3d [Desert Tortoise Compensatory Mitigation], with the additional criteria to include that the 45 acres of mitigation land must provide suitable habitat for burrowing owls. The 45 acres of burrowing owl mitigation lands may be included with the desert tortoise mitigation lands only if this burrowing owl criterion is met. If the 45 acres of burrowing owl mitigation land is separate from the acreage required for desert tortoise compensation lands, the Applicant shall fulfill the requirements described below in this measure.

5. *Security*: If the 19.5 acres of burrowing owl mitigation land is separate from the acreage required for desert tortoise compensation lands, the Applicant or an approved third party shall

complete acquisition of the proposed compensation lands within the time period specified for this acquisition. Alternatively, financial assurance can be provided by the Applicant to the County and CDFW, according to the measures outlined in Mitigation Measure 4.4-3d. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the County in the form of an irrevocable letter of credit, a pledged savings account, or another form of security ("Security") prior to initiating ground-disturbing Project activities. Prior to submittal, the Security shall be approved by the County in consultation with CDFW and the USFWS to ensure funding. The final amount due will be determined by an updated appraisal and PAR analysis conducted as described in Mitigation Measure 4.4-3d.

Timing/Implementation: During construction and prior to decommissioning

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impact to burrowing owl to less than significant by conducting surveys prior to construction, implementing a Burrowing Owl Mitigation Plan, implementing avoidance and minimization measures, acquiring compensatory habitat, as well as requiring identification of a Designated Biologist and Biological Monitors to carry out and/or support the implementation of the biological resources mitigation measures (as outlined above). [DEIR pp. 4.4-105 through 4.4-108]

8. Impacts to American Badger Desert Kit Fox (Impact 4.4-9): In the absence of protective measures the Project has the potential to worsen the canine distemper virus (CDV) outbreak by raising kit fox stress levels and causing increased susceptibility to infection, causing increased movement of diseased animals thereby increasing the spread of disease into new areas, or placing healthy kit foxes into contact with off-site infected animals. This would constitute a significant Project impact.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact to American badger and desert kit fox. 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 4.4-9 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-9 states:

To avoid direct impacts to American badgers and desert kit fox, the Applicant shall implement the following measures:

1. ***Prepare Desert Kit Fox Management Plan:*** At least 45 days prior to construction, the Applicant shall submit a Desert Kit Fox Management Plan that: 1) incorporates baseline desert kit fox census and health survey findings into a cohesive management strategy that minimizes disease risk to kit fox populations; 2) specifically identifies preconstruction survey methods for kit foxes and large carnivores (e.g., badgers) in the Project area; 3) describes preconstruction and construction-phase passive relocation methods from the site, and; 4) coordinates survey findings prior to and during construction to meet the information needs of wildlife health officials in monitoring the health of kit fox populations. The Plan shall include contingency measures that would be performed if canine distemper were documented in the Project area possible dispersal areas adjacent to the Project site, and measures to address potential kit fox reoccupancy of the site (as documented at the Genesis site). The contents and requirements of the Plan shall be subject to review and approval by the County and CDFW.
2. ***Implement Desert Kit Fox Management Plan:*** If canine distemper is not identified in the Project area or relocation areas during baseline surveys, the mitigation strategy may utilize passive means or active means with appropriate CDFW authorization to relocate kit foxes from the site. The approach below assumes that canine distemper is not detected during baseline surveys.
    a. *Pre-Construction Surveys:* Biological Monitors shall conduct pre-construction surveys for desert kit fox and American badger no more than 30 days prior to initiation of construction activities. Surveys shall also consider the potential presence of dens within 100 feet of the Project boundary (including utility corridors and access roads) and shall be performed for

each phase of construction. If dens are detected each den shall then be further classified as inactive, potentially active, or definitely active.

b. Inactive dens that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by badgers or kit fox.

c. Potentially and definitely active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance.

d. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand.

e. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger or kit fox from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers or kit fox are trapped in the den. BLM approval may be required prior to release of badgers on public lands.

f. If an active natal den (a den with pups) is detected on the site, the County and CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for animal harm or mortality. The course of action would depend on the age of the pups, location of the den on the site (e.g., is the den in a central area or in a perimeter location), status of the perimeter site fence (completed or not), and the pending construction activities proposed near the den. A 500-foot no-disturbance buffer shall be maintained around all active dens.

g. The following measures are required to reduce the likelihood of distemper transmission:

   i. No pets shall be allowed on the site prior to or during construction, with the possible exception of vaccinated kit fox scat detection dogs during preconstruction surveys, and then only with prior CDFW approval;

ii. Any sick or diseased kit fox, or documented kit fox mortality shall be reported to CDFW and the County within 8 hours of identification. If a dead kit fox is observed, it shall be collected and stored according to established protocols distributed by CDFW Wildlife Investigations Lab (WIL), and the WIL contacted to determine carcass suitability for necropsy.

Timing/Implementation: Prior to construction

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impact to American badger and desert kit fox to less than significant by implementing avoidance and minimization measures, preparing a desert kit fox management plan, as well as requiring identification of a Designated Biologist and Biological Monitors to carry out and/or support the implementation of the biological resources mitigation measures (as outlined above) to reduce the impacts on these species and their habitats, including the potential for the spread of CDV. [DEIR pp. 4.4-108 through 110]

9. Operation and Maintenance Impacts on Special-Status Plants and Non-Avian and Bat Wildlife (Impact 4.4-12): Clearing and grading activities within the Project disturbance area would disturb soil and remove vegetation. This could indirectly affect special-status plant species during operation and maintenance by creating long-term opportunities for nonnative invasive weed species to colonize or spread into the disturbed areas and then possibly into undisturbed areas. The use and maintenance of access roads for the gen-tie line and distribution line could introduce new invasive plant species into areas and result in a degradation of wildlife habitat.

Finding: Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings would reduce to a less-than-significant level the Project's operation- and maintenance-related impact to special-status plants and wildlife. 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 4.4-3a in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measure 4.4-3a in Section III(C)(3) of these Findings.

Rationale: Implementation of Mitigation Measure 4.4-3a would reduce the Project's potential impact associated with operation- and maintenance-related impact to special-status plants and wildlife by requiring the preparation and implementation of an Invasive Management Plan, including measures to reduce the spread of invasive plants. [DEIR p. 4.4-111; Revised DEIR p. 2-77]

10. Decommissioning Impacts on Special-Status Plants and Non-Avian and Bat Wildlife (Impact 4.4-13): Potential direct and indirect effects to special-status plant populations during decommissioning would be similar to operation and maintenance.

Finding: Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings would reduce to a less-than-significant level the Project's decommissioning-related impact to special-status plants and non-avian and bat wildlife. 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 4.4-3a in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measure 4.4-3a in Section III(C)(3) of these Findings.

Rationale: Implementation of Mitigation Measure 4.4-3a would reduce the Project's potential impact associated with decommissioning-related impact to special-status plants and non-avian and bat wildlife by requiring the preparation and implementation of an Invasive Weed Management Plan, including measures to reduce the spread of invasive plants. [DEIR p. 4.4-112; Revised DEIR p. 2-78]

11. Construction Impacts on Sensitive Vegetation Communities Including Riparian Habitat (Impact 4.4-14): The Project would result in direct construction impacts on sensitive vegetation communities, including jurisdictional resources. In addition, without implementation of protective measures, dust generated during construction could directly adversely affect off-site native vegetation communities immediately adjacent to the Project. Similarly, indirect impacts could occur to desert dry wash woodland habitat in McCoy Wash, downstream of the Project site, as a result of construction activities due to an increase in the rate, volume, and sediment load of stormwater runoff. Direct impacts on

desert dry wash woodland located adjacent to and downstream from the solar plant site could introduce invasive plant species into these areas.

Finding: Mitigation Measures 4.4-1f and 4.4-1g, outlined above in Section III(C)(1) of these Findings, Mitigation Measure 4.4-3a, outlined above in Section III(C)(3), and Mitigation Measure 4.4-4a, and 4.4-4b, outlined above in Section III(C)(4), would reduce to a less-than-significant level the Project's impact on sensitive vegetation communities. 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 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measures 4.4-1f and 4.4-1g, outlined above in Section III(C)(1), Mitigation Measure 4.4-3a, outlined above in Section III(C)(3), and Mitigation Measure 4.4-4a, and 4.4-4b, outlined above in Section III(C)(4) of these Findings

Rationale: Implementation of Mitigation Measures 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b would reduce the Project's construction impacts to sensitive vegetation communities by requiring implementation of a BRMIMP; avoidance, minimization, and compensation measures for special-status plants; measures to reduce the spread of invasive plants, and other minimization and compensation measures for sensitive vegetation communities. [DEIR pp. 4.4-112, 4.4-113]

12. Operation and Maintenance Impacts on Sensitive Vegetation Communities Including Riparian Habitat (Impact 4.4-15): Operation and maintenance impacts on sensitive natural communities would be similar to impacts for special-status plants.

Finding: Mitigation Measures 4.4-1f and 4.4-1g, outlined above in Section III(C)(1), Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings, and Mitigation Measure 4.4-4a, and 4.4-4b, outlined above in Section III(C)(4), would reduce to a less-than-significant level the Project's impact on sensitive vegetation communities. 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 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measures 4.4-1f and 4.4-1g, outlined above in Section III(C)(1), Mitigation Measure 4.4-3a, outlined above in Section III(C)(3), and Mitigation Measure 4.4-4a, and 4.4-4b, outlined above in Section III(C)(4) of these Findings.

Rationale: Implementation of Mitigation Measures 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b would reduce the Project's operation and maintenance impacts to sensitive vegetation communities by requiring implementation of a BRMIMP; avoidance, minimization, and compensation measures for special-status plants; measures to reduce the spread of invasive plants, and other minimization and compensation measures for sensitive vegetation communities. [DEIR pp. 4.4-113, 4.4-114]

13. Decommission Impacts on Sensitive Vegetation Communities Including Riparian Habitat (Impact 4.4-16): Decommissioning impacts on sensitive natural communities would be similar to impacts for special-status plants.

Finding: Mitigation Measures 4.4-1f and 4.4-1g, outlined above in Section III(C)(1), Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings, and Mitigation Measure 4.4-4a, and 4.4-4b, outlined above in Section III(C)(4), would reduce to a less-than-significant level the Project's impact on sensitive vegetation communities. 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 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measures 4.4-1f and 4.4-1g, outlined above in Section III(C)(1), Mitigation Measure 4.4-3a, outlined above in Section III(C)(3), and Mitigation Measure 4.4-4a, and 4.4-4b, outlined above in Section III(C)(4) of these Findings.

Rationale: Implementation of Mitigation Measures 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b would reduce the Project's decommissioning impacts to sensitive vegetation communities by requiring implementation of a BRMIMP; avoidance, minimization, and compensation measures for special-status plants; measures to reduce the spread of invasive plants, and other minimization and compensation measures for sensitive vegetation communities. [DEIR p. 4.4-114]

14. Construction Impacts on Non-Avian and Bat Migratory Wildlife (Impact 4.4-17): The Project site is similar to Sonoran desert scrub habitat that commonly occurs in the region, in that it provides habitat for locally common and migratory wildlife species. Project construction would have similar direct and indirect impacts on common (i.e., non-special-status) amphibian, reptile, bird, and mammal species in the area as discussed for impacts to special-status species. Nesting birds are particularly sensitive to visual and noise disturbances, which could lead to nest abandonment and reduced reproductive success during construction. Construction could also lead to increased stress and habitat avoidance which could also lead to decreased foraging success. The Applicant would implement APM BIO-2c, which requires the creation of a Worker Environmental Awareness Program (WEAP), to reduce these impacts. However, construction-related impacts on wildlife breeding sites would be significant.

Finding: Mitigation Measure 4.4-2c, outlined above in Section III(C)(2) of these Findings; Mitigation Measure 4.4-3d, outlined above in Section III(C)(3); Mitigation Measure 4.4-8, outlined above in Section III(C)(7); and Mitigation Measure 4.4-17, below, would reduce to a less-than-significant level the Project's impact on migratory wildlife. 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 4.4-2c, 4.4-3d, 4.4-8, and 4.4-17 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

See Mitigation Measures 4.4-2c, outlined above in Section III(C)(2); Mitigation Measure 4.4-3d, outlined above in Section III(C)(3); and Mitigation Measure 4.4-8, outlined above in Section III(C)(7) of these Findings. Mitigation Measure 4.4-17 states:

The Applicant shall develop and implement a Project-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from the County. The WEAP shall be administered to all on-site personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The WEAP shall be implemented during site preconstruction, construction, operation, and closure. The WEAP shall:

1. Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting written material and electronic media, including photographs of protected species, is made available to all participants;
2. Discuss the locations and types of sensitive biological resources on the Project site and adjacent areas, and explain the reasons for protecting these resources; provide information to participants that no snakes, reptiles, or other wildlife shall be harmed;
3. Place special emphasis on desert tortoise, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures;
4. Include a discussion of fire prevention measures to be implemented by workers during Project activities; request workers dispose of cigarettes and cigars appropriately and not leave them on the ground or buried;
5. Describe the temporary and permanent habitat protection measures to be implemented at the Project site;
6. Identify whom to contact if there are further comments and questions about the material discussed in the program; and
7. Include a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines.

The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist and County.

Rationale: Implementation of Mitigation Measures 4.4-2c, 4.4-3d, 4.4-8, and 4.4-17 would reduce the Project's impacts on migratory wildlife by requiring construction monitoring, habitat conservation measures, an avian protection plan, an expanded Worker Environmental Awareness Plan, as well as requiring identification of a Designated Biologist and Biological Monitors to carry out and/or support the implementation of the biological resources mitigation measures (as outlined above). [DEIR pp. 4.4-116, 4.4-17; Revised DEIR p. 2-79, 2-80]

15. Operation and Maintenance Impacts on Non-Avian or Bat Migratory Wildlife (Impact 4.4-18): During Project operation and maintenance, the presence of exclusion fencing around the site would represent a permanent loss of habitat for wildlife species and would affect wildlife movement in the area as well. Access road maintenance could introduce invasive plant species into adjacent areas which could result in the degradation of off-site habitat.

Finding: Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings, would reduce to a less-than-significant level the Project's impact operational impacts on migratory wildlife. 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 4.4-3a in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings.

Rationale: Implementation of Mitigation Measure 4.4-3a would reduce the Project's potential impacts associated with operation and maintenance to migratory wildlife by requiring the preparation and implementation of an Invasive Weed Management Plan, including measures to reduce the spread of invasive plants, to a less than significant level, as well as requiring identification of a Designated Biologist and Biological Monitors to carry out and/or support the implementation of the biological resources mitigation measures (as outlined above). [DEIR p. 4.4-117; Revised DEIR p. 2-81]

Y. Cultural and Paleontological Resources

1. Historic and Archaeological Resources (Impact 4.5-1): The Project site is located in an area containing existing historic and archaeological resources, including prehistoric flaked stone scatters, prehistoric cobble features, prehistoric ceramic scatters, historic military camp and debris scatter sites, tank tracks, and military ground features/emplacements. Eight of the archaeological sites within the Project area have been determined by the County to be historical resources, and two have been identified as places of traditional or cultural importance to Tribes or Native American individuals. An additional two sites have not been evaluated for their eligibility for the National Register of Historic Places/California Register of Historic Resources but are assumed to be and treated as being eligible in the EIR. The latter two sites would be avoided by the Project. One of the historical resources could be directly impacted by the Project.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact to historic and archaeological resources. The Mitigation Measure reflects changes or alterations that concern property outside the jurisdiction of the County and within the responsibility and jurisdiction of another public agency (i.e., the BLM), have been adopted by the BLM, and avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(2)).

Mitigation Measure: Implementation of Mitigation Measure 4.5-1 would reduce this impact to a less-than-significant level.

Mitigation Measure 4.5-1 states:

The implementation of measures contained in the Memorandum of Agreement (MOA) prepared for the proposed undertaking in accordance with the requirements of §106 of the NHPA and executed on February 22, 2013, as it may be amended from time to time, will lead to avoidance, minimization, or mitigation of potential adverse effects to historic properties. The MOA is binding on the Applicant and the proposed undertaking.

Timing/Implementation: MOA executed prior to construction activities; requirements of MOA implemented as indicated therein.

Enforcement/Monitoring: Bureau of Land Management (BLM) on Federal Land

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impact to historic and archaeological resources to less than significant through the use of environmental monitoring during construction, operation and maintenance, and decommissioning, and through the preparation of a Long Term Management Plan for any cultural resources that can be avoided during construction. [DEIR p. 4.5-34] The MOA describes the adverse effects to historic properties and contains measures to avoid, minimize, and mitigate adverse effects to them. It details the process for activities to proceed in areas where historic properties are not now known to exist; identifies procedures for treatment of unanticipated effects and post-review discoveries; recognizes that the BLM will comply with the Native American Graves Protection and Repatriation Act (NAGPRA); requires compliance monitoring; provides dispute resolution provisions; and details tribal participation. Resolution of adverse effects to historic properties will be developed in consultation with the Tribes and may include research and documentation, data recovery excavations, curation, public interpretation, or use or creation of historic contexts. Detailed procedures to implement the measures to resolve adverse effects are being developed in a Historic Properties Treatment Plan (HPTP) and will be included as an attachment to the MOA. The enforcement of Mitigation Measure 4-5.1 is outside the authority of Riverside County and concerns property outside of Riverside County." [DEIR p. 4.5-34]

2. Unknown Human Remains (Impact 4.5-3): The Project would not disturb known human remains. The land use designations for the Project components do not include cemetery uses, and no known human remains exist within the Project area. However, since the nature of the Project would involve ground-disturbing activities, it is possible that such actions could unearth, expose, or disturb previously unknown human remains. In the event that human remains are discovered during construction activities, the human remains could be inadvertently damaged, which could be a significant impact.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's potential impact to currently unknown human remains. 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 4.5-3 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.5-3 states:

If human remains are uncovered during Project construction, operation, maintenance, and decommissioning activities, the Applicant and/or its contractors shall immediately halt all work, contact the County Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines §15064.5 (e)(1). If the County Coroner determines that the remains are Native American, the Coroner shall contact the NAHC, in accordance with Health and Safety Code §7050.5(c), and Public Resources Code 5097.98 (as amended by AB 2641). Pursuant to Public Resources Code 5097.98, the Applicant shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Public Resources Code §5097.98, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

Timing/Implementation: Implemented during construction activities

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impact to currently unknown human remains to less than significant by requiring the halt or diversion of construction and CEQA and other requirements implemented in the event that prehistoric or historic resources/human remains are discovered on the portion of the Project site under County jurisdiction. [DEIR p. 4.5-36] In the event of inadvertent discovery of human remains on BLM-administered public land, the MOA prepared in accordance with Mitigation Measure 4.5-1, described in Section III(D)(1) of these Findings, would require work to stop in accordance with its requirements. Construction, operation, maintenance, and decommissioning activities would occur in full compliance with MOA and with all applicable standards and requirements.

Z. Energy Consumption

1. Construction and Decommissioning Use of Diesel and Gasoline (Impact 4.6-4): The specific use of diesel and gasoline for worker commutes and haul trips could be considered inefficient, wasteful, or unnecessary if each worker arrives at the site in a separate vehicle and haul trips are not coordinated to the extent feasible to reduce transportation energy consumption.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact associated with the inefficient, wasteful, or unnecessary use of diesel and gasoline for worker commutes and/or haul trips. 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 4.6-4 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.6-4 states:

The Applicant shall develop and implement a construction- and decommissioning-phase Transportation Energy Management Plan in consultation with Riverside County to reduce construction- and decommissioning-related transportation energy consumption. The plan shall include but not be limited to the following measures:

1. Require that on-site equipment and vehicle operators minimize equipment and vehicle idling time either by shutting equipment off when not in use or by limiting idling time to a maximum of 5 minutes.
2. Designate a Transportation Energy Manager (TEM) to coordinate ridesharing by construction and decommissioning employees. The TEM shall encourage carpooling by posting commuter ride sign-up sheets, maintaining and posting an employee home zip code map, and educating employees about how to access the incentives they may be eligible for under Riverside County's Core Rideshare Program.
3. Provide priority parking on-site for vehicles with two or more passengers.
4. When feasible, arrange for a single construction vendor who makes deliveries for several items.

5. Plan construction delivery and waste hauling routes to eliminate unnecessary trips.

The plan shall be submitted to Riverside County for review and approval prior to the issuance of a grading permit.

Timing/Implementation: During construction and decommissioning

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's potential impact associated with the inefficient, wasteful, or unnecessary use of diesel and gasoline for worker commutes and/or haul trips to less than significant by requiring implementation of a Transportation Energy Management Plan that will require fuel-saving measures such as limiting idling and eliminating unnecessary trips. [DEIR pp. 4.6-11, 4.6-12]

AA. Geology and Soils

1. Expose People or Structures to Substantial Adverse Effects Involving Strong Seismic Groundshaking (Impact 4.7-1): Due to the potential for relatively large earthquakes to the west and northwest of the Project site, the site may be subject to moderately intense earthquake-related ground shaking at some point during the Project's operating lifetime.

Finding: The Standard Conditions and Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact associated with soil erosion and loss of topsoil. The Standard Conditions and Mitigation Measure 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)).

Standard Conditions: Compliance with the California Building Code and Title 15 of the Riverside County Code of Ordinances would reduce risk of loss due to strong seismic groundshaking by ensure that seismic design consistent with current professional engineering standards is used for the Project. [DEIR p. 4.7-17] In addition, compliance with County General Plan Policies S 2.2 and S 3.8, which require geotechnical investigation in areas subject to strong seismic shaking, liquefaction, settlement, and subsidence hazards, and Policy S 3.3, which requires certification regarding the stability of the site against

adverse effects of rain, earthquakes, and subsidence prior to final issuance of a building permit, would further reduce the risk of loss due to strong seismic groundshaking. [DEIR p. 4.7-17]

Mitigation Measure: Implementation of Mitigation Measure 4.7-1 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.7-1 states:

The Applicant and/or its contractor shall perform a design-level geotechnical study that includes subsurface exploration and material testing necessary to determine the California Building Code (CBC) seismic design category and site soil class for which each of the Project components must be designed. The geotechnical study shall identify the presence, if any, of potentially adverse soil conditions such as liquefiable soils, expansive soils, corrosive soils, and soils that may settle or experience hydrocompaction. Based on the nature, location and severity of adverse soil conditions, the geotechnical study shall recommend appropriate and feasible design features necessary to reduce the potential for liquefiable, expansive, corrosive, or collapsible soils to adversely affect Project facilities. Such measures might include use of corrosion-resistant materials and coatings; use of non-corrosive, non-expansive backfills; use of cathodic protection systems; soil-treatment processes; redirection of surface water and drainage away from expansive foundation soils; and/or any other combination of soil preparation methods or foundation designs necessary to avoid or reduce the adverse effects of soils on Project structures.

Studies shall be carried out by a registered geologist or certified geotechnical engineer, and shall conform to industry standards of care and ASTM standards for field and laboratory testing. For completeness and direct correlation to the Project, the Applicant shall provide the geotechnical consultant with the most recent copy of the Project case exhibit (tract map, parcel map, plot plan, etc.) for incorporation into the report. Furthermore, the consultant shall plot all appropriate geologic and geotechnical data on this case exhibit and include it as an appendix/figure/plate in the report. Study results and proposed solutions shall be provided for review and approval to the County at least 60 days before final Project design.

Timing/Implementation: Prior to final Project design

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Standard Conditions and Mitigation Measure would reduce the Project's potential impact associated with soil erosion and loss of topsoil to less than significant by requiring the incorporation of site-specific geotechnical study results into final design consistent with County requirements and state building code. [DEIR pp. 4.7-17, 4.7-18]

2. Seismic-Related Ground Failure (Impact 4.7-2): The liquefaction potential within the Project area is low, and there would be a less-than-significant impact related to liquefaction. However, the unconsolidated alluvial fan deposits underlying the Project site create the potential for earthquake-induced settlement.

Finding: Mitigation Measure 4.7-1, outlined above in Section III(F)(1) of these Findings would reduce to a less-than-significant level the Project's impact associated with seismic-related ground failure. 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 4.7-1 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measure 4.7-1 in Section III(F)(1) of these Findings.

Rationale: Implementation of Mitigation Measure 4.7-1 would reduce the Project's potential impact associated with seismic-related ground failure by requiring the incorporation of site-specific geotechnical study results into final design consistent with County requirements and state building code. [DEIR pp. 4.7-17 through 4.7-19]

3. Result in Substantial Erosion or the Loss of Topsoil (Impact 4.7-4): The Project site contains soils that could be susceptible to wind and water erosion during construction, operation and maintenance, and decommissioning.

Finding: Mitigation Measures 4.10-1, outlined below in Section III(H)(1) of these Findings, and 4.10-5, outlined below in Section III(H)(5) would reduce to a less-than-significant level the Project's impact associated with erosion or the loss of topsoil. 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 4.10-1 and 4.10-5 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

See Mitigation Measures 4.10-1 in Section III(H)(1) and 4.10-5 in Section III(H)(5) of these Findings.

Rationale: Implementation of Mitigation Measures 4.10-1 and 4.10-5 would reduce the Project's potential impact associated with erosion and loss of topsoil by requiring the implementation of a comprehensive drainage, stormwater, and sedimentation control plan. [DEIR pp. 4.7-20, 4.7-21]

4. Unstable Geologic Units or Soils (Impact 4.7-5): Soil units underlying the Project site are potentially susceptible to hydrocompaction. Hydrocompaction of site soils would not present a life or safety hazard to site workers or the public, but may cause damage to proposed facilities.

Finding: Mitigation Measure 4.7-1, outlined above in Section III(F)(1) of these Findings, would reduce to a less-than-significant level the Project's impact associated with unstable geologic units or soils. 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 4.7-1 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

See Mitigation Measure 4.7-1 in Section III(F)(1) of these Findings.

Rationale: Implementation of Mitigation Measure 4.7-1 would reduce the Project's potential impact associated with unstable geologic units or soils by requiring the incorporation of site-specific geotechnical study results into final design consistent with County requirements and state building code. [DEIR pp. 4.7-22 through 4.7-23]

5. Expansive Soils (Impact 4.7-6): Soils in the Project vicinity lack high clay content and are predominantly sandy, and therefore exhibit low shrink/swell potential. However, if expansive soils are present on the site, they could cause damage to proposed facilities.

Finding: Mitigation Measure 4.7-1, outlined above in Section III(F)(1) of these Findings, would reduce to a less-than-significant level the Project's impact associated with expansive soils. 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 4.7-1 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

See Mitigation Measure 4.7-1 in Section III(F)(1) of these Findings.

Rationale: Implementation of Mitigation Measure 4.7-1 would reduce the Project's potential impact associated with expansive soils by requiring the incorporation of site-specific geotechnical study results into final design consistent with County requirements and state building code. [DEIR p. 4.7-23]

BB. Hazards and Hazardous Materials

1. Transport, Use, or Disposal of Hazardous Materials (Impact 4.9-1): The use, storage, and disposal of hazardous materials and wastes associated with the Project could result in potential adverse health and environmental impacts if these materials were used, stored, or disposed of improperly, causing accidents and spills. Potential direct and indirect impacts of such releases could degrade soil and water quality or expose humans and wildlife to the harmful effects of hazardous materials. Additionally, the Applicant is considering use of PV panels that contain a thin semiconductor layer containing cadmium telluride (CdTe); the accidental release of which could constitute a significant environmental impact.

Finding: The Mitigation Measures outlined below would reduce to a less-than-significant level the Project-related hazards associated with the transport, use, or disposal of hazardous materials. 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 Measures: Implementation of Mitigation Measures 4.9-1a and 4.9-1b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

Mitigation Measure 4.9-1a states:

The Applicant shall prepare and implement a site-specific Hazardous Materials Safety Plan that shall identify the chemicals potentially present in on-site soils, health and safety hazards associated with those chemicals, monitoring to be performed during site activities, soil handling methods required to minimize the potential for harmful exposures, appropriate personal protective equipment, and emergency response procedures. The Plan shall be included in and implemented as part of the Project's larger Safety and Health Program. The plan shall be submitted to the County for approval prior to commencement of construction activities and shall be distributed to all construction crew members prior to construction and operation of the Project.

Timing/Implementation: Submitted prior to commencement of construction activities; implemented throughout construction and operation

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.9-1b states:

If photovoltaic (PV) panels containing cadmium telluride (CdTe) are used on the Project site, the Applicant shall prepare and implement a Broken PV Module Detection and Handling Plan. The plan shall describe the Applicant's plan for identifying, handling and disposing of PV modules that may break, chip, or crack at some point during the Project's life cycle to ensure the safe handling, storage, transport, and recycling and/or disposal of the modules and related electrical components in a manner that is compliant with applicable la-w and protective of human health and the environment. The plan shall be submitted to the County for review and approval prior to commencement of construction activities and prior to delivery of CdTe-containing PV panels to the Project site and shall be distributed to all construction crew members and temporary and permanent employees prior to construction and operation of the Project. All available data from the panel manufacturer(s) regarding materials used and safety procedures and/or concerns shall be appended to the plan to assist the County with identifying potential hazards and abatement measures.

Timing/Implementation: Submitted prior to commencement of construction activities; implemented throughout construction and operation

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measures would reduce the Project's potential impact associated with the transport, use, or disposal of hazardous materials to less than significant by requiring the implementation of a Hazardous Materials Safety Plan to minimize the potential for harmful exposures, and a Broken PV Module Detection and Handling Plan to reduce the potential for the release of hazardous materials from damaged panels. [DEIR pp. 4.9-17, 4.9-20]

2. Reasonably Foreseeable Upset and Accident Conditions (Impact 4.9-2): There is some potential for the presence of unexploded ordnance (UXO) on the site. If present, the construction phase would have the greatest potential to result in the release of hazardous explosives due to the amount of ground disturbance that would occur. Although not likely, if UXO were encountered on the site, it could create a significant hazard.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project-related hazards associated with UXO. 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 4.9-2 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.9-2 states:

The Applicant shall prepare and implement a UXO Identification, Training, and Reporting Plan to properly train all site workers in the recognition, avoidance, and reporting of military waste debris and ordnance. The Applicant shall submit the plan to the County and BLM for review and approval prior to the start of construction. The plan shall contain, at a minimum, the following:

1. A description of the training program outline and materials, and the qualifications of the trainers;
2. Identification of available trained experts that will respond to notification of discovery of any suspected ordnance (unexploded or not);
3. Procedures to stop work immediately in the vicinity of suspected UXO and to notify the Riverside County Department of Environmental Health and the U.S. Army Corps of Engineers;

4. A work plan to recover and remove discovered ordnance, and complete additional field screening, possibly including geophysical surveys to investigate adjacent areas for surface, near-surface or buried ordnance in all proposed land disturbance areas.
5. Documentation of all surveys and investigations performed to evaluate and remove discovered ordnance.

The Applicant shall submit the UXO Identification, Training, and Reporting Plan to the County and BLM for approval no less than 30 days prior to the initiation of construction activities at the site or within the linear corridors, as appropriate. The results of geophysical surveys shall be submitted to the County and BLM within 30 days of completion of the surveys.

Timing/Implementation: Prior to initiation of construction

Enforcement/Monitoring: Riverside County, BLM on Federal lands

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impact associated with the potential to encounter unexploded ordnance to less than significant by requiring the preparation and implementation of an identification, training, and reporting plan that includes a work plan to recover and remove discovered ordnance and complete additional field screening in adjacent areas. [DEIR pp. 4.9-20, 4.9-21]

3. Impairment of or Interference with Adopted Emergency Response Plan or Emergency Evacuation Plan (Impact 4.9-4): Although there is not an adopted emergency response plan or emergency evacuation plan with which the Project could interfere, the RCFD has indicated that the Project could affect its ability to provide an acceptable level of service at the Project site and/or at other locations, and the Project site could experience extended response times, potentially of over 20 minutes, from specialized equipment.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project-related impacts associated with emergency response. 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 4.9-4 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.9-4 states:

The Applicant shall prepare and implement a Fire Safety Plan to ensure the safety of workers and the public during Project construction, operation and maintenance, and decommissioning activities. This plan shall complement or supplement provisions of the Applicant's proposed Emergency Action Plan. The Fire Safety Plan shall be provided to the RCFD for approval before the Applicant receives grading permits. The Fire Safety Plan shall include, but not be limited to, the following elements:

1. All internal combustion engines used at the Project site shall be equipped with spark arrestors. Spark arrestors shall be in good working order.
2. Once initial two-track roads have been cut and initial fencing completed, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all cars and light trucks shall be maintained in good working order.
3. Fire rules shall be posted on the Project bulletin board at the contractor's field office and areas visible to employees.
4. Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.
5. The Applicant shall make an effort to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall easily accessible to personnel.
6. Smoking shall be prohibited in wildland areas and within 50 feet of combustible materials storage, and shall be limited to paved areas or areas cleared of all vegetation.
7. Each Project construction site (if construction occurs simultaneously at various locations) and the proposed solar plant site shall be equipped with fire extinguishers and fire-fighting equipment sufficient to extinguish small fires.

8. The Applicant shall coordinate with the RCFD to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site.
9. All construction workers, plant personnel, and maintenance workers visiting the plant and/or transmission lines to perform maintenance activities shall receive training on the proper use of fire-fighting equipment and procedures to be followed in the event of a fire. Training records shall be maintained and be available for review by the RCFD.
10. Vegetation near all solar panel arrays, ancillary equipment, and access roads shall be controlled through periodic cutting and spraying of weeds, in accordance with the Vegetation Management Plan.
11. The RCFD shall be consulted during plan preparation and fire safety measures recommended by the agencies included.
12. The plan shall list fire prevention procedures and specific emergency response and evacuation measures that would be required to be followed during emergency situations.
13. All on-site employees shall participate in annual fire prevention and response training exercises with the RCFD.
14. The Applicant shall designate an emergency services coordinator from among the full-time on-site employees who shall perform routine patrols of the site during the fire season equipped with a portable fire extinguisher and communications equipment. The Applicant shall notify the County and BLM of the name and contact information of the current emergency services coordinator in the event of any change.
15. Remote monitoring of all major electrical equipment (transformers and inverters) will screen for unusual operating conditions. Higher than nominal temperatures, for example, can be compared with other operational factors to indicate the potential for overheating which under certain conditions could precipitate a fire. Units could then be shut down or generation curtailed remotely until corrective actions are taken.
16. Fires ignited on-site shall be immediately reported to the RCFD and BLM FIRE.

The engineering, procurement, and construction contract(s) for the Project shall clearly state the requirements of this mitigation measure.

Timing/Implementation: During Project construction, operation and maintenance, and decommissioning activities

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impact associated with the potential to impair emergency response to less than significant by requiring the preparation and implementation of a fire safety plan to reduce the risk of fire on-site and provide specialized emergency incident training for RCFD responders. [DEIR pp. 4.9-23 through 4.9-25]

4. Risk of Loss, Injury or Death Involving Wildland Fires (Impact 4.9-5): Given the remote location of the site and portions of the gen-tie line route, the response time for firefighting personnel from the RCFD to access the site could exceed the RCFD average response time.

Finding: Mitigation Measure 4.9-4, outlined above in Section III(G)(3) of these Findings, would reduce to a less-than-significant level the Project's impact associated with wildland fire hazards. 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 4.9-4 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measure 4.9-4 in Section III(G)(3) of these Findings.

Rationale: Implementation of Mitigation Measure 4.9-4 would reduce the Project's potential impact associated with wildland fire hazards by requiring the preparation and implementation of a fire safety plan to reduce the risk of fire on-site and provide specialized emergency incident training for RCFD responders. [DEIR p. 4.9-26]

CC. Hydrology and Water Quality

1. Violate Water Quality Standards or Waste Discharge Requirements During Construction (Impact 4.10-1): Construction activities would potentially loosen existing surface soils and sediments,

increasing the potential for erosion during storm events. Additionally, the use of construction equipment may involve the accidental release of fuel, oils, brake dust, lubricants, antifreeze, and other potentially hazardous substances at the construction site. These water quality pollutants could become entrained in surface water during storm events, and/or be infiltrated into groundwater and the underlying aquifer, resulting in the degradation of water quality.

Finding: The Standard Condition and Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact associated with water quality standards and waste discharge requirements. The Standard Condition and Mitigation Measure 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)).

Standard Conditions: Waters of the State are present on the Project site in the form of desert washes. Due to the presence of Waters of the State, the Applicant would be required to submit a Report of Waste Discharge (ROWD) pursuant to California Water Code Section 13260 to the Colorado River RWQCB. [DEIR p. 4.9-25]

Mitigation Measure: Implementation of Mitigation Measure 4.10-1 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.10-1 states:

The Applicant or its construction contractor shall prepare comprehensive stormwater pollution and erosion control best management practices (BMPs) for the Project to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters. BMPs shall be in place prior to the start of construction related activities and remain in place throughout all phases of Project construction and decommissioning. A BMP monitoring and maintenance schedule with clearly identified parties responsible for monitoring and maintenance of BMPs shall be in place prior to the start of construction or decommissioning activities and remain in place throughout all phases of Project construction and decommissioning. Additionally, the County will be provided opportunity to review and approve the comprehensive stormwater pollution and

erosion control BMPs prior to the start of construction activities. Stormwater pollution and erosion control BMPs at a minimum shall include, but not be limited to, the following:

1. Ensure that all stormwater, erosion, and sediment control BMPs are consistent with measures approved by the California Stormwater Quality Association (CASQA) and are installed, inspected, maintained, and repaired under the direction of a certified erosion control specialist.
2. Provide adequate erosion control training to all equipment operators, site superintendants, and managers to ensure that stormwater and erosion controls are maintained and remain effective.
3. Employ temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) for disturbed areas. No disturbed surfaces will be left without erosion control measures in place so as to limit on-site and off-site erosion and to remain sediment on-site.
4. Stabilize inactive areas, such as temporary stockpiles, using an appropriate combination of BMPs to cover the exposed material, intercept runoff, reduce its flow velocity, release runoff as sheet flow, and provide a sediment control mechanism (such as silt fencing, fiber rolls, or hydroseeded vegetation). Standard soil stabilization BMPs include geotextiles, mats, erosion control blankets, vegetation, silt fence surrounding the stockpile perimeter, and fiber rolls at the base and on side slopes.
5. Limit grading to the minimum area necessary for construction and operation of the Project.
6. Limit vegetation disturbance/removal to the maximum extent practicable.
7. Temporarily stabilize active, disturbed areas undergoing fill placement before and during rain events expected to produce site runoff. Stabilization methods include combined BMPs that protect materials from rain, manage runoff, and reduce erosion.
8. Do not perform construction activities involving grading, hauling, and placement of backfill materials during periods of rain.
9. Schedule construction activities that disturb soils, such as grading, hauling, and placement of backfill to minimize land disturbance during peak runoff periods and to the immediate area required for construction. Retain existing vegetation where possible.

10. Regularly inspect all stormwater and erosion controls, especially before and following significant run-off-producing rain events.

11. Inspect and maintain BMPs after each qualifying storm event (minimum of one-quarter inch of rainfall as measured by onsite device) to ensure their integrity.

12. Develop a spill prevention and countermeasure plan that will identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on-site. The plan will also require the proper storage, handling, use, and disposal of petroleum products.

13. Establish fuel and vehicle maintenance areas away from all drainage courses and design these areas to control runoff.

14. Install a stabilized construction entrance/exit and stabilization of disturbed areas.

15. Properly manage construction materials, including a water plan, to treat disturbed areas during construction and reduce dust.

16. Manage waste and aggressively control litter.

17. Obtain all necessary permits and approvals.

Timing/Implementation: Submit BMPs prior to start of construction; implement BMPs throughout construction

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Standard Condition and Mitigation Measure would reduce the Project's potential impact associated with violating water quality standards or waste discharge requirements to less than significant by requiring the use of comprehensive stormwater pollution and erosion control BMPs for the Project to prevent all construction pollutants from contacting stormwater. [DEIR pp. 4.10-25 through 4.10-28]

2. Violate Water Quality Standards or Waste Discharge Requirements During Operation and Maintenance (Impact 4.10-2): Accidental releases from the 1-acre evaporation pond could result from accidental overtopping during a storm event. This could result in a release of concentrated brine and

associated water quality pollutants from the evaporation pond and into adjacent surface runoff and could result in a significant impact with respect to water quality.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact associated with water quality standards and waste discharge requirements. 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 4.10-2 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.10-2 states:

The proposed evaporation ponds shall be sized to accommodate operational discharges plus a 25-year storm event within the tributary area, with no less than 1 foot of freeboard.

Timing/Implementation: Final Project design

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's potential impact associated with violating water quality standards or waste discharge requirements to less than significant by requiring that evaporation ponds be designed to protect against accidental overtopping during a storm event. [DEIR p. 4.10-29]

3. Violate Water Quality Standards or Waste Discharge Requirements During Decommissioning (Impact 4.10-3): Decommissioning impacts generally would be similar to those indicated for construction, with respect to potential for release of construction related water quality pollutants.

Finding: The Standard Condition and Mitigation Measure outlined above in Section III(H)(1) of these Findings would reduce to a less-than-significant level the Project's impact associated with water quality standards and waste discharge requirements. The Standard Condition and Mitigation Measure 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 the Mitigation Measure 4.10-1 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Rationale: Implementation of the Standard Condition and Mitigation Measure 4.10-1 outlined in Section III(H)(1) would reduce the Project's potential impact associated with violating water quality standards or waste discharge requirements to less than significant by requiring the use of comprehensive stormwater pollution and erosion control BMPs for the Project to prevent all construction pollutants from contacting stormwater. [DEIR p. 4.10-30]

4. Deplete Groundwater Supplies or Interfere Substantially with Groundwater Recharge (Impact 4.10-4): Construction, operation and maintenance, and decommissioning of the Project could deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's potential impacts on groundwater. 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 Measures 4.10-4 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.10-4 states:

A Groundwater Monitoring and Mitigation Plan shall be prepared prior to construction. The Plan shall be prepared by a qualified professional geologist, hydrogeologist, or civil engineer registered in the State of California and submitted by the Applicant to the Riverside County Department of Environmental Health for approval, and to the RWQCB for review and comment. This Plan shall provide detailed methodology for monitoring background and site groundwater levels, water quality, and flow. Monitoring shall be performed during pre-construction, construction, and operation of the Project, with the intent to establish pre-construction and Project- related groundwater level and water quality trends that can be

quantitatively compared against observed and simulated trends near the Project pumping wells and near potentially affected existing private wells, if any. Water quality monitoring shall include annual sampling and testing for constituents as required by the California Department of Health for the proposed on-site potable use.

The Groundwater Monitoring and Mitigation Plan shall include a schedule for submittal of quarterly data reports by the Applicant to the County, for the duration of the monitoring period. These quarterly data reports shall be prepared and submitted to the County for review and approval, and shall include water level monitoring data (trend analyses) from all pumping and monitoring wells. Based on the results of the quarterly reports, the Applicant and County shall determine if the Project's pumping activities have resulted in water level decline in the baseline at any of the monitoring wells, including nearby operating private wells, if any. If significant drawdown occurs at active off-site groundwater supply wells, the Applicant shall immediately reduce groundwater pumping until water levels stabilize or recover, to a reasonable level. The measure of the significance of the water level decline and associated mitigation measure for operating water supply wells shall be outlined in the Groundwater Monitoring and Mitigation Plan.

The Groundwater Monitoring and Mitigation Plan shall also include a schedule for submittal of annual data reports by the Applicant to the County, for the first 5 years of the Project (including the construction period). These annual data reports shall be prepared and submitted to the County for review and approval, and shall include at a minimum the following information:

1. Daily usage, monthly range, and monthly average of daily water usage in gallons per day;
2. Total water used on a monthly and annual basis in acre-feet; summary of all water level data and water quality data;
3. Identification of trends that indicate potential for off-site wells to experience decline of water level; and
4. Identification of all sources of water by type (i.e., groundwater, surface water, municipal water) and well/location used on private or County-owned land.

The County shall determine whether operating groundwater supply wells surrounding the Project site are influenced by Project activities. The Groundwater Monitoring and Mitigation Plan shall describe

additional mitigation measures that may be implemented if the County determines that additional mitigation is required, which shall be implemented as agreed upon in the Plan and with the concurrence of the County. After the first 5 years of the Project, the Applicant and the County shall jointly evaluate the effectiveness of the Groundwater Monitoring and Mitigation Plan and determine if monitoring frequencies or procedures should be revised or eliminated.

Timing/Implementation: Prepare plan prior to construction; implement monitoring and mitigation if required during pre-construction, construction, and operation

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impacts on groundwater quality to less than significant by requiring monitoring of background and site groundwater levels, water quality, and flow, and adaptive management in the event that impacts are detected through monitoring. [DEIR pp. 4.10-30 through 4.10-37]

5. Alter the Existing Drainage Pattern of the Site or Area Resulting in Erosion or Siltation (Impact 4.10-5): Although on-site grading would be minimized, and major features of existing on-site drainages would be preserved, the installation of proposed facilities, including roads, fencing, and solar arrays, could interfere with existing drainage patterns on-site. These changes could result in altered hydrology on site or downstream, thereby causing increases in erosion and sedimentation.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's potential impacts on drainage patterns. 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 Measures 4.10-5 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.10-5 states:

The Applicant shall prepare a Comprehensive Drainage, Stormwater, and Sedimentation Plan prior to the initiation of construction (or decommissioning as relevant), and ensure that recommendations of that plan are implemented.

The Applicant shall ensure that additional stormwater retention measures and facilities, including but not limited to retention basins and other facilities or features designed to retain stormwater on site, shall be implemented within the Project site. Stormwater retention facilities shall be designed to accommodate increases in flows that would be generated as a result of Project implementation, in comparison to existing conditions as identified in DEIR Tables 4.10-12 and 4.10-13, such that Project implementation would not result in a net increase in discharge from the site under either a 10-year or 100-year storm event.

At the installation sites for new buildings, roads, the switchyard, transformers, solar panels, the gen-tie line, transmission towers, and other facilities that would be installed in association with the Project, designs for these facilities shall be described in a detailed delineation report, which shall be submitted to, reviewed, and approved by the County Flood Control District with respect to potential generation of altered stormwater flows, erosion, and sedimentation prior to issuance of building permits and prior to grading permit issuance. Additionally, solar panels shall have a minimum clearance of 24 inches above the highest adjacent ground when upright to ensure flows are not obstructed. The use of flow-obstructing fencing shall be avoided; instead, fencing that allows for the passage of water while minimizing buildup of debris shall be utilized on site, such as an elevated chain link fence with a bottom portion of collapsible tortoise fence to allow it to collapse if too much ponding or debris buildup occurs. To ensure implementation of Applicant Proposed Measure BIO-1b and Mitigation Measure 4.4-2a, the Applicant shall coordinate with the County, BLM, CDFW, and USFWS to determine appropriate fencing design. All proposed grading and impervious surfaces on site shall be reviewed and approved by the County, with respect to its potential to cause or result in additional erosion and sedimentation, increased stormwater flows, or altered drainage patterns that could lead to unintentional ponding or flooding on site or downstream, and/or additional erosion and sedimentation. Stormwater flows emanating from proposed impervious surfaces shall be retained on site and/or directed into channels and other stormwater infrastructure, and shall be sized such that unintentional ponding, flooding, erosion, or sedimentation would not occur on site or downstream.

Timing/Implementation: Prior to initiation of construction or decommissioning

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impacts on drainage patterns to less than significant by requiring the preparation of Comprehensive Drainage, Stormwater, and Sedimentation Plan prior to the initiation of construction (or decommissioning as relevant), and ensuring that recommendations of that plan are implemented. [DEIR pp. 4.10-38 through 4.10-47]

6. Alter the Existing Drainage Pattern of the Site or Area Resulting in Flooding On- or Off-Site (Impact 4.10-6): Because the Project is located within a flood hazard area, as identified by Riverside County Floodplain Management Ordinance No. 458, in the event that a major storm event occurs during Project construction, unanticipated flooding could occur on site. Unless construction practices and procedures are carefully managed, construction period flooding could result in damages to on site facilities, interference with the construction process, and potential exposure of employees to flood conditions, resulting in a significant impact. As evaluated by the Department of Water Resources, the Project site is also located within an "Awareness Floodplain" area.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's potential impacts on flooding. 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 Measures 4.10-6 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.10-6 states:

The Applicant shall ensure that during construction, temporary construction related structures such as bridges, roads, berms, and other facilities, would be constructed so as to avoid interference with 100-year flood flows. Temporary installation of the following types of facilities shall be avoided: temporary elevated earthen structures such as roads and berms; earthen bridges or other structures within a waterway or flood conveyance that could interfere with flood flows; dams; unnecessary ditches; other major structures that could concentrate flood flows. Additionally, to the extent practicable, the Applicant shall ensure that the construction process proceeds in a manner so as to minimize exposure of facilities to

construction period flooding. Temporary ditches and trenches (such as for pipes, wires, or other infrastructure) should be completed and backfilled as quickly as possible, and should not be left open for extended periods. Drainage infrastructure should be installed prior to installation of the solar arrays and other facilities on site. Other facilities that may be susceptible to flood damage during construction should be managed so as to minimize construction time of those facilities.

Timing/Implementation: During construction, operation and maintenance, and decommissioning

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impacts on flooding to less than significant by requiring the Project to avoid interference with 100-year flood flows and minimize exposure of facilities to flooding. [DEIR pp. 4.10-47 through 4.10-48]

7. Exceed the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Substantial Additional Sources of Polluted Runoff (Impact 4.10-7): Flood flows associated with 100-year storm events could inundate maintenance areas, fill areas, and parking lots, potentially entraining constituents that can adversely affect stormwater quality (such as oil, grease, and sediment) that could result in polluted runoff being discharged from the Project site. Additionally, inundation of the evaporation pond by flood flows could result in overtopping of the evaporation pond, potentially resulting in an exceedance of the capacity of the evaporation pond to contain stormwater runoff as well as the entrainment of constituents (such as sediments) into stormwater runoff being discharged from the inundated evaporation pond.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's potential impacts related to stormwater drainage systems and polluted runoff. 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 Measures 4.10-7 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.10-7 states:

In order to ensure that proposed on-site buildings and staff therein are protected from flooding, all on-site buildings and fill areas shall be placed outside of frequent flood flow areas. Additionally, proposed on-site buildings, maintenance areas, designated parking lots, and associated facilities shall be constructed at a finished floor elevation of at least 1 foot above the highest anticipated flood flows during a 100-year event. The proposed evaporation pond shall include berms or levees that reach at least 2 feet above the highest anticipated flood flows during a 100-year storm event, or at least 2 feet above the highest adjacent ground, whichever is greater, in order to protect the evaporation pond from incident flooding events and ensure that the ponds are not inundated by flood flows. Slope protection shall be provided for all fill areas exposed to erosive flows. In specific areas where frequent flows are anticipated, posts for solar panels shall be constructed on a deepened footing, as recommended by the geotechnical engineer, in order to withstand anticipated scouring.

Timing/Implementation: Final Project design

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impacts related to stormwater drainage systems and polluted runoff to less than significant by requiring Project design to accommodate 100-year flood flows. [DEIR pp. 4.10-49, 4.10-50]

8. Expose People or Structures to a Significant Risk of Loss, Injury Or Death Involving Flooding (Impact 4.10-9): There are no dams or levees located in the vicinity of the Project area that could expose people or structures to flooding due to failure of a dam or levee. However, the Project would be located in an area that may be subject to overland flooding, which could result in a significant impact by exposing people or structures to significant risk. On-site inundation of the solar arrays during flood periods is anticipated as a matter of Project design. However, some of the proposed facilities on-site would require protection from flooding to protect people and structures.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's potential impacts related to exposing people or structures to flooding. 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 Measures 4.10-9 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.10-9 states:

Prior to initiation of Project operation, the Applicant shall complete a Flood Safety Plan for the site and submit the plan to the County for review and approval. The Flood Safety Plan shall delineate specific actions to be completed during a flood event, in order to protect workers and facilities as relevant. The Plan shall identify refuge areas that would not be susceptible to 100-year flooding, and provide requirements and guidance with respect to avoiding injury, death, or equipment damage during a flood event. The Plan shall be adhered to and updated, as needed, during the entire operation period of the Project.

Timing/Implementation: Prior to initiation of operation

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impacts related to exposing people or structures to flooding to less than significant by requiring the preparation and implementation of a Flood Safety Plan that would identify refuge areas for workers and guidance as to how to avoid injury, death or equipment damage. [DEIR pp. 4.10-51, 4.10-52]

DD. Transportation and Traffic

1. Construction- and Decommissioning-Related Increased Roadway Hazards (Impact 4.17-3): Truck trips associated with the construction and decommissioning of the proposed facilities on the Project site would temporarily change the mix of vehicle types on area roads. During construction and decommissioning activities, there would be work related to gen-tie and transmission lines that would occur within existing roadways. Traffic safety hazards could occur due to: (1) conflicts where construction vehicles access a public right-of-way from the Project area; (2) conflicts where road width is narrowed; or (3) increased truck traffic in general (and their slower speeds and wider turning radii) during construction, operation, maintenance, and decommissioning.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impacts associated with increased roadway hazards. 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 4.17-3 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

Mitigation Measure 4.17-3 states:

The Applicant and/or its contractor shall prepare and implement a traffic control plan to reduce construction- and decommissioning-related traffic impacts on the roadways at and near the work site, as well as to reduce potential traffic safety hazards and ensure adequate access for emergency responders. The Applicant and/or its contractor shall coordinate development and implementation of this plan with the BLM and other jurisdictional agencies (e.g., Riverside County, City of Blythe, and Caltrans), as appropriate. To the extent applicable, the traffic control plan shall conform to Part 6 (Temporary Traffic Control) of the California Manual on Uniform Traffic Control Devices (Caltrans, 2010), and shall include, but not be limited to, the following elements:

1. Implementing circulation and detour plans to minimize impacts on local road circulation during temporary lane closures. Flaggers and/or signage shall be used to guide vehicles through and/or around the work zone.
2. Identifying truck routes designated by Riverside County and local jurisdictions. Haul routes that minimize truck traffic on local roadways shall be utilized to the extent possible.
3. Providing sufficient-sized staging areas for trucks accessing work zones to minimize disruption of access to adjacent public right-of-ways.
4. Controlling and monitoring worker vehicle movement through the enforcement of standard construction specifications by on-site inspectors.
5. Scheduling truck trips outside the peak morning and evening commute hours to the extent possible.
6. Limiting the duration of lane closures to the extent possible.

7. Storing all equipment and materials in designated contractor staging areas on or adjacent to the worksite, such that traffic obstruction is minimized.
8. Implementing roadside safety protocols. Advance "Road Work Ahead" warning and speed control signs (including those informing drivers of state-legislated double fines for speed infractions in a work zone) shall be posted to reduce speeds and provide safe traffic flow through the work zone.
9. Providing advance notification to administrators of police and fire stations (including fire protection agencies), ambulance service providers, and recreational facility managers of the timing, location, and duration of construction and decommissioning activities and the locations of detours and lane closures, where applicable. Maintain access for emergency vehicles within, and/or adjacent to, roadways affected by construction and decommissioning activities at all times.
10. Repairing and restoring adversely affected roadway pavements to their pre-construction condition.

Timing/Implementation: During construction and Decommissioning

Enforcement/Monitoring: Riverside County

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impacts to less than significant by requiring the implementation of traffic control best management practices and requiring that the Applicant repair any roadway damage resulting from construction or decommissioning traffic. [DEIR pp. 4.17-15 through 4.17-16]

2. Inadequate Emergency Access (Impact 4.17-5): Construction and decommissioning activities would occur along specific corridors and easements, with minimal lane closures expected. Drivers of vehicles traveling behind a slow-moving heavy truck would be slowed, but rules of the road dictate that emergency vehicles have the right-of-way, and Project-related activities would not substantially impair emergency access. Implementation of Mitigation Measure 4.17-3 would further reduce this potential impact.

Finding: The Mitigation Measure outlined above in Section III(I)(1) of these Findings would reduce to a less-than-significant level the Project's impacts associated with inadequate emergency access. 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 4.17-3 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measure 4.17-3 outlined above in Section III(I)(1) of these Findings.

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impacts to less than significant by requiring the Applicant and/or its contractor(s) to notify local police and emergency responders regarding the timing, location, and duration of construction activities and the locations of lane closures, where applicable. [DEIR pp. 4.17-16 through 4.17-17]

3. Cumulatively Considerable Contribution to Traffic Impacts to the Surrounding Road Network (Impact 6-2): It is likely that a portion of construction traffic, including worker and haul trucks, for all projects in the cumulative scenario would traverse the same portion of I-10 as Project construction-related traffic. Although the construction period, workforce, and schedule for the majority of foreseeable future projects are generally unknown, in a worst-case scenario where construction peak periods overlapped for all projects proposed in the Project area, the LOS of I-10 could be temporarily degraded, but likely would not be degraded below the acceptable LOS C, and would not result in any permanent LOS degradation. Levels of congestion (delay) at on- and off-ramps along I-10 could be adversely affected due to the temporary influx of construction-related traffic; however, even a worst-case scenario would not likely exceed the capacity of I-10, which in this area has two lanes in both directions to accommodate the anticipated increase in traffic while maintaining adequate traffic flow along the freeway mainline.

Finding: The Mitigation Measures outlined below would reduce to a less-than-significant level the Project's cumulatively considerable contribution to traffic impacts to the surrounding road network. 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 4.17-3 and 6-2 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

See Mitigation Measure 4.17-3, outlined above in Section III(I)(1) of these Findings. Mitigation Measure 6-2 states:

Prior to construction, the Applicant shall develop a Coordinated Transportation Management Plan and work with Riverside County and the BLM to prepare and implement a transportation management plan for roadways adjacent to and directly affected by the planned Project facilities, and to address the transportation impact of the multiple overlapping construction projects within the vicinity of the Project in the region. The transportation management plan shall include, but not be limited to, the following requirements:

1. Coordination of individual traffic control plans for Project and nearby projects.
2. Coordination between the contractor and Riverside County in developing circulation and detour plans that include safety features (e.g., signage and flaggers). The circulation and detour plans shall address:
    a. Full and partial roadways closures;
    b. Circulation and detour plans to include the use of signage and flagging to guide vehicles through and/or around the construction zone, as well as any temporary traffic control devices;
    c. Bicycle detour plans, where applicable;
    d. Parking along arterial and local roadways; and
    e. Haul routes for construction trucks and staging areas for instances when multiple trucks arrive at the work sites.

Protocols for updating the transportation management plan to account for delays or changes in the schedules of individual projects.

Rationale: Implementation of the above Mitigation Measures would reduce the Project's contribution to cumulative impacts on the local road network to less than significant and not cumulatively considerable by requiring the Applicant to develop and implement a Coordinated Transportation Management Plan that would require the Project to coordinate its traffic plan to address and avoid the transportation impacts of the multiple overlapping construction projects within the Project vicinity. [DEIR pp. 6-47 through 6-49]

EE. Utilities and Service Systems

1. Exceed Wastewater Treatment Requirements of the Applicable Regional Water Quality Control Board (Impact 4.18-1): If the Applicant were to use brine from the reverse osmosis water treatment system as a land-applied dust suppressant or apply brine to the ground for any other purpose, such use would conflict with the requirements of the Colorado River RWQCB regarding the disposal of brine, and would result in a significant impact.

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impacts associated with wastewater treatment requirements. 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 4.18-1 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

See Mitigation Measure 4.18-1 states:

In order to ensure that the selected reverse osmosis brine disposal method would not conflict with Colorado River RWQCB requirements or policies, the Applicant shall not use brine as a land-applied dust suppressant or apply brine to the ground for any other purpose.

Rationale: Implementation of the above Mitigation Measure would reduce the Project's impacts to less than significant by prohibiting the Applicant and/or its contractor(s) from using brine as a land-applied dust suppressant. [DEIR pp. 4.17-7, 4.18-8]

2. Require and Result in the Construction of New Storm Water Drainage Facilities (Impact 4.18-2): The Project would include installation of new stormwater and drainage facilities on site.

Finding: The Mitigation Measure outlined above in Section III(H)(5) of these Findings would reduce to a less-than-significant level the Project's potential impacts on drainage. 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 Measures 4.10-5 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

See Mitigation Measure 4.10-5 in Section III(H)(5) of these Findings.

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impacts due to the construction of new drainage facilities to less than significant by requiring the preparation of Comprehensive Drainage, Stormwater, and Sedimentation Plan prior to the initiation of construction (or decommissioning as relevant), and ensuring that recommendations of that plan are implemented. [DEIR p. 4.18-9]

3. Not Comply with Federal, State, and Local Statutes and Regulations Related to Solid Waste (Impact 4.18-2): The disposal of broken or degraded solar panels during all phases of the Project could require special handling or disposal practices and would be guided by the Broken PV Module Detection and Handling Plan described in Mitigation Measure 4.9-1b.

Finding: Mitigation Measure 4.9-1b outlined above in Section III(G)(1) of these Findings would reduce to a less-than-significant level the Project's potential impacts with regard to the disposal of cadmium telluride-containing solar panels. 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 Measures 4.9-1b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

See Mitigation Measure 4.9-1b in Section III(G)(1) of these Findings.

Rationale: Implementation of the above mitigation measure would reduce the Project's potential impacts due to disposal of broken PV modules to less than significant by requiring the preparation and implementation of a Broken PV Module Detection and Handling Plan. [DEIR pp. 4.18-12, 4.18-13]

SECTION IV

FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

Notwithstanding the existing regulations, Standard Conditions that the County imposes on development/construction projects within the County, the specific Project Design Features (also referred to as "Applicant Proposed Measures," or APMs) discussed in the EIR for the Project, and the Mitigation Measures set forth in the Mitigation Monitoring and Reporting Program for the Project, the impacts discussed in this Section IV cannot be fully mitigated to a less-than-significant level. For each impact that is determined to be significant and unavoidable, a Statement of Overriding Considerations has been prepared for that impact and is set forth in Section VIII of this Resolution below.

FF. Aesthetics, Visual Quality, and Light and Glare

1. Cumulatively Considerable Contribution to an Adverse Cumulative Effect on a Scenic Vista and/or on the Visual Character and Quality of the Landscape (Impact 6-1): 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. Potential cumulative effects on visual resources could occur during the construction period (e.g., from cumulative construction disturbances), during the 30-year term of the authorizations and permits for the Project (e.g., Project contrast with the landscape, glint and glare), or result from closure and decommissioning (e.g., until restoration efforts return the landscape to its original condition). The Project would be directly adjacent to two large-scale solar facilities, enXco McCoy to the north and Blythe Solar Power Project (BSPP) to the south, and within the viewshed of several others. In addition, the I-10 corridor contains views of one recently constructed 21 MW solar PV facility, with well over a dozen additional solar energy generating facilities identified as reasonably foreseeable.

Finding: The Board of Supervisors finds that the cumulative impact to scenic vistas and the existing character and quality of the landscape would be long-term, adverse, and is not expected to be mitigated to a less-than-significant level with implementation of feasible mitigation measures. No feasible mitigation is available to reduce this impact to a less-than-significant level and this impact would remain significant and unavoidable. (CEQA Guidelines §15091(a)(3)). Consequently, a Statement of Overriding Considerations would be necessary should the Board of Supervisors wish to approve the Project. (CEQA Guidelines §15093)

Mitigation Measure: Implementation of Mitigation Measures 6-1a through 6-1d in the Mitigation Monitoring and Reporting Program would reduce this impact, but not below established thresholds of significance.

Mitigation Measure 6-1a states:

Visual design elements shall be integrated into the construction plans, details, shop drawings and specifications; these shall include, but not be limited to, grubbing and clearing, vegetation thinning and clearing, grading, revegetation, drainage, and structural plans. Visual design elements within the plans shall be measureable and monitored while under construction, while operational, and when decommissioned. The plans shall include a monitoring and compliance plan that establishes the monitoring requirements and thresholds for acceptable performance. A careful study of the site shall be performed to identify appropriate colors and textures for materials; both summer and winter appearance shall be considered as well as seasons of peak visitor use (September 15 to April 15). Visual design elements to be integrated into construction plans, details, shop drawings and specifications must at a minimum include:

1. Vegetation and ground disturbance associated with access road construction, gen-tie and distribution line installations, and the perimeter access road shall be minimized and take advantage of existing clearings wherever feasible.
2. Along all off-site access roads, all off-site gen-tie and distribution line corridors, and all internal access roads 16 feet or wider, graveled surfaces, areas to be permanently cleared of vegetation, and (if applicable) cut slopes shall be treated with rock stains or other color treatment appropriate with the surrounding landscape.

3. Openings in vegetation for facilities, structures, roads, and gen-tie line monopoles (and/or H-frames), shall be feathered and shaped to repeat the size, shape, and characteristics of naturally occurring openings.
4. A form of color treatment shall be used to reduce visual contrast between the backs or non-energy gathering side of the solar panels and the landscape setting. Since not all of the panels are visible outside the Project footprint, the exact location or color treatment method that will be required shall be determined prior to installation.
5. Security fencing shall be coated with black poly-vinyl or other visual contrast reducing color.
6. Materials, coatings, or paints having little or no reflectivity shall be used whenever possible.
7. Grouped structures, including the water tanks and prefabricated buildings, shall be painted the same color to reduce visual complexity and color contrast.
8. The gen-tie line and the distribution line shall utilize nonspecular conductors and nonreflective coatings on insulators.
9. The choice of color treatments shall be based on the appearance at typical viewing distances and consider the entire landscape around the proposed development as it would be viewed from publically accessible locations. Appropriate colors for smooth surfaces often need to be two to three shades darker than the background color to compensate for shadows that darken most textured natural surfaces. Choice of colors shall be made in consultation with a County landscape architect or other designated visual resource specialist.
10. 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. The lighting plan should include a process for promptly addressing and mitigating complaints about potential lighting impacts.

Timing/Implementation: Prior to final design and during all Project phases

Enforcement/Monitoring: Riverside County

Mitigation Measure 6-1b states:

Construction Phase Visual Mitigation. A pre-construction meeting with County landscape architects, BLM landscape architects, or other designated visual/scenic resource specialists shall be held before construction begins to coordinate on the mitigation strategy and confirm the compliance-checking schedule and procedures. Final design and construction documents will be reviewed for completeness with regard to the visual mitigation elements, assuring that requirements and commitments are adequately addressed. The construction documents shall include, but not be limited to grading, drainage, revegetation, vegetation clearing, and feathering plans. Specific measures shall include the following:

1. The Applicant shall reduce visual impacts during construction by clearly delineating construction boundaries and minimizing areas of surface disturbance; preserving existing, native vegetation to the extent feasible; utilizing undulating surface-disturbance edges; stripping, salvaging, and replacing topsoil; using contoured grading; controlling erosion; using dust suppression techniques; and restoring exposed soils to their original contour and vegetation.
2. Visual impact mitigation objectives and activities shall be discussed with equipment operators before construction activities begin.
3. Existing rocks, vegetation, and drainage patterns shall be preserved to the extent feasible.
4. Brush-beating or mowing or using protective surface matting rather than removing vegetation shall be employed where feasible.
5. Slash from vegetation removal shall be mulched and spread to cover fresh soil disturbances as part of the revegetation plan. Slash piles shall not be left in sensitive viewing areas.

6. The visual color contrast of graveled surfaces shall be reduced with approved color treatment practices.
7. No paint or permanent discoloring agents shall be applied to rocks or vegetation to indicate surveyor construction activity limits.
8. All stakes and flagging shall be removed from the construction area and disposed of in an approved facility.

Timing/Implementation: Prior to and during construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 6-1c states:

Operation and Maintenance Phase Visual Mitigation. Minimum measures are as follows:

1. The Applicant shall maintain revegetated surfaces until a self-sustaining stand of vegetation is re-established and visually adapted to the undisturbed surrounding vegetation. No new disturbance shall be created during operations without prior approval from the County.
2. Interim restoration shall be undertaken during the operating life of the Project as soon as possible after disturbances.
3. Painted facilities shall be kept in good repair and repainted when color fades or flakes.
4. The color treatment method used to reduce visual contrast between the backs or non-energy gathering side of the solar panels and the landscape setting shall be kept in good repair, and repaired/retreated when it no longer effectively reduces the visual contrast.

Timing/Implementation: Throughout operation and maintenance of Project

Enforcement/Monitoring: Riverside County

Mitigation Measure 6-1d states:

A Decommissioning and Site Reclamation Plan, covering visual impact mitigation measures, shall be in place prior to construction, and reclamation activities should be undertaken as soon as possible after disturbances occur and be maintained throughout the life of the Project. The following decommissioning/reclamation activities/practices shall be implemented to partially mitigate visual impacts associated with solar energy development, where feasible:

1. Pre-development visual conditions shall be reviewed, and the visual elements of form, line, color, and texture shall be restored to pre-development visual compatibility or to that of the surrounding landscape setting conditions, whichever achieves the better visual quality and most ecologically sound outcome.
2. A Decommissioning and Site Reclamation Plan shall be developed, approved by the County, and implemented. The plan shall require that all aboveground and near-ground structures be removed. Some structures shall be removed only to a level below the ground surface that will allow reclamation/restoration. Topsoil from all decommissioning activities shall be salvaged and reapplied during final reclamation. The plan shall include provisions for monitoring and determining compliance with the plan.
3. Soil borrow areas, cut-and-fill slopes, berms, water bars, and other disturbed areas shall be contoured to approximate naturally occurring slopes, thereby avoiding form and line contrasts with the existing landscapes. The Applicant shall contour to a rough texture (i.e., use large rocks/boulders, grade uneven surfaces, and/or vegetation mulches/debris) in order to trap seed and to discourage off-road travel, thereby reducing associated visual impacts.
4. A combination of seeding, planting of nursery stock, transplanting of local vegetation within the proposed disturbance areas, and staging of decommissioning activities enabling direct transplanting shall be considered. Where feasible, native vegetation shall be used for revegetating to establish a composition consistent with the form, line, color, and texture of the surrounding undisturbed landscape.
5. Stockpiled topsoil shall be reapplied to disturbed areas, and the areas shall be revegetated by using a mix of native species selected for visual compatibility with existing vegetation, where applicable, or by using a mix of native and non-native species if necessary to ensure successful revegetation. Gravel and other surface treatments shall be removed or buried.
6. Rocks, brush, and vegetal debris shall be restored whenever possible to approximate pre-existing visual conditions.

Timing/Implementation: Throughout life of Project

Enforcement/Monitoring: Riverside County

Rationale: Implementation of Mitigation Measures 6-1a, b, c, and 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. No mitigation is feasible that would reduce impacts from these locations to less than significant, as screening techniques to reduce impacts from Project components would be wholly ineffective in mitigating visual impacts from other cumulative projects given the size, scale, and character of the cumulative projects (i.e., large-scale solar energy facilities). For the reasons discussed above, in combination with other projects in the cumulative scenario, there would be significant and unavoidable cumulative impacts to visual resources, including scenic vistas, and visual character. [DEIR pp. 6-13 through 6-18]

GG. Air Quality

2. Construction and Decommissioning Criteria Air Pollutant Emissions (Impact 4.3-1): The MDAB is designated as non-attainment of the California ozone and PM10 standards. Construction activities associated with the Project could have a temporary impact on regional air quality through short-term increases in VOC, NO_x, and PM10. The maximum daily emissions for VOC, NO_x, CO, SO_x, and PM2.5 are below the respective MDAQMD thresholds. However, with regard to PM10, the estimated maximum daily emissions would exceed the MDAQMD threshold, indicating that Project-related PM10 emissions could result in an exceedance of the state PM10 24-hour AAQS. Even with implementation of APM AIR-1, the MDAQMD daily threshold would continue to be exceeded.

Finding: The Board of Supervisors finds that daily PM10 emissions associated with Project construction and decommissioning activities may be as high as 91 pounds and are not expected to be mitigated to a less than significant level with implementation of feasible mitigation measures. Thus, this impact would remain significant and unavoidable. (CEQA Guidelines §15091(a)(3).) Consequently, a Statement of Overriding Considerations would be necessary should the Board of Supervisors wish to approve the Project. (CEQA Guidelines §15093)

Mitigation Measure: Implementation of Mitigation Measure 4.3-1 in the Mitigation Monitoring and Reporting Program would reduce this impact, but not below established thresholds of significance.

Mitigation Measure 4.3-1 states:

Pursuant to Rule 403-2, the Applicant shall prepare and submit to the MDAQMD a dust control plan prior to commencing construction related earth-moving activity that describes all applicable dust control measures that will be implemented for the Project.

Timing/Implementation: Prior to commencement of earth-moving activities

Enforcement/Monitoring: Riverside County

Rationale: APM 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 MDAQMD daily threshold would be exceeded and this impact would be significant and unavoidable. [DEIR pp. 4.3-16 through 4.3-19; Final EIR p. 3-4]

3. Cumulatively Considerable Net Increase of Criteria Pollutant Which Could Contribute to Existing Nonattainment Conditions (Impact 4.3-3): The Mojave Desert Air Basin is designated as non-attainment of the California ozone and PM10 standards. Construction and decommissioning activities associated with the Project could have a temporary impact on regional air quality through short-term increases in VOC, NO_x, and PM10, which could be cumulatively significant when combined with other projects. The maximum daily construction emissions of ozone precursors (i.e., VOC and NO_x) would not exceed the MDAQMD CEQA significance thresholds; however, the maximum daily emissions of PM10 primarily related to fugitive dust would exceed the MDAQMD CEQA significance threshold.

Finding: The Board of Supervisors finds that even with implementation of the best available control technology to reduce fugitive dust during construction and decommissioning, the maximum daily emissions would continue to exceed the significance threshold. Therefore, the Project would be cumulatively considerable with respect to short-term construction emissions of PM10 and this impact is not expected to be mitigated to a less-than-significant level with implementation of feasible mitigation measures. No feasible mitigation is available to reduce this impact to a less-than-significant level and this impact would remain significant and unavoidable. (CEQA Guidelines §15091(a)(3)). Consequently, a Statement of

Overriding Considerations would be necessary should the Board of Supervisors wish to approve the Project. (CEQA Guidelines §15093.)

Mitigation Measure: Implementation of Mitigation Measure 4.3-1 in the Mitigation Monitoring and Reporting Program would reduce this impact, but not below the established threshold of significance.

See Mitigation Measure 4.3-1 in Section (IV)(A)(1).

Rationale: APM 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. The MDAQMD daily threshold would be exceeded and this impact would be significant and unavoidable. [DEIR pp. 4.3-21, 4.3-22; Final EIR p. 3-5]

HH. Biological Resources

1. Construction Impacts on Special-Status and Migratory Birds (Impact 4.4-5A): Construction of the Project could attract both local birds and birds migrating through the area, 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.

Finding: The Board of Supervisors finds that although the implementation of Mitigation Measure 4.4-5A is likely to reduce impacts to common and special-status avian and bat species to less-than-significant levels, due to the inherent uncertainty associated with collision risk, it is possible that impacts could be significant even after mitigation. Thus, no further feasible mitigation is available to reduce this impact to a less-than-significant level and this impact could remain potentially significant and unavoidable (CEQA Guidelines §15091(a)(3)).

Mitigation Measure: Implementation of Mitigation Measure 4.4-5A in the Mitigation Monitoring and Reporting Program would reduce this impact, but may not reduce it below the established threshold of significance.

Mitigation Measure 4.4-5A states:

The Project owner shall prepare a Bird and Bat Conservation Strategy (BBCS) in consultation with the County in consultation with CDFW for review and comment.

1. The Project owner will survey and monitor onsite avian use prior to commencing construction to document species composition. The Project owner will submit all data gathered onsite to the County in consultation with CDFW, and also will make consulting biologists available to answer inquiries.
2. The Project owner will implement a statistically robust avian and bat mortality and injury monitoring program to identify the extent of potential avian or bat mortality or injury from collisions with facility structures, including assessing levels of collision-related mortality and injury with PV panels.
3. The Project owner will implement an adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results.
4. The Project owner will identify specific conservation measures and/or programs to avoid, minimize, reduce, or eliminate avian and bat injury or mortality over time and will evaluate the effectiveness of those measures.

The BBCS shall include the following components:

1. A description and summary of the baseline survey methods, raw data, and results.
2. Avian and bat mortality and injury monitoring that includes:
    a) Onsite monitoring that will systematically survey representative locations within the facility, at a level that will produce statistically robust data; account for potential spatial bias; and allow for the extrapolation of survey results to non-surveyed areas within the solar plant site boundary and the survey interval based on scavenger and searcher efficiency trials and detection rates.
    b) Low-visibility and high-wind weather event reporting to document potential weather-related collision risks that may be associated increased risk of avian or bat collisions with Project features, including foggy, highly overcast, or rainy night-time weather typically associated

with an advancing frontal system, and high wind events (40 miles per hour winds) that are sustained for period of greater than 4 hours.

c) Statistically robust scavenger and searcher efficiency trials prior and post construction to document the extent to which avian or bat fatalities remain visible over time and can be detected within the Project area and to adjust the survey timing and survey results to reflect scavenger and searcher efficiency rates.

d) Statistical methods used to generate facility estimates of potential post construction avian and bat impacts based on the observed number of detections during standardized searches during the monitoring season for which the cause of death can be determined and is determined to be facility-related.

e) Field detection and mortality or injury identification, cause attribution, handling and reporting requirements.

3. Post-construction monitoring studies included in the BBCS shall be conducted by a third party contractor for at least 3 years following commencement of commercial operation of each individual unit. At the end of the three-year period, the County in consultation with CDFW shall determine whether the survey program shall be continued.

4. An adaptive management program shall be developed to identify and implement reasonable and feasible measures needed to reduce levels of avian or bat mortality or injury attributable to Project operations and facilities to less than ecologically significant levels. Any such impact reduction measures must be commensurate (in terms of factors that include geographic scope, costs, and scale of effort) to the level of avian or bat mortality or injury that is specifically and clearly attributable to the Project facilities. Adaptive actions undertaken will be discussed and evaluated in survey reports. The adaptive management program shall include the following elements:

i. Reasonable measures for characterizing the extent and significance of detected mortality and injuries clearly attributable to the Project.

ii. Potential measures that the Project owner could implement to adaptively respond to detected mortality and injuries attributable to the Project, including passive avian diverter installations along the perimeter or at other locations within the Project to avoid site use, the use of sound, light or other means to discourage site use consistent with applicable legal requirements, onsite prey or habitat control measures consistent with applicable legal requirements, and additional perch and nest minimizing of Project facilities.

Adaptive Mitigation: The County in consultation with CDFW may require the Project owner to implement adaptive mitigation for ecologically significant onsite injury or mortality of birds and bats. The costs for such mitigation shall not exceed $100,000. Such measures shall be approved by the County and CDFW and may include, but not be limited to: (i) restoration of degraded habitat with native vegetation; (ii) restoration of agricultural fields to bird habitat; (iii) management of agricultural fields to enhance bird populations; (iv) invasive plant species and artificial food or water source management; (v) control and cleanup of potential avian hazards, such as lead or microtrash; (vi) retrofitting of buildings to minimize collisions; (vii) retrofitting of conductors and above ground cables to minimize collisions; (viii) animal control programs; (ix) support for avian and bat research and/or management efforts conducted by entities approved by the County and CDFW within the Project's mitigation lands or other approved locations; (x) funding efforts to address avian diseases or depredation due to the expansion of predators in response to anthropomorphic subsidies that may adversely affect birds that use the mitigation lands or other approved locations; and (xi) contribute to the Migratory Bird Conservation Fund managed by the Migratory Bird Conservation Commission. Adaptive mitigation will be discussed and evaluated in survey reports.

5. Monitor the death and injury of birds and bats from collisions with PV panels. The monitoring data shall be used to inform an adaptive management program that would avoid and minimize Project-related avian and bat impacts. The study design shall be approved by the County and CDFW. The monitoring shall include detailed specifications on data and carcass collection protocol and a rationale justifying the proposed schedule of carcass searches. The program also

shall include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias.

Prior to the start of construction, the BBCS shall be submitted to the County in consultation with CDFW for review and comment. A final BBCS shall be submitted to the County within 60 days of construction commencement. Survey results shall be verified by the following:

1. The results of onsite injury and mortality monitoring will be reported monthly. The reports will include all monitoring data required as part of the monitoring program.

The reports shall also assess any adaptive management measure implemented during the prior year as approved by the County in consultation with CDFW. The County in consultation with CDFW shall determine if additional monitoring is warranted based on data quality and sufficiency of analysis, or if needed, to document efficacy of any adaptive management measures undertaken by the Project owner.

If a carcass or injured live special status species is found at any time by the monitoring study or Project operations staff, the Project owner, Designated Biologist, or other qualified biologist, the Designated Biologist shall contact the County in consultation with CDFW by e-mail, fax or other electronic means within one working day of any such detection. Verification of other injuries or mortalities shall be within 48 hours.

In addition, the Project owner shall follow APLIC guidelines for avian protection on powerlines and shall use current guidelines to reduce bird mortality from collision and electrocution with powerlines. The APLIC (2006) and USFWS recommend the following:

1. Provide 60-inch minimum horizontal separation between energized conductors or energized conductors and grounded hardware;
2. Insulate hardware or conductors against simultaneous contact if adequate spacing is not possible;
3. Use structure designs that minimize impacts to birds; and
4. Shield wires to minimize the effects from bird collisions.

Timing/Implementation: Prior to completion of final design of the gen-tie line and distribution line

Enforcement/Monitoring: County of Riverside

Rationale: Mitigation Measure 4.4-5A represents the best available bird and bat conservation measures that would be feasible to implement during all phases of the Project. Although implementation of this mitigation measure is likely to reduce impacts to common and special-status avian and bat species to less-than-significant levels , due to the inherent uncertainty associated with collision risk, it is possible that impacts could be significant even after mitigation, and this impact could remain be significant and unavoidable at the Project-specific and cumulative levels. [Revised DEIR pp. 2-64 through 2-69, 2-93, 2-94]

2. Construction Impacts on Special-Status Bats (Impact 4.4-11): One potential bat roost was identified outside the western boundary of the proposed Unit 2 of the solar plant site. The Project would avoid this potential bat roost, as it is located in a wash that would be avoided. 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 PV panels are installed and concluding when they are removed from the site as a potential consequence of the "fake lake effect." There also is a possibility that the "fake lake effect" could attract insects to the PV panels if the insects mistake the panels for water, and thereby create a concentrated food source for bats. Although most bats use echolocation to locate their prey and successfully avoid other objects, the Project could pose a collision risk for bats.

Finding: The Board of Supervisors finds that although the implementation of Mitigation Measure 4.4-5A is likely to reduce construction-related impacts to special-status avian and bat species to less-than-significant levels, due to the inherent uncertainty associated with collision risk, it is possible that impacts could be significant even after mitigation. Thus, no further feasible mitigation is available to reduce this impact to a less-than-significant level and this impact would remain potentially significant and unavoidable (CEQA Guidelines §15091(a)(3)).

Mitigation Measure: Implementation of Mitigation Measure 4.4-5A in the Mitigation Monitoring and Reporting Program would reduce this impact, but may not reduce it below the established threshold of significance.

See Mitigation Measure 4.4-5A outlined above in Section IV(C)(1) of these Findings.

Rationale: Mitigation Measure 4.4-5A represents the best available bird and bat conservation measures that would be feasible to implement during all phases of the Project. Although implementation of this mitigation measure is likely to reduce impacts to common and special-status avian and bat species to less-than-significant levels, due to the inherent uncertainty associated with collision risk, it is possible that impacts could be significant even after mitigation, and this impact could remain be significant and unavoidable at the Project-specific and cumulative levels. [Revised DEIR pp. 2-77, 2-93, 2-94]

3. Operation and Maintenance Impacts on Special-Status and Migratory Birds and Special-Status Bats (Impact 4.4-12A): The potential impacts to birds and bats described above for construction would be similar during operation and maintenance (e.g., potential collision with panels).

Finding: The Board of Supervisors finds that although the implementation of Mitigation Measure 4.4-5A is likely to reduce operation and maintenance-related impacts to special-status avian and bat species to less-than-significant levels, due to the inherent uncertainty associated with collision risk, it is possible that impacts could be significant even after mitigation. Thus, no further feasible mitigation is available to reduce this impact to a less-than-significant level and this impact would remain potentially significant and unavoidable (CEQA Guidelines §15091(a)(3)).

Mitigation Measure: Implementation of Mitigation Measure 4.4-5A in the Mitigation Monitoring and Reporting Program would reduce this impact, but may not reduce it below the established threshold of significance.

See Mitigation Measure 4.4-5A outlined above in Section IV(C)(1) of these Findings.

Rationale: Mitigation Measure 4.4-5A represents the best available bird and bat conservation measures that would be feasible to implement during all phases of the Project. Although implementation of this mitigation measure is likely to reduce impacts to common and special-status avian and bat species to less-than-significant levels, due to the inherent uncertainty associated with collision risk, it is possible that impacts could be significant even after mitigation, and this impact could remain be significant and unavoidable at the Project-specific and cumulative levels. [Revised DEIR pp. 2-77, 2-93, 2-94]

4. Decommissioning Impacts on Special-Status and Migratory Birds and Special-Status Bats (Impact 4.4-13A):

Finding: The Board of Supervisors finds that although the implementation of Mitigation Measure 4.4-5A is likely to reduce decommissioning-related impacts to special-status avian and bat species to less-than-significant levels, due to the inherent uncertainty associated with collision risk, it is possible that impacts could be significant even after mitigation. Thus, no further feasible mitigation is available to reduce this impact to a less-than-significant level and this impact would remain potentially significant and unavoidable (CEQA Guidelines §15091(a)(3)).

Mitigation Measure: Implementation of Mitigation Measure 4.4-5A in the Mitigation Monitoring and Reporting Program would reduce this impact, but may not reduce it below the established threshold of significance.

See Mitigation Measure 4.4-5A outlined above in Section IV(C)(1).

Rationale: Mitigation Measure 4.4-5A represents the best available bird and bat conservation measures that would be feasible to implement during all phases of the Project. Although implementation of this mitigation measure is likely to reduce impacts to common and special-status avian and bat species to less-than-significant levels, due to the inherent uncertainty associated with collision risk, it is possible that impacts could be significant even after mitigation, and this impact could remain be significant and unavoidable at the Project-specific and cumulative levels. [Revised DEIR pp. 2-78, 2-93, 2-94]

SECTION V

FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS

Pursuant to section 15130(a) of the CEQA Guidelines, cumulative impacts of a project shall be discussed when they are "cumulatively considerable," as defined in section 15065(a)(3) of the CEQA Guidelines. Cumulatively considerable "means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (CEQA Guidelines §15065(a)(3)).

Each topical environmental analysis section of the EIR assesses cumulative impacts for the applicable environmental issue, and does so to a degree that reflects each impact's severity and likelihood of occurrence. Notwithstanding the existing regulations, Standard Conditions that the County imposes on development/construction projects within the County, the specific Applicant Proposed Measures and other

project design features discussed in the EIR, and the Mitigation Measures set forth in the Mitigation Monitoring and Reporting Program for the Project, some of the Project's cumulative impacts discussed in this Section V cannot be fully mitigated to a less-than-significant level. For each impact that is determined to be significant and unavoidable, a Statement of Overriding Considerations has been prepared for that impact and is set forth in Section VIII below.

II. No Contribution to a Cumulative Impact

As outlined above in Section II of these Findings, the Project would have no impact with respect to:

- Damaging Scenic Resources within a State Scenic Highway (Section II(A)(2));
- Agriculture and Forestry Resources (Section II(B));
- Conflicting With or Obstructing Implementation of the Applicable Air Quality Plan (Section II(C)(1));
- Federally Protected Wetlands (Section II(D)(5));
- Local Policies or Ordinances Protecting Biological Resources (Section II(D)(6));
- Habitat Conservation Plans or Natural Community Conservation Plans (Section II(D)(7));
- Peak and Base Period Demands for Electricity and Other Forms of Energy (Section II(F)(3));
- Compliance with Existing Energy Standards (Section II(F)(4);
- Hazardous Emissions, Materials, Substances, or Waste Within 0.25 Mile of an Existing or Proposed School (Section II(I)(1));
- Hazardous Materials Sites (Section II(I)(2));
- Airstrip Hazards (Section II(I)(4));
- Other Degradation of Water Quality (Section II(J)(1));
- Placing Housing Within a 100-Year Flood Hazard Area (Section II(J)(2));
- Inundation by Seiche, Tsunami, or Mudflow (Section II(J)(4));
- Land Use and Planning (Section II(K));
- Loss of Availability of a Locally Important Mineral Resource Recovery Site (Section II(L)(2));
- Groundborne Vibration and Noise (Section II(M)(2));
- Airstrip Noise Levels (Section II(M)(6));

- Displacing Existing Housing (Section II(N)(2));
- Displacing People, Necessitating the Construction of Replacement Housing (Section II(N)(3));
- New or Physically Altered Police Protection Facilities, Schools, or Other Public Facilities (Section II(O)(2));
- Change in Air Traffic Patterns (Section II(Q)(3));
- New or Expanded Water or Wastewater Treatment Facilities (Section II(R)(1)); and
- Wastewater Treatment Capacity (Section II(R)(3)).

Therefore, the Project would not contribute to cumulative impacts with respect to the above resources. [DEIR pp. 6-13 through 6-49]

JJ. Contributions to Cumulative Impacts Not Requiring Mitigation or that Can be Mitigated to a Less-Than-Significant Level

As outlined above in Sections III(A) through (J) of these Findings, the Project would result in impacts related to aesthetics, air quality, biological resources, cultural and paleontological resources, energy consumption, geology and soils, hazards and hazardous materials, hydrology and water quality, transportation and traffic, and utilities and service systems; however, these incremental Project-specific impacts would not be cumulatively considerable.

KK. Cumulatively Considerable Contributions to Potentially Significant Impacts that Cannot be Mitigated to a Less-Than-Significant Level

As detailed above in Section IV(A)(1) of these Findings, the Project would cause a cumulatively considerable contribution to an adverse cumulative effect on a scenic vista and/or on the visual character and quality of the landscape. Although the Applicant would be required to implement Mitigation Measures 6-1a through 6-1d, this impact would remain significant and unavoidable and the Project's contribution to this cumulative impact would be cumulatively considerable. [DEIR pp. 6-13 through 6-17]

As detailed above in Sections IV(C)(1) through (4) of these Findings, the Project would have a cumulatively considerable contribution to an adverse cumulative effect on migratory and special-status birds and bats during all Project phases. Although the Applicant would be required to implement Mitigation

Measure 4.4-5A, this impact could remain significant and unavoidable and the Project's contribution to this cumulative impact could be cumulatively considerable. [DEIR pp. 2-93, 2-94]

SECTION VI

FINDINGS REGARDING GROWTH-INDUCING IMPACTS

Pursuant to Sections 15126(d) and 15126.2(d) of the CEQA Guidelines, this section is provided to examine ways in which the Project could foster economic or population growth or the construction of additional development, either directly or indirectly, in the surrounding environment.

Growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment. This issue is presented to provide additional information on ways in which this Project could contribute to significant changes in the environment beyond the direct consequences of implementing the Project.

Implementation of the Project would involve the construction, operation and maintenance, and decommissioning of a solar PV plant with a capacity of up to 250 MW. The Project would have a peak construction workforce of approximately 750 craft workers and an average of approximately 341 workers. During operation and maintenance, it would employ up to 13 full-time employees. The Project would produce electricity and would connect to the regional electric grid via Southern California Edison's Colorado River Substation.

The County finds that the Project would not induce growth for the following reasons:

1. The peak level of employment for construction of the Project would represent about 0.9 percent of craft workers in the Riverside-San Bernardino-Ontario Metropolitan Statistical Area. Because the number of construction workers required represents such a small portion of the region's available labor force, it is assumed that minimal in-migration would occur as a result of Project construction activities. Therefore, the Project would not have notable impacts on existing population levels or employment distribution within the study area. [DEIR pp. 7-2 and 7-3]
2. The Project would not develop additional housing or result in direct population growth. The small number of permanent employees (up to 13) would not have a significant population growth-inducing impact. [DEIR p. 7-3; see also DEIR p. 4.14-9]

3. The Project is not intended to supply power related to growth for any particular development, either directly or indirectly, and would not result in direct growth-inducing impacts. Additionally, the Project would not facilitate growth indirectly through the additional generation of electric power in the Southern California region because it is intended to replace the existing use of fossil fuel-based energy. Southern California in general, and Riverside County in particular, have experienced rapid population growth over the last 20 years. Growth is expected to continue with or without implementation of the Project. Therefore, Project implementation would be in response to anticipated future load growth and would be consistent with current regional planning projections. [DEIR p. 7-3]

SECTION VII

FINDINGS REGARDING PROJECT ALTERNATIVES

A. Background

Section 15126.6 of the CEQA Guidelines requires EIRs to consider and discuss alternatives to a proposed Project. Subsection (a) states:

> (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

(b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In Subsection 15126.6(c), the CEQA Guidelines describe the selection process for a range of reasonable alternatives:

(c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are:(i) failure to meet most of the basic Project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the proposed project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.

However, when significant impacts can be mitigated by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact in its

findings, even if the alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Res. Code §21002; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403; Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 521.) The County has adopted mitigation measures to avoid or substantially lessen the potentially significant environmental impacts identified in the EIR. However, the following impacts would remain significant:

- Cumulatively Considerable Contribution to an Adverse Cumulative Effect on a Scenic Vista and/or on the Visual Character and Quality of the Landscape [DEIR pp. 6-13 through 6-18]
- Construction and Decommissioning Criteria Air Pollutant Emissions [DEIR pp. 4.3-16 through 4.3-19; Final EIR p. 3-4]
- Cumulatively Considerable Net Increase of Criteria Pollutant Which Could Contribute to Existing Nonattainment Conditions [DEIR pp. 4.3-21, 4.3-22; Final EIR p. 3-5]
- Construction Impacts on Special-Status and Migratory Birds [Revised DEIR pp. 2-64 through 2-69, 2-93, 2-94]
- Construction Impacts on Special-Status Bats [Revised DEIR pp. 2-77, 2-93, 2-94]
- Operation and Maintenance Impacts on Special-Status and Migratory Birds and Special-Status Bats [Revised DEIR pp. 2-77, 2-93, 2-94]
- Decommissioning Impacts on Special-Status and Migratory Birds and Special-Status Bats [Revised DEIR pp. 2-78, 2-93, 2-94]

The County used the following criteria to help define a reasonable range of alternatives: [DEIR p. 3-2]:

- a cost-efficient, environmentally sound solar powered generating facility
- capable of producing a minimum of 250 MW and up to 750 MW
- on predominantly contiguous lands
- within close proximity to transmission infrastructure and access roads.

The Applicant's Objectives for the Project (DEIR page 2-5) are as follows:

- Construct, operate, and maintain an efficient, cost-competitive, reliable, safe and environmentally-sound solar powered generating facility using proven PV technology capable of generating a minimum of 500 MW and up to 750 MW that would help achieve: (i) the State of California objectives mandated by Senate Bill (SB) 1078 (California Renewable Portfolio Standard Program), (ii) AB 32 (California Global Warming Solutions Act of 2006), and (iii) other local mandates adopted by the state's municipal electric utilities to meet the requirements for the long term wholesale purchase of renewable electric energy for distribution to their customers.
- Develop a site on contiguous lands with an excellent solar resource.
- Develop a site within close proximity to transmission infrastructure and access roads in order to minimize environmental impacts.
- Receive authorization for constructing and operating a range of panel types and tracking options so that the Project can take advantage of the rapid improvements in PV technology/ efficiency that are anticipated to take place between early permitting and commencing construction.

There are two types of alternatives evaluated in the EIR. First are the alternatives that were considered but rejected from further consideration. Reasons for elimination included failure to meet basic project objectives, infeasibility, or inability to avoid significant environmental impacts (CEQA Guidelines §15126.6(c)), as well as conflicts with land use plans, policies, or regulations; lack of reasonable access to an alternative site; or remote or speculative implementation [DEIR pp. 3-7, 3-8]. Those alternatives were:

- **Private Land Alternatives, including the Palo Verde Mesa Solar Project Site** - An all-private land alternative was not carried forward for detailed evaluation in the DEIR because no private parcels or combinations of parcels of sufficient size were available that met the Applicant's minimum Project requirements. The Palo Verde Mesa Solar Project site was determined not to represent an alternative to the Project. [DEIR p. 3-8]
- **Alternatives on BLM-administered Land** - Three potential sites were evaluated. The County initially considered these potential alternative sites, and rejected them from detailed consideration based on lack of land use jurisdiction, lack of Applicant site control, greater potential

environmental consequences than the Project, and previous BLM decisions regarding these potential alternative sites. [DEIR pp. 3-8, 3-9]

- **Brownfields / Degraded Lands Alternative** - Current and former Superfund sites, mine sites, and other "brownfield" locations were identified, none of which met the basic objectives. Additionally, seven parcels or groups of parcels of abandoned private farmland in Eastern Riverside County were considered; none of these parcels or parcel groupings was available for sale or long-term lease and met the minimum requirements for an all-private-land alternative. [DEIR pp. 3-9, 3-10]
- **Other Types of Energy Projects** - Other types of energy (e.g., solar thermal power tower and distributed generation (DG) solar, natural gas, and coal) were screened by the County and were found not to lessen the environmental impacts of the Project or to be technically and economically infeasible to develop. [DEIR pp. 3-10, 3-11]

Second are the alternatives that were considered in detail. Those alternatives are:

- **Reduced Acreage Alternative** [DEIR pp. 3-4 through 3-6]
- **Eastern Route Alternative** [DEIR pp. 3-4 through 3-7]
- **No Project Alternative** [DEIR p. 3-7]

A complete discussion for alternatives that were considered in detail is provided below.

B. <u>Alternatives Considered but Rejected from Further Consideration</u>

In determining an appropriate range of alternatives to be evaluated in the EIR, several possible alternatives were initially considered and rejected. Alternatives were rejected either because they could not accomplish most of the basic objectives of the Project, would not have resulted in a reduction of potentially significant impacts, or were considered infeasible. The specific reasons for not selecting each of the rejected alternatives are described below.

1. Private Land Alternatives, including the Palo Verde Mesa Solar Project Site. An all-private land alternative was not carried forward for detailed evaluation in the DEIR because no private parcels or combinations of parcels of sufficient size were available that met the Applicant's minimum Project

requirements. The Palo Verde Mesa Solar Project site was determined not to represent an alternative to the Project. [DEIR p. 3-8]

Finding. Based upon the Supporting Explanation below, the Board of Supervisors rejects the Private Land Alternatives because they do not meet the basic Project objectives as none were capable of producing at least 250 MW on predominately contiguous land. (CEQA Guidelines §15126.6(c)(i)).

Supporting Explanation. An all-private land alternative was not carried forward for detailed evaluation in the DEIR because no private parcels or combinations of parcels of sufficient size were available that met the Applicant's minimum Project requirements. A California-licensed real estate broker with relevant experience researched the availability of a minimum of 1,500 acres to accommodate up to a 250 MW Project. To merit further inquiry, the available acreage would have needed to be contiguous or nearly so; listed or advertised for sale or lease in the November-December 2011 timeframe, located within 20 miles of the CRS, and in proximity to a reasonable gen-tie line option. Research in accordance with these parameters evaluated more than 195,300 acres of private land within 20 miles of the CRS. Of these, 68 individual private parcels, representing approximately 4,732 acres, were for sale or lease. Of these, the largest contiguous block of land was approximately 858 acres and consisted of 7 parcels and 4 unique land owners. These parcels were insufficient to meet the basic objectives of the Project.

The County currently is considering an application for a 486 MW solar PV facility on the 3,400-acre Palo Verde Mesa Solar Project site. Because the Palo Verde Mesa Solar Project site is under consideration as a separate, independent Project, and its impacts are potentially cumulative with the effects of the Project [DEIR p. 6-9], it does not represent an alternative to the Project [DEIR p. 3-8]

2. **Alternatives on BLM-administered Land** - Three potential sites were evaluated. The County initially considered these potential alternative sites, and rejected them from detailed consideration based on lack of land use jurisdiction, lack of Applicant site control, greater potential environmental consequences than the Project, and previous BLM decisions regarding these potential alternative sites. [DEIR pp. 3-8, 3-9]

Finding. Based upon the Supporting Explanation below, the Board of Supervisors rejects the Alternatives on BLM-administered Land based on lack of land use jurisdiction, lack of Applicant site

control and previous BLM decisions regarding these potential alternative sites that would make their development infeasible (CEQA Guidelines §15126.6(c)(ii)). This alternative would also not avoid or substantially lessen the environmental impacts of the Project (CEQA Guidelines §15126.6(c)(iii)). Each of the stated grounds for rejecting the Alternatives on BLM-administered Land is independently sufficient to justify rejection of this alternative.

Supporting Explanation. Much of the BLM-administered land in the California desert is precluded from development by special designations such as wilderness areas and Areas of Critical Environmental Concern (ACECs), and many potentially suitable areas outside these designated areas are precluded because they are in use or are proposed for other solar energy projects [see Figure 6-1, *Cumulative Projects*, DEIR p. 6-12]. Of the remaining BLM-administered land in the California Desert District, three potential sites were evaluated: Desert Center 1, Mule Mountain, and Black Hill. The potential Desert Center 1 site is located adjacent to State Highway 177 north of I-10 in a location that could be subsumed in expansions of the Joshua Tree National Park and/or the McCoy Wilderness. The BLM previously has rejected proposed solar energy use of this area. The potential Mule Mountain site is located south of I-10, due south of the western half of the Project site, in an area that California Natural Diversity Data Base records indicate would support desert tortoise, Mojave fringe-toed lizard, Harwood's milk vetch, cave myotis, and California leaf-nosed bat. Additionally, the site is crossed by two large desert wash systems. Because development of this site would likely result in greater environmental impacts than the Project and alternatives analyzed, it was eliminated from further consideration. Although the Applicant had submitted an application for this site in 2007, based in part on this information, the Applicant since has relinquished control of the Mule Mountain site. The potential Black Hill site is located northeast of the proposed Project site, adjacent to the Big Maria Mountains Wilderness, in an area that subsequent inquiry revealed to raise concerns about environmental consequences, conflicting uses, road access, and access to transmission. The site is adjacent to wilderness and crossed by three open routes designated in the BLM's Northern and Eastern Colorado Plan and numerous ephemeral washes. Because development of this site would likely result in greater environmental impacts than the Project and alternatives analyzed, the County eliminated it from further consideration. [DEIR pp. 3-8, 3-9]

3. Brownfields / Degraded Lands Alternative. Current and former Superfund sites, mine sites, and other "brownfield" locations were identified, none of which met the basic objectives. Additionally, seven parcels or groups of parcels of abandoned private farmland in Eastern Riverside County were considered; none of these parcels or parcel groupings was available for sale or long-term lease and met the minimum requirements for an all-private-land alternative. [DEIR pp. 3-9, 3-10]

Finding. Based upon the Supporting Explanation below, the Board of Supervisors rejects the Brownfields/Degraded Lands Alternative because it does not meet the basic Project objectives (CEQA Guidelines §15126.6(c)(i)). This alternative would also not avoid or substantially lessen the environmental impacts of the Project (CEQA Guidelines §15126.6(c)(iii)). Each of the stated grounds for rejecting the Brownfields/Degraded Lands Alternative is independently sufficient to justify rejection of this alternative.

Supporting Explanation. The USEPA has identified 5,000 contaminated sites nationwide for potential reuse for renewable energy development as part of its RE-Powering America's Lands Initiative. Four locations with excellent utility solar power potential are identified along the I-10 corridor between Riverside and the Arizona border (where I-10 becomes Arizona State Route 95)[8]: The Coachella Valley Disposal Site is a 75-acre USEPA-tracked landfill near Coachella, California. Mecca Landfill II is an 80-acre USEPA-tracked landfill near Mecca, California. The Blythe Disposal Site is a 78-acre USEPA-tracked landfill near Blythe, California. Finally, the Eagle Mountain Landfill is a 160-acre USEPA-tracked landfill in the City of Desert Center. None of these sites is large enough to meet the Applicant's minimum Project requirements. An additional degraded with the potential for utility-scale PV solar site is identified within nearly 50 miles of the proposed site: Wiley Wells Water Point (CAMA), which is a formerly used defense site located south of I-10 and 12 miles west of Ripley.

Additionally, the County is aware of seven parcels or groups of parcels of abandoned private farmland in Eastern Riverside County. The parcels/parcel groupings are 130 acres, 40 acres, 6,840 acres, 1,100 acres, 240 acres, 330 acres, and 320 acres, respectively. None of these parcels or parcel groupings

[8] The first contaminated site identified by the tool along SR 95 in Arizona is more than 80 miles from the California border.

was available for sale or long-term lease and met the minimum requirements for an all-private-land alternative at the time of alternatives screening. [DEIR pp. 3-9, 3-10]

4. Other Types of Energy Projects. Other types of energy projects (e.g., solar thermal power tower and DG solar, natural gas, and coal) were screened by the County and were found not to lessen the environmental impacts of the Project or to be technically and economically infeasible to develop. [DEIR pp. 3-10, 3-11]

Finding. Based upon the Supporting Explanation below, the Board of Supervisors rejects the Other Types of Energy Projects Alternative because it would be technically or economically infeasible (CEQA Guidelines §15126.6(c)(ii)). This alternative also would not avoid or substantially lessen the environmental impacts of the Project (CEQA Guidelines §15126.6(c)(iii)). Each of the stated grounds for rejecting the Other Types of Energy Projects Alternative is independently sufficient to justify rejection of this alternative.

Supporting Explanation. Other types of energy projects (e.g., solar thermal power tower and DG solar, natural gas, and coal) were screened by the County but not carried forward for detailed analysis based on one or more of the criteria. For example, for DG solar to be a viable alternative to the Project, there would have to be sufficient newly installed solar panels to generate 250 MW of capacity. California has approximately 40 million square feet (approximately 920 acres) of installed distributed solar. An additional approximately 75 million square feet (approximately 1,700 acres) would be required to provide 250 MW. In addition to planning and permitting barriers, replacing the action alternatives with a DG solar energy alternative would be speculative based on existing limitations on the integration of DG into the electric grid, expense, and the lack of electricity storage in most systems. Neither natural gas nor coal energy generation technology would be expected to avoid or substantially reduce effects to environmental resources associated with the Project, and may create new or more significant effects than the Project, particularly with respect to air quality and greenhouse gas emissions.

Conservation and demand-side management projects also were not carried forward for detailed analysis. These could consist of a variety of approaches to reduce electricity use, including energy efficiency and conservation, building and appliance standards, and load management and fuel substitution.

At the scale that would be required to replace the Project, such projects would be technically and economically infeasible for the Applicant to implement. Further, with population growth and increasing demand for energy, conservation and demand-management alone is not sufficient to address all of California's energy needs.

C. Alternatives Considered in Detail in the EIR

The following Alternatives were considered in detail in the EIR. These are rejected for various reasons as set forth below.

1. **Reduced Acreage Alternative**. Under the Reduced Acreage Alternative, common elements to the Project include: the Unit 1 solar field, the perimeter/fence maintenance road, Unit 1 substation, distribution line, water treatment area, O&M building, main access road, and the temporary laydown area. The Reduced Acreage Alternative would not include construction of Unit 2. As a result, less permanent disturbance, less time to construct, and less water would be required than for the Project.

The Reduced Acreage Alternative would permanently disturb approximately 2,259 acres on the solar plant site (477 acres private land and 1,782 acres on BLM-administered land) and permanently disturb approximately 5.5 acres off-site. (DEIR Table 3-2.) It is estimated that the construction schedule would be reduced relative to the proposed Project by up to 24 months. The workforce and types of equipment used during construction would be the same as for the Project, although the duration of equipment use required for the Reduced Acreage Alternative would be shorter. The total water usage during construction of the Reduced Acreage Alternative would be approximately 450 acre-feet (AF). Operation and maintenance-related water demand would be approximately half of what would be required for the Project. Approximately 70 days would be required to complete panel washing per year. The demand for water to wash the panels would be approximately 67,000 to 99,000 gallons per day (gpd) or 15 to 22 acre-feet per year (AFY). The amount of potable water required for up to 13 on-site staff members would be approximately 14,000 gallons per month.

Finding: Based upon the Supporting Explanation below, the Board of Supervisors rejects the Reduced Acreage Alternative because it would not further State and County policies to the same degree as

the Project, would not fully meet the objectives for the Project and would not avoid or substantially lessen the significant unavoidable impacts of the Project, (CEQA Guidelines §15126.6 (c)).

Supporting Explanation: The Reduced Acreage Alternative would not further State and County policies to the same degree as the Project. (The County may weigh policy considerations in its determination whether to reject an alternative discussed in the DEIR and to approve the proposed project. *California Native Plant Soc'y v City of Santa Cruz* (2009) 177 CA4th 957, 1001.) Here, the Reduced Acreage Alternative would provide less renewable energy for delivery to the regional power grid in accordance with the California Renewables Portfolio Standard goals. It would do less to assist the State of California in complying with the 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. It would also not fulfill the County General Plan policies to the same degree as the Project, specifically, LU 15.15: "Permit and encourage, 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 Reduced Acreage Alternative would also not fully meet the objectives for the Project. (An alternative may be found infeasible on the ground it will not fully satisfy project objectives. *Rialto Citizens for Responsible Growth v City of Rialto* (2012) 208 CalApp4th 899, 947.) Specifically, the Alternative would produce only up to 250 MW, versus a minimum of 500 MW and up to 750 MW, thereby failing to meet one of the Applicant's basic objectives. The Alternative will also have less of a beneficial contribution in helping California achieve its Renewables Portfolio Standard goals and on reducing net GHG emissions. Namely, California's objectives mandated by Senate Bill (SB) 1078 (California Renewable Portfolio Standard Program), (ii) AB 32 (California Global Warming Solutions Act of 2006), and (iii) other local mandates adopted by the state's municipal electric utilities to meet the requirements for the long term wholesale purchase of renewable electric energy for distribution to their customers.

The Reduced Acreage Alternative would result in reduced impacts compared to the Project but would not necessarily avoid or substantially lessen the significant unavoidable impacts of the Project. [DEIR at 5-3, 7, 8] Because it would result in approximately half the ground disturbance of the Project, the

Reduced Acreage Alternative would result in proportionately reduced impacts for a number of resources including: geology and soils, hydrology and water quality, and utilities and service systems. However, the level of significance of these impacts would be the same under this alternative as under the Project because these are all Project impacts that are less than significant with mitigation. [DEIR at 5-3] The Reduced Acreage Alternative would result in more consumption of fossil fuel based energy as it would produce up to 500 MW less renewable energy for consumption in Southern California than the Project. [DEIR at 5-4]. The Reduced Acreage Alternative would also result in less than one-third the net reduction of GHG emissions because it would produce less renewable energy, and so would have overall greater impacts on GHG emissions than the Project. [Id.]. Under the Reduced Acreage Alternative, overall construction and decommissioning emissions would be lessened, but maximum daily PM10 emissions would remain a significant and unavoidable impact, as they are under the Project. [DEIR 5-3] Further, the Reduced Acreage Project would not reduce or materially lessen the Project's significant and unavoidable cumulative impacts on a scenic vista and/or on the visual character and quality of the landscape. [DEIR 5-3, 6-13, 6-14; Revised DEIR 2-83]

The Reduced Acreage Project would not reduce or materially lessen Project-specific construction impacts on special-status and migratory birds, Project-specific construction impacts on special-status bats, Project-specific operation and maintenance impacts on special-status and migratory birds and special-status bats; or Project-specific decommissioning impacts on special-status and migratory birds and special-status bats. Specifically, under the Reduced Acreage Alternative, significant unavoidable impacts could still occur to avian species and special status bats, including potential mortality and injury to special-status birds (such as the federally and state endangered Yuma clapper rail, and special status brown pelican and yellow-headed blackbird) and some common bird species protected under the Migratory Bird Treaty Act, associated with the phenomena sometimes colloquially known as the "fake lake effect." [Revised DEIR 2-83] The USFWS and CDFW are continuing to evaluate the cause of unexpected avian impacts documented in avian monitoring reports for other solar projects; however, because it cannot be said with certainty that solar projects are not causing or contributing to impacts, the County conservatively concludes that there is some potential for the Project's alternatives to result in specific impacts. [Id.] Further, given

the large number of proposed solar facilities under the cumulative scenario (see DEIR Table 6-3, p. 6-6 et seq.), unmitigated risks may remain at most solar facilities. Thus, the cumulative impact of the Reduced Acreage Alternative to special status and other birds and to special status bats could remain significant and unavoidable. [Revised DEIR 2-83, 2-94]

2. Eastern Route Alternative. Under this Alternative, the Eastern Route gen-tie line would be approximately 14.5 miles long, extending south from the proposed solar plant site approximately in parallel with the eastern and south-eastern border of the BSPP site until it diverts south from the BSPP toward the Colorado River Substation south of I-10. Approximately 123 gen-tie structures would be required. The Applicant would improve, and thereafter maintain and decommission approximately 2 miles of the north/south aligned, unimproved access road constructed for the BSPP before veering east, where the Applicant would construct, maintain, and decommission a new access road parallel to the gen-tie line within the ROW. The full length of the improved access road would serve as the gen-tie line maintenance road. Like the maintenance road associated with the proposed Central Route, the maintenance road for the Eastern Route would be 24 feet wide with 3-foot shoulders and spur roads would be 15 feet approximately 800 to 1,000 feet apart including end structures to accommodate changes in direction, would be made of concrete or a self-weathering steel with a matte finish, designed in accordance with the *Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006*[9] and reinforced as necessary to withstand design loads. The lines would be insulated from the poles using porcelain insulators engineered for safe and reliable operation. Shield wires along the length of the line would protect against lightning strikes. Also like the proposed Central Route, direct embedded foundations would be used for tangent structures, and anchor bolted drilled shaft foundations for angle and dead-end structures. The corridor for the Eastern Route would be approximately 100 feet wide (50 feet on either side of the line).

The portion of the Eastern Route that differs from the proposed Central Route begins within the solar plant site and continues to the point where each of these lines meet, which is approximately 2 miles

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[9] Avian Power Line Interaction Committee (APLIC), 2006. *Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006.* PIER Final Project Report CEC-500-2006-022. Available online: http://www.dodpif.org/downloads/APLIC_2006_SuggestedPractices.pdf.

north of I-10, as shown in Figure 3-1 on DEIR p. 3-5. This unique portion of the Eastern Route would be 7.5 miles long, as compared to the 5.5 miles that would be unique to the proposed Central Route. From the point at which the alternative route meets the proposed route until interconnection with the Colorado River Substation, the gen-tie line routes would be the same.

Finding: Based upon the Supporting Explanation below, the Board of Supervisors rejects the Eastern Route Alternative because it would not avoid or substantially lessen the significant unavoidable impacts of the Project. (CEQA Guidelines §15126.6 (c)(iii)).

Supporting Explanation: The Eastern Route Alternative would have greater impacts compared to the proposed Central Route with respect to significant and unavoidable air quality impacts [DEIR pp. 4.3-26, 4.3-27]. It would have approximately the same impacts compared to the proposed Central Route with respect to significant and unavoidable cumulative aesthetic impacts [DEIR pp. 4.1-32, 6-13 through 6-18]. The impacts of the Eastern Route Alternative would be the same as those of the Central Route with respect to all other resources [DEIR pp. 5-8, 5-9]

3. No Project Alternative. Under the No Project Alternative, the County would not approve the CUP or PUP and would not enter into a DA for the Project. Because the Project would not be approved, no new structures or facilities would be constructed, operated and maintained, or decommissioned on the approximately 477 acres subject to the County's land use jurisdiction, and no related ground disturbance or other Project-specific impacts would occur there. Regardless, Project development could proceed on public land as approved by the BLM in March 2013 with the exception that a gen-tie line alignment other than the one approved by BLM would be required to interconnect the solar plant site and Colorado River Substation because the BLM-approved route would cross County land. Supplemental environmental review by the BLM could be required to evaluate the effects of such a change. [DEIR p. 3-7]

Finding: Based upon the Supporting Explanation below, the Board of Supervisors rejects the No Project Alternative because it would not avoid or substantially lessen the significant unavoidable impacts of the Project and would not further State and County policies to the same degree as the Project. (CEQA Guidelines §15126.6 (c)(iii)).

Supporting Explanation: As identified on DEIR pages 5-5 and 5-6, under the No Project Alternative, the portions of the Project that are located on private and County-owned lands would not be built and therefore would have no environmental impacts related to Project construction, operation, maintenance, and decommissioning. However, the effects of the portions of the Project that are located on public lands administered by the BLM could occur regardless of the County's decision. Additionally, the Applicant would need to implement a different gen-tie line than either the Central Route or the Eastern Route to avoid crossing the County-owned parcel, and any route from the Project site to the Colorado River Substation that would avoid this parcel would need to be substantially longer than either route analyzed in the EIR, and could therefore result in greater environmental impacts than either the Central Route or Eastern Route. Additionally, the No Project Alternative would reduce the beneficial effects of renewable energy generated and transmitted to the grid and the resulting net reduction in GHG emissions.

D. Environmentally Superior Alternative

The Reduced Acreage Alternative, described in detail in Section VII(C) of these Findings (above) was identified in the DEIR, as required by CEQA Guidelines §15126.6(e)(2), as the Environmentally Superior Alternative. [DEIR 5-2 through 5-4] It was identified as the Environmentally Superior Alternative based on differences in intensity and duration of significant impacts (see DEIR Table 5-2) and the ability of the alternative to meet most of the basic Project objectives. The Environmentally Superior Alternative would result in approximately half the ground disturbance of the Project and would thus result in proportionately reduced impacts for a number of resources including: geology and soils, hydrology and water quality, and utilities and service systems. [DEIR 5-2 through 5-4, DEIR Table 5-2].

Finding: Based upon the Supporting Explanation contained in Section VII(C) of these Findings, the Board of Supervisors rejects the Environmentally Superior Alternative because it would not further State and County policies to the same degree as the Project, would not fully meet the objectives for the Project and would not avoid or substantially lessen the significant unavoidable impacts of the Project. (CEQA Guidelines §15126.6 (c).)