

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

437



FROM: TLMA – Planning Department

SUBMITTAL DATE:
February 11, 2014

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

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

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

(continued on page 2)

Juan C. Perez
TLMA Director/Interim Planning
Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS: N/A				Budget Adjustment: N/A	
				For Fiscal Year: N/A	

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY: *Denise C. Harden*
Denise C. Harden

MINUTES OF THE BOARD OF SUPERVISORS

Prev. Agn. Ref.:

District: 4/4

Agenda Number:

16-1

FORM APPROVED COUNTY COUNSEL
BY: TIPPANY NORTH
2/19/14

Departmental Concurrence

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

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: McCoy Solar Energy Project (CUP No. 3682/PUP No. 911/Ord. No. 664.53/DA No. 77/EIR No. 528)**

DATE: February 11, 2014

PAGE: 2 of 3

BACKGROUND:

Project Description and location:

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

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

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

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

Project Components:

Impact on Citizens and Businesses

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

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: McCoy Solar Energy Project (CUP No. 3682/PUP No. 911/Ord. No. 664.53/DA No. 77/EIR No. 528)**

DATE: February 11, 2014

PAGE: 3 of 3

SUPPLEMENTAL:

Additional Fiscal Information

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

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

Contract History and Price Reasonableness

N/A

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

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

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Conditional Use Permit

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

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

Public Use Permit

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

Development Agreement

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

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

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

Non-exclusive Easement

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

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

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

Project location and Access

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

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

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

ISSUES OF POTENTIAL CONCERN:

EIR Issues- Significant and Unavoidable Impacts

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

Aesthetics, Visual Quality, Light and Glare

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

Air Quality

The estimated maximum daily emissions during construction and decommissioning would exceed the Mojave Desert Air Quality Management District (MDAQMD) threshold, indicating that Project-related PM10 emissions could result in an exceedance of the state PM10 24-hour ambient air quality standard. Even with the implementation of APM AIR-1, the MDAQMD daily threshold for PM10 would continue to be exceeded. 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 short-term construction and decommissioning related PM10 impact would be considered significant and unavoidable. Moreover, the contribution of the Project to a cumulatively significant impact related to PM10 emissions would be cumulatively considerable.

Biological Resources

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

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

OVERVIEW:

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

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

SUMMARY OF FINDINGS:

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

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

RECOMMENDATIONS:

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

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

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

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

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

1. The project site is designated Open Space: Rural (OS:RUR) (20 Acre Minimum) on the Desert Center Area Plan. The Open Space: Rural land use designation is applied to remote privately owned open space areas with limited access and a lack of public services.
2. Through the imposition of conditions of approval, project design, and mitigation measures as set forth in greater detail in Resolution No. 2014-054, the proposed project is consistent with Land Use Policies of the Open Space: Rural designation, including:
 - a. LU 20.1 that requires structures designed to maintain the environmental character in which they are located.
 - b. LU 20.2 that requires development designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance.
 - c. LU 20.3 that requires adequate and available circulation facilities, water resources, sewer facilities, and/or septic capacity exist to meet the demands of the proposed land use.

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

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

3. General Plan policy LU 15.15, applicable to all area plans and land use designations, encourages, in an environmentally and fiscally responsible manner, the development of renewable energy resources and related infrastructure, including but not limited to, the development of solar power plants in the County of Riverside. The conditions of approval and mitigation measures ensure that the project is being developed in an environmentally responsible manner. The terms of DA No. 77 also ensure that the project is being developed in a fiscally responsible manner.
4. The project site is surrounded by properties which are designated Open Space: Rural (OS:RUR) (20 Acre Minimum) to the north, south, east, and west.
5. The zoning for the subject site is Controlled Development Areas – 10 Acre Minimum (W-2-10).
6. The proposed use, a solar power plant, is a permitted use, subject to approval of a conditional use permit, in the W-2-10 zone, in accordance with Section 15.1.d. (32) of Ordinance No. 348. (Ord. No. 348.4705, Amended 12-08-11)
7. The proposed use, a solar power plant, is consistent with the development standards set forth in the W-2-10 zone.
8. The project site is surrounded by properties which are zoned Natural Assets (N-A) to the north, south, and west and Controlled Development Areas – 10 Acre Minimum (W-2-10) to the east.
9. Similar uses have been constructed and are operating in the project vicinity.
10. The Gen-Tie Line that crosses a County owned parcel (APN 818-210-014) is a permitted use subject to approval of a public use permit in accordance with Section 18.29 of Ordinance No. 348.
11. The project is not located within a Conservation Area of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).
12. This project has Fast Track status per Board of Supervisors Policy No. B-29 which states that solar power plants subject to the Board policy shall be eligible for an expedited entitlement process. The overall project will create up to 750 MW of PV solar power, including up to 50 MW on land under the County's jurisdiction, and will provide renewable energy to the southern California region.
13. Development Agreement No. 77 is consistent with the General Plan, public health, safety and general welfare. The express terms of DA No. 77 grants the applicant a vested right to develop the project in accordance with existing land use regulations, including in accordance with the

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

14. Environmental Impact Report No. 528 studied the site. Where potentially significant impacts were identified, mitigation measures were proposed that would reduce the extent of the impacts to a less-than-significant level and were made conditions of approval. The analysis found that the following three (3) categories be potentially significant and unavoidable:
 - a. Aesthetics, Visual Quality, and Light and Glare (cumulatively)
 - b. Air Quality (individually and cumulatively)
 - c. Biological Resources (individually and cumulatively)

CONCLUSIONS:

1. The proposed project is in conformance with the Open Space: Rural (OS:RUR) (20 Acre Minimum) Land Use Designation, the Solar Energy Resources Policy, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Controlled Development Areas – 10 Acre Minimum (W-2-10) zoning classification of Ordinance No. 348, with Section 18.29 of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design, the conditions of approval and mitigation measures.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project will have a significant effect on the environment as defined by CEQA. As set forth in Resolution No. 2014-054, the County has balanced the benefits against any unavoidable environmental impacts.
6. The proposed project will not preclude reserve design for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received. 11 comment letters were received during the public review period for the Draft EIR and 6 comment letters were received during the public review period for the Revised Draft EIR. Responses to those comment letters are in the Final EIR.
2. The project site is not located within:
 - a. A Fault Zone;
 - b. A County Service Area;
 - a. An Airport Influence Area;
 - b. An Agricultural Preserve;
 - c. A High Fire area;
 - d. A City Sphere of Influence; or,
 - e. The Stephens Kangaroo Rat Fee Area.
3. The project site is located within:
 - c. Area of Flooding Sensitivity;
 - d. An area susceptible to subsidence;
 - e. An area with moderate liquefaction potential; and,
 - a. The boundaries of the Palo Verde Valley Unified School District.
4. The subject site is currently designated as Assessor's Parcel Numbers 812-130-006, 812-130-007, 812-130-008, and 818-210-014.

DA:da

Y:\Planning Case Files-Riverside office\CUP03682\BOS Hearings\Staff Report\CUP3682 PUP911.DA77.EIR528 REV-2 17 14.docx

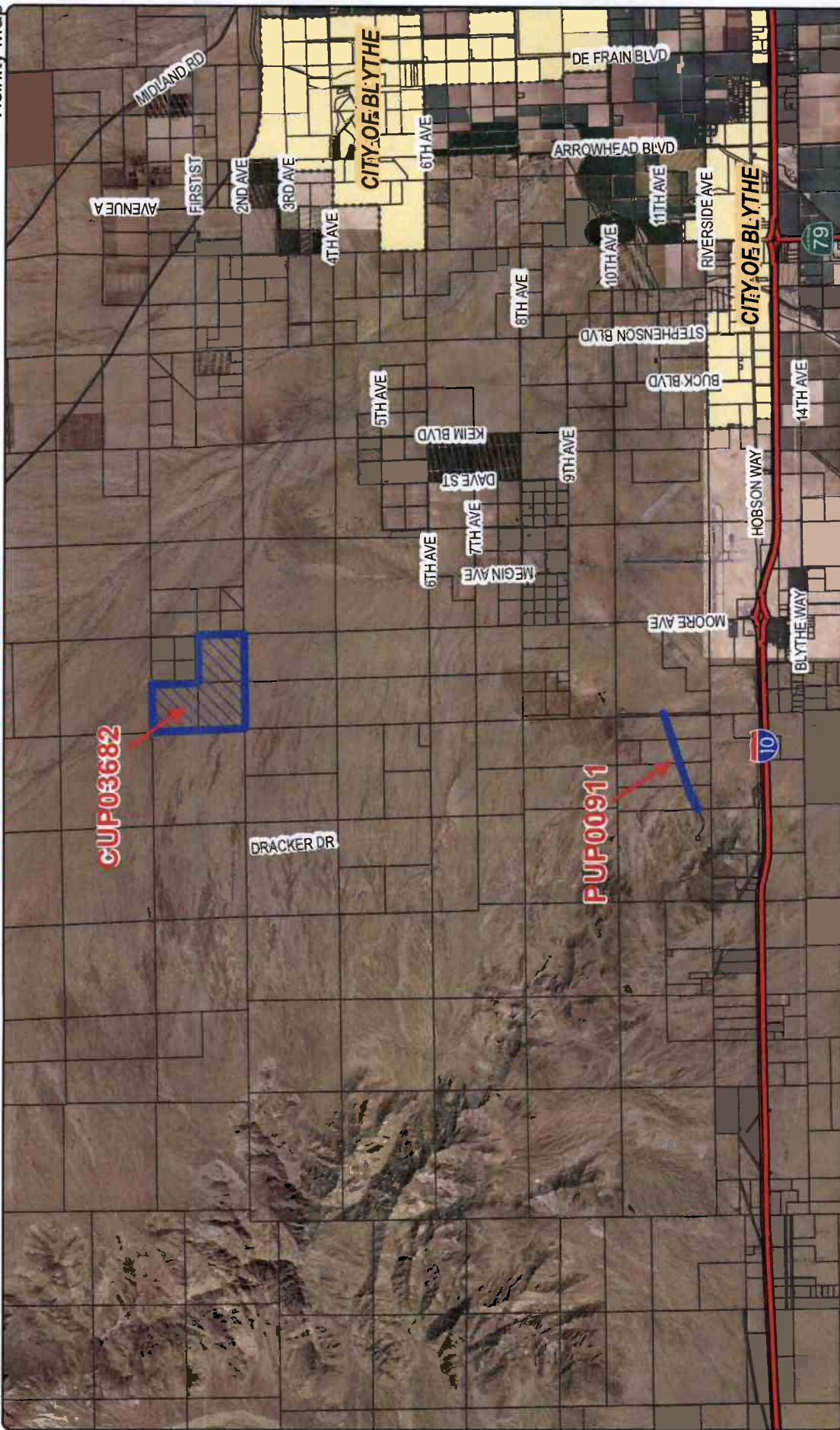
Date Prepared: 01/07/14

Date Revised: 02/17/14

RIVERSIDE COUNTY PLANNING DEPARTMENT
CUP03682 PUP00911
VICINITY/POLICY AREAS

Supervisor Benoit
 District 4

Date Drawn: 01/17/2014
 Vicinity Map



Assessors Bk. Pg. 812-130
 Thomas Bros. Pg. Edition
 0 0.75 1.5 3 4.5
 Miles

Zoning Area: Chuckwalla
 Township/Range: T5SR21E/T6SR21E
 Section: 36, 26
 DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.lima.co.riverside.ca.us/indio.html>

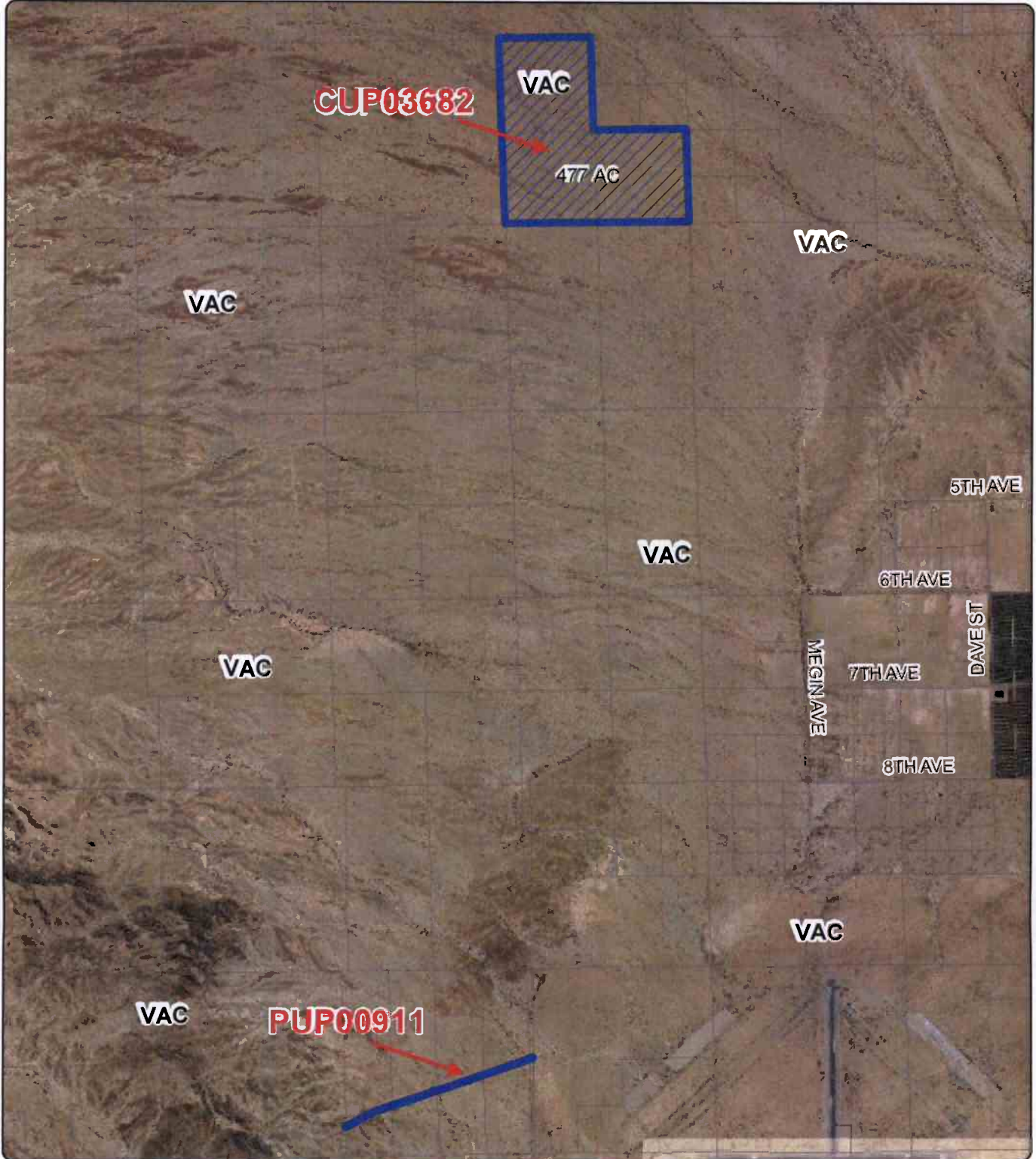
RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP03682 PUP00911

Supervisor Benoit
District 4

LAND USE

Date Drawn: 01/17/2014
Exhibit 1



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

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



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

RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP03682 PUP00911

Supervisor Benoit
District 4

Date Drawn: 01/17/2014

Exhibit 2

EXISTING ZONING

W-2-10

CUP03682

W-2-10
477 AC

W-2-10

DRACKER DR

N-A

N-A

W-2-10

W-2-10

W-2-10

W-2-10

W-2-10

W-2-10

W-2-10

W-2-10

W-2-10

W-2-10

PUP00911

W-2-10

M-H

W-2-10

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

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



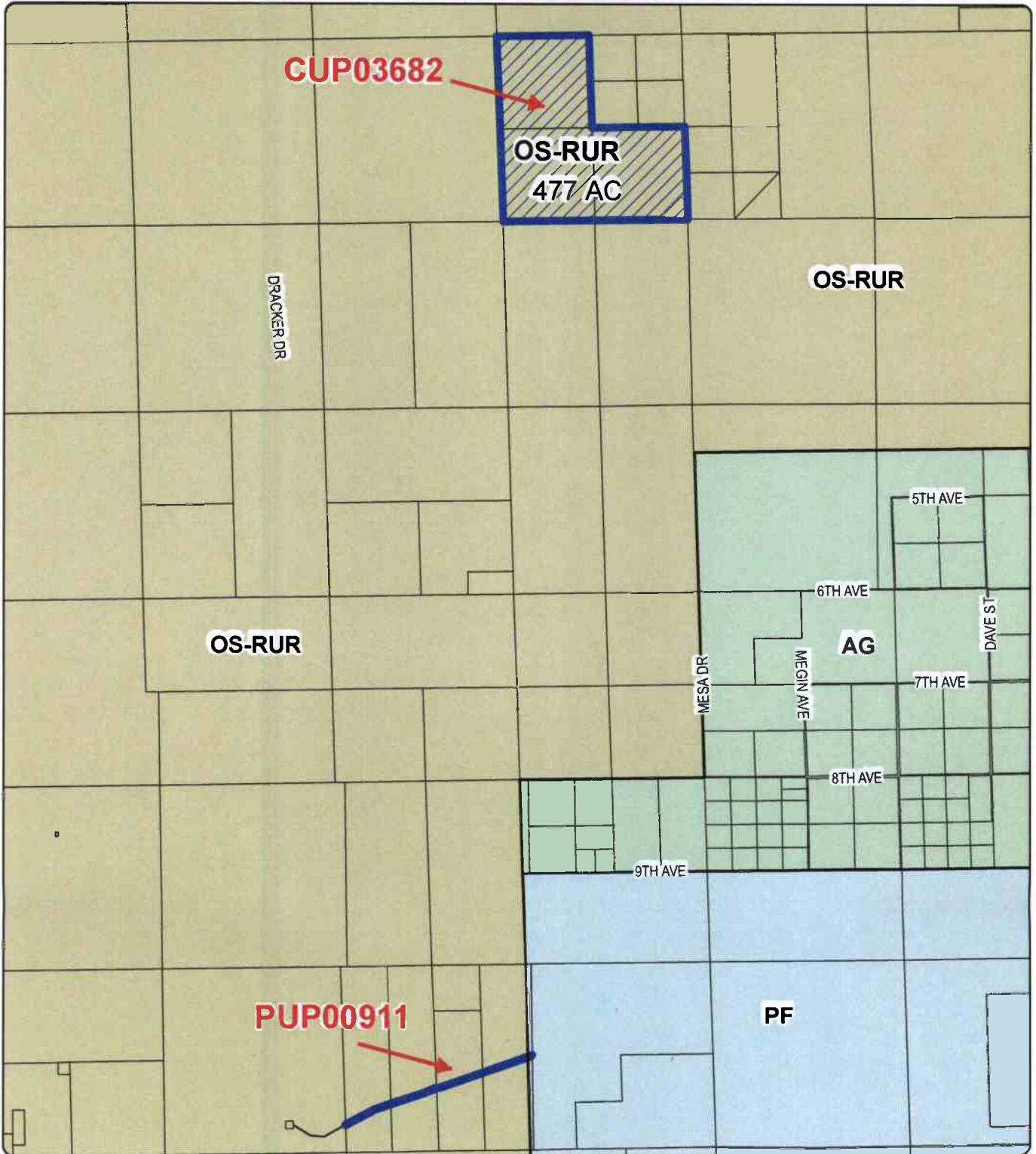
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please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

RIVERSIDE COUNTY PLANNING DEPARTMENT

CUP03682 PUP00911
EXISTING GENERAL PLAN

Supervisor Benoit
District 4

Date Drawn: 01/17/2014
Exhibit 5



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

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

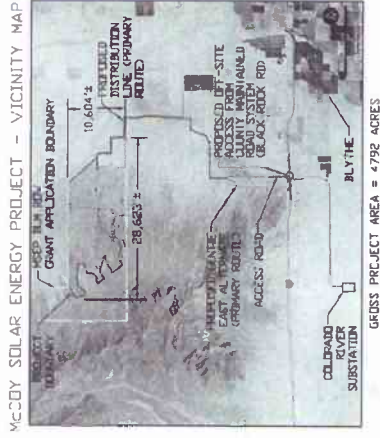


DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please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

McCOY SOLAR, LLC CONDITIONAL USE PERMIT (CUP)

DRAWING LIST

DRAWING No.	TITLE	FIGURE No.
MEHC-1-DW-11-000-001	COVER SHEET	1
MEHC-1-DW-11-002-001	SOLAR PLANT SITE	2
MEHC-1-DW-11-002-002	SOLAR PLANT SITE - PRIVATE-LAND AREA DETAILS	3
MEHC-1-DW-11-002-004	2 MW BLOCK AND DC CABLING DETAILS	4
MEHC-1-DW-11-002-001	TYPICAL TRACKER DETAILS	5
MEHC-1-DW-11-002-002	TYPICAL POWER CONVERSION STATION DETAILS	6
MEHC-1-DW-11-002-005	TYPICAL CMH BUILDING AND SUBSTATION DETAILS	7
MEHC-1-DW-11-002-006	TYPICAL LAYOUT AREA DETAILS	8
MEHC-1-DW-11-002-001	TYPICAL FENCING AND GATE DETAILS	9
MEHC-1-DW-11-002-002	TYPICAL ROAD DETAILS	10



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

PROJECT DESCRIPTION

THE PROJECT WILL BE AN UP TO 365 MW PRIVATELY-OWNED SOLAR ENERGY GENERATING FACILITY, APPROXIMATELY 477 ACRES WITHIN THE PROPOSED SOLAR PLANT SITE BOUNDARY IS ON PRIVATELY-OWNED LAND. THE PROJECT WILL GENERATE AND DELIVER SOLAR-GENERATED POWER TO THE CALIFORNIA TRANSMISSION PROJECT, AN INTERCONNECTED SYSTEM WITH THE COLORADO RIVER SUBSTATION. SOLAR-GENERATED POWER WILL BE TRANSMITTED TO APPROXIMATELY 200 MW AND WILL INCLUDE FACILITIES SUCH AS THE SOLAR FIELD AND DISTRIB SUBSTATION, AND OPERATIONS AND MAINTENANCE FACILITY. THE PROJECT WILL ALSO INCLUDE TRANSMISSION LINES AND ACCESS ROADS.

GENERAL NOTES

- SEE GENERAL ARRANGEMENT DRAWINGS FOR PROJECT ACCESS POINTS.
- SEE DRAWINGS MEHC-1-DW-11-000-000 FOR ROAD DETAILS AND SURFACING.
- SEE DRAWINGS MEHC-1-DW-11-002-001 AND MEHC-1-DW-11-002-002 FOR BUILDING LOCATIONS.
- NO LAYOUT OR STORAGE IS PLANNED IN THE PARKING AREA FOR THIS PROJECT.
- EXISTING SITE ZONING IS V-2-10.
- THE PROJECT IS LOCATED IN THE PALO VERDE UNIFIED SCHOOL DISTRICT.
- SEE GENERAL ARRANGEMENT DRAWINGS MEHC-1-DW-11-002-001 AND MEHC-1-DW-11-002-002 FOR LOCATION OF ALL UTILITIES.
- FIRE PROTECTION SYSTEMS WILL BE DESIGNED PER NFPA AND AUTOMATIC HAVING JURISDICTION.
- NOT FOR CONSTRUCTION.
- ACTUAL LAND USE IS RURAL OPEN SPACE AND PROPOSED LAND USE IS SOLAR GENERATION FACILITY.
- FUGITIVE DUST FROM ROADS AND DRIVING LANES THAT ARE NOT PAVED OR GRAVELED SHALL BE CONTROLLED BY PERIODIC APPLICATION OF WATER OR SOIL STABILIZER AS REQUIRED.
- THE APPLICANT WILL CONSOLIDATE PARCELS, GRANT ADDITIONAL DEVELOPMENT AND/OR GRADING EASEMENTS, OR MAKE OTHER ARRANGEMENTS BETWEEN THE UNDERLYING PARCELS AS NECESSARY TO COMPLY WITH RIVERSIDE COUNTY REGULATIONS.
- THE PRIVATE LAND LOCATION OF THE PROJECT IS DEPICTED IN THE 1998 THOMAS BROTHERS MAP, CALIFORNIA ROAD ATLAS & TRAVEL GUIDE ON PAGE 103 GRID C4.
- THE 477 ACRES OF PRIVATELY-OWNED LAND IS SUBJECT TO MODERATE LIQUEFACTION POTENTIAL AND WITHIN AREAS OF FLOODING SENSITIVITY. THE PROPOSED SITE IS NOT SUBJECT TO OTHER GEOLOGIC HAZARDS AND IS NOT WITHIN A SPECIAL STUDIES ZONE.
- NO EASEMENTS ARE LOCATED ON THE PRIVATELY-OWNED LAND ACREAGE.

CUP LEGAL DESCRIPTION

APN 812130006 160 ACRES SOUTHEAST ONE-QUARTER OF SECTION 36, TOWNSHIP 5, SOUTH, RANGE 21 EAST, SAN BERNARDINO BASE AND MERIDIAN.
 APN 812130007 160 ACRES SOUTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 21 EAST, SAN BERNARDINO BASE AND MERIDIAN.
 APN 812130008 160 ACRES NORTHWEST ONE-QUARTER OF SECTION 36, TOWNSHIP 5 SOUTH, RANGE 21 EAST, SAN BERNARDINO BASE AND MERIDIAN.

UTILITY	PROVIDER	CONTACT
FIRE	RIVERSIDE COUNTY FIRE DEPARTMENT	BLYPHE, CA 92525 (760) 951-7822
POLICE	RIVERSIDE SHERIFFS DEPARTMENT	260 N. SPRING STREET BLYPHE, CA 92525 (760) 951-7900
WATER	CM SITE WELLS	700 UNIVERSE BOULEVARD JUNO BEACH, FL 33408
WASTE WATER	CM SITE SEWAGE TREATMENT	700 UNIVERSE BOULEVARD JUNO BEACH, FL 33408
ELECTRIC	SOUTHERN CALIFORNIA EDISON	1 INNOVATION WAY PANDONA, CA 91768 (660) 930-7786

ELECTRONIC COPY OF FINAL DOCUMENT

**NOT FOR CONSTRUCTION
FOR PERMITTING ONLY**

NO.	DESCRIPTION	DATE	BY	CHECKED BY	DATE	BY
1	DESIGNED	9/26/12	J. OLVAS			
2	CHECKED	9/26/12	J. OLVAS			
3	APPROVED	9/26/12	J. OLVAS			

McCOY SOLAR, LLC
3120006

McCOY SOLAR ENERGY PROJECT
3120007

McCOY SOLAR ENERGY PROJECT
3120008

WorleyParsons
RESOURCES & ENERGY

McCOY SOLAR, LLC
3120006

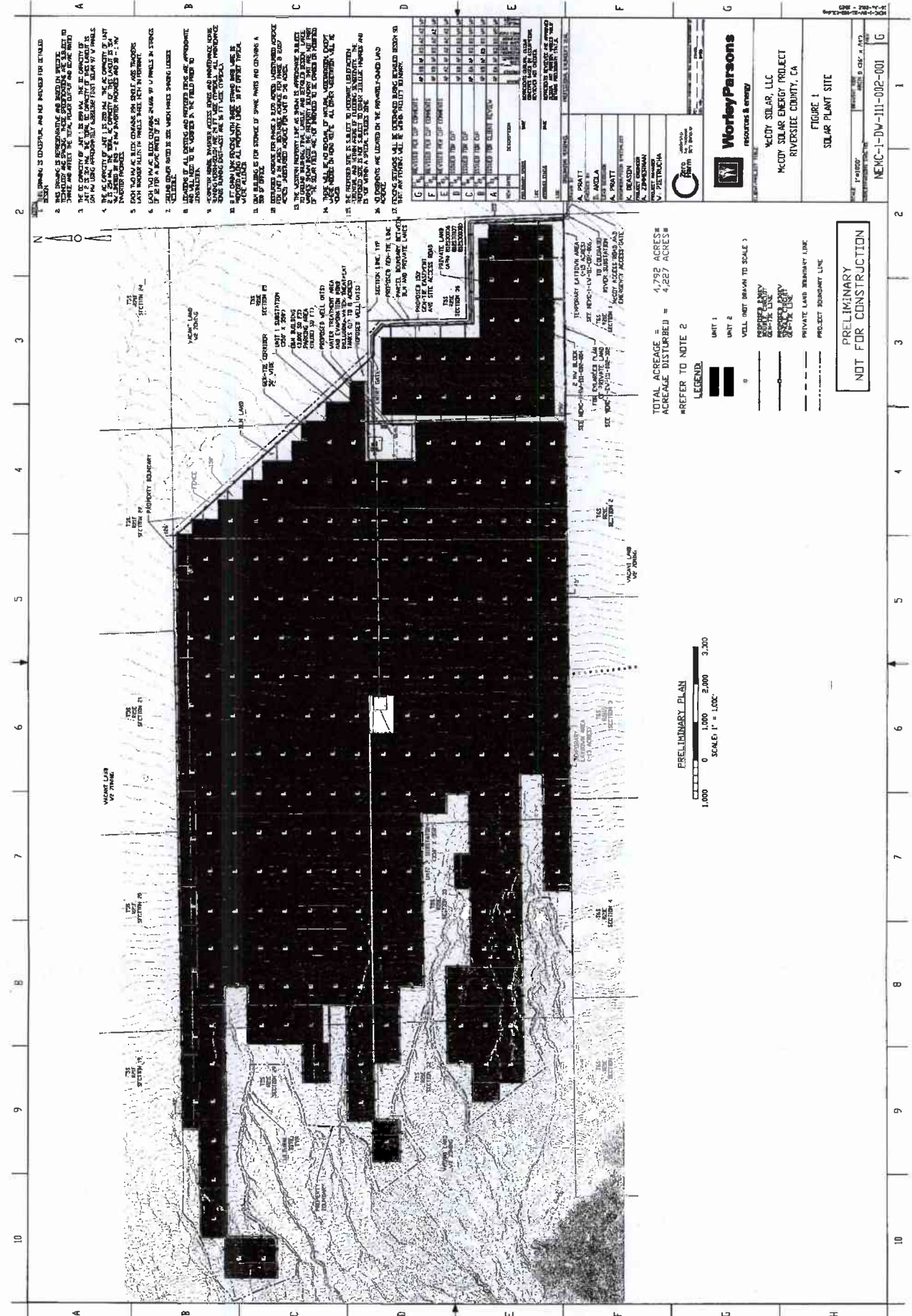
McCOY SOLAR ENERGY PROJECT
3120007

McCOY SOLAR ENERGY PROJECT
3120008

COVER SHEET

NOT TO SCALE
DATE: 9/26/12

MEHC-1-DW-11-000-001



1. ALL DIMENSIONS IN DECIMALS, AND NOT INCHES UNLESS OTHERWISE SPECIFIED.
2. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
3. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
4. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
5. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
6. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
7. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
8. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
9. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
10. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
11. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
12. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
13. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
14. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
15. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
16. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
17. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
18. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
19. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.
20. THE DISTANCE BETWEEN THE CENTER OF ANY TWO ADJACENT PIPES SHALL BE AT LEAST 18 INCHES.

PRELIMINARY PLAN
NOT FOR CONSTRUCTION

TOTAL ACRES = 4,792 ACRES
 ACRES DISTURBED = 4,267 ACRES
 REFER TO NOTE 2

LEGEND

UNIT 1
 UNIT 2
 WELL (NOT DRAWN TO SCALE)
 PROPOSED ENERGY CENTER
 PROPOSED 15KV BUS
 PRIVATE LAND BOUNDARY LINE
 PROJECT BOUNDARY LINE

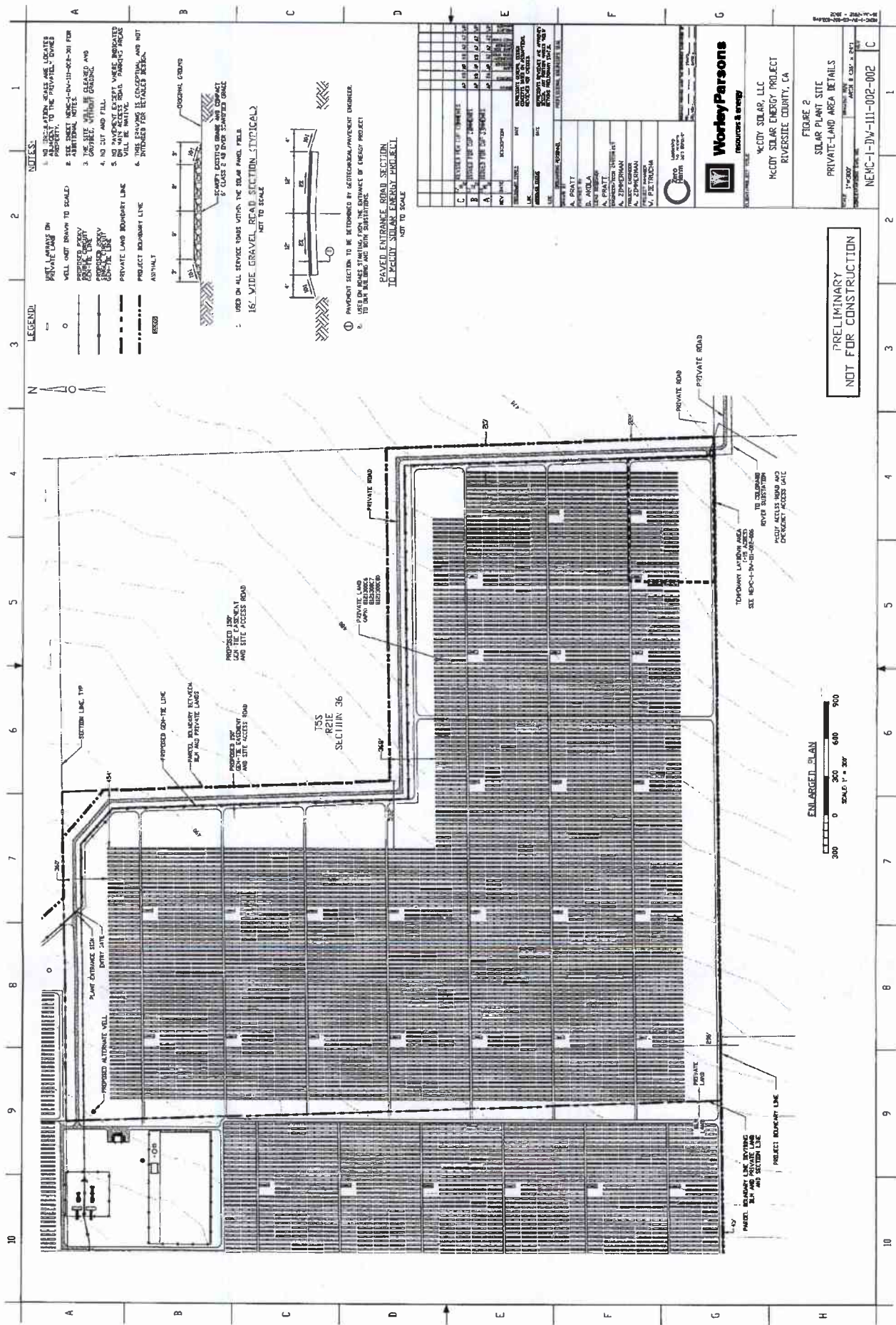
NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	08/11/2011	A. PRATT
2	REVISED PER COMMENTS	08/11/2011	A. PRATT
3	REVISED PER COMMENTS	08/11/2011	A. PRATT
4	REVISED PER COMMENTS	08/11/2011	A. PRATT
5	REVISED PER COMMENTS	08/11/2011	A. PRATT
6	REVISED PER COMMENTS	08/11/2011	A. PRATT
7	REVISED PER COMMENTS	08/11/2011	A. PRATT
8	REVISED PER COMMENTS	08/11/2011	A. PRATT
9	REVISED PER COMMENTS	08/11/2011	A. PRATT
10	REVISED PER COMMENTS	08/11/2011	A. PRATT

WorkleyParsons
 resources & energy

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

FIGURE 1
 SOLAR PLANT SITE

PROJECT NO: NEMC-1-DW-111-002-001
 SHEET NO: 1 OF 1



- LEGEND:**
- PRIVATE LAND ON WELL LOT DRAW TO SCALE
 - PROPOSED SEWER FOR THE PROPERTY
 - PROPOSED SEWER FOR THE LOT
 - PRIVATE LAND BOUNDARY LINE
 - PROJECT BOUNDARY LINE
 - ASPHALT

- NOTES:**
1. NO UTILITY LOCATIONS ARE LOCATED ON THIS PROPERTY. SEE SHEET MEC-H-111-02-301 FOR ADDITIONAL NOTES.
 2. PROPERTY WITHIN THIS SECTION IS TO BE GRADED AND FILL.
 3. NO PAVEMENT EXISTENCE WHERE INDICATED SHALL BE MAINTAINED.
 4. THESE DRAWINGS IS CONCEPTUAL AND NOT INTENDED FOR EXHAUSTIVE DESIGN.



- NOTES:**
1. PAVEMENT SECTION TO BE DETERMINED BY GEOTECHNICAL/PAVEMENT ENGINEER.
 2. TO BE MAINTAINED WITHIN THE PERMITS OF ENERGY PROJECT.

NO.	REVISION	DATE	DESCRIPTION
1	ISSUED FOR PERMITS	03/20/2024	ISSUED FOR PERMITS
2	REVISED FOR COMMENTS	04/10/2024	REVISED FOR COMMENTS
3	REVISED FOR COMMENTS	04/25/2024	REVISED FOR COMMENTS
4	REVISED FOR COMMENTS	05/10/2024	REVISED FOR COMMENTS
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47	REVISED FOR COMMENTS	02/25/2026	REVISED FOR COMMENTS
48	REVISED FOR COMMENTS	03/10/2026	REVISED FOR COMMENTS
49	REVISED FOR COMMENTS	03/25/2026	REVISED FOR COMMENTS
50	REVISED FOR COMMENTS	04/10/2026	REVISED FOR COMMENTS

WorkleyParsons
resources & energy

MEC-H-111-02-301
MCCOY SOLAR, LLC
MCCOY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

FIGURE 2
SOLAR PLANT SITE
PRIVATE-LAND AREA DETAILS

DATE: 03/20/2024
SCALE: 1" = 300'
DRAWN BY: J. PRATT
CHECKED BY: A. PRATT
DESIGNED BY: A. ZIMMERMAN
APPROVED BY: A. ZIMMERMAN
PROJECT NO.: MEC-H-111-02-301

**PRELIMINARY
NOT FOR CONSTRUCTION**

ENLARGED PLAN
300 0 300 600 900
SCALE 1" = 300'

SECTION 36
TSS
R21E

PROPOSED 18' WIDE GRAVEL ROAD WITHIN THE SOLAR PANEL FIELD.
NET TO SCALE

PROPOSED 16' WIDE GRAVEL ROAD WITHIN THE SOLAR PANEL FIELD.
NET TO SCALE

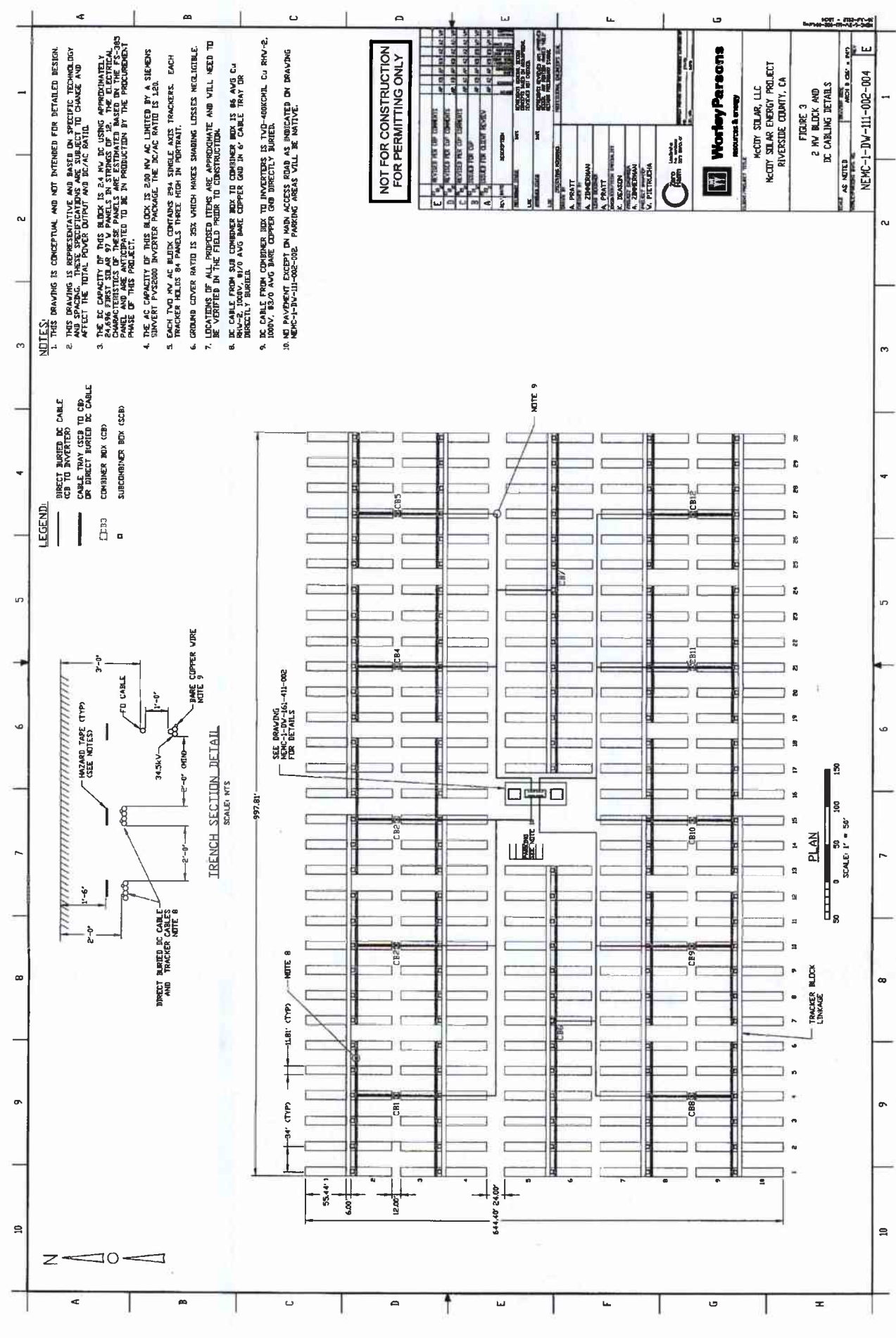
PAVED ENTRANCE ROAD SECTION TO BE DETERMINED BY GEOTECHNICAL/PAVEMENT ENGINEER.

PROPOSED 18' WIDE GRAVEL ROAD WITHIN THE SOLAR PANEL FIELD.
NET TO SCALE

PROPOSED 16' WIDE GRAVEL ROAD WITHIN THE SOLAR PANEL FIELD.
NET TO SCALE

PAVED ENTRANCE ROAD SECTION TO BE DETERMINED BY GEOTECHNICAL/PAVEMENT ENGINEER.

TO BE MAINTAINED WITHIN THE PERMITS OF ENERGY PROJECT.



LEGEND:

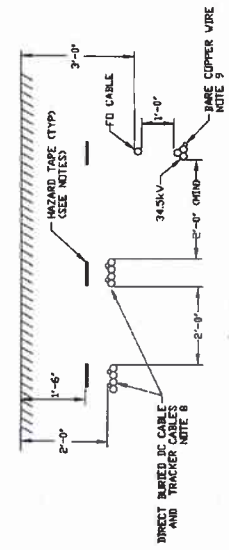
- DIRECT BURIED DC CABLE
- CABLE TRAY (S/D TO CB) OR DIRECT BURIED DC CABLE
- COMBINER BOX (CB)
- SUBCOMBINER BOX (SCB)

NOTES:

- THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.
- THIS DRAWING IS REPRESENTATIVE AND BASED ON SPECIFIC TECHNOLOGY. IT IS SUBJECT TO CHANGE AND MAY AFFECT THE TOTAL POWER OUTPUT AND DC/AC RATIO.
- THE DC CAPACITY OF THIS BLOCK IS 2.4 MW DC USING APPROXIMATELY 24,000 FIRST SOLAR 97 W PANELS IN STRINGS OF 16. THE ELECTRICAL CHARACTERISTICS OF THESE PANELS ARE ESTIMATED BASED ON THE TEST DATA AVAILABLE. THE ACTUAL PERFORMANCE WILL BE VERIFIED IN THE PRODUCTION PHASE OF THIS PROJECT.
- THE DC CAPACITY OF THIS BLOCK IS 2.08 MW AC LIMITED BY A SIEMENS SUNVERT PVS000 INVERTER THROUGH THE DC/AC RATIO IS 1:1.6.
- EACH 2 MW AC BLOCK CONTAINS 894 SINGLE AXIS TRACKERS. EACH TRACKER FIELD OF PANELS THREE HIGH IN PORTRAIT.
- GROUND COVER RATIO IS 35% WHICH MAKES SHADING LOSSES NEGLIGIBLE.
- LOCATIONS OF ALL PROPOSED ITEMS ARE APPROXIMATE AND WILL NEED TO BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.
- DC CABLE FROM SUB COMBINER BOX TO COMBINER BOX IS 85 AWG CU RHW-2, 1000V, 81/0 AWG BARE COPPER GND IN 6" CABLE TRAY OR DIRECTLY BURIED.
- DC CABLE FROM COMBINER BOX TO INVERTERS IS TWD-400KOHM CU RHW-2, 1000V, 85/0 AWG BARE COPPER GND DIRECTLY BURIED.
- NO PAVEMENT EXCEPT ON MAIN ACCESS ROAD AS INDICATED ON DRAWING NEMC-1-JW-111-002-002. PARKING AREAS WILL BE NATIVE.

LEGEND:

- DIRECT BURIED DC CABLE
- CABLE TRAY (S/D TO CB) OR DIRECT BURIED DC CABLE
- COMBINER BOX (CB)
- SUBCOMBINER BOX (SCB)



NOT FOR PERMITTING ONLY

NO.	REVISION	DATE	BY	CHKD.	APP'D.
1	ISSUED FOR PERMITTING	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
2	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
3	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
4	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
5	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
6	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
7	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
8	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
9	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON
10	ISSUED FOR CONSTRUCTION	11/08/2011	W. PETERSON	W. PETERSON	W. PETERSON

PROJECT: MCDONALD SOLAR ENERGY PROJECT
SHEET NO.: NEMC-1-JW-111-002-004

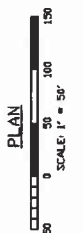
WorleyParsons
ENERGY & ENVIRONMENT

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

FIGURE 3
2 MW BLOCK AND
DC CABLING DETAILS

DATE: 11/08/2011
SCALE: 1/8" = 1'-0"

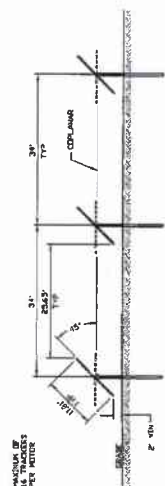
NEMC-1-JW-111-002-004



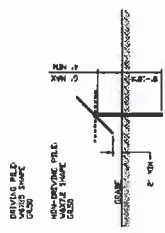
TRACKER BLOCK
LINKAGE

1 2 3 4 5 6 7 8 9 10

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



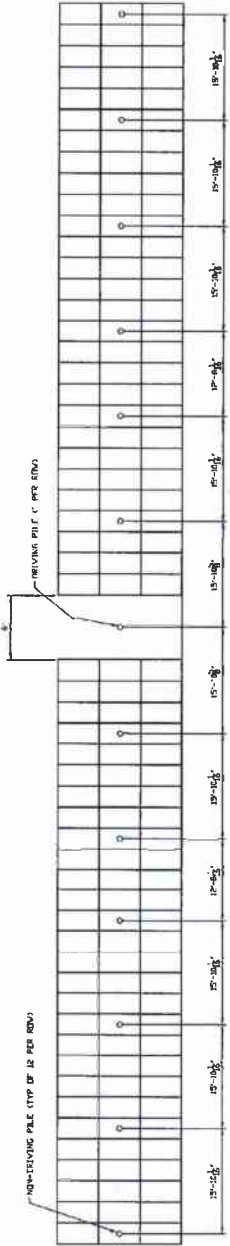
**ELEVATION
 TYPICAL PILE FOUNDATION DETAIL**
 SCALE: 1" = 1'



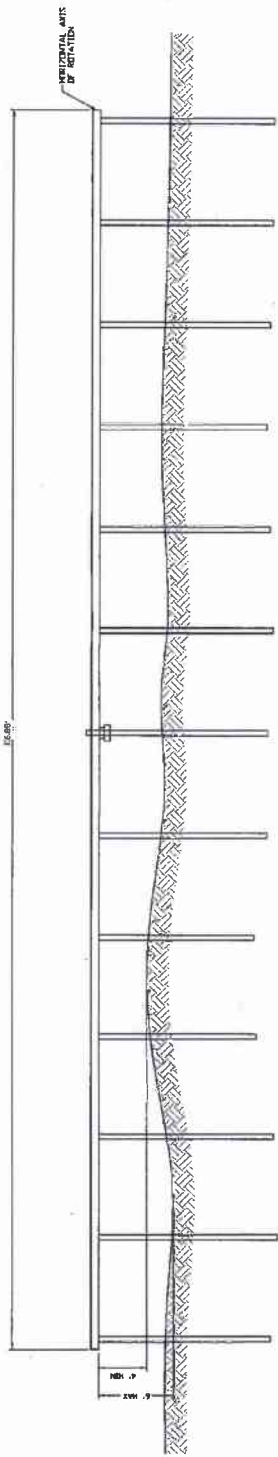
**PLAN
 TYPICAL PILE FOUNDATION DETAIL**
 SCALE: 1" = 1'

**NOT FOR CONSTRUCTION
 FOR PERMITTING ONLY**

NO.	REV.	DESCRIPTION	DATE
1		ISSUED FOR PERMITTING	10/12/11
2		ISSUED FOR PERMITTING	10/12/11
3		ISSUED FOR PERMITTING	10/12/11
4		ISSUED FOR PERMITTING	10/12/11
5		ISSUED FOR PERMITTING	10/12/11
6		ISSUED FOR PERMITTING	10/12/11
7		ISSUED FOR PERMITTING	10/12/11
8		ISSUED FOR PERMITTING	10/12/11
9		ISSUED FOR PERMITTING	10/12/11
10		ISSUED FOR PERMITTING	10/12/11



**PLAN
 TYPICAL TRACKER ROW**
 SCALE: 1" = 3'



**ELEVATION
 TYPICAL TRACKER ROW**
 SCALE: 1" = 3'

WorleyParsons
 resources & energy

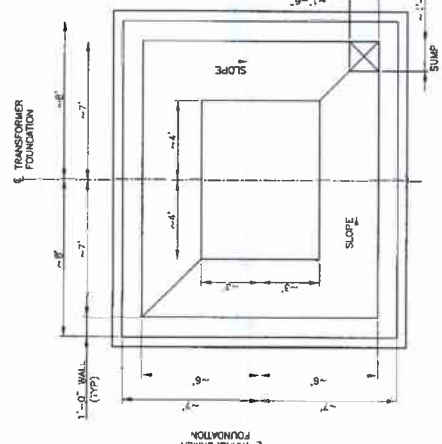
PROJECT TITLE: MCDONALD'S SOLAR ENERGY PROJECT
 CLIENT: MCDONALD'S SOLAR ENERGY PROJECT
 LOCATION: RIVERSIDE COUNTY, CA

DATE: 10/12/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

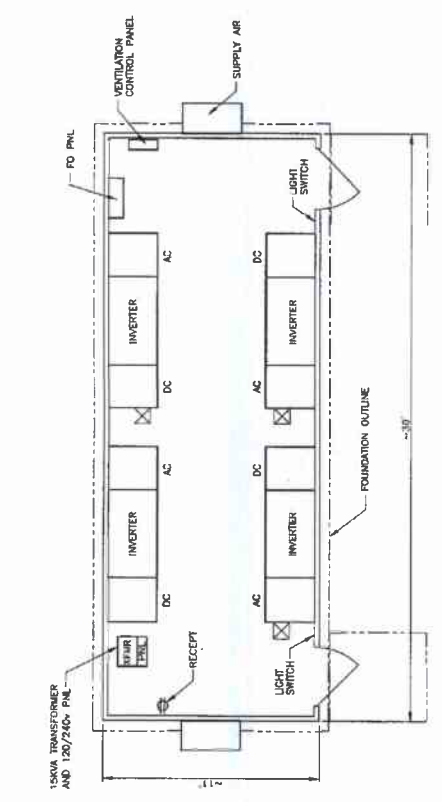
FIGURE 4
 TYPICAL TRACKER DETAILS

NEMC-1-JW-111-001-001

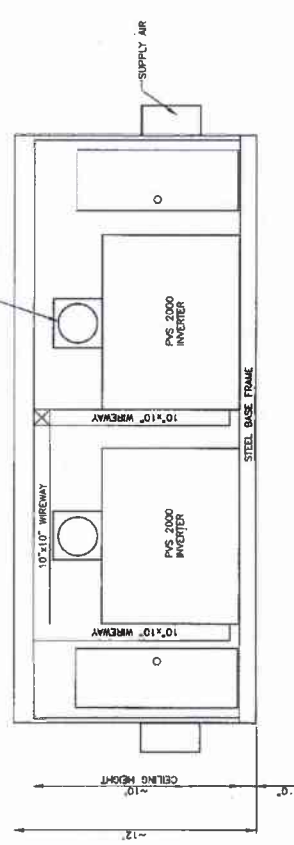
NOTES:
 1. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.



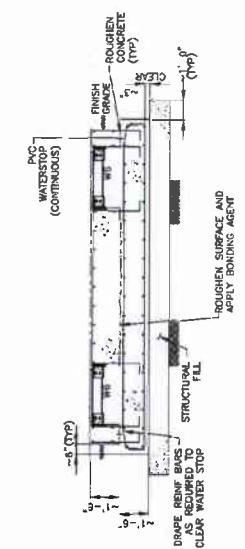
PLAN
 TYPICAL TRANSFORMER FOUNDATION
 SCALE: 3/8"=1'-0"



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



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



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

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	10/14/16	W. DE LUCA	A. PRATT
2	ISSUED FOR CONSTRUCTION	11/14/16	W. DE LUCA	A. PRATT

PROJECT: MCDY SOLAR ENERGY PROJECT
 LOCATION: RIVERSIDE COUNTY, CA
 DRAWN BY: W. DE LUCA
 CHECKED BY: A. PRATT
 SCALE: 3/8"=1'-0"

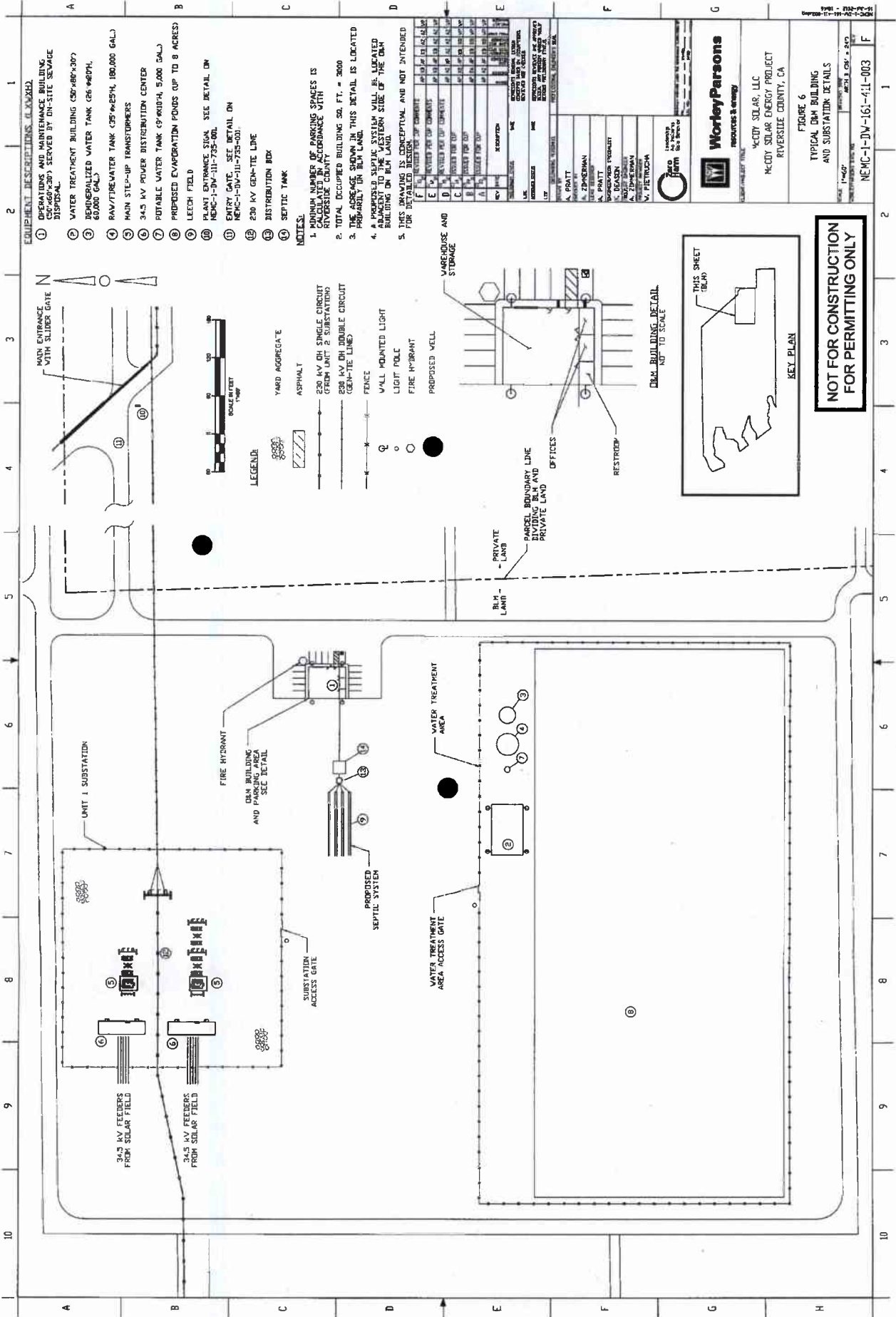
WorleyParsons
 resources & energy

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

FIGURE 5
 TYPICAL POWER CONVERSION
 STATION DETAILS

DATE: 11/14/16
 PROJECT NO.: NEMC-1-DW-161-411-002

**NOT FOR CONSTRUCTION
 FOR PERMITTING ONLY**

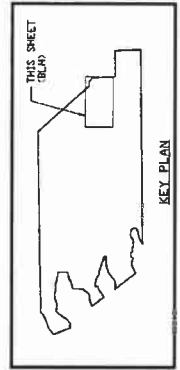
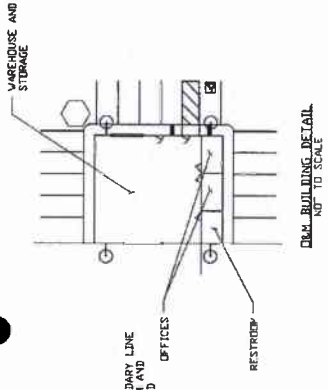


EQUIPMENT DESCRIPTIONS (LX)XHXH

- ① OPERATIONS AND MAINTENANCE BUILDING (50'-60" x 30') SERVED BY ON-SITE SEWAGE DISPOSAL
- ② WATER TREATMENT BUILDING (30' x 80' x 30')
- ③ DEMINERALIZED WATER TANK (26 @ 4000 GAL)
- ④ RAW/TROUBLE-WATER TANK (25' x 45' x 180,000 GAL)
- ⑤ MAIN STEP-UP TRANSFORMERS
- ⑥ 34.5 KV POWER DISTRIBUTION CENTER
- ⑦ POTABLE WATER TANK (9' x 10' x 4, 5000 GAL)
- ⑧ PROPOSED EVAPORATION POND(S) (UP TO 8 ACRES)
- ⑨ LEACH FIELD
- ⑩ MAIN ENTRANCE SIGN SEE DETAIL DM-1005-1-DW-111-735-001
- ⑪ ENTRY GATE, SEE DETAIL ON NEMC-1-DW-111-735-001
- ⑫ 230 KV GEN-TIE LINE
- ⑬ DISTRIBUTION HDX
- ⑭ SEPTIC TANK

NOTES:

1. MINIMUM NUMBER OF PARKING SPACES IS INDICATED IN CONFORMANCE WITH UNIVERSITY OF CALIFORNIA
2. TOTAL OCCUPIED BUILDING SQ. FT. = 2600
3. THE ACCESS ROAD IN THIS DETAIL IS LOCATED PROBABLY ON BLM LAND.
4. A PROPOSED SEPTIC SYSTEM WILL BE LOCATED ADJACENT TO THE WESTERN SIDE OF THE DM BUILDING ON BLM LAND.
5. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR PERMITTED CONSTRUCTION.



NOT FOR CONSTRUCTION FOR PERMITTING ONLY



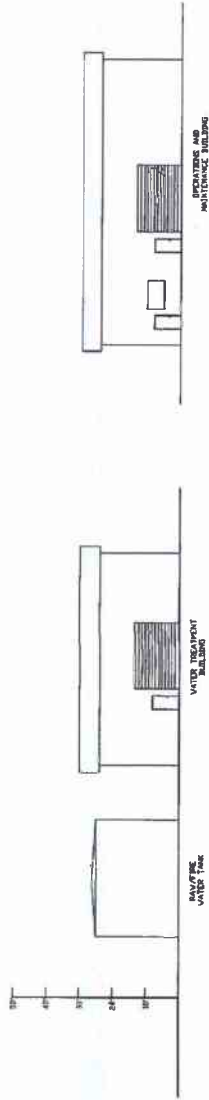
McCody Solar, LLC
McCody Solar Energy Project
REVERSHILLE COUNTY, CA

FIGURE 6
TYPICAL DM BUILDING AND SUBSTATION DETAILS

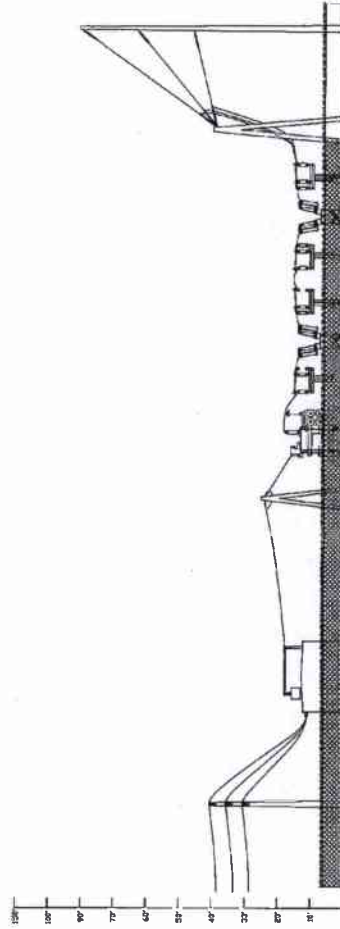
NEMC-1-DW-161-411-003

NOTES:

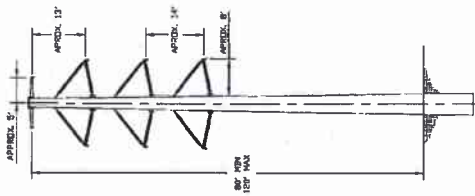
1. BUILDING AND TANK FINISHES AND COLORS WILL BE DETERMINED WITH THE SURROUNDING ENVIRONMENT.
2. SEE HSC-1-UP-11-02-05A FOR PLAN VIEW.
3. THIS DRAWING IS CONCEPTUAL AND IS NOT INTENDED FOR DETAIL DESIGN.



**ELEVATION
TYPICAL BUILDING AND WATER TANK**
NOT TO SCALE



**ELEVATION
TYPICAL SUBSTATION EQUIPMENT**
NOT TO SCALE



**ELEVATION
230 KV DOUBLE CIRCUIT POLE**
NOT TO SCALE

NO.	REVISION	DATE	DESCRIPTION
1			
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50			

DATE: 11/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: MCDY SOLAR ENERGY PROJECT
 SHEET NO.: 11-02-005
 SCALE: AS SHOWN

WorleyParsons
 resources & energy

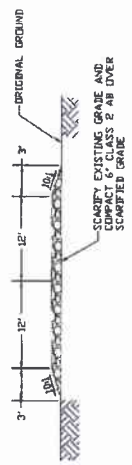
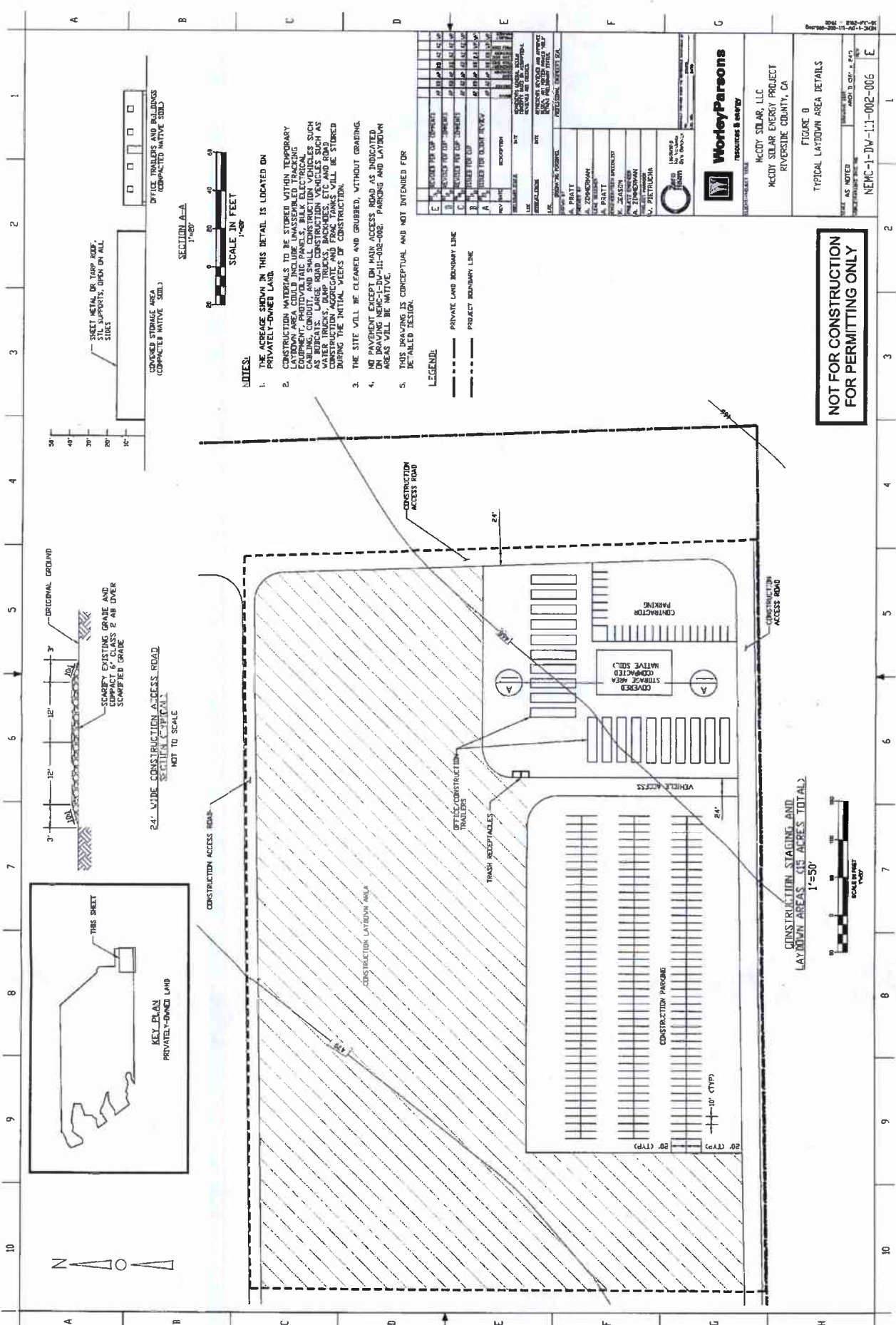
MCDY SOLAR, LLC
 MCDY SOLAR ENERGY PROJECT
 RIVERSIDE COUNTY, CA

FIGURE 7
 TYPICAL ELEVATIONS

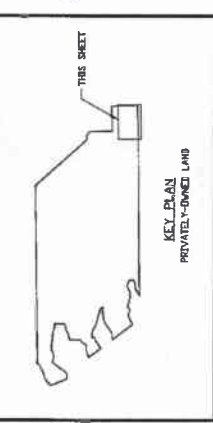
DATE: 11/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]

**NOT FOR CONSTRUCTION
FOR PERMITTING ONLY**

PROJECT TITLE: MCDY SOLAR ENERGY PROJECT
 SHEET NO.: 11-02-005
 SCALE: AS SHOWN



24'-WIDE CONSTRUCTION ACCESS ROAD
SCALE: 1"=50'
NOT TO SCALE



KEY PLAN
PRIVATELY-OWNED LAND



SCALE IN FEET
1"=50'

NOTES:

1. THE AVERAGE SHOWN IN THIS DETAIL IS LOCATED ON PRIVATELY-OWNED LAND.
2. CONSTRUCTION MATERIALS TO BE STORED WITHIN TEMPORARY STORAGE AREAS SHALL BE STORED IN A MANNER THAT PREVENTS EROSION, POLLUTION, AND SPILLAGE. MATERIALS TO BE STORED SHALL INCLUDE: EQUIPMENT, PHOTOVOLTAIC PANELS, BULK ELECTRICAL CABLES, CONDUIT, AND SMALL CONSTRUCTION VEHICLES SUCH AS GENERATORS, COMPRESSORS, AND PUMPS. MATERIALS SUCH AS WATER TRUCKS, DUMP TRUCKS, BACKHOES, ETC. AND ROAD CONSTRUCTION AGGREGATE AND FRAC TRUCKS WILL BE STORED DURING THE INITIAL WEEKS OF CONSTRUCTION.
3. THE SITE WILL BE CLEARED AND GROUND, WITHOUT GRADING.
4. NO PAVEMENT EXCEPT ON MAIN ACCESS ROAD AS INDICATED ON DRAWING NEMC-L-DW-111-002-002. PARKING AND LAYDOWN AREAS WILL BE NATIVE.
5. THIS DRAWING IS CONCEPTUAL AND NOT INTENDED FOR DETAILED DESIGN.

LEGEND:

- PRIVATE LAND BOUNDARY LINE
- - - PROJECT BOUNDARY LINE

NO.	DATE	DESCRIPTION	BY
1	08/14/18	ISSUED FOR PERMIT	A. PRATT
2	08/14/18	ISSUED FOR PERMIT	A. PRATT
3	08/14/18	ISSUED FOR PERMIT	A. PRATT
4	08/14/18	ISSUED FOR PERMIT	A. PRATT
5	08/14/18	ISSUED FOR PERMIT	A. PRATT
6	08/14/18	ISSUED FOR PERMIT	A. PRATT
7	08/14/18	ISSUED FOR PERMIT	A. PRATT
8	08/14/18	ISSUED FOR PERMIT	A. PRATT
9	08/14/18	ISSUED FOR PERMIT	A. PRATT
10	08/14/18	ISSUED FOR PERMIT	A. PRATT

WorkleyParsons
resources & energy

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

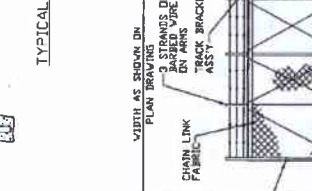
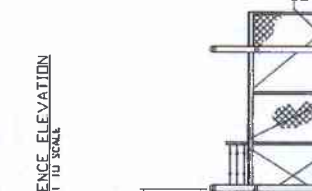
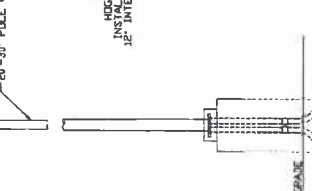
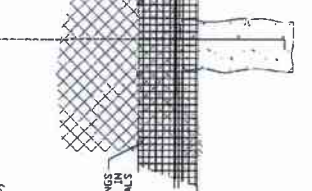
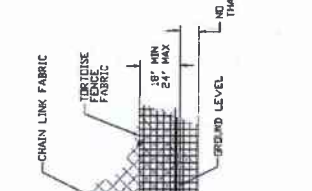
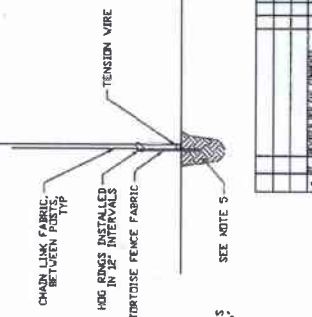
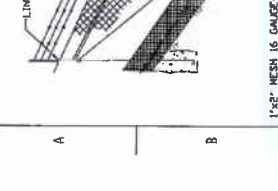
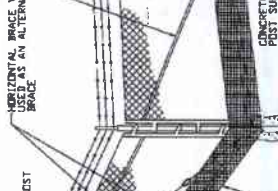
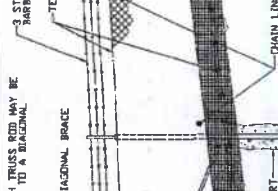
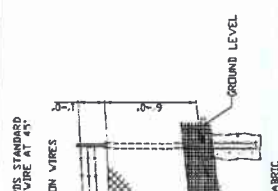
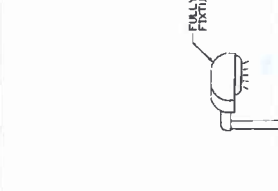
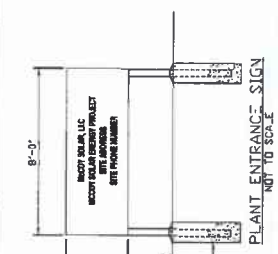
FIGURE 8
TYPICAL LAYDOWN AREA DETAILS

SCALE: 1"=50'

DATE: 08/14/18
DRAWN BY: A. PRATT
CHECKED BY: J. JACOBSON
PROJECT NO.: NEMC-1-DW-111-002-005

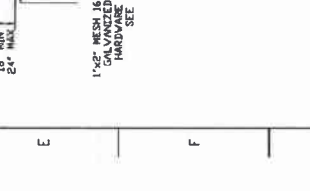
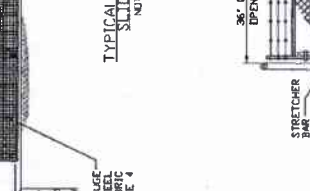
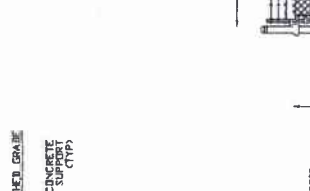
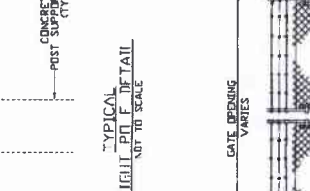
**NOT FOR CONSTRUCTION
FOR PERMITTING ONLY**

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



NO.	REV.	DESCRIPTION
1		ISSUED FOR PERMIT
2		REVISED TO SHOW CHAIN LINK FABRIC ATTACHED TO TORTOISE FENCE FABRIC
3		REVISED TO SHOW HOG RINGS ATTACHED TO CHAIN LINK FABRIC
4		REVISED TO SHOW HOG RINGS ATTACHED TO TORTOISE FENCE FABRIC
5		REVISED TO SHOW HOG RINGS ATTACHED TO TORTOISE FENCE FABRIC
6		REVISED TO SHOW HOG RINGS ATTACHED TO TORTOISE FENCE FABRIC
7		REVISED TO SHOW HOG RINGS ATTACHED TO TORTOISE FENCE FABRIC
8		REVISED TO SHOW HOG RINGS ATTACHED TO TORTOISE FENCE FABRIC
9		REVISED TO SHOW HOG RINGS ATTACHED TO TORTOISE FENCE FABRIC
10		REVISED TO SHOW HOG RINGS ATTACHED TO TORTOISE FENCE FABRIC

DATE	BY	CHKD BY	APP'D BY
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON
10/15/2014	W. PETERSON	V. PETERSON	W. PETERSON



WorleyParsons
resources & energy

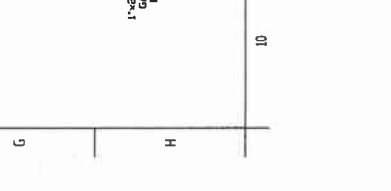
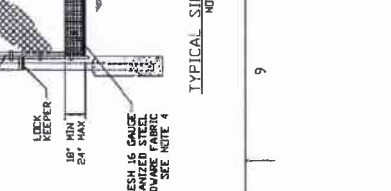
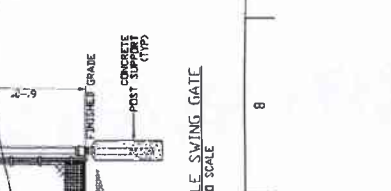
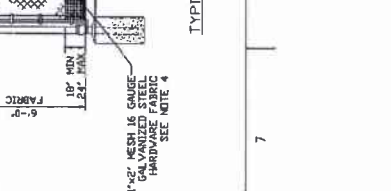
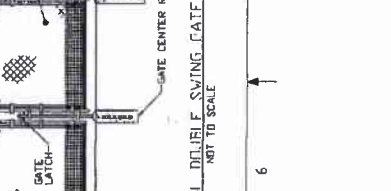
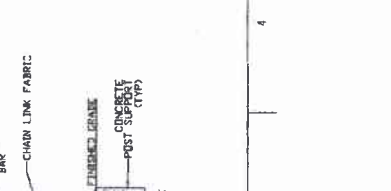
MCODY SOLAR, LLC
MCODY SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CA

FIGURE 9
TYPICAL FENCING AND GATE DETAILS

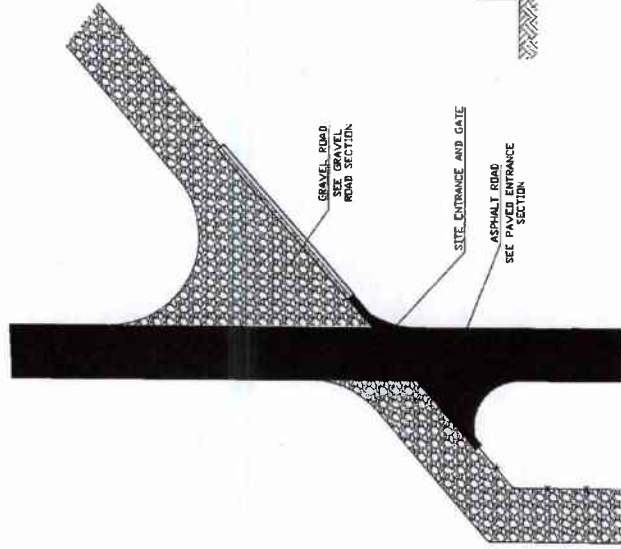
DATE: 10/15/2014
BY: W. PETERSON
CHKD BY: V. PETERSON
APP'D BY: W. PETERSON

PROJECT NUMBER: NEXC-1-DW-111-735-001

**NOT FOR CONSTRUCTION
FOR PERMITTING ONLY**



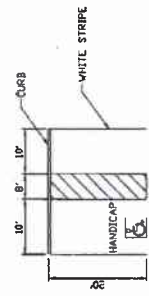
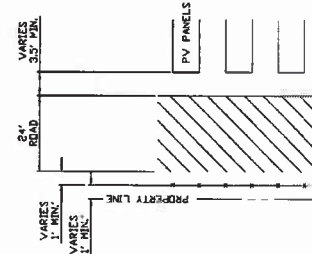
- NOTES:**
1. SEE NEMC-1-DW-111-735-001 FOR FENCE DETAILS.
 2. THIS DRAWING IS CONCEPTUAL AND IS NOT INTENDED FOR DETAILED DESIGN.



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

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

TYPICAL PROPERTY BOUNDARY DETAIL
NOT TO SCALE



PAVED ON TRANCE ROAD SECTION
NOT TO SCALE

PAVED ON TRANCE ROAD SECTION
NOT TO SCALE

1. PAVEMENT SECTION TO BE DETERMINED BY GEOTECHNICAL/PAVEMENT ENGINEER.
2. USES IN THIS SECTION STARTING FROM THE BUILDING AND BOTH SUBSTATIONS.

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
2	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
3	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
4	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
5	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
6	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
7	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
8	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
9	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY
10	ISSUED FOR PERMIT REVIEW	10/10/2023	W. PIETROUCH	J. MCCOY

WorleyParsons
resources & energy

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

FIGURE 10
TYPICAL ROAD DETAILS

**NOT FOR CONSTRUCTION
FOR PERMITTING ONLY**

McCOY SOLAR ENERGY PROJECT RIVERSIDE COUNTY, CA



Legend

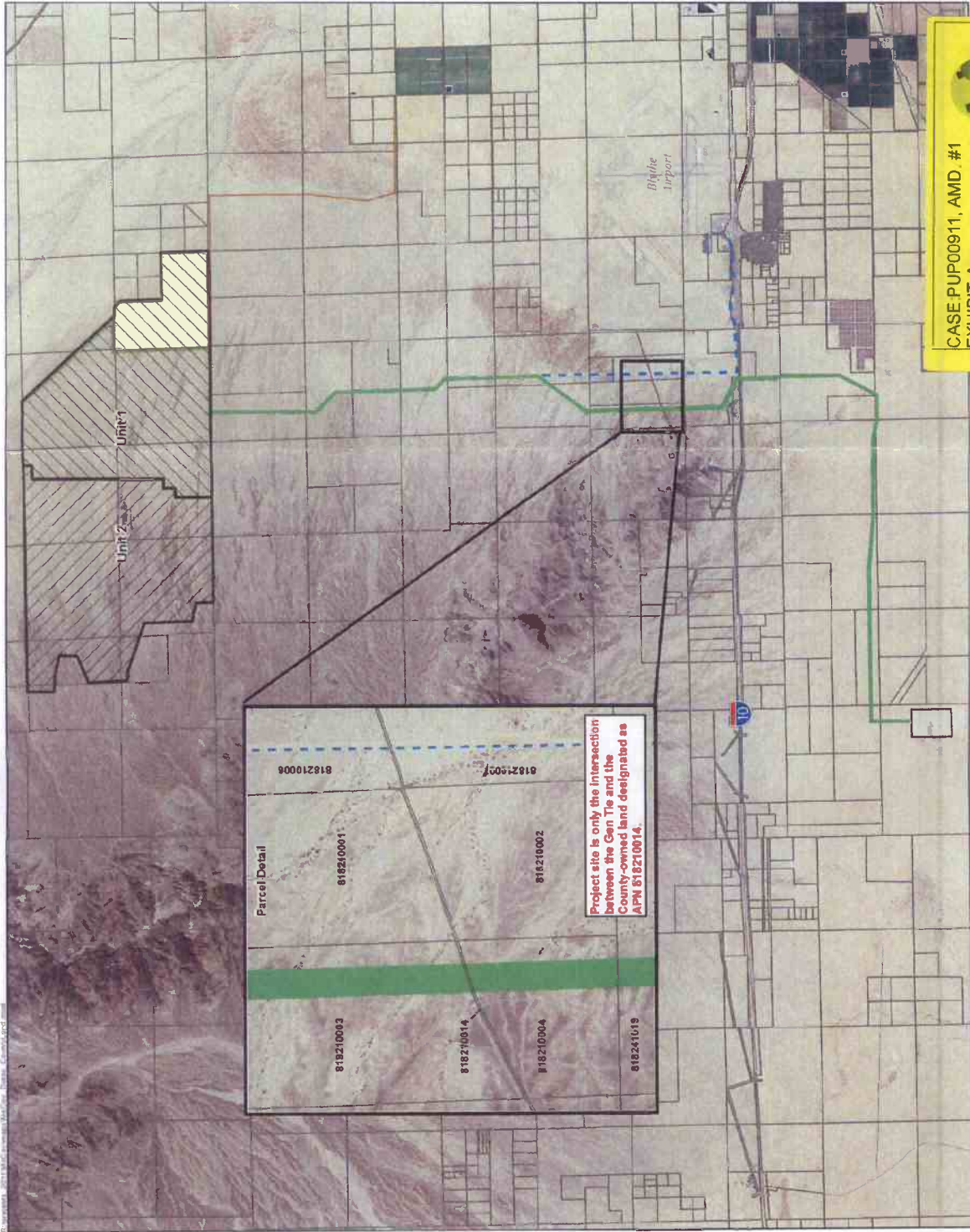
- MSEP Solar Plant Site Boundary
- Unit 1
- Unit 2
- Shared Access Road with BSPP
- Distribution Line
- Linear Corridor (includes Generation Tie Line)
- Proposed Colorado River Substation (SCE)
- Assessor's Parcels
- Private Parcels

Notes:

- (4) UTM Zone 11 NAD 1983 Projection
- (5) Source data ESRI, BLM, USGS 7.5 DRGs, TTEC

0 0.75 1.5
Miles

PUP GENERAL PROJECT FEATURES



Parcel Detail

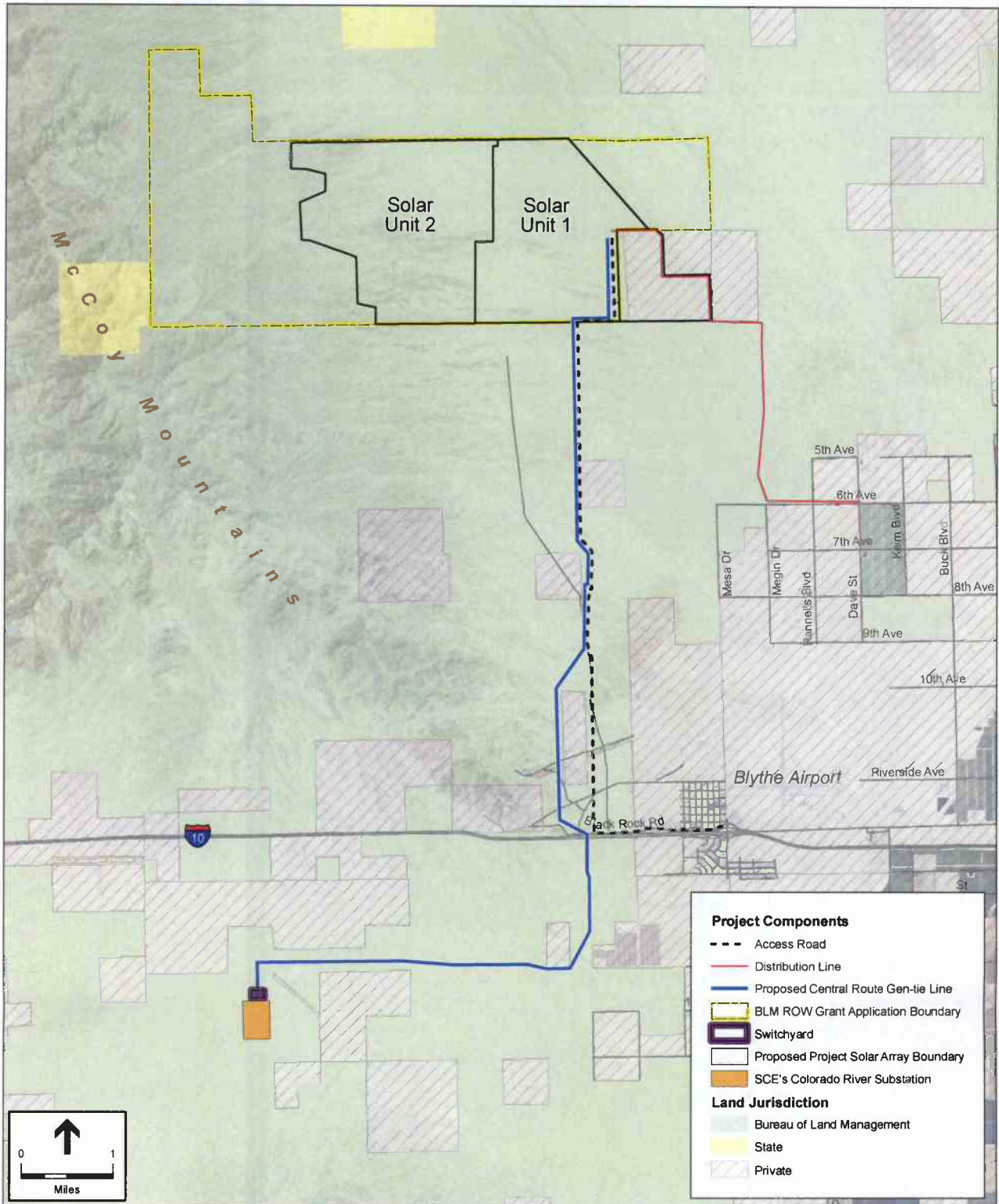
818210003 818210001 818210002

818210006 818210007

818210014 818210004 818210019

Project site is only the intersection between the Gen Tie and the County-owned land designated as APN 818210014.

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



SOURCE: NextEra, 2012

McCoy Solar Energy Project . 211516
Figure 2-2
 Proposed Project

3 RESOLUTION NO. 2014-054

4 CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT NO. 528 (SCH #
5 2011101007), ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE
6 CALIFORNIA ENVIRONMENTAL QUALITY ACT,
7 ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM,
8 ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND
9 APPROVING THE MCCOY SOLAR ENERGY PROJECT

11 WHEREAS, McCoy Solar, LLC (the Applicant) filed an Application for Land Use and
12 Development with the Riverside County Planning Department seeking a Conditional Use Permit (CUP No.
13 3682) and Public Use Permit (PUP No. 911) and has proposed to enter into a development agreement (DA
14 No. 77) with the County of Riverside (the County) to construct, operate, maintain and decommission the
15 McCoy Solar Energy Project (Project); and

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

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

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

26 WHEREAS, the County solicited comments (including input about the scope and content of the
27 environmental review, as well as potential feasible alternatives and mitigation measures) from responsible
28

FORM APPROVED COUNTY COUNSEL
BY:  DATE: 2/18/14
Tiffany North

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

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

6 WHEREAS, the County solicited comments (including input about the scope and content of the
7 environmental review, as well as potential feasible alternatives and mitigation measures) from responsible
8 agencies, trustee agencies, and the public in a NOP of the EIR for the Project, which was filed on May 31,
9 2012 and circulated for a period of 30 days pursuant to CEQA Guidelines sections 15082(a) and 15375;
10 and

11 WHEREAS, approximately 21 comment letters were received by the County in response to the
12 October 2011 NOP, and approximately 6 comment letters were received by the County in response to the
13 May 2012 NOP, which assisted the County in refining the issues and alternatives for analysis in the Draft
14 EIR (DEIR); and

15 WHEREAS, pursuant to Public Resources Code section 21083.9 and CEQA Guidelines sections
16 15082(c) and 15083, the County held a public scoping meeting on October 19, 2011, to solicit public
17 comments on the DEIR for the Project; and

18 WHEREAS, in compliance with CEQA (Pub. Res. Code §21000 et seq.) and the CEQA Guidelines
19 (14 Cal. Code Regs. §15000 et seq.), the County prepared a DEIR to analyze the potential environmental
20 effects of the Project; and

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

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

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

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

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

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

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

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

23 WHEREAS, on November 18, 2013, the County recirculated the Revised DEIR for a 45-day review
24 period; filed a Notice of Completion and Availability with the State Clearinghouse and the Riverside
25 County Assessor-Clerk-Recorder’s Office; mailed a Notice of Availability of the Revised DEIR to all
26 agencies, organizations and individuals who previously had requested notice; published a Notice of
27 Availability of the Revised DEIR in The Press-Enterprise; and made copies available for public review in
28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **SECTION I**

14 **INTRODUCTION**

15 **A. Project Description**

16 McCoy Solar LLC, (the Applicant) would construct, operate, maintain, and decommission a
17 photovoltaic (PV) solar energy generating facility with a capacity up to 750 megawatts (MW) and
18 necessary ancillary facilities, including a generation tie line, access road, and switch yard in the
19 unincorporated County. The precise generation capacity or megawatts would depend on the technology
20 selected and efficiencies available. The Project would be developed on approximately 477 acres of private
21 and County-owned land subject to the land use jurisdiction of Riverside County and on approximately
22 4,096 acres of public land administered by BLM. The facilities to be located on the private land subject to
23 Riverside County's jurisdiction would include solar arrays and inverters, a portion of the access road,
24 electric power distribution line, and telecommunications line. The 12.5-mile generation tie line, with a
25 right-of-way width of 100 feet, would require approximately 136 acres of public lands. The Project has
26 been modified to include a potential generation tie-line alignment, which would shift an approximately 1-
27 mile portion of the proposed Central Route to the west by approximately 1,100 feet. The proposed 2-acre
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1 switch yard would be located adjacent to Southern California Edison's Colorado River Substation, into
2 which it would connect. The Project would generate and deliver solar power to the California electrical grid
3 through an interconnection at the Colorado River Substation (CRS).

4 **B. Legal Requirements**

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

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

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

25 The Public Resources Code requires that lead agencies adopt feasible mitigation measures or
26 alternatives to substantially lessen or avoid significant environmental impacts. An agency need not,
27 however, adopt infeasible mitigation measures or alternatives. (CEQA Guidelines §15091(a), (b).) Public
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1 Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful
2 manner within a reasonable period of time, taking into account economic, environmental, social, and
3 technological factors.” CEQA Guidelines section 15091 adds “legal” considerations as another indicia of
4 feasibility. (See also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565.) Project
5 objectives also inform the determination of “feasibility.” (City of Del Mar v. City of San Diego (1982)
6 133 Cal.App.3d 401, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that
7 desirability is based on a reasonable balancing of the relevant economic, environmental, social, and
8 technological factors.” (Id.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23
9 Cal.App.4th 704, 715.)

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

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

22 **C. Summary of Environmental Findings**

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

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

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

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

21 **1. No Impact or Less-Than-Significant Impacts that Do Not Require Mitigation**

- 22 • Substantially Adversely Affect a Scenic Vista
- 23 • Substantially Damage Scenic Resources within a State Scenic Highway
- 24 • Convert or Indirectly Result in the Conversion of Farmland to Non-Agricultural Use
- 25 • Conflict with Zoning for Agricultural Use or with a Williamson Act Contract
- 26 • Conflict with Zoning for or Cause Rezoning of Forest Land, Timberland, or land zoned
27 Timberland Production

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

- 1 • Public and Private Airport Hazards
- 2 • Cumulative Hazards and Hazardous Material Impacts
- 3 • Place Houses or Structures Within a 100-Year Flood Hazard Area
- 4 • Result in Inundation by Seiche, Tsunami, or Mudflow
- 5 • Physically Divide an Established Community
- 6 • Conflict with Applicable Land Use Plan, Policy, or Regulation
- 7 • Cumulative Land Use Compatibility Impacts
- 8 • Impacts on Mineral Resources
- 9 • Noise Impacts
- 10 • Cumulative Project-Generated Noise Impacts
- 11 • Growth-Inducing Impacts
- 12 • Impacts on Population and Housing
- 13 • Impacts on Public Services
- 14 • Impacts on Recreation
- 15 • Impacts on the Performance of the Circulation System
- 16 • Conflict with Congestion Management Program
- 17 • Change in Air Traffic Patterns
- 18 • Impacts on Public Transit, Bicycle, or Pedestrian Facilities
- 19 • Impacts on Capacity of Water or Wastewater Treatment Facilities
- 20 • Impacts to Water Supply Entitlements
- 21 • Solid Waste Impacts
- 22 • Cumulative Solid Waste Impacts

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

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

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

- 1 • Increased Roadway Hazards
- 2 • Emergency Access
- 3 • Cumulative Impacts to Area Roadways
- 4 • Exceed Wastewater Treatment Requirements
- 5 • Impacts on Capacity of Stormwater Drainage Facilities
- 6 • Compliance with Solid Waste Regulations

7 **3. Potentially Significant Impacts that Cannot be Avoided or Reduced to a Less Than**
8 **Significant Level:**

- 9 • Cumulative Impact to the Existing Visual Character or Quality of the Site and its
10 Surroundings
- 11 • Construction and Decommissioning Maximum Daily Emissions of PM10
- 12 • Contribution to Cumulative Regional Air Quality Conditions
- 13 • Impacts on Special-Status and Migratory Birds and on Special-Status Bats

14 **SECTION II**

15 **FINDINGS REGARDING ENVIRONMENTAL IMPACTS**

16 **NOT REQUIRING MITIGATION**

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

23 **D. Aesthetics, Visual Quality, and Light and Glare**

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

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

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

10 **3. Degrade the Existing Visual Character or Quality of the Site and its Surroundings (Impact**
11 **4.1-2):** The Project does not substantially degrade the existing visual character or quality of the site or its
12 surroundings. The impact of construction, operation and maintenance, and decommissioning on the visual
13 character and quality of the site and its surroundings would be adverse, but less than significant because the
14 Project would result in low to low-to-moderate visual change. [DEIR 4.1-29]

15 E. Agriculture and Forestry Resources

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

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

26 **3. Conflict with Existing Zoning for, or Cause Rezoning of, Forest Land, Timberland, or**
27 **Timberland Zoned Timberland Production:** The Project site does not contain any land defined as forest
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1 land as defined by Public Resources Code section 12220(g), timberland as defined by Public Resources
2 Code section 4526, or land zoned Timberland Production as defined by Government Code
3 section 51104(g). The Project could not conflict with these zoning types or cause rezoning of these lands.
4 [DEIR 4.2-4] No impact would occur.

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

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

11 **F. Air Quality**

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

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

24 **3. Exposure of Sensitive Receptors to Odorous Emissions (Impact 4.3-5):** Project construction
25 would include sources, such as diesel equipment, which could result in the creation of objectionable odors;
26 however, since the construction activities would be temporary and spatially dispersed, and would generally
27 be conducted at least 0.4 mile from the nearest residences, the construction-related odors would have a
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1 negligible effect on people in the area. The impact would be less than significant. Operation and
2 maintenance would not create odorous emissions. There would be no impact. The air quality impact of the
3 Project with respect to creation of odors during decommissioning would be similar to that described for the
4 construction phase. The impact would be less than significant. [DEIR p. 4.3-22]

5 **G. Biological Resources**

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

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

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

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

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

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

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

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

25 **H. Cultural and Paleontological Resources**

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

16 **I. Energy Conservation**

17 **1. Energy Requirements by Amount and Fuel Type for Each Stage of the Project (Impact 4.6-**

18 **1):** The energy consumed during each phase would be greater than the baseline value. However, energy
19 used during each phase would be necessary to implement the Project, and none of the proposed energy-
20 consuming activities associated with each phase would be a wasteful or inefficient use of energy.
21 Additionally, decommissioning would restore the site to baseline conditions, making it a non-energy
22 consuming site. The Project would have a less-than-significant impact with respect to fuel and electrical
23 energy requirements. [DEIR pp. 4.6-6 through 4.6-8]

24 **2. Local and Regional Energy Supplies and Requirements for Additional Capacity (Impact**

25 **4.6-2):** Construction would be temporary, and neither petroleum nor electricity consumption during
26 construction would represent a substantial depletion of local or regional energy supplies. Petroleum
27 consumption during operation and maintenance and decommissioning would be lower than annual
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1 construction-related fuel use Therefore, the Project would have a less-than-significant effect on local and
2 regional energy supplies and/or requirements for additional capacity. [DEIR p. 4.6-9]

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

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

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

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27 ¹ California Energy Commission, 2012. Renewables Portfolio Standard Eligibility. 5th ed. Commission Guidebook. CEC-300-
28 2012-002-CMF. May 2012. Available online: <http://www.energy.ca.gov/2012publications/CEC-300-2012-002/CEC-300-2012-002-CMF.pdf>.

1 sources and enhance the quality of renewable resources by using renewable solar energy to produce
2 electricity. The Project's energy consumption would be minimal and would not be wasteful, inefficient, or
3 unnecessary. Therefore, the Project's effects on energy resources would be less than significant. [DEIR pp.
4 4.6-10, 4.6-11]

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

14 J. Geology and Soils

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

20 **2. Soils Incapable of Adequately Supporting the Use of Septic Tanks (Impact 4.7-7):**
21 Installation of the septic system would require a permit issued by the Riverside County Department of
22 Environmental Health. As a result, the soils present at the location of the proposed septic system would
23 have to be suitable to support such a system. In order obtain the permit, the Applicant would have to
24 demonstrate that soil conditions would be adequate to support proposed septic systems by conducting a
25 percolation test. If soil and site conditions are inadequate to support a standard septic system, special
26 designs would be required or the system would not be permitted. Alternatively, if a septic system could
27 not be installed, waste would be held in a holding tank and trucked off-site. Through adherence to the
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1 described regulations, this impact would be less than significant during construction, operation and
2 maintenance, and decommissioning. [DEIR p. 4.7-24]

3 **K. Greenhouse Gas Emissions**

4 **1. Greenhouse Gas Emissions That May Have a Significant Impact on the Environment**

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

12 **2. Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purpose of**
13 **Reducing the Emissions of Greenhouse Gases (Impact 4.8-2):** The Project would not conflict with the

14 GHG reduction goals of Assembly Bill 32 or the relevant Recommended Actions in the California Air
15 Resources Board's Climate Change Scoping Plan that relate to transportation, the RPS, and high global
16 warming potential gases. [DEIR pp. 4.8-14, 4.8-15]

17 **L. Hazards and Hazardous Materials**

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

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

25 **3. Hazards within Blythe Airport Influence Area (Impact 4.9-3):** Approximately 5.86 miles of
26 the proposed gen-tie line would be located within the Blythe Airport Influence Area in Airport
27 Compatibility Zones C, D, and E, with about 1,500 feet in Zone C. Because gen-tie line support poles
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1 would be spaced 800 feet apart, approximately 40 poles with heights from 70 to 145 feet would be located
2 within these airport zones. Airport Land Use Commission (ALUC) review of Projects for consistency with
3 the Airport Land Use Compatibility Plan (ALUCP) is required for all structures greater than 70 feet in Zone
4 C, and 150 feet in Zones D or E. On September 12, 2013, ALUC issued a finding that the Project is
5 conditionally consistent with the ALUCP, subject to the conditions imposed by ALUC and the imposition
6 of any additional conditions to comply with Federal Aviation Administration (FAA) regulations. The
7 FAA would conduct a safety analysis to determine the effect of the proposed towers and transmission line
8 on aircraft operations. The Project must receive a "Determination of No Hazard to Air Navigation" in order
9 to proceed. [DEIR pp. 4.9-22, 4.9-23]

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

15 **M. Hydrology and Water Quality**

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

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

21 **3. Structures that Would Impede or Redirect Flood Flows (Impact 4.10-8):** The entire site is
22 located within a flood hazard area, as identified by Riverside County Floodplain Management Ordinance
23 No. 458, and as being located in a Flood Awareness Map and would be subject to the permitting and design
24 requirements of that ordinance, as discussed in the Local regulations subsection above. The minimal
25 increase in flood flow volumes along McCoy Wash during a 100-year event, as a result of the Project,
26 would be conveyed by Palo Verde Irrigation District flood control infrastructure. The proposed generation
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1 tie-line and associated facilities would not interfere with anticipated flood flows. Therefore, the proposed
2 facilities are not anticipated to significantly impede or redirect flood flows. [DEIR pp. 4.10-50, 4.10-51]

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

10 N. Land Use and Planning

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

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

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

1 Therefore, the Project would not conflict with applicable federal land use plans or policies. [DEIR pp. 4.11-
2 4, 4.11-5]

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

10 **O. Mineral Resources**

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

19 **2. Loss of Availability of a Locally Important Mineral Resource Recovery Site:** The Project site
20 is classified as Mineral Resource Zone (MRZ)-4 by Riverside County, which indicates a lack of
21 information about the value of aggregate resources underlying the site. Given that the rest of eastern
22 Riverside County is classified as MRZ-4, that deposits of similar age and lithology likewise underlie
23 1,544,000 acres of eastern Riverside County, and that there are no other local plans or land use plans in the
24 Project area that designate locally important mineral resource recovery sites, the Project would result in no
25 impact on a locally important mineral resource recovery site. [DEIR p. 4.12-6]

1 **P. Noise**

2 **1. Noise Levels in Excess of Published Standards (Impact 4.13-1):** Long-term operation and
3 maintenance noise (i.e., noise from the solar power plant equipment, the on-site substations, on-site
4 maintenance activities, off-site commuting worker and delivery trips, and gen-tie corona noise) would not
5 exceed County noise standards, including the daytime (55 dBA L_{eq}) and nighttime (45 dBA L_{eq}) exterior
6 standards. The maximum noise exposure at a residence would be as high as 35 dBA L_{eq} as a result of gen-
7 tie line corona discharge during wet weather conditions. This noise exposure level would be less than the
8 County's nighttime exterior standard, and would therefore result in a less-than-significant impact. [DEIR p.
9 4.13-14]

10 **2. Groundborne Vibration and Noise:** Temporary sources of groundborne vibration and noise
11 during construction and decommissioning would result from operation of conventional heavy construction
12 equipment such as graders, bulldozers, and loaded haul trucks. However, vibration and noise levels
13 attenuate rapidly from the source. At a distance of 0.4 mile, which is the approximate distance between the
14 closest residences and any of the Project components involving active heavy construction equipment,
15 vibration would not be perceivable. Therefore, construction and decommissioning would cause no
16 groundborne vibration impacts. Operation and maintenance would not introduce any new sources of
17 perceivable groundborne vibration or noise to the study area. Consequently, the Project would cause no
18 operation- or maintenance-related impacts associated with groundborne vibration or noise. [DEIR pp. 4.13-
19 14, 4.13-15]

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

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

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

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

14 **Q. Population and Housing**

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

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

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

7 **R. Public Services**

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

20 **2. New or Physically Altered Police Protection Facilities, Schools, or Other Public Facilities:**
21 The Project would not result in substantial adverse impacts related to police protection, schools, other types
22 of public facilities (e.g., public libraries, hospitals, or other civic uses) because it would not result in a
23 significant increase of local population or housing, which is typically associated with increased demand for
24 public services and facilities. Therefore, the Project would not have an effect on the service goals of these
25 public services and would have a no impact associated with the provision of new or physically altered
26 facilities for police protection, schools, libraries, hospitals, or other civic uses. [DEIR pp. 4.15-5 through
27 4.15-8]

1 **S. Recreation**

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

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

20 **T. Transportation and Traffic**

21 **1. Conflict with Measures of Effectiveness for the Performance of the Circulation System**
22 **(Impact 4.17-1):** The increased traffic volumes on local roads (e.g., Mesa Drive and Black Rock Road)
23 would remain at levels less than the carrying capacity of those two-lane roads (which is about 10,000 to
24 15,000 vehicles per day). I-10 has sufficient capacity to accommodate Project-related traffic while
25 maintaining acceptable LOS during the peak-hour periods. Traffic increases that would primarily occur on
26 I-10 and Mesa Drive (and possibly Hobson Way) during construction would not substantially disrupt public
27 transit service. There are no bicycle or pedestrian facilities that would be affected by Project activities, and
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1 any Project-related increase in traffic would not reduce, disrupt, or eliminate access to existing bicycle and
2 pedestrian facilities. [DEIR pp. 4.17-9 through 4.17-14]

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

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

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

21 **5. Public Transit, Bicycle, or Pedestrian Facilities (Impact 4.17-6):** Riverside County and local
22 jurisdictions therein have established policies in their general plans to regulate transportation system
23 performance and encourage the use of designated truck routes to promote the efficient movement of goods
24 as well as enhance access and safety measures for all users of the roadway. During construction, operation,
25 maintenance, and decommissioning, vehicles would access the Project site via I-10, Mesa Drive, and Black
26 Rock Road, with some workers possibly using Hobsonway. The traffic increases during Project activities
27 would not substantially disrupt public transit service, and would not reduce, disrupt, or eliminate access to
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1 existing bicycle and pedestrian facilities. As a result, the effect on alternative transportation facilities due to
2 construction, operation, maintenance, and decommissioning of the Project would be less than significant.

3 [DEIR pp. 4.17-17, 4.17-18]

4 **U. Utilities and Service Systems**

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

9 [DEIR p. 4.18-8]

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

17 [DEIR pp. 4.18-9 through 4.18-11; Final EIR Responses to Comments A5-1-A5-6.]

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

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

1 **SECTION III**

2 **FINDINGS REGARDING ENVIRONMENTAL IMPACTS**

3 **MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT**

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

8 **V. Aesthetics, Visual Quality, and Light and Glare**

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

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

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

25 Mitigation Measure 4.1-3 states:

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

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

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

18 *Timing/Implementation: Prior to and during construction*

19 *Enforcement/Monitoring: Riverside County*

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

24 **W. Air Quality**

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

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

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

7 Mitigation Measure 4.3-2 states:

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

12 *Timing/Implementation: During operation*

13 *Enforcement/Monitoring: Riverside County*

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

17 **2. Expose Workers to Coccidioides Fungal Spores if Present in Desert Soils (Impact 4.3-4A):**

18 Fugitive dust generated during Project activities could expose workers to Coccidioides fungal spores if they
19 are present in affected desert soils. If a susceptible person inhaled a spore made airborne by disturbance of
20 Project soils and became ill as a result, a significant impact on human health could result. To reduce
21 potential impacts associated with the inhalation of dust, the Applicant has committed to implementing the
22 Project-specific control measures set forth in Applicant Proposed Measure (APM) AIR-1. Further, as
23 described in DEIR section 2.4.12, the Applicant would implement a Health and Safety Program to ensure
24 working safety and minimize worker hazards during construction, including a personal protective
25 equipment program, an Emergency Action Plan, and an Injury and Illness Prevention Program.
26 Construction-related safety programs and procedures would include a respiratory protection program.

27 [Revised DEIR 2-47 through 2-49]

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

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

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

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

14 **X. Biological Resources**

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

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

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

1 Mitigation Measure 4.4-1a states:

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

6 The Designated Biologist must meet the following minimum qualifications:

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

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

20 *Timing/Implementation: Prior to the initiation of construction*

21 *Enforcement/Monitoring: Riverside County*

22 Mitigation Measure 4.4-1b states³:

23 The Applicant shall ensure that the Designated Biologist performs the activities described below
24 during any site mobilization activities, construction-related ground disturbance, grading, boring or
25 trenching activities. The Designated Biologist may be assisted by the approved Biological Monitor(s) but
26

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

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

- 3 1. Advise the Applicant's construction and operation managers on the implementation of the
4 biological resources mitigation measures;
- 5 2. Consult on the preparation of the Biological Resources Mitigation, Implementation, and
6 Monitoring Plan (BRMIMP) to be submitted by the Applicant;
- 7 3. Be available to supervise, conduct and coordinate mitigation, monitoring, and other biological
8 resources compliance efforts, particularly in areas requiring avoidance or containing sensitive
9 biological resources, such as special-status species or their habitat;
- 10 4. Clearly mark sensitive biological resource areas and inspect these areas at appropriate intervals
11 for compliance with regulatory terms and conditions;
- 12 5. Inspect active construction areas where animals may have become trapped prior to construction
13 commencing each day. At the end of the day, inspect for the installation of structures that
14 prevent entrapment or allow escape during periods of construction inactivity. Periodically
15 inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way;
- 16 6. Notify the Applicant and the County of any non-compliance with any biological resources
17 mitigation measure;
- 18 7. Respond directly to inquiries of the County regarding biological resource issues;
- 19 8. Maintain written records of the tasks specified above and those included in the BRMIMP.
20 Summaries of these records shall be submitted in the Monthly Compliance Report and the
21 Annual Compliance Report;
- 22 9. Train the Biological Monitors as appropriate, and ensure their familiarity with the BRMIMP,
23 Worker Environmental Awareness Program (WEAP) training, and USFWS guidelines on desert
24 tortoise surveys and handling procedures⁴; and

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

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

4 *Timing/Implementation: During construction*

5 *Enforcement/Monitoring: Riverside County*

6 Mitigation Measure 4.4-1c states:

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

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

14 *Timing/Implementation: Prior to the initiation of construction*

15 *Enforcement/Monitoring: Riverside County*

16 Mitigation Measure 4.4-1d states:

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

20 *Timing/Implementation: During construction*

21 *Enforcement/Monitoring: Riverside County*

22 Mitigation Measure 4.4-1e states:

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

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

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

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

10 *Timing/Implementation: During construction*

11 *Enforcement/Monitoring: Riverside County*

12 Mitigation Measure 4.4-1f states:

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

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

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

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

23 *Timing/Implementation: Prior to construction*

24 *Enforcement/Monitoring: Riverside County*

25 Mitigation Measure 4.4-1g states:
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27
28

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

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

10 ***A) Special-Status Plant Impact Avoidance and Minimization Measures***

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

- 16 1. *Site Design Modifications*: Incorporate site design modifications to minimize impacts to special-
17 status plants along the Project linears: limiting the width of the work area; adjusting the location
18 of staging areas, lay downs, spur roads and poles or towers; driving and crushing vegetation as
19 an alternative to blading temporary roads to preserve the seed bank, and minor adjustments to
20 the alignment of the roads and pipelines within the constraints of the Project Area. If engineered
21 diversion channels are included, their discharge points shall be designed to maintain the natural
22 surface drainage patterns between the engineered channel and the outlet of the natural washes
23 that flow toward the south and east, downstream of the Project These modifications shall be
24 clearly depicted on the grading and construction plans, and on report-sized maps in the
25 BRMIMP.
- 26 2. *Establish Environmentally Sensitive Areas (ESAs)*. Prior to the start of any ground- or vegetation-
27 disturbing activities, a qualified Project biologist shall establish ESAs to protect avoided special-
28

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

14 3. *Special-Status Plant Worker Environmental Awareness Program (WEAP)*. The WEAP
15 (Mitigation Measure 4.4-17, below) shall include training components specific to protection of
16 special-status plants that may occur in the Study Area.

17 4. *Herbicide and Soil Stabilizer Drift Control Measures*. Special-status plant occurrences within
18 100 feet of the Project Disturbance Area shall be protected from herbicide and soil stabilizer
19 drift. The Invasive Weed Management Plan (Mitigation Measure 4.4-3a) shall include measures
20 to avoid chemical drift or residual toxicity to special-status plants consistent with guidelines
21 such as those provided by the Nature Conservancy's The Global Invasive Species Team
22 (Hillmer and Liedtke, 2003), the USEPA, and the Pesticide Action Network Database.⁵

23 5. *Erosion and Sediment Control Measures*. Erosion and sediment control measures shall not
24 inadvertently impact special-status plants (e.g., by using invasive or non-native plants in seed

27 ⁵ Available at: <http://www.pesticideinfo.org>

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

3 6. *Avoid Special-Status Plant Occurrences.* Areas for spoils, equipment, vehicles, and materials
4 storage areas; parking; equipment and vehicle maintenance areas, and wash areas shall be
5 placed at least 100 feet from any ESAs.

6 7. *Monitoring and Reporting Requirements.* The qualified botanist shall conduct weekly
7 monitoring of the ESAs that protect special-status plant occurrences during construction and
8 decommissioning activities.

9 ***B) Ensure Adequate Special-Status Plant Surveys and Reporting***

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

12 1. *Survey Timing.* Surveys shall be timed to detect: a) summer annuals triggered to germinate by
13 the warm, tropical summer storms (which may occur any time between June and October). Fall-
14 blooming perennials that respond to the cooler, later season storms (typically beginning in
15 September or October) shall only be required if blooms and seeds are necessary for
16 identification or the species are summer-deciduous and require leaves for identification. The
17 surveys shall not be timed to coincide with the statistical peak bloom period of the target species
18 but shall instead be based on plant phenology and the timing of a significant storm event (i.e., a
19 10 mm or greater rain or multiple storm events of sufficient volume to trigger germination, as
20 measured at or within 1 mile of the Project site). Surveys shall occur at the appropriate time to
21 capture the characteristics necessary to identify the taxon.

22 2. *Surveyor Qualifications and Training.* Surveys shall be conducted by a qualified botanist
23 knowledgeable in the complex biology of the local flora, and consistent with CDFW protocols
24 (CDFG, 2009). Each surveyor shall be equipped with a GPS unit and record a complete
25 tracklog; these data shall be compiled and submitted along with the Summer-Fall Survey
26 Botanical Report (described below). Prior to the start of surveys, all crew members shall, at a
27 minimum, visit reference sites (where available) and/or review herbarium specimens of all BLM
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1 Sensitive plants, CNPS List 1B or 2 (Nature Serve rank S1 and S2) or proposed List 1B or 2
2 taxa, and any new reported or documented taxa, to obtain a search image. Because the potential
3 for range extensions is unknown, the list of potentially occurring special-status plants shall
4 include all special-status taxa known to occur within the Sonoran Desert region and the eastern
5 portion of the Mojave in California. The list shall also include taxa with bloom seasons that
6 begin in fall and extend into the early spring as many of these are reported to be easier to detect
7 in fall, following the start of the fall rains.

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

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

- 1 5. *Reporting.* Raw GPS data, metadata, and CNDDDB field forms shall be provided to the County
2 within 2 weeks of the completion of each survey. If surveys are split into two or more periods
3 (e.g., a late summer survey and a fall survey), then a summary letter shall be submitted
4 following each survey period.
- 5 6. The Final Summer-Fall Botanical Survey Report shall be prepared consistent with CDFW
6 guidelines (CDFG, 2009), and BLM 2009 guidelines and shall include all of the following
7 components:
- 8 a. the BLM designation, NatureServe Global and State Rank of each species or taxon found (or
9 proposed rank, or CNPS List);
 - 10 b. the number or percent of the occurrence that will be directly affected, and indirectly affected
11 by changes in drainage patterns or altered geomorphic processes;
 - 12 c. the habitat or plant community that supports the occurrence and the total acres of that habitat
13 or community type that occurs in the Project Disturbance Area;
 - 14 d. an indication of whether the occurrence has any local or regional significance (e.g., if it
15 exhibits any unusual morphology, occurs at the periphery of its range in California,
16 represents a significant range extension or disjunct occurrence, or occurs in an atypical
17 habitat or substrate);
 - 18 e. a completed CNDDDB field form for every occurrence (occurrences of the same species
19 within 0.25 mile or less of each other combined as one occurrence, consistent with CNDDDB
20 methodology), and
 - 21 f. two maps: one that depicts the raw GPS data (as collected in the field) on a topographic base
22 map with Project features; and a second map that follows the CNDDDB protocol for
23 occurrence mapping.

24 ***C) Avoidance Requirements for Special-Status Plants***

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

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

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

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

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

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

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

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

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

25 a. Occupied Habitat, No Habitat Threats: The compensation lands selected for acquisition
26 shall be occupied by the target plant population and shall be characterized by site
27 integrity and habitat quality that are required to support the target species, and shall be of
28

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

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

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

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

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

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

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

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

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

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

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

25 e. Long-term Maintenance and Management Funding. In accordance with Mitigation
26 Measure 4.4-1h (*Phasing*), the Applicant shall deposit in the National Fish and Wildlife
27 Foundation's (NFWF) Renewable Energy Action Team (REAT) Account a non-wasting
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1 capital long-term maintenance and management fee in the amount determined through
2 the PAR or PAR-like analysis conducted for the compensation lands.

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

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

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

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

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

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

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

9 i. Mitigation Security. The Applicant shall provide financial assurances in accordance with
10 Mitigation Measure 4.4-1h (*Phasing*), below, to the County to guarantee that an adequate
11 level of funding is available to implement any of the mitigation measures required by this
12 condition that are not completed prior to the start of ground-disturbing Project activities.
13 Financial assurances shall be provided to the County in the form of an irrevocable letter of
14 credit, a pledged savings account or another form of approved security (“Security”). The
15 amount of the Security shall be \$2,280 per acre, using the estimated cost per acre for
16 desert tortoise mitigation as a best available proxy, at a ratio of 3:1 for Rank 1 plants and
17 2:1 for Rank 2 plants, for every acre of habitat supporting the target special-status plant
18 species which is impacted by the Project. The actual costs to comply with this condition
19 will vary depending on the actual costs of acquiring compensation habitat, the costs of
20 initially improving the habitat, and the actual costs of long-term management as
21 determined by a PAR report. Prior to submitting the Security to the County, the Applicant
22 shall obtain the County’s approval of the form of the Security. The County may draw on
23 the Security if the County determines the Applicant has failed to comply with the
24 requirements specified in this condition. The County may use money from the Security
25 solely for implementation of the requirements of this condition. The County’s use of the
26 Security to implement measures in this condition may not fully satisfy the Applicant’s
27 obligations under this condition, and the Applicant remains responsible for satisfying the
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1 obligations under this condition if the Security is insufficient. The unused Security shall be
2 returned to the Applicant in whole or in part upon successful completion of the associated
3 requirements in this condition.

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

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

26 II. ***Compensatory Mitigation by Habitat Enhancement/Restoration:*** As an alternative or adjunct
27 to land acquisition for compensatory mitigation the Applicant may undertake habitat
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1 enhancement or restoration for the target special-status plant species. Habitat enhancement or
2 restoration activities must achieve protection at a 3:1 ratio for Rank 1 plants and 2:1 for Rank 2
3 plants, with improvements applied to 3 acres, or 2 acres, respectively, of habitat for every acre
4 of special-status plant habitat directly or indirectly disturbed by the Project Disturbance Area
5 (for example, if the area occupied by the special-status plant collectively measured is 0.25 acre,
6 the improvements would be applied to an area equal to 0.75 acre at a 3:1 ratio, or 0.5 acre at a
7 2:1 ratio). Examples of suitable enhancement Projects include but are not limited to the
8 following: i) control unauthorized vehicle use into an occurrence (or pedestrian use if clearly
9 damaging to the species); ii) control of invasive non-native plants that infest or pose an
10 immediate threat to an occurrence; iii) exclude grazing by wild burros or livestock from an
11 occurrence; or iv) restore lost or degraded hydrologic or geomorphic functions critical to the
12 species by restoring previously diverted flows, removing obstructions to the wind sand transport
13 corridor above an occurrence, or increasing groundwater availability for dependent species.

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

23 If the Applicant elects to undertake a habitat enhancement Project for mitigation, they shall
24 submit a Habitat Enhancement/Restoration Plan to the County for review and approval, and
25 shall provide sufficient funding for implementation and monitoring of the Plan. The amount of
26 the Security shall be \$2,280 per acre, using the estimated cost per acre for Desert Tortoise
27 mitigation as a best available proxy, at the ratio of 3:1 for Rank 1 plants and 2:1 for Rank 2
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1 plants, for every acre of habitat supporting the target special-status plant species which is
2 directly or indirectly impacted by the Project. The amount of the security may be adjusted based
3 on the actual costs of implementing the enhancement, restoration and monitoring. The
4 implementation and monitoring of the enhancement/restoration may be undertaken by an
5 appropriate third party such as NFWF, subject to approval by the County. The Habitat
6 Enhancement/Restoration Plan shall include each of the following:

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

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

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

20 *Enforcement/Monitoring: Riverside County*

21 Mitigation Measure 4.4-1h states:

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

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

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

9 *Enforcement/Monitoring: Riverside County*

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

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

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

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

27 Mitigation Measure 4.4-2a states:

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

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

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

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

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

16 d. *Fence Inspections*. Following installation of the desert tortoise exclusion fencing for both
17 the permanent site fencing and temporary fencing in the utility corridors, the fencing shall be
18 regularly inspected. If tortoise were moved out of harm's way during fence construction,
19 permanent and temporary fencing shall be inspected at least two times a day for the first 7
20 days to ensure a recently moved tortoise has not been trapped within the fence. Thereafter,
21 permanent fencing shall be inspected monthly and during and within 24 hours following all
22 major rainfall events. A major rainfall event is defined as one for which flow is detectable
23 within the fenced drainage. Any damage to the fencing shall be temporarily repaired
24 immediately to keep tortoises out of the site, and permanently repaired within 48 hours of
25 observing damage. Inspections of permanent site fencing shall occur for the life of the
26 Project. Temporary fencing shall be inspected weekly and, where drainages intersect the
27 fencing, during and within 24 hours following major rainfall events. All temporary fencing
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1 shall be repaired immediately upon discovery and, if the fence may have permitted tortoise
2 entry while damaged, the Designated Biologist shall inspect the area for tortoise.

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

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

26 b. ***Burrow Excavation/Handling.*** All potential desert tortoise burrows located during clearance
27 surveys would be excavated by hand, tortoises removed, and collapsed or blocked to prevent
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1 occupation by desert tortoises. All desert tortoise handling and removal, and burrow
2 excavations, including nests, would be conducted by the Designated Biologist, who may be
3 assisted by a Biological Monitor in accordance with the *Desert Tortoise Field Manual*.

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

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

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

22 *Enforcement/Monitoring: Riverside County*

23 Mitigation Measure 4.4-2b states:

24 Applicant shall develop and implement a final Desert Tortoise Relocation/Translocation Plan (Plan)
25 that is consistent with current USFWS approved guidelines, and meets the approval of the County. The
26 Plan shall include guidance during different phases of Project construction and shall include measures to
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1 minimize the potential for repeated translocations of individual desert tortoises. The final Plan shall include
2 all revisions deemed necessary by the County, USFWS, and CDFW.

3 *Timing/Implementation: During construction*

4 *Enforcement/Monitoring: Riverside County*

5 Mitigation Measure 4.4-2c states:

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

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

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

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

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

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

25 *Enforcement/Monitoring: Riverside County*

26 Rationale: Implementation of the above Mitigation Measures would reduce potential impacts to
27 desert tortoise to less than significant by requiring identification of a Designated Biologist and Biological
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1 Monitors to carry out and/or support the implementation of the biological resources mitigation measures;
2 avoidance and minimization of take and impacts on desert tortoise and desert tortoise habitat; and a detailed
3 relocation/translocation plan that includes preconstruction clearance surveys of desert tortoise within
4 Project disturbance areas. [DEIR pp. 4.4-80 through 4.4-84]

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

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

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

18 Mitigation Measure 4.4-3a states:

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

1 The Plan shall be consistent with BLM's *Vegetation Treatments Using Herbicides on BLM Lands in*
2 *17 Western States* (BLM, 2007) and the National Invasive Species Management Plan (National Invasive
3 Species Council, 2008), and will be implemented by the Applicant to reduce the potential for the
4 introduction of invasive species during construction, operation and maintenance, and decommissioning of
5 the Project. The draft plan will be reviewed and approved by the County.

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

8 1. ***Preventative Measures During Construction.*** Equipment Cleaning: To prevent the spread of
9 weeds into new habitats, and prior to entering the Project work areas, construction equipment will
10 be cleaned of dirt and mud that could contain weed seeds, roots, or rhizomes. Equipment will be
11 inspected to ensure they are free of any dirt or mud that could contain weed seeds and the tracks,
12 feet, tires, and undercarriage will be carefully washed, with special attention being paid to axles,
13 frame, cross members, motor mounts, underneath steps, running boards, and front bumper/brush
14 guard assemblies. Other construction vehicles (e.g. pick-up trucks) that will be frequently entering
15 and exiting the site will be inspected and washed on an as-needed basis.

16 a. *Vehicle Washing:* All vehicles will be washed off-site when possible. Should off-site
17 washing prove infeasible, an on-site cleaning station will be set up to clean equipment
18 before it enters the work area. Either high-pressure water or air will be used to clean
19 equipment and the cleaning site will be situated away from any sensitive biological
20 resources. If possible, water used to wash vehicles and equipment will be collected and re-
21 used. Ingress and egress will be limited to defined routes.

22 b. *Site Soil Management:* Soil management will consist of limiting ground disturbance to the
23 minimum necessary for construction activities and using dust suppressants to minimize the
24 spread of seeds. Disturbed vegetation and topsoil will be re-deposited at or near the area
25 from which they are removed to eliminate the transport of soil-borne invasive weed seeds,
26 roots, or rhizomes. During reclamation of the temporarily cleared areas, the contractor will
27 return topsoil and vegetative material to the areas from which they were stripped. County-

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

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

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

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

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

26 g. *Pesticides*: Pesticide use will be limited to non-persistent, immobile pesticides applied only
27 in accordance with label and application permit directions and stipulations for terrestrial and
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1 aquatic applications. Any pesticide applications, if used, will be conducted within the
2 framework of County programs and policies, and will entail only the use of USEPA
3 registered pesticides.

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

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

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

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

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

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

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

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

24 5. **Success Criteria.** Weed control will be ongoing on the Project site for the life of the Project, but
25 plan success will be determined by the County after the 3 years of operations monitoring
26 through the reporting and review process. Success criteria will be defined as having no more
27 than 10 percent increase in a weed species or in overall weed cover in any part of the Project.
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1 *Timing/Implementation: Preventative measures during construction; monitoring for the*
2 *first three years of operation*

3 *Enforcement/Monitoring: Riverside County*

4 Mitigation Measure 4.4-3b states:

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

14 1. The Raven Plan shall:

- 15 a. Identify conditions associated with the Project that might provide raven subsidies or
16 attractants;
- 17 b. Describe management practices to avoid or minimize conditions that might increase raven
18 numbers and predatory activities;
- 19 c. Describe control practices for ravens;
- 20 d. Establish thresholds that would trigger implementation of control practices;
- 21 e. Address monitoring and nest removal during construction and for the life of the Project, and;
- 22 f. Discuss reporting requirements.

23 2. USFWS Regional Raven Management Program: The Applicant shall submit payment to the
24 Project sub-account of the REAT Account held by NFWF to support the USFWS Regional
25 Raven Management Program. The one-time fee shall be as described in the cost allocation
26 methodology or more current guidance as provided by USFWS or CDFW.

1 *Timing/Implementation: Prior to the initiation of construction activities*

2 *Enforcement/Monitoring: Riverside County*

3 Mitigation Measure 4.4-3c states:

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

- 13 1. **Monthly Monitoring:** The Designated Biologist or Biological Monitor shall regularly survey the
14 ponds at least once per month starting with the first month of operation of the evaporation
15 ponds. The purpose of the surveys shall be to determine if the netted ponds are effective in
16 excluding birds, if the nets pose an entrapment hazard to birds and wildlife, and to assess the
17 structural integrity of the nets. The monthly surveys shall be conducted in 1 day for a minimum
18 of 2 hours following sunrise (i.e., dawn), a minimum of 1 hour mid-day (i.e., 11:00 to 13:00),
19 and a minimum of 2 hours preceding sunset (i.e., dusk) in order to provide an accurate
20 assessment of bird and wildlife use of the ponds during all seasons. Surveyors shall be
21 experienced with bird identification and survey techniques. Operations staff at the Project site
22 shall also report finding any dead birds or other wildlife at the evaporation ponds to the
23 Designated Biologist within one day of the detection of the carcass. The Designated Biologists
24 shall report any bird or other wildlife deaths or entanglements within two days of the discovery
25 to the County, CDFW, and USFWS.
- 26 2. **Dead or Entangled Birds:** If dead or entangled birds are detected, the Designated Biologist
27 shall take immediate action to correct the source of mortality or entanglement. The Designated
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1 Biologist shall make immediate efforts to contact and consult the Compliance Project Manager
2 (CPM), CDFW, and USFWS by phone and electronic communications prior to taking remedial
3 action upon detection of the problem, but the inability to reach these parties shall not delay
4 taking action that would, in the judgment of the Designated Biologist, prevent further mortality
5 of birds or other wildlife at the evaporation ponds.

- 6 3. ***Quarterly Monitoring:*** If after 12 consecutive monthly site visits no bird or wildlife deaths or
7 entanglements are detected at the evaporation ponds by or reported to the Designated Biologist,
8 monitoring can be reduced to quarterly visits.
- 9 4. ***Biannual Monitoring:*** If after 12 consecutive quarterly site visits no bird or wildlife deaths or
10 entanglements are detected by or reported to the Designated Biologist and with approval from
11 the County, USFWS and CDFW, future surveys may be reduced to two surveys per year, during
12 the spring nesting season and during fall migration. If approved by the County, USFWS and
13 CDFW, monitoring outside the nesting season may be conducted by the Environmental
14 Compliance Manager.
- 15 5. ***Modification of Monitoring Program:*** Without respect to the above requirements the
16 Applicant, CDFW, or USFWS may submit to the County a request for modifications to the
17 evaporation pond monitoring program based on information acquired during monitoring, and
18 may also suggest adaptive management measures to remedy any problems that are detected
19 during monitoring or modifications if bird impacts are not observed. Modifications to the
20 evaporation pond monitoring described above and implementation of adaptive management
21 measures shall be made only after approval from the County, in consultation with USFWS and
22 CDFW.

23 *Timing/Implementation: During operation*

24 *Enforcement/Monitoring: Riverside County*

25 Mitigation Measure 4.4-3d states:

26 To fully mitigate for habitat loss and potential take of desert tortoise, the Applicant shall provide
27 compensatory mitigation at a 1:1 ratio for impacts to 4,900 acres, adjusted to reflect the final footprint of
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1 the selected Project alternative. For the purposes of this measure, the Project footprint means all lands
2 directly disturbed in the construction and operation of the Project, including all linear features, as well as
3 undeveloped areas inside the Project's boundaries that will no longer provide viable long-term habitat for
4 the desert tortoise. To satisfy this measure, the Applicant shall acquire, protect and transfer 1 acre of desert
5 tortoise habitat for every acre of habitat within the final Project footprint, and provide associated funding
6 for the acquired lands, as specified below. Mitigation Measure 4.4-3d, below, may provide the Applicant
7 with another option for satisfying some or all of the requirements in this measure. In lieu of acquiring lands
8 itself, the Applicant may satisfy the requirements of this measure by depositing funds into the REAT
9 Account established with the NFWF, as provided below in section 3.h. of this measure.

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

- 15 1. ***Selection Criteria for Compensation Lands.*** The compensation lands selected for acquisition in
16 fee title or in easement shall:
 - 17 a. be within the Colorado Desert Recovery Unit, with potential to contribute to desert tortoise
18 habitat connectivity and build linkages between desert tortoise designated critical habitat,
19 known populations of desert tortoise, and/or other preserve lands;
 - 20 b. provide habitat for desert tortoise with capacity to regenerate naturally when disturbances
21 are removed;
 - 22 c. be prioritized near larger blocks of lands that are either already protected or planned for
23 protection, or which could feasibly be protected long-term by a public resource agency or a
24 non-governmental organization dedicated to habitat preservation;
 - 25 d. be connected to lands with desert tortoise habitat equal to or better quality than the Project
26 site, ideally with populations that are stable, recovering, or likely to recover;
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- e. not have a history of intensive recreational use or other disturbance that does not have the capacity to regenerate naturally when disturbances are removed or might make habitat recovery and restoration infeasible;
- f. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;
- g. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat; and
- h. have water and mineral rights included as part of the acquisition, unless the County, in consultation with CDFW and USFWS, agrees in writing to the acceptability of land.

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

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

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