



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Juan C. Perez*  
*TLMA Director/Interim Planning Director*

**DATE:** May 27, 2014

**TO:** Clerk of the Board of Supervisors

**FROM:** Planning Department - Riverside Office

**SUBJECT:** PUBLIC USE PERMIT NO. 914 (FTA 2013-04) - 30 DAY NOH (PREVIOUSLY NOTICED)  
(Charge your time to these case numbers)

**The attached item(s) require the following action(s) by the Board of Supervisors:**

- |   |  |
|---|--|
| <input type="checkbox"/> Place on Administrative Action (Receive & File; EOT)                   | <input checked="" type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)        |
| <input type="checkbox"/> Labels provided If Set For Hearing                                     | <input checked="" type="checkbox"/> Publish in Newspaper:  |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | (4th Dist) Desert Sun and Press Enterprise   |
| <input type="checkbox"/> Place on Consent Calendar  | <input checked="" type="checkbox"/> Addendum to earlier Environmental Document                             |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC)                | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input checked="" type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP)                          | <input type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided)              |
|   | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                         |

**Documents to be sent to County Clerk's Office for Posting within five days:**

Notice of Determination  
California Department of Fish & Wildlife Receipt (CFG06066)

**Do not send these documents to the County Clerk for posting until the Board has taken final action on the subject cases.**

Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 Duna Court, Suite H  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

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



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
June 5, 2014

**SUBJECT:** Desert Harvest Solar Project: Adoption of Resolution 2014-146 Certifying the Final Environmental Impact Statement for the Desert Harvest Solar Project as a CEQA equivalent Environmental Impact Report, Adopting Environmental Findings Pursuant to CEQA, Approving a Water Supply Assessment, Adopting a Mitigation Monitoring and Reporting Plan, and Adopting a Statement of Overriding Considerations; Approval of Public Use Permit No. 914, and Adoption of Ordinance No. 922 Granting to Desert Harvest, LLC a Franchise to Construct and Use an Electrical Transmission Line Under, Along, Across, or Upon the Kaiser Road Rights-Of-Way in Eastern Riverside County – Fast Track Authorization 2013-04 – Applicant: Desert Harvest, LLC – Engineer/Representative: Section Thirty Seven Consultants, LLC – Chuckwalla Zoning Area – Desert Center Area Plan – Location: Northerly of Interstate 10, westerly of Desert Center Rice Road (State Highway 177) within portions of Kaiser Road rights-of-way, 4<sup>th</sup>/4<sup>th</sup> District. [\$0]

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

- CONSIDER** the environmental effects of the Project as shown in the "Desert Harvest Solar Farm Project Final Environmental Impact Statement and California Desert Conservation Plan Amendment" prepared and approved by the Bureau of Land Management (BLM) in the Record of Decision; and,

(continued on page 2)

\_\_\_\_\_  
Juan C. Perez, TLMA Director/  
Interim Planning Director

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

**C.E.O. RECOMMENDATION:**

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

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

**Prev. Agn. Ref.:** 3-21 of 4/29/14

**District:** 4/4

**Agenda Number:**

Departmental Concurrence

FORM APPROVED COUNTY COUNS.  
BY: *Tiffany N. North* 6/4/14  
TIFFANY N. NORTH DA

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Desert Harvest Solar Project - Resolution No. 2014-146, Public Use Permit No. 914 and  
Ordinance No. 922**

**DATE: June 5, 2014**

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2. **ADOPT** RESOLUTION NO. 2014-146 Certifying the Final Environmental Impact Statement for the Desert Harvest Solar Project as a CEQA equivalent Environmental Impact Report, Approving a Water Supply Assessment, Adopting Environmental Findings Pursuant to CEQA, Adopting a Mitigation Monitoring and Reporting Plan, and Adopting a Statement of Overriding Considerations; and
3. **APPROVE** PUBLIC USE PERMIT NO. 914, subject to the attached conditions of approval and based upon the findings and conclusions incorporated in the attached staff report and in Resolution No. 2014-146; and
4. **INTRODUCE and ADOPT** on successive weeks ORDINANCE NO. 922, Granting to Desert Harvest, LLC, A Delaware Limited Liability Company, and its Lawful Successors and Assigns, in whole or in part, a Franchise to Construct and Use an Electrical Transmission Line, Under, Along, Across, or Upon the Kaiser Road Rights-of-Way in Eastern Riverside County, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the attached staff report and in Resolution No. 2014-146; and
5. **DIRECT** the Clerk of the Board to file the Notice of Determination with the County Clerk within five (5) days of approval of the project.

**BACKGROUND:**

The applicant, Desert Harvest, LLC, ("Desert Harvest") proposes to construct and operate a 150 megawatt (MW) photovoltaic (PV) solar power plant known as the Desert Harvest Solar Project ("Project"). The overall Project involves two main components: (1) a solar array field and (2) a 220 kilovolt ("kV") transmission line ("Gen-Tie Line"). The majority of the Project, including the solar array field, where the power would be generated, consists of 1,208 acres of BLM-administered public lands located immediately adjacent to the site of the Desert Sunlight Solar Farm project. The solar array field would consist of a generation area including fifteen-foot tall PV arrays, a switchyard, inverters, overhead lines, and access roads; an operations and maintenance facility; an on-site substation and switchgear; and site security, fencing and lighting. The solar array field is not within the County's land use jurisdiction. A Record of Decision approving the Project was issued by the U.S. Department of the Interior in March 2013.

The Gen-Tie Line will connect the electrical output of solar power plant to Southern California Edison's Red Bluff Substation where the power would feed into SCE's existing Devers Palo Verde No. 1 500-kV interconnection line. The Gen-Tie Line is proposed to exit the northwest portion of the Project site, run south along the west side of Kaiser Road, turn east just north of Desert Center, and then run south across Interstate 10 to the Red Bluff Substation. The entire Gen-Tie Line would be 12.1 miles long. A portion of the Gen-Tie Line will run under, along, across or upon the County of Riverside's Kaiser Road rights-of-way (a total distance of approximately 5.8 miles) requiring an encroachment permit and a franchise agreement with the County for use of road rights-of-way for placement of the transmission poles and lines. Two (2) portions of the Gen Tie Line are proposed to cross private land under the jurisdiction of the County, which requires the Applicant to also obtain a Public Use Permit (PUP) pursuant to Riverside County Ordinance No. 348, Section 18.29. These two (2) PUP portions are adjacent to Assessor's Parcel Numbers 807-171-005 and 808-161-001 and comprise a total area of 1.1 miles and approximately 22 acres under County land use jurisdiction. The Gen-Tie Line will either share steel monopoles with the approved Desert Sunlight Solar Farm project gen-tie line presently under construction or construct a separate, stand-alone Gen-Tie Line running parallel with the Desert Sunlight gen-tie line.

Desert Harvest applied for a Public Use Permit (PUP 914) pursuant to Ordinance No. 348 and an encroachment permit pursuant to Ordinance No. 499 for the portions of the Project within the County's land use jurisdiction. PUP 914 is a fast track case. The Transportation Department is considering the

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Desert Harvest Solar Project - Resolution No. 2014-146, Public Use Permit No. 914 and  
Ordinance No. 922**

**DATE: June 5, 2014**

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encroachment permit application. Board of Supervisors Policy No. B-29 states, "No encroachment permit shall be issued for a solar power plant unless the Board first grants a franchise to the solar power plant owner." The County is authorized to grant a franchise pursuant to Article 11, Section 7, of the California Constitution and Government Code section 26001. A franchise agreement is adopted by ordinance. Here, the franchise agreement (Ordinance No. 922) would allow Desert Harvest to construct and use the Gen-Tie Line under, along, across or upon the Kaiser Road rights-of-way and would compensate the County for such construction and use. In 2011, the Board granted a similar franchise for the Desert Sunlight Solar Farm Project in Ordinance No. 909.

Desert Harvest and County staff have reached an agreement on the terms of the franchise agreement which shall be for 30 years. As set forth in proposed Ordinance No. 922 and consistent with Board Policy No. B-29, Desert Harvest will submit annual payments of \$150 per acre, increased annually by 2% from and after 2013 (currently \$153 per acre in 2014), based on the solar power plant net acreage amount of 1,208 acres at full build out. The total "net acreage", agreed upon by Desert Harvest, was calculated using the definition in Board Policy No. B-29. The Project is scheduled to be built in phases and the annual payments will be based on the net acreage included in each phase until complete build out. As currently contemplated by Desert Harvest, the first phase will include a net acreage of 10 acres. The first phase consists of pre-construction surveys, desert tortoise exclusion fencing, and other preconstruction activities. The second phase will include a net acreage of 1,043 acres. The third phase will include a net acreage of 155 acres. The Gen-Tie Line is planned for construction during the second phase. Desert Harvest 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. Further, the franchise agreement also requires Desert Harvest to defend, indemnify and hold harmless the County and requires insurance coverage.

Approval and use of Public Use Permit No. 914 is conditioned upon the franchise agreement being entered into and effective.

**Impact on Citizens and Businesses**

An Environmental Impact Statement ("EIS") prepared by the BLM studied the overall Desert Harvest Solar Project and its impacts. Public Resources Code section 21083.7 and CEQA Guidelines Section 15221 state that when an EIS has been prepared, all or parts of the EIS may be submitted instead of an Environmental Impact Report ("EIR"), if the EIS complies with the requirements of CEQA and the CEQA Guidelines. As explained in Resolution No. 2014-146 and in the Planning Department Staff Report, both attached hereto, the County intends to rely upon the EIS to satisfy CEQA for this Project. The EIS identified the following significant and unavoidable impacts of the Project: Air Resources, Biological Resources, Cultural Resources, Noise and Vibration, Recreation, and Visual Resources. Resolution No. 2014-146, contains findings required by CEQA including mitigation measures for the Project, as well as a statement of overriding considerations. In addition, the EIS includes a Water Supply Assessment prepared in accordance with Water Code Section 10910 et seq. Since the Project area is not served by a Public Water System, the Board of Supervisors must make findings regarding the adequacy of the water supply which are contained in Resolution No. 2014-146 and find the water supply will be sufficient to satisfy the demands of the Project, as well as other existing and planned uses.

The Project will aid in the transmission of renewable energy to the power grid. The Project will also increase local short-term and long-term employment opportunities, as well as boost local business activity during construction. The maximum number of onsite personnel during construction at any one time is 250 workers. An average workforce of 100 is anticipated. Over a 12-month construction period, the transmission line workforce would average 30 employees and no more than 65 employees at any one point. Therefore, the total peak workforce on the Project would be 315 construction workers. The Project would employ 8 fulltime staff during operations.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Desert Harvest Solar Project - Resolution No. 2014-146, Public Use Permit No. 914 and  
Ordinance No. 922**

**DATE: June 5, 2014**

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**SUPPLEMENTAL:**

**Additional Fiscal Information**

As stated above, the applicant and County staff have reached an agreement on the provisions of franchise agreement. Under Ordinance No. 922, 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 1,208 acres at full build out. 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 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.

Staff labor and expenses to process the Project have been paid directly through Desert Harvest's deposit based fees.

**Contract History and Price Reasonableness**

N/A

**Attachments:**

1. Planning Department Staff Report
2. Resolution No. 2014-146 Certifying the Final Environmental Impact Statement for the Desert Harvest Solar Project as a CEQA equivalent Environmental Impact Report, Approving a Water Supply Assessment, Adopting Environmental Findings Pursuant to CEQA, Adopting a Mitigation Monitoring and Reporting Plan, and Adopting a Statement of Overriding Considerations
3. Ordinance No. 922 – An Ordinance of the County of Riverside Granting to Desert Harvest, LLC, A Delaware Limited Liability Company, and its Lawful Successors and Assigns, in whole or in part, a Franchise to Construct and Use an Electrical Transmission Line, Under, Along, Across, or Upon the Kaiser Road Rights-of-Way in Eastern Riverside County
4. Conditions of Approval for PUP 914
5. Notice of Determination

ATTACHMENT 1

**Area Plan: Desert Center**  
**Zoning Area: Chuckwalla**  
**Supervisory District: Fourth/Fourth**  
**Project Planner: Jay Olivas**  
**Board of Supervisors: June 17, 2014**

**PUBLIC USE PERMIT NO. 914**  
**ORDINANCE NO. 922**  
**FAST TRACK AUTHORIZATION NO. 2013-04**  
**Applicant: Desert Harvest, LLC**  
**Eng/Rep: Section Thirty Seven Consultants, LLC**

## **COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT**

### **PROJECT DESCRIPTION AND LOCATION:**

The applicant, Desert Harvest, LLC, ("Desert Harvest") proposes to construct and operate a 150 megawatt (MW) photovoltaic (PV) solar power plant known as the Desert Harvest Solar Project ("Project"). The overall Project consists of two main components: (1) a solar array field and (2) a 220 kilovolt ("kV") transmission line ("Gen-Tie Line"). The Project, including the solar array field, where the power would be generated, consists of 1,208 acres of Bureau of Land Management ("BLM") administered public lands located immediately adjacent to the site of the Desert Sunlight Solar Farm project located approximately five miles north of Desert Center. The solar array field would consist of a generation area including fifteen-foot tall PV arrays, a switchyard, inverters, overhead lines, and access roads; an operations and maintenance facility; an on-site substation and switchgear; and site security, fencing and lighting. The solar array field is not within the County's land use jurisdiction. A Record of Decision approving the Project was issued by the U.S. Department of the Interior in March 2013.

A 0.6-mile segment and a 0.5-mile segment of the 12.1-mile Gen Tie Line would cross non-federal lands subject to County jurisdiction. In addition, 5.8 miles of the Gen Tie Line would use the County of Riverside's Kaiser Road right-of-way. Public Use Permit No. 914 proposes to construct, operate, and maintain the Gen-Tie Line. The Gen Tie Line will connect the electrical output of the Project to Southern California Edison's Red Bluff Substation. The Gen Tie Line is proposed to exit the northwest portion of the Project site, run south along the west side of Kaiser Road, turn east just north of Desert Center, and then run south across Interstate 10 to the proposed Substation. The majority of the Gen Tie Line is proposed to run under, along, across or upon the County of Riverside's Kaiser Road rights-of-way (a total distance of approximately 5.8 miles). Public Use Permit No. 914 (herein referred to as the "PUP") directly affects the two (2) portions of Kaiser Road rights-of way and consists of Alternative B and Alternative C. Alternative B would be shared transmission poles with the "Desert Sunlight Solar Project" (PUP 909) up to approximately 135 feet in height and Alternative C would be additional transmission poles up to approximately 125 feet in height. The two (2) PUP portions and both alternatives would consist of approximately eight (8) transmission poles crossing a total distance of approximately 1.1 miles crossing land under the jurisdiction of the County of Riverside, which requires the Applicant to obtain a Public Use Permit pursuant to Riverside County Ordinance (RCO) No. 348, Section 18.29. The two (2) PUP portions are adjacent to Assessor's Parcel Numbers 807-171-005 and 808-161-001 and comprise a total area of approximately 22 acres under County jurisdiction.

Under RCO No. 499, encroachment permits will be required by the Transportation Department for all work for the Gen-Tie Line within the Kaiser Road rights-of-way (a total distance of approximately 5.8 miles). RCO No. 499 and Board of Supervisors Policy No. B-29 provide that an encroachment permit may be issued if the applicant holds a current County franchise agreement. The County is authorized to grant a franchise pursuant to Article 11, Section 7, of the California Constitution, Government Code section 26001, and the provisions of Public Utilities Code sections 6201 through 6302. A franchise agreement is adopted by ordinance. Here, the franchise agreement (Ordinance No. 922) would allow Desert Harvest to construct and use the Gen-Tie Line under, along, across or upon the Kaiser Road rights-of-way and would compensate the County for such use. In 2011, the Board granted a similar franchise for the Desert Sunlight Solar Farm Project in Ordinance No. 909.

Desert Harvest and County staff have reached an agreement on the terms of the franchise agreement. The franchise agreement shall be for 30 years. As set forth in proposed Ordinance No. 922 and consistent with Board Policy No. B-29, Desert Harvest will submit annual payments of \$150 per acre, increased annually by 2% from and after 2013 (currently \$153 per acre in 2014), based on the solar power plant net acreage amount of 1,208 acres at full build out. The total "net acreage", agreed upon by Desert Harvest, was calculated using the definition in Board Policy No. B-29. The Project is scheduled to be built in phases and the annual payments will be based on the net acreage included in each phase until complete build out. As currently contemplated by Desert Harvest, the first phase will include a net acreage of 10 acres. The first phase consists of pre-construction surveys, desert tortoise exclusion fencing, and other preconstruction activities. The second phase will include a net acreage of 1,043 acres. The third phase will include a net acreage of 155 acres. Once fully constructed, the Desert Harvest will submit a franchise payment of approximately \$185,000 per year in today's dollars to compensate the County for the use of the Kaiser Road rights-of-way. The Gen-Tie Line is planned for construction during the second phase. Desert Harvest 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. Further, the franchise agreement also requires Desert Harvest to defend, indemnify and hold harmless the County and requires insurance coverage.

Approval and use of PUP 914 is conditioned upon the franchise agreement being entered into and effective.

The Project is located in the Desert Center Area Plan in Eastern Riverside County, more specifically, northerly of Interstate 10, westerly of Desert Center Rice Road (State Highway 177) within portions of Kaiser Road rights-of-way. Related cases: Desert Harvest Solar Farm Project (BLM CACA-49491).

**ISSUES OF POTENTIAL CONCERN:**

As stated above, except for segments of the Gen Tie Line, the Project will be located on federal land managed by the BLM. The solar array field is not within the County's jurisdiction. As was done with the neighboring Desert Sunlight Solar Farm Project, the Project's Final Environmental Impact Statement ("EIS"), prepared pursuant to National Environmental Policy Act ("NEPA"), was drafted to meet the requirements of an Environmental Impact Report ("EIR") under CEQA and identified certain significant and unavoidable impacts even after mitigation.

As explained in the EIS and in Resolution No. 2014-146, the Project is anticipated to have significant and unavoidable impacts, even after mitigation. In the event that the Project is approved, the significant and unavoidable impacts on the environment resources listed below will require the Board of Supervisors to make a statement of overriding considerations balancing the benefits of the Project against its unavoidable environmental risks. Such a statement of overriding considerations is included in Section XI of Resolution No. 2014-146.

- Air Resources – Temporary emission impacts during construction.
- Biological Resources – Cumulative impacts to sensitive natural communities, jurisdictional streambeds, special-status species, and wildlife movement.
- Cultural Resources – Indirect impacts, with particular regard to the setting of the North Chuckwalla Petroglyph District and Coco-Maricopa trail segments, and cumulative impacts within the local I-10 corridor and surrounding region.
- Noise and Vibration – Although construction would be limited to daylight hours, the project would result in a direct temporary, 11.5 dBA increase in noise levels along Kaiser



Road north of Lake Tamarisk Road during construction that would exceed a significance threshold of 10 dBA.

- Recreation – Cumulative impacts on the recreation opportunities and experiences of users, communities, and regional populations due to changes in the existing character of the Project study area and a diminished wilderness experience in proximal locations within the Coxcomb Mountains.
- Visual Resources – Direct and cumulative impacts to views of the Chuckwalla Valley from elevated vantage points and inconsistency with the visual resource policies of the land use element of the County General plan if they were to apply beyond the County's scope of land use jurisdiction.

As authorized by Public Resources Code Section 21083.7 and CEQA Guidelines Section 15221, instead of preparing a separate Environmental Impact EIR, Riverside County, acting as lead agency under the CEQA, intends to use the EIS prepared by the BLM, the NEPA lead agency, for the Project as was done by the County for the Desert Sunlight Solar Farm Project. CEQA provides that, in the event a project requires both an EIS and an EIR "the lead agency shall, whenever possible, use the environmental impact statement as such environmental impact report." Public Resources Code Section 21083.7. State and local agencies are encouraged to use an EIS prepared pursuant to NEPA rather than preparing a new CEQA document when the EIS, prepared before an EIR, would otherwise be completed for the project; and the EIS complies with CEQA Guidelines. CEQA Guidelines section 15225 further states that, where the EIS was circulated for public review as broadly as state and local law may require and notice was given that met the standards in section 15087(a) of the CEQA Guidelines, the lead agency may use the EIS in place of an EIR without recirculating the EIS for public review. Here, the EIS was broadly circulated to federal and state agencies and there was a ninety (90) day public review period on the Draft EIS that began on April 13, 2012 and ended on July 12, 2012.

Prior to using the EIS in place of an EIR, the lead agency must provide notice that it will use the EIS in place of the EIR and believes that the EIS meets the requirements of CEQA. Such notice was given by the County on May 17, 2014. The County participated in the preparation of the EIS as a cooperating agency under NEPA and as a lead agency under CEQA. Because the County has determined that the EIS for the Project was prepared to comply with CEQA, was circulated as broadly as required under CEQA, and notice met the standards of section 15087(a), the County is not recirculating the EIS for public review as explained in detail in Resolution No. 2014-146.

#### *Water Supply Assessment*

The Project proposes to drill two wells. Since the Project is not served by a public water system, the Board of Supervisors must approve a Water Supply Assessment ("WSA") per Water Code section 10910. Such approval is contained in Section X of Resolution No. 2014-146. A WSA was prepared by Aspen Environmental Group for the Project consistent with the requirements of the Water Code. The WSA was included in the EIS. The WSA concluded that the Chuckwalla Valley Groundwater Basin ("CVGB") would be affected by overdraft conditions during implementation of the Project and that such overdraft conditions would occur regardless of the Project but that such overdraft conditions would be temporary and recover with time. Project-specific mitigation measures were imposed in the EIS to ensure that the Project would not contribute to overdraft conditions in the CVGB (Mitigation Measure WAT-2: Alternative Water Source and Groundwater Offsets). The WSA concluded that water supplies will be sufficient to satisfy the demands of the Project, in addition to existing and planned uses.

#### **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 EIS has been completed in

accordance with and consistent with all 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 of 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 EIS, the Project would be developed on lands with an excellent solar resource near transmission infrastructure and access roads in order to minimize environmental impacts. The Project will also increase local short-term and long-term employment opportunities. The maximum number of onsite personnel during construction at any one time is 250 workers. An average workforce of 130 is anticipated. Over a 12-month construction period, the transmission line workforce would average 30 employees and no more than 65 employees at any one point. The total peak workforce on the Project would be 315 construction workers. The Project would employ 8 fulltime staff during operations. The Project 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 Ordinance No. 922, as well as boost local business activity during construction. Additionally, once fully constructed, the Desert Harvest will submit a franchise payment of approximately \$185,000 per year in today's dollars to compensate the County for the use of the Kaiser Road rights-of-way

**SUMMARY OF FINDINGS:**

- |                                    |  |
|------------------------------------|--|
| 1. General Plan Land Use (Ex. #5): | Not Applicable (Kaiser Road Right-of-Way)  |
| 2. Existing Zoning (Ex. #2):       | Not Applicable (Kaiser Road Right-of-Way)  |
| 3. Surrounding Zoning (Ex. #2):    | Natural Assets (N-A); Controlled Development Areas (W-2-10); One-Family Dwellings (R-1-20)   |
| 4. Existing Land Use (Ex. #1):     | Kaiser Road Right-of-Way<br>Vacant desert land, Agriculture land, Desert Center Landfill, One Family Dwellings, Golf Course, Existing Lake                 |
| 5. Surrounding Land Use (Ex. #1):  |  |
| 6. PUP Area Data:                  | Total Acreage: 22 Acres<br>220 kilovolt Gen Tie Line with eight (8) Utility Monopoles  |
| 7. Environmental Concerns:         | See Final Environmental Impact Statement dated November 2012 (CACA-49491<br>Publication Index #: BLM/CA/ES-2013-003+1793<br>DOI-BLM-CA-D000-2012-0004-EIS) |

**RECOMMENDATIONS:**

1. **CONSIDER** the environmental effects of the Project as shown in the "Desert Harvest Solar Farm Project Final Environmental Impact Statement and California Desert Conservation Plan Amendment" prepared and approved by the Bureau of Land Management (BLM) in the Record of Decision; and,
2. **ADOPT** RESOLUTION NO. 2014-146 Certifying the Final Environmental Impact Statement for the Desert Harvest Solar Project as a CEQA equivalent Environmental Impact Report, Approving a Water Supply Assessment, Adopting Environmental Findings Pursuant to CEQA, Adopting a Mitigation Monitoring and Reporting Plan, and Adopting a Statement of Overriding Considerations; and
3. **APPROVE** PUBLIC USE PERMIT NO. 914, subject to the attached conditions of approval and based upon the findings and conclusions incorporated in the staff report and in Resolution No.

2014-146; and

4. **INTRODUCE and ADOPT** on successive weeks ORDINANCE NO. 922, Granting to Desert Harvest, LLC, A Delaware Limited Liability Company, and its Lawful Successors and Assigns, in whole or in part, a Franchise to Construct and Use an Electrical Transmission Line, Under, Along, Across, or Upon the Kaiser Road Rights-of-Way in Eastern Riverside County, based upon the findings and conclusions incorporated in the staff report and in Resolution No. 2014-146; and
5. **DIRECT** the Clerk of the Board to file the Notice of Determination with the County Clerk within five (5) days of approval of the project.

**FINDINGS:** The following findings are in addition to those incorporated in the summary of findings, the EIS, and the attached Resolution No. 2014-146, which are incorporated herein by reference.

1. The applicant for PUP 914 proposes to install a 220 kilovolt transmission line referred to as Gen-Tie Line which includes eight transmission poles approximately 1.1 miles in length within two portions of the Kaiser Road right-of-way totaling approximately 22 acres.
2. The Project site is located within the Desert Center Area Plan.
3. The Project site is adjacent to Open Space – Rural (OS-RUR) (20 Acre Minimum), Rural Residential (R-R) (5 Acre Minimum), and Open-Space-Recreation (OS-R) land use designations of the Riverside County General Plan.
4. The proposed Gen-Tie Line under the PUP is within portions of the Kaiser Road right-of-way that leads to the Southern California Edison Red Bluff Substation, and is in support of a proposed 150-megawatt photovoltaic solar energy project approximately five miles to the north within the jurisdiction of the Bureau of Land Management.
5. The surrounding zones for this project consist of Natural Assets (N-A), Controlled Development Areas (W-2-10), and One Family Dwellings (R-1-20). The Project would be compatible with surrounding zones since PUP 914 is conditioned for compliance with encroachment permit standards under Ordinance No. 499 and is conditioned to prevent dust and blow sand.
6. The Gen-Tie Line that crosses land under jurisdiction of the County of Riverside within two portions of the Kaiser Road right-of-way, is a permitted use subject to approval of a Public Use Permit under RCO No. 348, section 18.29.
7. PUP 914 consists of two separate sites totaling approximately 22 acres, a northerly portion of 12 acres and a southerly portion of 10 acres, within the Kaiser Road right-of-way, with the proposed transmission lines located on the westerly side of the existing Kaiser Road pavement.
8. Surrounding land uses consist of vacant desert land, agriculture land, a landfill, one-family dwellings, golf course and an existing lake.
9. The proposed Gen-Tie Line is consistent with surrounding land uses since the proposed PUP is required to complete proposed improvements within the Kaiser Road right-of-way, including multiple paved pole access points to the overhead pole locations from

existing Kaiser Road pavement; plus temporary and permanent guard structures and splice locations.

10. Primary access to the site is from Kaiser Road (300' ROW). The Project will be in compliance with the requirements of the circulation element of the General Plan.
11. The Project is approximately one half mile from the nearest fire station in conformance with the fire services policies of the General Plan.
12. Similar uses (the Desert Sunlight Solar Farm Project) have been constructed and are operating in the project vicinity.
13. 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 the franchise agreement (Ordinance No. 922) also ensure that the Project is being developed in a fiscally responsible manner.
14. 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 150 MW of PV solar power and will provide renewable energy to the southern California region.
15. The EIS studied the Project 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 categories to be potentially significant and unavoidable:
  - Air Resources
  - Biological Resources
  - Cultural Resources
  - Noise and Vibration
  - Recreation
  - Visual Resources

#### **CONCLUSIONS:**

1. The proposed Project is in conformance with the Riverside County General Plan.
2. The proposed Project is consistent with 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 Project will not preclude reserve design for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

6. The Project will have a significant effect on the environment as defined by CEQA. As set forth in Resolution No. 2014-146, the County has balanced the benefits against any unavoidable significant environmental effects.

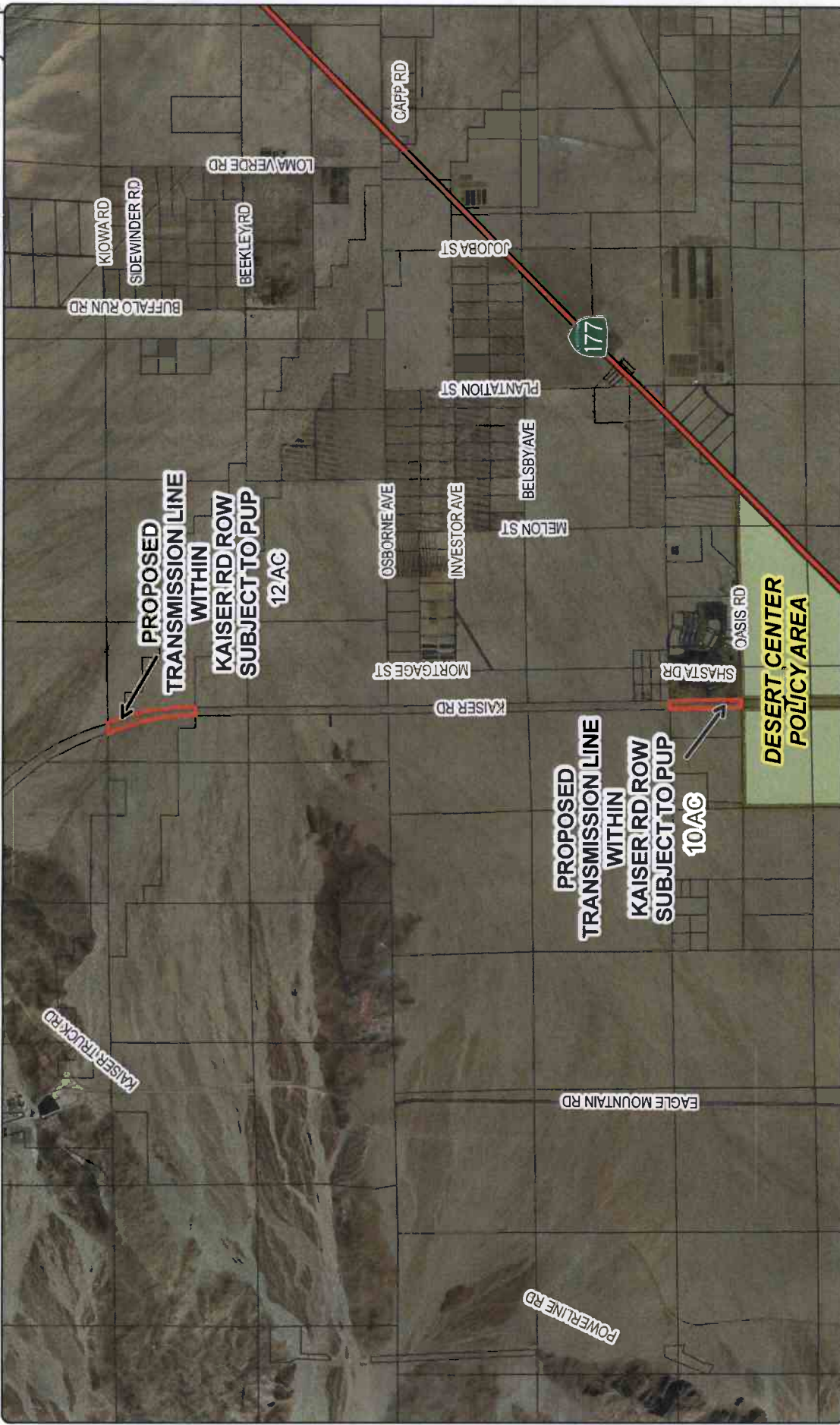
**INFORMATIONAL ITEMS:**

1. As of this writing (6/2/14), no letters in favor or opposition have been received from the general public. Staff did receive several letters from Lozeau Drury, LLP, a legal firm, regarding comments on the overall Desert Harvest Solar Project located on BLM land including Comments on the Draft Environmental Impact Statement (BLM Document) which were also provided to applicant. Staff also received a Public Records Act request from Lozeau Drury, LLP which staff responded to on May 21, 2013 by stating all non-exempt public records for PUP 914 were available for review.
2. The project site is not located within:
  - a. An Agriculture Preserve;
  - b. A FEMA 100-year flood plain, an area drainage plan, or dam inundation area;
  - c. A Redevelopment Area;
  - d. A Fault Zone;
  - e. An Airport Influence Area;
  - f. A high fire area; or
  - g. A Conservation Area;
3. The project site is located within:
  - a. Air Quality District;
  - b. Colorado River Watershed; and,
  - c. Low Paleontological Resources Area.

**RIVERSIDE COUNTY PLANNING DEPARTMENT**  
**PUP00914**  
**VICINITY/POLICY AREAS**

Supervisor Benoit  
 District 4

Date Drawn: 04/10/2014  
 Vicinity Map



Zoning Area: Chuckawalla  
 Township/Range: T4SR5E / T5SR15E  
 Section: 27 / 15

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.lrrma.co.thriverside.ca.us/index.html>.

Assessors Bk. Pg. N/A  
 Thomas Bros. Pg. 5421 B1  
 Edition 2009



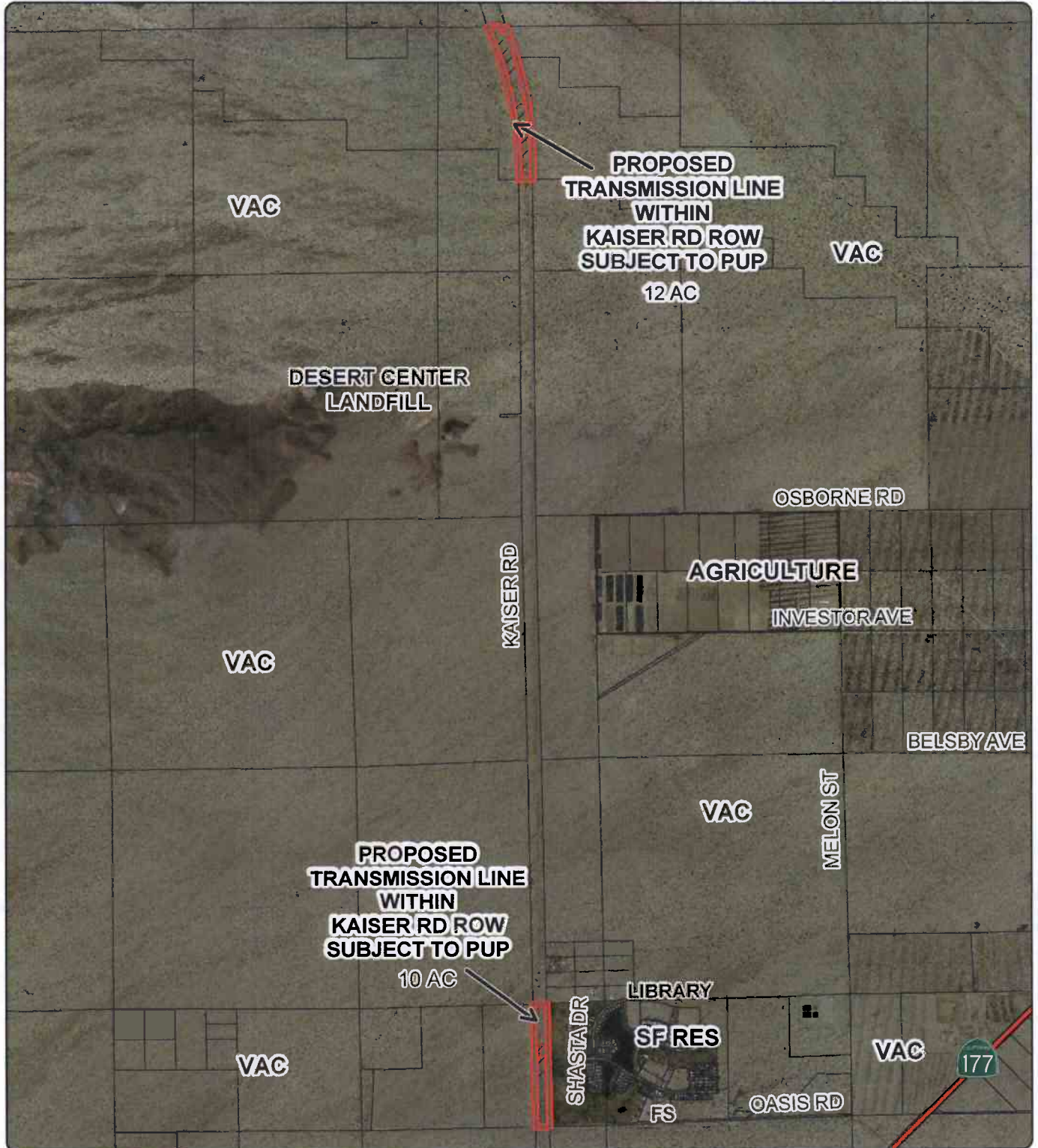
RIVERSIDE COUNTY PLANNING DEPARTMENT

PUP00914

Supervisor Benoit  
District 4

Date Drawn: 04/10/2014  
Exhibit 1

LAND USE



Zoning Area: Chuckawalla  
Township/Range: T4SR5E / T5SR15E  
Section: 27 / 15

Assessors Bk. Pg. N/A  
Thomas Bros. Pg. 5421 B1  
Edition 2009



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RIVERSIDE COUNTY PLANNING DEPARTMENT

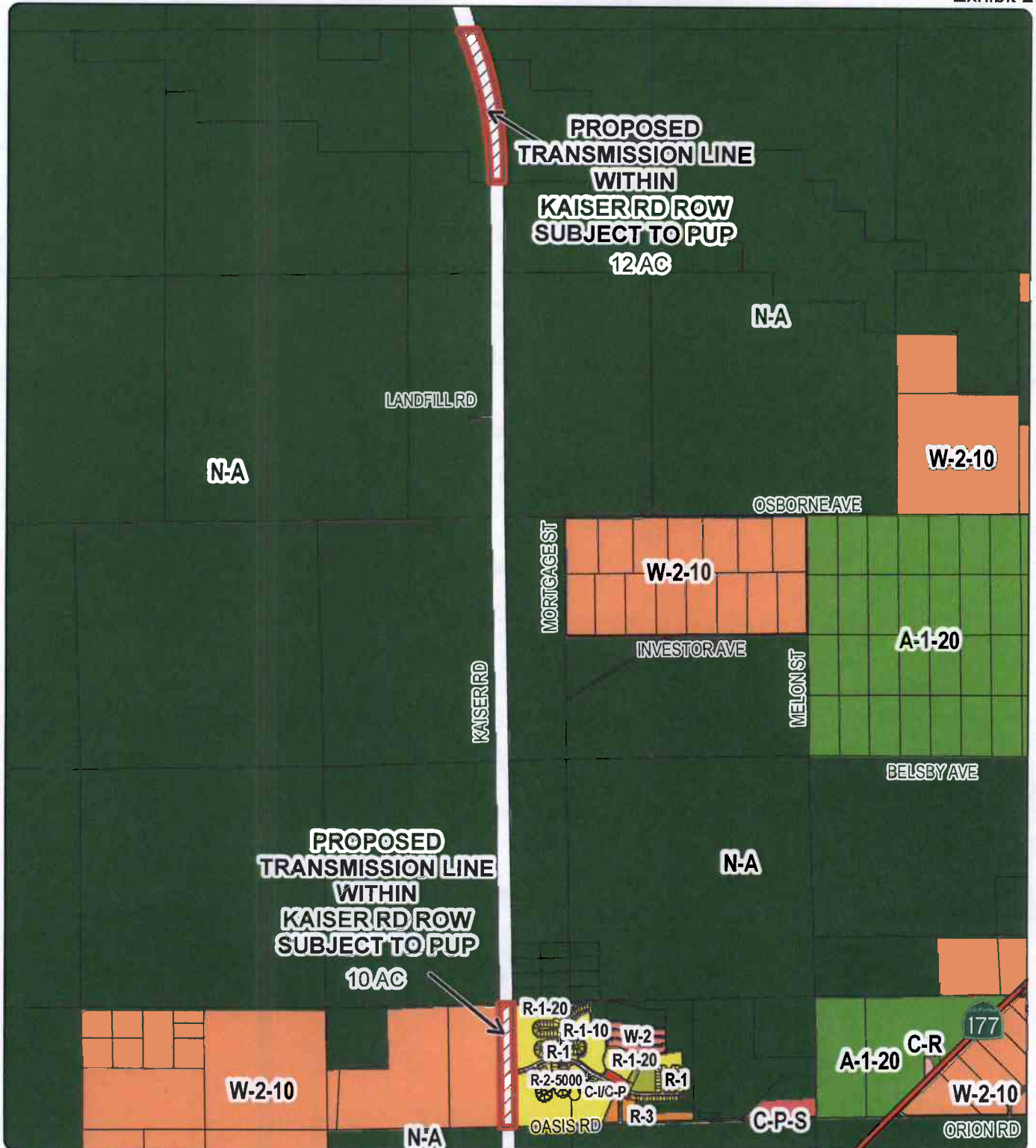
PUP00914

Supervisor Benoit  
District 4

Date Drawn: 04/10/2014

Exhibit 2

EXISTING ZONING



Zoning Area: Chuckawalla  
Township/Range: T4SR5E / T5SR15E  
Section: 27 / 15

Assessors Bk. Pg. N/A  
Thomas Bros. Pg. 5421 B1  
Edition 2009

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RIVERSIDE COUNTY PLANNING DEPARTMENT

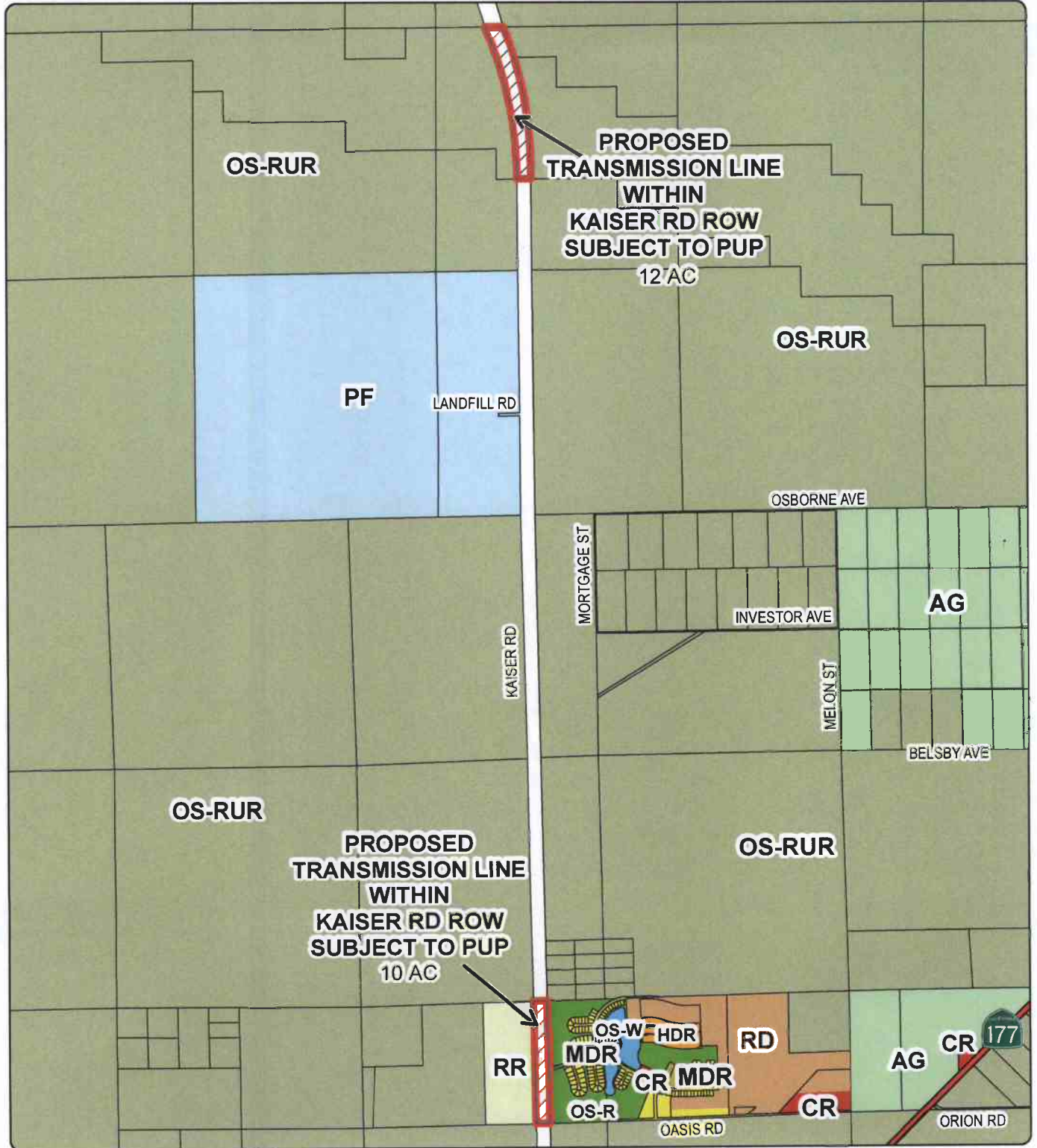
PUP00914

Supervisor Benoit  
District 4

Date Drawn: 04/10/2014

Exhibit 5

EXISTING GENERAL PLAN



Zoning Area: Chuckawalla  
Township/Range: T4SR5E / T5SR15E  
Section: 27 / 15

Assessors Bk. Pg. N/A  
Thomas Bros. Pg. 5421 B1  
Edition 2009



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**PUBLIC USE PERMIT**  
 PUP 00914  
 220KV GEN-TIE LINE  
 DESERT HARVEST, LLC.

PREPARED BY:  
 SECTION THIRTY SEVEN  
 ENERGY DEVELOPMENT GROUP

P R E L I M I N A R Y  
 BENJAMIN DANIEL ESPAR, PE  
 DATE: 7/20/09

NO.	BY	DATE	REVISIONS
1	BD	7/20/09	REVISION PER COUNTY USE COMMENTS

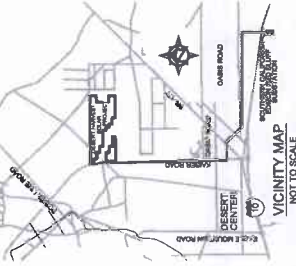
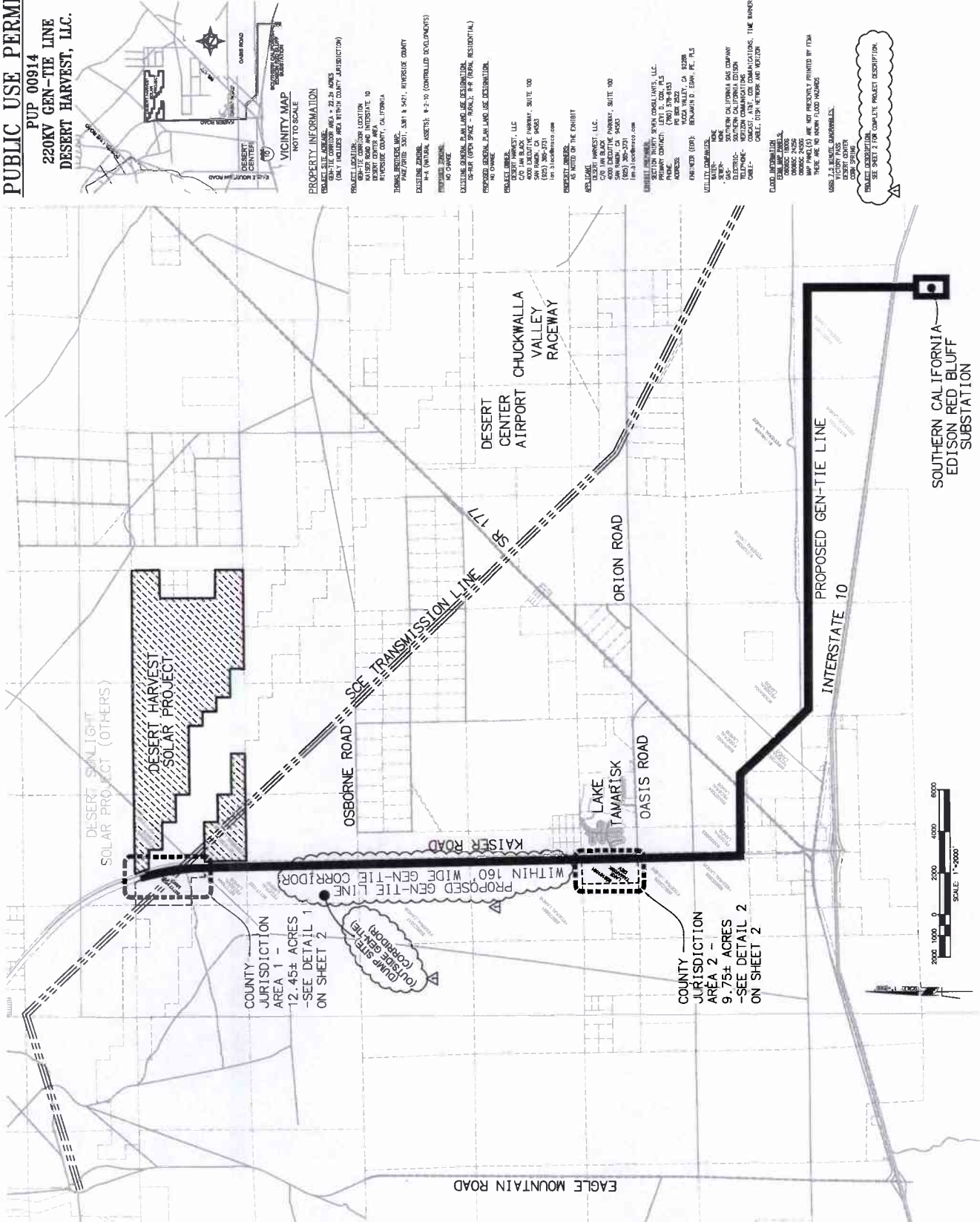
DIAL ALERT  
 DIAL TOLL FREE  
 1-800-277-2800  
 BEFORE YOU DIG  
 UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

COUNTY OF INVERSE STATE OF CALIFORNIA  
 PUP EXHIBIT FOR  
 220KV GEN-TIE LINE  
 LOCATION INFORMATION: SEE SHEET 27 AND 28 OF THE PUC PERMIT  
 APPLICANT: DESERT HARVEST, LLC  
 6000 CANTON PARKWAY, SUITE 100  
 SAN DIEGO, CA 92121-1901

**DISCLAIMER:**  
 THE PROPERTY BOUNDARIES AND TOPOGRAPHIC FEATURES HEREON WERE OBTAINED FROM PUBLIC RECORDS. ARE SOLELY FOR INFORMATION AND DO NOT REPRESENT AN ACCURATE SURVEY OF THE PROPERTY.  
 THIS DOCUMENT IS FOR USE AS A RED HAZARD PLANNING TOOL, AND DOES NOT REPRESENT A SURVEY OF THE PROPERTY.

PUP EXHIBIT  
 FOR PUP00914  
 12 MILE 220KV GEN-TIE LINE  
 FROM  
 DESERT HARVEST SOLAR PROJECT  
 TO  
 SOUTHERN CALIFORNIA EDISON  
 RED BLUFF SUBSTATION

SHEET  
 1  
 OF 2 SHEETS  
 DATE: 7/20/09  
 PROJECT #



**PROPERTY INFORMATION**  
 EXHIBIT SITE ADDRESS: 6000 CANTON PARKWAY, SUITE 100, SAN DIEGO, CA 92121-1901  
 (DO NOT INCLUDE AREA WITHIN COUNTY JURISDICTION)

**PROJECT LOCATION:**  
 GEN-TIE CORRIDOR LOCATION: WITHIN 160' WIDE GEN-TIE CORRIDOR, INVERSE COUNTY, CALIFORNIA  
 EXISTING CENTER AREA: INVERSE COUNTY, CALIFORNIA  
 PLANNING AREA: INVERSE COUNTY, CALIFORNIA

**EXHIBIT OWNER:** DESERT HARVEST, LLC  
 6000 CANTON PARKWAY, SUITE 100  
 SAN DIEGO, CA 92121-1901  
 TEL: 619-594-1900  
 WWW.DESERTHARVEST.COM

**DESERT HARVEST AS NOTED ON THE EXHIBIT:**  
 AS NOTED ON THE EXHIBIT

**DESERT HARVEST, LLC:**  
 6000 CANTON PARKWAY, SUITE 100  
 SAN DIEGO, CA 92121-1901  
 TEL: 619-594-1900  
 WWW.DESERTHARVEST.COM

**DESERT HARVEST, LLC:**  
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PREPARED BY:

**SECTION THIRTY SEVEN**  
ENERGY DEVELOPMENT GROUP

P R E L I M I N A R Y  
BENJAMIN DANIEL EGAN, PE  
DATE: 1/28/03

REVISIONS

NO.	DATE	DESCRIPTION
1	6/23/02	ISSUE FOR COUNTY JAC COMMENTS

**DIG ALERT**

DIAL TOLL FREE  
1-800-227-2800  
AT LEAST TWO DAYS BEFORE ANY EXCAVATION

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

PROJECT: COUNTY OF RIVERSIDE STATE OF CALIFORNIA  
**PUP EXHIBIT FOR 220KV GEN-TIE LINE**

LOCATED IN PORTIONS OF SECTIONS 27 AND 28 OF T14N R16E S20W

APPLICANT: DESERT HARVEST, LLC  
4000 EAST VALLEY AVENUE SUITE 100  
INDIAN WELLS, CALIFORNIA 91704

**DISCLAIMER:**  
THE PROPERTY DIMENSIONS AND TOPOGRAPHIC FEATURES SHOWN WERE OBTAINED FROM PUBLIC RECORDS. ARE SHOWN TO THE BEST OF OUR KNOWLEDGE AND BELIEF. THIS DOCUMENT IS FOR USE AS A PRELIMINARY PLANNING TOOL AND DOES NOT REPRESENT A SURVEY OF THE PROPERTY.

PUP EXHIBIT FOR PUP000914  
12 MILE 220KV GEN-TIE LINE FROM  
DESERT HARVEST SOLAR PROJECT TO SOUTHERN CALIFORNIA EDISON RED BLUFF SUBSTATION

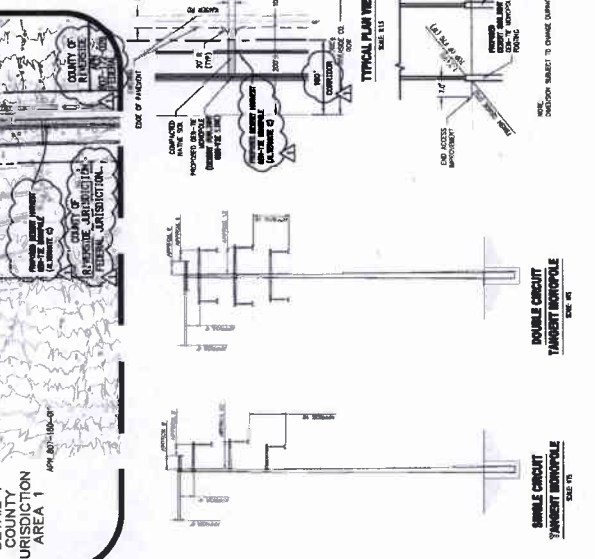
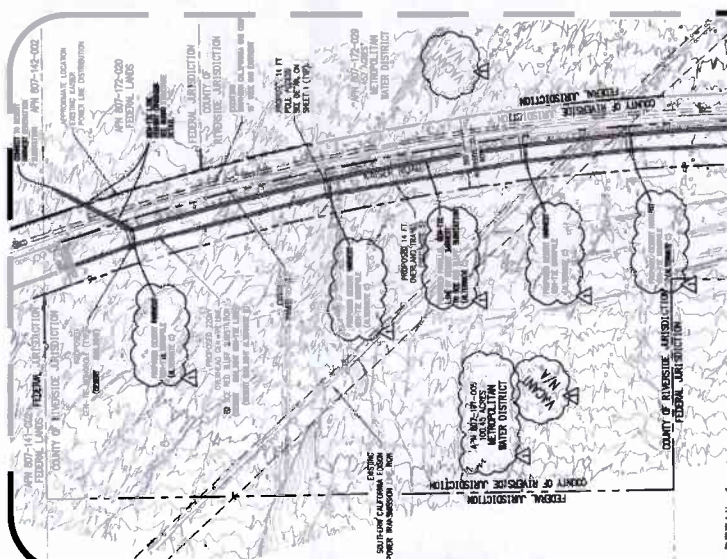
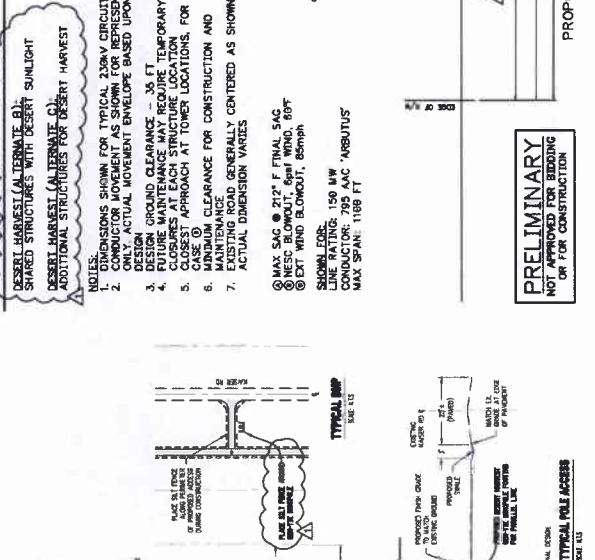
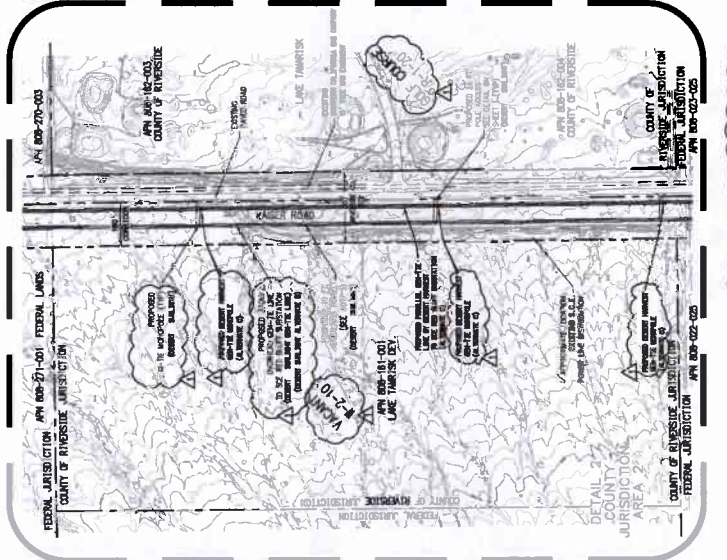
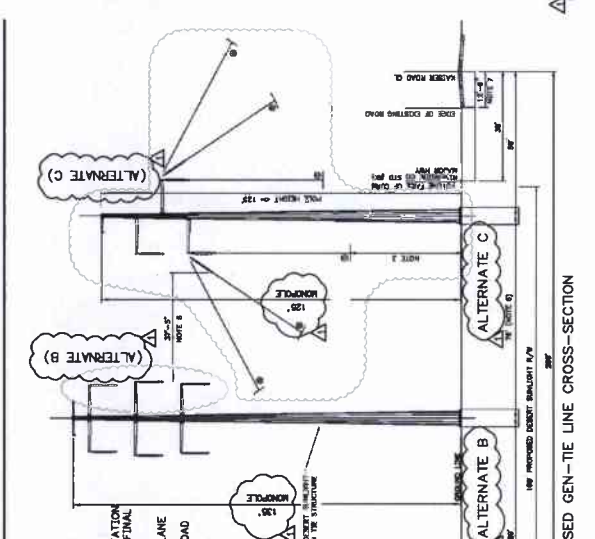
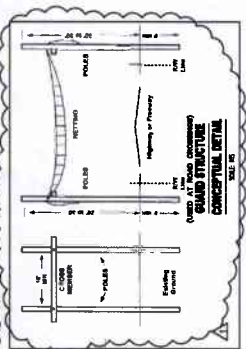
SHEET 2 OF 2  
SCALE: AS SHOWN  
DATE: 1/28/03

PROJECT DESCRIPTION: THE APPLICANT PROPOSES TO CONSTRUCT AND OPERATE A 120 MW SOLAR PHOTOVOLTAIC ENERGY GENERATING FACILITY. THE MAJORITY OF THE FACILITY WILL BE LOCATED WITHIN THE COUNTY OF RIVERSIDE. THE PROJECT'S GEN-TIE LINE WOULD CROSS AN EXISTING ROAD RIGHT-OF-WAY ON THE EAST SIDE OF THE COUNTY OF RIVERSIDE. THE GEN-TIE LINE WOULD BE CONSTRUCTED IN THE COUNTY OF RIVERSIDE. THE GEN-TIE LINE WOULD BE CONSTRUCTED IN THE COUNTY OF RIVERSIDE. THE GEN-TIE LINE WOULD BE CONSTRUCTED IN THE COUNTY OF RIVERSIDE.

FOUR BASES FOR THE GEN-TIE LINE ARE CURRENTLY BEING CONSIDERED:

ALTERNATIVE A WOULD BE THE BEST OF THE WATER BOUND. ALTERNATIVE B WOULD BE THE BEST OF THE WATER BOUND. ALTERNATIVE C WOULD BE THE BEST OF THE WATER BOUND. ALTERNATIVE D WOULD BE THE BEST OF THE WATER BOUND.

THE APPLICANT WOULD LIKE TO CONSIDER ALTERNATIVE B. THE APPLICANT WOULD LIKE TO CONSIDER ALTERNATIVE B. THE APPLICANT WOULD LIKE TO CONSIDER ALTERNATIVE B.



**PRELIMINARY**  
NOT APPROVED FOR BIDDING  
OR FOR CONSTRUCTION

PROPOSED GEN-TIE LINE CROSS-SECTION

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING

464 WEST 4th STREET, 6th FLOOR, MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300

*Flex your power!  
Be energy efficient!*

February 14, 2012

Mr. Jay Olivas  
Riverside County Planning Department  
Land Development Committee  
P. O. Box 1409  
Riverside, CA 92502-1409

Public Use Permit No. 914, Desert Harvest Solar Gen-Tie  
Assessor Parcel Numbers: 80-161-001, 807-171-005  
08-RIV 177, PM 2.376

Dear Mr. Olivas:

The California Department of Transportation (Caltrans) reviewed the Initial Case Transmittal Public Use Permit 914 (PUP 914), for portions of the Desert Harvest Solar Gen-Tie Line. The solar facility is located north of Interstate 10, west of State Route 177 (SR-177) and north of Desert Center. PUP 914 approval is for two, half-mile Gen-Tie Line segments within County jurisdiction that will connect to Southern California Edison Red Bluff Sub-Station.

There are two options for the segment:

1. Proposes shared structures with the Desert Sunlight Gen-Tie Line
2. Proposes additional structures for a separate parallel Desert Harvest Gen-Tie Line.

Caltrans recommends Option 1 with sharing the Desert Sunlight Gen-Tie Line, so that no additional structures are built and thus having multiple lines crossing the State Facility.

If you have any questions regarding this letter, please contact me at (909) 383-4557 for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Kopulsky".

DANIEL KOPULSKY  
Office Chief  
Community Planning/Local Development Review

**LAND DEVELOPMENT COMMITTEE**  
**INITIAL CASE TRANSMITTAL**  
**RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE**  
**P.O. Box 1409**  
**Riverside, CA 92502-1409**

DATE: January 9, 2012

TO:

Riv. Co. Transportation Dept.-Palm Desert  
Riv. Co. Environmental Health Dept.  
Riv. Co. Public Health – Industrial Hygiene  
Riv. Co. Flood Control District  
Riv. Co. Fire Department-Palm Desert  
Riv. Co. Building & Safety – Grading  
Riv. Co. Building & Safety – Plan Check  
Regional Parks & Open Space District.  
Riv. Co. Environmental Programs Dept.  
P.D. Geology Section-D. Jones

P.D. Landscaping Section-R. Dyo  
P.D. Archaeology Section-L. Mouriquand  
Riv. Co. Surveyor – Bgb Robinson  
Riv. Co. Sheriff's Dept.  
Riv. Co. Waste Management Dept.  
Riv. Co. AUC – John Guerin  
4th District Supervisor  
4th District Planning Commissioner  
Desert Unified Unified School Dist.  
Southern California Edison

Metropolitan Water District  
CALTRANS Dist. #8  
CALTRANS Div. of Aeronautics  
RWQCB- Colorado River  
Air Quality Mgmt. Dist. – Mojave Desert  
CA Dept of Fish & Game  
U.S. Fish & Wildlife Service  
Bureau of Land Mgmt. (Moreno Valley Ofc)  
U.S. EPA Region IX (NOWCC-Energy Specialist)

**PUBLIC USE PERMIT NO. 914** - Environmental Impact Statement and CEQA Findings – Applicant: Desert Harvest, LLC – Fourth Supervisorial District – Chuckawalla Zoning Area – Desert Center Area Plan - Location: Northerly of Interstate 10 and westerly of Desert Center Rice Road (State Highway 177) within portions of Kaiser Road right-of-way – 22 Gross Acres - **REQUEST:** Public Use Permit for portions of a twelve mile 220KV Gen-Tie Line from the Desert Harvest 150KW solar generation facility located approximately six miles north of Desert Center, to the Southern California Edison Red Bluff Sub-Station located approximately six miles east of Desert Center. County approval is specifically for one of two options for two ½ mile segments of the proposed Gen-Tie Line within County jurisdiction. Option 1 proposes shared structures with the Desert Sunlight Gen-Tie Line (PUP00909). Option 2 proposes shared structures for a parallel Gen-Tie Line. The balance of the transmission line facility is located on Federal Lands managed by the Bureau of Land Management. APN's: 808-161-001; 807-171-005. Related Cases: PAR01314

**NOTE:** Recommend using only **10 milestone (General Conditions)** or **20 milestone (Prior to a Certain Date)** LMS Conditions since proposed project is located within Kaiser Road right-of-way. Do not recommend using 60, 80, or 90 milestones.

Please review the attached map(s) and/or exhibit(s) for the above-described project. This case is scheduled for a **LDC meeting on February 9, 2012**. All LDC Members please have draft conditions in the Land Management System on or before the above date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the routing on or before the above date. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing.

All other transmitted entities, please have your comments, questions and recommendations to the Planning Department on or before the above date. Your comments/recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this project, please do not hesitate to contact **Jay Olivas**, Project Planner, at (951) 955-1195 or email at [JOLIVAS@rctlma.org](mailto:JOLIVAS@rctlma.org) / MAILSTOP# 1070.

COMMENTS: *THE SHERIFF'S DEPARTMENT (COLORADO RIVER STATION - BLYTHE) HAS NO COMMENTS OR RECOMMENDATIONS AT THIS TIME.*

DATE: 02/07/2012

SIGNATURE: *James D. Navarro*

PLEASE PRINT NAME AND TITLE: JAMES D. NAVARRO, SHERIFF'S CAPTAIN

TELEPHONE: 760-921-7900

If you do not include this transmittal in your response, please include a reference to the case number and project planner's name. Thank you.

**LAND DEVELOPMENT COMMITTEE**  
**INITIAL CASE TRANSMITTAL**  
**RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE**  
**P.O. Box 1409**  
**Riverside, CA 92502-1409**

Airport Land Use Commission  
Received

JAN 18 2012

DATE: January 9, 2012

**TO:**

Riv. Co. Transportation Dept.-Palm Desert  
Riv. Co. Environmental Health Dept.  
Riv. Co. Public Health – Industrial Hygiene  
Riv. Co. Flood Control District  
Riv. Co. Fire Department-Palm Desert  
Riv. Co. Building & Safety – Grading  
Riv. Co. Building & Safety – Plan Check  
Regional Parks & Open Space District.  
Riv. Co. Environmental Programs Dept.  
P.D. Geology Section-D. Jones

P.D. Landscaping Section-R. Dyo  
P.D. Archaeology Section-L. Mouriquand  
Riv. Co. Surveyor – Bob Robinson  
Riv. Co. Sheriff's Dept.  
Riv. Co. Waste Management Dept.  
~~Riv. Co. AUC – John Guerin~~  
4th District Supervisor  
4th District Planning Commissioner  
Desert Unified Unified School Dist.  
Southern California Edison

Metropolitan Water District  
CALTRANS Dist. #8  
CALTRANS Div. of Aeronautics  
RWQCB- Colorado River  
Air Quality Mgmt. Dist. – Mojave Desert  
CA Dept of Fish & Game  
U.S. Fish & Wildlife Service  
Bureau of Land Mgmt. (Moreno Valley Ofc)  
U.S. EPA Region IX (NOWCC-Energy Specialist)

**PUBLIC USE PERMIT NO. 914** - Environmental Impact Statement and CEQA Findings – Applicant: Desert Harvest, LLC – Fourth Supervisorial District – Chuckawalla Zoning Area – Desert Center Area Plan - Location: Northerly of Interstate 10 and westerly of Desert Center Rice Road (State Highway 177) within portions of Kaiser Road right-of-way – 22 Gross Acres - **REQUEST:** Public Use Permit for portions of a twelve mile 220KV Gen-Tie Line from the Desert Harvest 150KW solar generation facility located approximately six miles north of Desert Center, to the Southern California Edison Red Bluff Sub-Station located approximately six miles east of Desert Center. County approval is specifically for one of two options for two ½ mile segments of the proposed Gen-Tie Line within County jurisdiction. Option 1 proposes shared structures with the Desert Sunlight Gen-Tie Line (PUP00909). Option 2 proposes shared structures for a parallel Gen-Tie Line. The balance of the transmission line facility is located on Federal Lands managed by the Bureau of Land Management. APN's: 808-161-001; 807-171-005. Related Cases: PAR01314

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COMMENTS: *Neither the gen-tie line nor the solar project is located within the Desert Center Airport Influence Area. Therefore, provided that the total height above ground level does not is not 200 feet or greater, ALUC review is not required.*

DATE: January 30, 2012 SIGNATURE: John J. G. Guerin

PLEASE PRINT NAME AND TITLE: John J. G. Guerin, Principal Planner

TELEPHONE: (951) 955-0982

*If you do not include this transmittal in your response, please include a reference to the case number and project planner's name. Thank you.*

**LAND DEVELOPMENT COMMITTEE  
INITIAL CASE TRANSMITTAL  
RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE  
P.O. Box 1409  
Riverside, CA 92502-1409**

COUNTY OF RIVERSIDE  
WASTE MANAGEMENT  
12 JAN 10 PM 12:27

DATE: January 9, 2012

**TO:**

Riv. Co. Transportation Dept.-Palm Desert  
Riv. Co. Environmental Health Dept.  
Riv. Co. Public Health – Industrial Hygiene  
Riv. Co. Flood Control District  
Riv. Co. Fire Department-Palm Desert  
Riv. Co. Building & Safety – Grading  
Riv. Co. Building & Safety – Plan Check  
Regional Parks & Open Space District.  
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P.D. Geology Section-D. Jones

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4th District Supervisor  
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Southern California Edison

Metropolitan Water District  
CALTRANS Dist. #8  
CALTRANS Div. of Aeronautics  
RWQCB- Colorado River  
Air Quality Mgmt. Dist. – Mojave Desert  
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U.S. Fish & Wildlife Service  
Bureau of Land Mgmt. (Moreno Valley Ofc)  
U.S. EPA Region IX (NOWCC-Energy Specialist)

**PUBLIC USE PERMIT NO. 914** - Environmental Impact Statement and CEQA Findings – Applicant: Desert Harvest, LLC – Fourth Supervisorial District – Chuckawalla Zoning Area – Desert Center Area Plan - Location: Northerly of Interstate 10 and westerly of Desert Center Rice Road (State Highway 177) within portions of Kaiser Road right-of-way – 22 Gross Acres - **REQUEST:** Public Use Permit for portions of a twelve mile 220KV Gen-Tie Line from the Desert Harvest 150KW solar generation facility located approximately six miles north of Desert Center, to the Southern California Edison Red Bluff Sub-Station located approximately six miles east of Desert Center. County approval is specifically for one of two options for two ½ mile segments of the proposed Gen-Tie Line within County jurisdiction. Option 1 proposes shared structures with the Desert Sunlight Gen-Tie Line (PUP00909). Option 2 proposes shared structures for a parallel Gen-Tie Line. The balance of the transmission line facility is located on Federal Lands managed by the Bureau of Land Management. APN's: 808-161-001; 807-171-005. Related Cases: PAR01314

**NOTE:** Recommend using only **10 milestone (General Conditions)** or **20 milestone (Prior to a Certain Date)** LMS Conditions since proposed project is located within Kaiser Road right-of-way. Do not recommend using 60, 80, or 90 milestones.

Please review the attached map(s) and/or exhibit(s) for the above-described project. This case is scheduled for a **LDC meeting on February 9, 2012**. All LDC Members please have draft conditions in the Land Management System on or before the above date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the routing on or before the above date. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing.

All other transmitted entities, please have your comments, questions and recommendations to the Planning Department on or before the above date. Your comments/recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this project, please do not hesitate to contact **Jay Olivas**, Project Planner, at (951) 955-1195 or email at [JOLIVAS@rctlma.org](mailto:JOLIVAS@rctlma.org) / MAILSTOP# 1070.

**COMMENTS:**

*No Comments*

DATE: 1/27/12 SIGNATURE: 

PLEASE PRINT NAME AND TITLE: Ryan Ross, Planner

TELEPHONE: 951 486 3351

*If you do not include this transmittal in your response, please include a reference to the case number and project planner's name. Thank you.*

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

901



**FROM:** Planning Department

**SUBMITTAL DATE:**  
April 12, 2012

**SUBJECT:** Memorandum of Understanding between the Bureau of Land Management (BLM) and County of Riverside regarding coordinated environmental review for the Desert Harvest Solar Project.

**RECOMMENDED MOTION:**

1. Approve the Memorandum of Understanding ("MOU") between the Bureau of Land Management (BLM) and County of Riverside regarding coordinated environmental review for the Desert Harvest Solar Project.
2. Authorize the Chairman of the Board to execute the attached Memorandum of Understanding.

*Carolyn Gyms Luna*  
\_\_\_\_\_  
Carolyn Gyms Luna, Planning Director

(Continued on attached page)

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	NO
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	2011/2012

<b>SOURCE OF FUNDS:</b> Deposit-based fees.	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** Approve as presented without the referenced schedule of deadlines.

APPROVE

County Executive Office Signature

*Denise C. Harden*  
\_\_\_\_\_  
Denise C. Harden

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and IT WAS FURTHER ORDERED that the Executive Office's recommendation is incorporated herein.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: June 5, 2012  
xc: Planning

Kecia Harper-Ihem  
Clerk of the Board  
By: *[Signature]*  
Deputy

Prev. Agn. Ref. | District: 4/4 | Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.49

BY: TIFANY N. NORRIS  
 DATE: 5/24/12  
 Departmental Concurrence

Dept't Rec'd.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy



The Honorable Board of Supervisors

RE: Memorandum of Understanding between the Bureau of Land Management and County of Riverside for coordinated environmental review for the Desert Harvest Solar Project.

Page 2 of 2

**BACKGROUND:**

enXco Development Corporation ("enXco") proposes to construct and operate a 150 megawatt (MW) solar photovoltaic (PV) energy-generating project known as the Desert Harvest Project ("Project"). The majority of the Project, including the solar power plant, will be located on Federal land managed by BLM. The solar power plant is not within the County's jurisdiction. The Project includes construction of a 12 mile generation transmission intertie line ("Gen-Tie") connecting the electrical output of the solar power plant to Southern California Edison's proposed Red Bluff Substation. A portion of the Gen-Tie will run under, along, across or upon the Kaiser Road rights-of-way and other areas within the County's jurisdiction.

enXco has applied for a Public Use Permit (PUP 914) pursuant to Ordinance No. 348. Other discretionary approvals by the County required for the Project include an encroachment permit and franchise pursuant to Ordinance No. 499 for the parts of the Project within the County's jurisdiction. Ordinance No. 499 provides that an encroachment permit may be issued if the applicant holds a current County franchise. The County is authorized to grant a franchise pursuant to Article 11, Section 7, of the California Constitution and Government Code Section 26001. The Project is also subject to the requirements of Board of Supervisors Policy B-29.

The Project requires environmental review under both the federal National Environmental Policy Act ("NEPA") and the California Environmental Quality Act ("CEQA"). The purpose of the MOU is to provide a framework for cooperation between the BLM and the County to work together in preparing and completing a joint environmental analysis and document that complies with NEPA and CEQA and to ensure the County's concerns are incorporated into the Project review.

**FISCAL:**

There are no financial impacts to the County associated with this item, as any applicable costs will be fully funded by the Project applicant.

**MEMORANDUM OF UNDERSTANDING**  
**between**  
**THE BUREAU OF LAND MANAGEMENT**  
**and**  
**COUNTY OF RIVERSIDE**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby entered into between the Bureau of Land Management, hereinafter referred to as the BLM, and the County of Riverside, hereinafter referred to as the County. The BLM and County are hereinafter referred together as the Parties.

**A. INTRODUCTION and PURPOSE:**

enXco Development Corporation (enXco) is proposing to build the 150 megawatt (MW) Desert Harvest Project, a solar photovoltaic energy generating facility including a 12 mile generation transmission intertie (Gen-Tie) line to the Red Bluff Substation (hereinafter referred to as "Project"). The 150 MW solar power plant site is entirely on federal land but the Gen-Tie would be within County road rights-of-way and other areas within the County's jurisdiction. The federal lands are subject to BLM jurisdiction, and enXco has applied for rights-of-way associated with the relevant federal lands pursuant to BLM regulations.

Because the County is required to make discretionary decisions to determine if enXco can construct the Gen-Tie, in accordance with California Environmental Quality Act (CEQA) guidelines, CEQA is triggered. Such discretionary decisions include a public use permit, franchise agreement or other similar development agreement, and encroachment permits. The BLM will begin preparing an Environmental Impact Statement (EIS) in September 2011 in compliance with 1508.11 of the National Environmental Policy Act of 1969 (NEPA), CEQA Statutes Section 21061 and CEQA Guidelines Sections 15120 to 15132, 15221, and all other applicable laws, executive orders, regulations, and direction. The BLM personnel will work with County staff to include discussion of the Gen-Tie elements, and write the EIS in a manner that complies with both CEQA and NEPA.

The purpose of this MOU is to provide a framework for cooperation between the BLM and the County to work together as lead agency and cooperating agency, in that order, in preparing and completing a joint environmental analysis and document that is in compliance with NEPA, CEQA, and all applicable laws, executive orders, regulations, direction, and guidelines. Work would include, but is not limited to, environmental and technical information collection, analysis and reporting. This Memorandum of Understanding includes meetings and/or conference calls as necessary for planning, information sharing, gathering and incorporating comments to the draft EIS to ensure CEQA compliance. Should the decision be made to authorize the Project, this Memorandum of Understanding continues the cooperation during construction of the Project, applying in particular to the Gen-Tie, and including the implementation of the mitigation measures and monitoring developed through the NEPA process. This cooperation serves the mutual interest of the Parties and the public.

**B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

The Council on Environmental Quality (CEQ) regulations (40 CFR 1506.2) direct federal agencies to cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, including joint planning processes, environmental research and studies, public hearings, and environmental impact statements. The CEQ regulations (40 CFR 1501.6) provide for and describe both lead and cooperating agency status, and emphasize agency cooperation early in the NEPA process. For the purposes of this effort, BLM will be the lead agency developing one document in coordination with the County acting as Cooperating Agency. County will retain its approval authority for all aspects of the project within its jurisdiction. CEQA Statutes Section 21083.7 and CEQA Guidelines

Sections 15221 and 15226 encourage similar cooperation by state and local agencies with federal agencies when environmental review is required under both CEQA and NEPA.

This MOU meets the intent of these regulations and provides guidance on the roles each agency will take. In consideration of the above premises, the Parties agree as follows:

**C. BLM SHALL:**

1. As lead Federal agency, be responsible for ensuring compliance with the requirements of NEPA, and the CEQ, and BLM regulations implementing NEPA, along with all applicable federal laws, executive orders, regulations and direction, and shall be responsible for the EIS and the scope and content of the portion of the EIS that relates to all necessary federal law and regulatory requirements;
  2. Provide to the County for review and comment a draft of the Project Description and Alternatives section as soon as they are available to ensure that adequate detail is included to support County's review, analysis, and decisions;
  3. Provide the administrative draft of the EIS to the County for its review and comment prior to the release of the public draft;
  4. Schedule meetings as necessary with the County to discuss status updates, related findings, schedules and planning associated with the EIS;
  5. Ensure that the BLM approved EIS contractor will complete the environmental analysis and prepare the EIS in a form and in substance that is consistent with this MOU and agreeable to the Parties;
  6. Act as the intermediary, when necessary, for communications between the County and the EIS contractor related to the EIS;
  7. Provide updated mailing lists to the EIS contractor for distributing the public notice of availability of the EIS to the public and to other Federal, State, and local agencies as required by law. The BLM shall provide updated mailing lists of the EIS, and Record of Decision to the public and to other Federal, State, and local agencies as required by law;
  8. Publish the Notice of Intent (NOI) in the Federal Register and work with the EIS contractor to develop other public notices, and Notice of Availability of the document and ensure publication in appropriate periodicals;
  9. Ensure that the contract with the EIS contractor incorporates the condition that the contractor will provide all graphic handouts and presentations for public meetings/hearings. The EIS contractor shall submit any such graphic presentations and/or handouts to the BLM for approval prior to distributing them at public meetings/hearings;
  10. Be responsible for conducting public meetings and provide County with sufficient advanced noticed of these hearings so that the County can attend in a cooperating role;
- II. Use its best efforts to ensure that the contract with the EIS contractor incorporates all of the following conditions:
- (a) The EIS contractor agrees to defend, hold harmless and indemnify the BLM and County with respect to any and all claims, demands, cause(s) of action, and liabilities which may arise from the contractor's performance, purchases, or services utilized in the preparation of the EIS.
  - (b) The EIS contractor will sign a disclosure statement specifying that they have no financial or other interest in the outcome of the Project.

(c) The EIS contractor shall cooperate in defense of any appeal and/or suit involving the legality or adequacy of the BLM's or County's compliance with NEPA or CEQA with regard to this EIS.

(d) The EIS contractor will be responsible for all stenographic, clerical, graphics, layout, printing, and like work.

(f) The EIS contractor shall produce an internal administrative Draft EIS for review by the BLM and County prior to publication of the Draft EIS. The administrative draft shall include all text, maps, appendices, tables, charts, and other materials that will be incorporated in the Draft EIS for publication. As determined by both the BLM and County, the contractor shall provide a reasonable number of copies to each party to meet internal review needs.

(g) The Draft EIS will include evaluation of potential Gen-Tie routes, alternative designs, and impacts. The Draft and Final EIS will apply whichever NEPA and CEQA requirement is more stringent in the analysis. The Draft and Final EIS will describe any inconsistencies between Federal plans or laws as they pertain to the proposed action and describe the extent to which the BLM would reconcile the proposed action with the plan or law.

(h) Subject to Parties' comments during the environmental analysis and responses to the administrative Draft and Final EIS, the EIS contractor shall have primary responsibility for writing and rewriting all sections, parts, and chapters of the EIS.

(i) The County is a third-party beneficiary to the contract with the EIS contractor with the right to enforce contract provisions affecting the County's interests.

12. Provide oversight to the EIS contractor in filing the Draft and Final EIS with the U.S. Environmental Protection Agency (US EPA).

13. Reserve the right to prepare, at its option, selected sections of the Administrative Draft and/or Final EIS; as appropriate, the BLM will provide such prepared material in a time and manner consistent;

14. Be responsible for consulting with the United States Fish and Wildlife Service for a Section 7 Consultation and the California State Historic Preservation Officer for a Section 106 Consultation regarding proposed federal action; at the discretion of the BLM, the consultant shall furnish such data or information required to accomplish such consultation; the BLM shall include County staff in these meetings and discussions; act as the lead for Native American consultation;

15. As required, the BLM will be responsible for consulting with the California Department of Fish and Game;

16. Should the decision be made to authorize the Project, BLM and the County will jointly define appropriate field inspection responsibilities for ensuring implementation of the mitigation and monitoring activities adopted in the Record of Decision for the Gen-Tie portion of the project; and,

17. To the extent that CEQA or NEPA guidelines may preclude, or are potentially inconsistent with, construction of the proposed Project that is the subject of this MOU, the BLM will identify such potential inconsistencies at the beginning of the EIS process, and shall collaborate with the County and the contractor to ensure that sufficient information is collected during the course of the environmental assessment process to allow the BLM to begin an EIS for the Project to remove such inconsistencies and allow the Project to be carried forward.

#### **D. COUNTY SHALL:**

1. As the cooperating CEQA agency, be responsible to ensure that the EIS is in compliance with all requirements of CEQA and shall be responsible for the scope and content of the EIS that relates to all necessary aspects of CEQ A.

2. Should the level of detail in the EIS be insufficient in meeting CEQA standards, the BLM will continue the EIS development, and the County will perform a Environmental Impact Report or Mitigated Negative Declaration (whichever is required) separately, hiring its own consultants.

**E. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:**

**1. Schedule of Deadlines.** The BLM intends to make a decision on the Final EIS by August 6, 2012. Both Parties will attempt to meet this timeframe. Attached to this MOU is a draft detailed schedule, which the Parties intend to serve as a template for the actual schedule of deadlines that they intend to adhere to in completing the environmental review that is the subject of this MOU. The parties agree to modify and reach final agreement on the details of this draft schedule, which will include specific dates establishing the deadlines for expected deliverables from the BLM/project proponent's contractor, as well as deadlines for the BLM and the County to respond to all materials provided by the BLM/project proponent's contractor, *within one month*. Once the details of this schedule are agreed to, the Parties shall undertake their best efforts to comply with *all* deadlines set forth in said schedule.

**2. Contractor Selection.** The project proponent's EIS contractor, Aspen Environmental Group, will be used for the preparation of the EIS. Aspen Environmental Group is on the County's list of qualified Environmental Impact Report consulting firms.

**3. Agency Project Representatives.** For the purpose of coordinating the responsibilities of the Parties for the preparation of the EIS on the Project, the persons listed below are the designated Agency Project Representatives of the Parties. Actual delivery of written notice to the following representatives, or such substitute representatives as the respective Parties may hereinafter designate, shall constitute notice to that organization. The principal contacts for this instrument are:

<b>BLM</b>	<b>County Representative</b>
Name: Lynnette A. Elser	Name: Greg Neal, Deputy Planning Director
Title: Project Manager	Agency: Planning Department, County of Riverside
Address: 22835 Calle San Juan De Los Lagos	Address: 4080 Lemon Street, 12 <sup>th</sup> Flr.
Address: Moreno Valley, CA 92553	Address: PO Box 1409, Riverside, CA 92501
Phone: (951) 697- 5387	Phone: (951) 955-3200
FAX: (951) 697- 5299	FAX: (951) 955-1817
E-Mail: lelser@blm.gov	E-Mail: GNEAL@rctlma.org

**4. Regular Consultation between Parties.** The successful preparation of the EIS requires complete and full communication between all Parties involved. It is the duty of the Agency Project Representatives to ensure close consultation throughout the document preparation and review process. Accordingly:

(a) The Agency Project Representatives shall keep each other advised of the developments affecting the preparation of the Draft EIS. Toward this end, and to ensure close consultation and coordination, the Agency Project Representatives shall conduct conference calls as necessary and shall meet face-to-face at least once every two months or as deemed necessary.

(b) In the event that either Agency Project Representative is unable to participate in any such regularly scheduled conference call or meeting, an alternate shall be delegated to represent that Agency Project Representative's party in said call or meeting.

(c) The BLM recognizes the need for the County to work directly with the EIS contractor with regard to the Gen-Tie and CEQA requirements. The County will keep the BLM informed of these discussions and will involve the BLM when appropriate.

(d) Consistent with existing laws and regulations, the Parties agree to share all relevant information.

(e) Any and all media releases and/or public mail-outs shall be made with the joint approval and at the direction of the BLM and the County.

**5. Scope and Content of the EIS.** The BLM and the EIS contractor shall schedule and conduct scoping meetings at the beginning of the process. These meetings will be held to determine the areas of public and agency concerns pertaining to the proposed Project, and guide the Parties in scoping the EIS. The BLM in coordination with the County as a cooperating agency shall determine the final scope of the EIS. The Agency Project Representatives shall determine (with approval, if necessary, from the signatories to this MOU or their delegates):

(a) The scope and content of the EIS for the Project to ensure that the requirements of the various federal and state statutes (i.e. - NEPA, CEQA, County standards and policies) are met and that the statutory findings required of the BLM and County for their respective decisions on the Project can be made;

(b) Whether the work performed by the EIS contractor is satisfactory, and if not, how best to correct the deficiencies in the work; and

(c) The division of responsibilities among lead agencies and cooperating agencies.

**6. County Revisions.** County may request revision of the administrative draft with further agency review.

**7. Consultation with Other Agencies.** The BLM and County reserve the right to consult directly, without notice or report, with other Federal, State, and local officials regarding their areas of specific responsibility outlined in Section C and D above during the preparation of the EIS to ensure objectivity and compliance with NEPA and CEQA. The Parties will immediately notify each other and the contractor if matters discussed at any such consultation will require significant changes in the development of the EIS or require significant costs pursuant to this Memorandum of Understanding.

**8. Privileged and Confidential Information.** The BLM and the EIS contractor will, upon request, provide County with procedures and underlying data used in developing submitted sections of the Draft and/or Final EIS including, but not limited to, final reports, subcontractor reports, and interviews with concerned private and public parties, whether or not such information is contained in the working papers or the Draft or Final EIS. The Parties intend that information that is otherwise protected from disclosure under the attorney-client privilege, work-product privilege, and deliberative process privilege and/or any other applicable privilege may be exchanged without waiving or compromising such privileges or doctrines. The Parties agree that privileged information received from the other party shall be treated and maintained as confidential to the extent allowed by federal and state laws, regulations and policies. Parties agree to label as "Confidential" documents that they believe are privileged and should not be disclosed. Neither Party will disclose privileged information received from the other Party, regardless of whether it is labeled "Confidential," without first notifying other Party. The BLM will obtain information that they maintain is confidential directly from BLM.

**9. Freedom of Information Act.** Any information furnished to the BLM under this Memorandum of Understanding is subject to the Freedom of Information Act (5 U.S.C. 552).

**10. Effective Dates.** This MOU is executed as of the date of the last signature and is effective through, or the date on which all mitigation measures required in connection with approval of the Project have been fully implemented, whichever date is earlier, at which time it will expire unless extended.

**11. Modification.** Modifications to this MOU shall be made only by mutual written consent of the Parties, by the issuance of a written instrument, signed and dated by all Parties.

**12. Termination.** Either of the Parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration upon 30 days written notice to the other party. During any such 30-day waiting period, the Parties will actively attempt to resolve any disagreement between them. In the event of

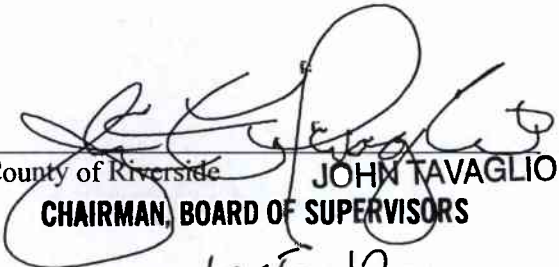
termination of this MOU, both the BLM and County shall have access to all documentation, reports, analyses, and data developed by the contractor.

**13. Rights and Responsibilities of Parties.** This MOU sets forth the Parties' rights and responsibilities for preparing the EIS, and for subsequent activities related to the document. This MOU in no way restricts the BLM or the County from participating in similar activities with other public or private agencies, organizations, and individuals. This MOU does not authorize the transfer of funds between parties. Each Party is responsible for its own acts and omissions in collection with activities undertaken pursuant to this MOU.

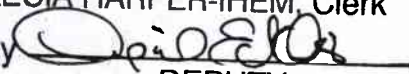
THE PARTIES HERETO have executed this instrument

  
\_\_\_\_\_  
Bureau of Land Management

11/2/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
County of Riverside JOHN TAVAGLIONE  
CHAIRMAN, BOARD OF SUPERVISORS  
10-5-12  
\_\_\_\_\_  
Date

FORM APPROVED COUNTY COUNSEL  
BY:  5/24/12  
TIFFANY N. NORTH DATE

ATTEST:  
KECIA HARPER-IHEM, Clerk  
By   
DEPUTY



# FAST TRACK AUTHORIZATION

<b>Supervisorial District:</b> 4	<b>Supervisor:</b> John Benoit	<b>FTA No.</b> 2013-04
----------------------------------	--------------------------------	------------------------

**Company/Developer:** EDF Renewable Development **Contact Name:** Ian Black

**Address:** 4000 Executive Parkway, Suite 100, San Ramon, CA 94583

**Office Phone:** 925-365-3731 **Mobile Phone:** 646.287.9912 **Email:** ian.black@edf-re.com

**Consulting Firm:** N/A **Contact Name:** N/A

**Firm Address:** N/A

**Office Phone:** N/A **Mobile Phone:** N/A **Email:** N/A

**Project Type:**  Industrial  Commercial  Childcare  Workforce Housing  
 Renewable Energy  Other

**Project Description:** 150 MW Desert Harvest Solar project located 6 miles north of Desert Center

\*Fast Track status granted pursuant to Board of Supervisors Policy B-29\*

**Economic Impact (estimated) Capital Investment:** \$160 Million **Full-Time Jobs:** 8-20

**Taxable Sales:** TBD **Full-Time Wages per Hour:** TBD **Construction Jobs:** 600

**Land Use Application(s):**  Plot Plan  Conditional Use Permit  Change of Zone  
 Parcel Map  General Plan Amendment  Other: PUP, Encroachment Permit, Franchise Agreement

**Site Information Assessor's Parcel Number(s):** N/A

**Cross Streets/Address:** Kaiser Road, 6 miles north of Interstate 10 **Site Acreage:** 1,000-1,300

**Land Use Designation:** Open Space-Rural **Zoning:** Natural Assets **Building Size:** 4,000 sq. ft.

The Economic Development Agency acknowledges that the above referenced project merits special consideration of its land use and permit processing by the County of Riverside. County agencies are encouraged to immediately institute "Fast Track" procedures in accordance with Board Fast Track Policy A-32. This authorization contains preliminary project information and serves as a basis for determining "Fast Track" eligibility. During the County's development review process, the proposed project size and configuration may be altered.

Felicia M Flourney 8/13/13 Rob Moran 8/8/13  
 Felicia Flourney, Assistant Director Date Rob Moran, EDA Development Manager Date





May 17, 2012

**RECEIVED**  
MAY 22 2012  
ADMINISTRATION  
RIVERSIDE COUNTY  
PLANNING DEPARTMENT

Mr. Jay Olivas  
Urban Regional Planner IV  
Riverside County Planning Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92501-3634

Re: Revised Application for Land Use and Development for PUP00914

Dear Mr. Olivas:

Pursuant to our meeting at your offices on 5/8/12, enclosed is an applicant signed original of the revised Application for Land Use and Development for PUP00914. The application was revised slightly to clarify the non-federal land ownership along the proposed Gen-Tie route. I will forward you MWD's authorization of the application executed in counterpart under separate cover.

Thank you for your continued assistance with this project, Jay. We look forward to further discussions at the LCD meeting on 5/31/12.

Respectfully,



Douglas M. Dieter  
Site Development Contractor  
enXco -an EDF Energies Nouvelles Company  
4000 Executive Parkway, Suite 100  
San Ramon, CA 94583  
Tel: (916) 257-4562  
[douglas.dieter@gmail.com](mailto:douglas.dieter@gmail.com)  
[www.enxco.com](http://www.enxco.com)

Enclosure

cc: Ian Black  
Rick Miller  
Andrew Bell  
Levi Cox



June 22, 2012

Mr. Jay Olivas  
Urban Regional Planner IV  
Riverside County Planning Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92501-3634



VIA OVERNIGHT MAIL

Re: Land Owner Authorization for PUP00914

Dear Mr. Olivas:

Pursuant to the 5/31/12 LDC meeting regarding the subject application, please find enclosed an original signed authorization of the application by Metropolitan Water District, the owner of the property underlying Kaiser Road right-of-way within Area 1 as described in the application.

Revised site plan exhibits will be submitted to you under separate cover.

Thank you for your continued assistance with this application, Jay. Should you have any questions or need additional items, please call me.

Best regards,



Douglas M. Dieter  
Site Development Contractor  
enXco –an EDF Energies Nouvelles Company  
4000 Executive Parkway, Suite 100  
San Ramon, CA 94583  
Tel: (916) 257-4562  
[douglas.dieter@gmail.com](mailto:douglas.dieter@gmail.com)  
[www.enxco.com](http://www.enxco.com)

Enclosure

cc: Ian Black  
Rick Miller  
Andrew Bell  
Levi Cox



# RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna  
Director

## APPLICATION FOR LAND USE AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- PLOT PLAN                       CONDITIONAL USE PERMIT                       TEMPORARY USE PERMIT  
 REVISED PERMIT                       PUBLIC USE PERMIT                       VARIANCE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: PUP00914                      DATE SUBMITTED: 12-15-11 (resub 5-17-12)

### APPLICATION INFORMATION

Applicant's Name: Desert Harvest, LLC                      E-Mail: ian.black@enxco.com

Mailing Address: 4000 Executive Parkway, Suite 100

San Ramon                      CA                      94583

*City*                      *State*                      *ZIP*

Daytime Phone No: (925) 365-3731                      Fax No: ( )

Engineer/Representative's Name: Ian Black                      E-Mail: Ian.Black@enxco.com

Mailing Address: 4000 Executive Parkway, Suite 100

San Ramon                      CA                      94583

*City*                      *State*                      *ZIP*

Daytime Phone No: (925) 365-3731                      Fax No: ( )

Property Owner's Name: See Attachment B                      E-Mail:

Mailing Address:

*Street*

*City*                      *State*                      *ZIP*

Daytime Phone No: ( )                      Fax No: ( )

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 38686 El Cerrito Road  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

**APPLICATION FOR LAND USE AND DEVELOPMENT**

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

**AUTHORIZATION FOR CONCURRENT FEE TRANSFER**


The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

All signatures must be originals ("wet-signed"). Photocopies of signatures are **not** acceptable.

Desert Harvest, LLC

by: Ian Black, Sr. Solar Developer

\_\_\_\_\_  
*PRINTED NAME OF APPLICANT*

  
\_\_\_\_\_  
*SIGNATURE OF APPLICANT*

**AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:**

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are **not** acceptable.

Metropolitan Water District of Southern California

by: Ralph T. Hicks, Manager, Real Property Development and Management

\_\_\_\_\_  
*PRINTED NAME OF PROPERTY OWNER(S)*

  
\_\_\_\_\_  
*SIGNATURE OF PROPERTY OWNER(S)*

\_\_\_\_\_  
*PRINTED NAME OF PROPERTY OWNER(S)*

\_\_\_\_\_  
*SIGNATURE OF PROPERTY OWNER(S)*

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

See attached sheet(s) for other property owners signatures.

**PROPERTY INFORMATION:**

Assessor's Parcel Number(s): Portions of Land in Kaiser Road R.O.W. (No APNs - see Attachment B)

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Approximate Gross Acreage: \_\_\_\_\_

General location (nearby or cross streets): North of See map Site Plan & Vicinity Map, South of \_\_\_\_\_

**APPLICATION FOR LAND USE AND DEVELOPMENT**

\_\_\_\_\_, East of \_\_\_\_\_, West of \_\_\_\_\_.

Thomas Brothers map, edition year, page number, and coordinates: \_\_\_\_\_

Proposal (describe project, indicate the number of proposed lots/parcels, units, and the schedule of the subdivision, Vesting Map, PRD):

See attachment B responses to item 9  
\_\_\_\_\_  
\_\_\_\_\_

Related cases filed in conjunction with this request:

None  
\_\_\_\_\_  
\_\_\_\_\_

Is there a previous development application filed on the same site: Yes  No

If yes, provide Case No(s). Case No. PUP00909 (Parcel Map, Zone Change, etc.)

E.A. No. (if known) \_\_\_\_\_ E.I.R. No. (if applicable): Desert Sunlight EIS

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes  No

If yes, indicate the type of report(s) and provide a copy: Previously supplied via pending NEPA review

Is water service available at the project site: Yes  No

If "No," how far must the water line(s) be extended to provide service? (No. of feet/miles) N/A

Will the proposal eventually require landscaping either on-site or as part of a road improvement or other common area improvements? Yes  No

Is sewer service available at the site? Yes  No

If "No," how far must the sewer line(s) be extended to provide service? (No. of feet/miles) N/A

Will the proposal result in cut or fill slopes steeper than 2:1 or higher than 10 feet? Yes  No

How much grading is proposed for the project site?

Estimated amount of cut = cubic yards: minimal, only spot grading is required (est. at 2,000 cubic yards)

Estimated amount of fill = cubic yards minimal, only spot grading is required

Does the project need to import or export dirt? Yes  No

**APPLICATION FOR LAND USE AND DEVELOPMENT**

Import None Export None Neither \_\_\_\_\_

What is the anticipated source/destination of the import/export?  
N/A

What is the anticipated route of travel for transport of the soil material?  
N/A

How many anticipated truckloads? N/A truck loads.

What is the square footage of usable pad area? (area excluding all slopes) N/A sq. ft.

Is the development proposal located within 8½ miles of March Air Reserve Base? Yes  No

If yes, will any structure exceed fifty-feet (50') in height (above ground level)? Yes  No

Does the development project area exceed more than one acre in area? Yes  No

Is the development project located within any of the following watersheds (refer to Riverside County Land Information System (RCLIS) (<http://www3.tlma.co.riverside.ca.us/pa/rclis/index.html>) for watershed location)?

Santa Ana River  Santa Margarita River  San Jacinto River  Whitewater River

**HAZARDOUS WASTE SITE DISCLOSURE STATEMENT**

Government Code Section 65962.5 requires the applicant for any development project to consult specified state-prepared lists of hazardous waste sites and submit a signed statement to the local agency indicating whether the project is located on or near an identified site. Under the statute, no application shall be accepted as complete without this signed statement.

I (we) certify that I (we) have investigated our project with respect to its location on or near an identified hazardous waste site and that my (our) answers are true and correct to the best of my (our) knowledge. My (Our) investigation has shown that:

The project is not located on or near an identified hazardous waste site.

The project is located on or near an identified hazardous waste site. Please list the location of the hazardous waste site(s) on an attached sheet.

Owner/Representative (1) [Signature] Date 5/16/12

Owner/Representative (2) \_\_\_\_\_ Date \_\_\_\_\_



**APPLICATION FOR LAND USE AND DEVELOPMENT**

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

***AUTHORIZATION FOR CONCURRENT FEE TRANSFER***

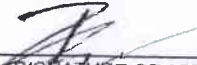
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Desert Harvest, LLC

by: Ian Black, Sr. Solar Developer

\_\_\_\_\_  
*PRINTED NAME OF APPLICANT*

  
\_\_\_\_\_  
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Metropolitan Water District of Southern California

by: Ralph T. Hicks, Manager, Real Property Development and Management

\_\_\_\_\_  
*PRINTED NAME OF PROPERTY OWNER(S)*

  
\_\_\_\_\_  
*SIGNATURE OF PROPERTY OWNER(S)*

\_\_\_\_\_  
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**APPLICATION FOR LAND USE AND DEVELOPMENT**

\_\_\_\_\_, East of \_\_\_\_\_, West of \_\_\_\_\_.

Thomas Brothers map, edition year, page number, and coordinates: \_\_\_\_\_

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See attachment B responses to item 9  
\_\_\_\_\_  
\_\_\_\_\_

Related cases filed in conjunction with this request:

None  
\_\_\_\_\_  
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E.A. No. (if known) \_\_\_\_\_ E.I.R. No. (if applicable): Desert Sunlight EIS

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If yes, indicate the type of report(s) and provide a copy: Previously supplied via pending NEPA review

Is water service available at the project site: Yes  No

If "No," how far must the water line(s) be extended to provide service? (No. of feet/miles) N/A

Will the proposal eventually require landscaping either on-site or as part of a road improvement or other common area improvements? Yes  No

Is sewer service available at the site? Yes  No

If "No," how far must the sewer line(s) be extended to provide service? (No. of feet/miles) N/A

Will the proposal result in cut or fill slopes steeper than 2:1 or higher than 10 feet? Yes  No

How much grading is proposed for the project site?

Estimated amount of cut = cubic yards: minimal, only spot grading is required (est. at 2,000 cubic yards)

Estimated amount of fill = cubic yards minimal, only spot grading is required

Does the project need to import or export dirt? Yes  No

**APPLICATION FOR LAND USE AND DEVELOPMENT**

Import None Export None Neither \_\_\_\_\_

What is the anticipated source/destination of the import/export?

N/A

What is the anticipated route of travel for transport of the soil material?

N/A

How many anticipated truckloads? N/A truck loads.

What is the square footage of usable pad area? (area excluding all slopes) N/A sq. ft.

Is the development proposal located within 8½ miles of March Air Reserve Base? Yes  No

If yes, will any structure exceed fifty-feet (50') in height (above ground level)? Yes  No

Does the development project area exceed more than one acre in area? Yes  No

Is the development project located within any of the following watersheds (refer to Riverside County Land Information System (RCLIS) (<http://www3.tlma.co.riverside.ca.us/pa/rclis/index.html>) for watershed location)?

Santa Ana River     Santa Margarita River     San Jacinto River     Whitewater River

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The project is located on or near an identified hazardous waste site. Please list the location of the hazardous waste site(s) on an attached sheet.

Owner/Representative (1)  Date 5/16/2012

Owner/Representative (2) \_\_\_\_\_ Date \_\_\_\_\_

## Attachment B – PUP Checklist Information

### Introduction

On December 14, 2010, the County Board of Supervisors adopted Ordinance No. 348.4690, an Ordinance of the County of Riverside adding a new Section 18.29(a)(2) to the County's Zoning Ordinance ("PUP Ordinance"). The new Section 18.29(a)(2) permits facilities for the storage or transmission of electrical energy, where the County is not preempted by law from exercising jurisdiction, in any zone classification provided that a Public Use Permit (PUP) is granted. The PUP Ordinance became effective on January 13, 2011.

Desert Harvest, LLC (the "Applicant") proposes to construct and operate a 150-megawatt (MW) solar photovoltaic (PV) energy-generating project known as the Desert Harvest Solar Project (DHSP or Project) on federal and private land near the unincorporated town of Desert Center in Riverside County. The PV generating facility (Solar Farm) and most of the corridor for the Project's 220-kilovolt (kV) generation interconnection transmission line (Gen-Tie) would be located on federal public lands administered by the US Department of Interior (DOI) Bureau of Land Management (BLM). Portions of the Project's Gen-Tie route would be located on land owned by the County and Metropolitan Water District of Southern California (MWD).

The BLM is preparing an Environmental Impact Statement (EIS) for the Project. As allowed by the California Environmental Quality Act (CEQA) Guidelines Section 15221, the EIS is intended to be used to satisfy CEQA requirements associated with County discretionary permits required of DHSP. To that end, the County continues to participate in the preparation of the EIS in partnership with the BLM.

Four routes are being considered for the Gen-Tie line, each of which would be subject to approval of a PUP by the County (Routes B, C, D & E). Routes B & C follow Kaiser Road within the scope of the County's right-of-way and cross public land administered by the BLM and fee land owned by MWD and the County. Route D overlaps with the initial portion of Routes B & C, but crosses several additional parcels owned in fee by private parties. Another route, Route E, crosses lands owned in fee by MWD and public lands administered by the BLM.

This Application covers Gen-Tie line Routes B & C. If necessary, separate applications will be submitted for Routes D & E. The crossing of private land by the Gen-Tie line requires that Applicant obtain a PUP from the County of Riverside as set forth in the County's PUP Ordinance. This Application for Land Use and Development was prepared to request the County issue a PUP for the Project's Gen-Tie line crossing of private land parcels. This Attachment has been prepared in support of the Application for Land Use and Development (Attachment A), which contains instructions and a Land Use Development Matrix. The numbers below correspond to the numbers on the Land Use Development Matrix.

#### **1. Name, Address and Telephone Number of Applicant.**

The Applicant for this project is Desert Harvest, LLC. The address is 4000 Executive Parkway, Suite 100, San Ramon, CA 94583. The telephone number is (925) 365-3731. The contact for this application is Mr. Ian Black.

#### **2. Name, Address and Telephone Number of Landowner.**

The majority of the Project is located on federal land administered by the BLM. However, small portions of the Gen-Tie line would encroach or cross non-federal land located in Riverside

County. Please refer to the attached Site Plan exhibits. The private landowners abutting Routes B & C route are:

Metropolitan Water District of Southern California (MWD)  
Attn: Mr. Ralph Hicks  
P.O. Box 54143  
Los Angeles, California 90054  
213-217-6000

County of Riverside  
P.O. Box 1180  
Riverside, California 92502

### 3. Name, Address and Telephone Number of Exhibit Preparer.

This Application was prepared by:

Desert Harvest, LLC  
Attn: Mr. Ian Black  
4000 Executive Parkway, Suite 100  
San Ramon, CA 94583  
Tel (925) 365-3731

### 4. Assessor's Parcel Numbers.

The following provides the Assessor's Parcel Number (APN); Section, Township and Range; and an aggregate of the approximate gross acreage of county roadway crossings and or privately held land crossings for Routes B & C. Please refer to Site Plan exhibits for APN information.

Gen-Tie line Routes B & C would cross and encroach on the County right-of-way for Kaiser Road and abut land owned in fee by MWD and Riverside County. The approximate aggregate gross acreage of these crossing and encroachments is 112 acres. The table below provides a list of the APN's and associated Section, Township and Range where crossings or encroachments occur:

APN	Township, Range, Section
Crossing east to west over 300' Kaiser Road ROW	T 4SR 15ES 27
807-171-005	T 4SR 15ES 27
Traveling within 300' Kaiser Rd. ROW; west of pavement	T 4SR 15ES 22, 27, 34 T 5SR 15ES 3, 10, 15, 22
808-161-001	T 5SR 15ES 15
Crossing west to east over 300' Kaiser Road ROW	T 5SR 15ES 22

### 5. Scale

A scale is included on all maps and engineering drawings.

### 6. North Arrow

A north arrow is included on all maps.

## **7. Date Exhibit Prepared**

This exhibit was prepared in December 2011 and submitted on December 12, 2011.

## **8. Title of Exhibit**

This submittal is an application for a Public Use Permit for affected portions of the Gen-Tie for the Desert Harvest Solar Project. A Site Plan is included. All maps and figures contain title blocks.

## **9. Project Description**

The Applicant proposes to construct and operate a 150 MW solar photovoltaic energy generating facility. The majority of the Project will be located on federal lands managed by the BLM; however, a portion of the Project's Gen-Tie Line would cross or encroach on a County road right-of-way on federal land and cross land owned in fee by MWD and the County. The BLM is preparing an EIS for the Project. The EIS is intended to serve for purposes of CEQA review pursuant to CEQA Guidelines Section 15221.

Four paths for the Gen-Tie Line are currently being considered.

Alternative B would begin on the west side of the solar project site, turn south along the west side of Kaiser Road, turn east just north of Desert Center, and run south across I-10 to the Red Bluff Substation. Along Kaiser Road, the center of the 160-foot transmission line ROW would be located approximately 120 to 130 feet from the centerline of the paved roadbed, within the county road ROW on BLM land. Approximately 1 mile south of Oasis Road, the line would turn east, running along the north side of the section lines dividing BLM-managed land from private land. After approximately 0.7 miles, the line would turn southeast for approximately 0.7 miles, then due east for approximately 3.5 miles, then south for approximately 0.8 miles to the Red Bluff Substation. Alternative B would align parallel and to the south of an existing BLM open route, along BLM-administered land. The access road would be adjacent to the Gen-Tie Line and within the ROW.

A 160-foot-wide corridor and additional 450-foot radius fan-shaped areas at corners used for wire stringing would be required for Alternative B. The total length of Alternative B would be approximately 12.1 miles. Approximately 0.6 miles would be on land owned in fee by MWD and approximately 0.5 miles would be on land owned in fee by Riverside County.

The Applicant would use steel monopoles for the Gen-Tie line. Poles are expected to be approximately 135 feet tall. Typical spans between poles would be approximately 900 to 1,100 feet. Self-weathering steel would be used for the monopoles, which are intended to blend with the surrounding mountains.

Based on the project requirements, access, terrain, and limited available geotechnical information, it is expected that direct embedded foundations would be used for tangent structures, and anchor-bolted drilled shaft foundations for angle and dead-end structures. Vibrated casing foundations may also be used, depending on the results of planned further geotechnical investigation. A geotechnical investigation for the Gen-Tie Line would be completed before final design and construction. Please refer to the attached drawings for typical tower design.

A 7-foot diameter permanent footprint was assumed for estimating the Gen-Tie structure footprint for tangent structures. A 12-foot diameter permanent footprint was assumed for estimating the Gen-Tie structure footprint for angle and dead-end structures. The structure

areas for angles or dead-end structure types would have a single vertical foundation up to 12 feet in diameter by 40 feet deep. The structure areas for tangent structure types have a single vertical foundation up to 7 feet in diameter by 25 feet deep. The temporary structure erection areas that surround each proposed Gen-Tie structure location would typically be 160 feet by 160 feet.

Alternative C would be the same as Alternative B, but would be located approximately 70 feet east of the Alternative B alignment.

Final positioning of the poles for either Alternative B or C within the above-described 160-foot-wide corridor will be subject to approval of an Encroachment Permit by Riverside County.

The workforce for either Gen-Tie Line is expected to average 25 employees over the 20-month Gen-Tie Line construction period, with a peak of approximately 60 employees (during months 6 to 8), including both craft and non-craft workers. A total of approximately 240 material deliveries are expected during the construction period for the Gen-Tie Line. All material deliveries are expected to arrive via 1-10 from the west.

#### 10. Complete Legal Description for Gen-Tie Alternative Routes B & C

T 4S, R 15E	
Section 27	A 160-ft. area crossing east to west across Kaiser Road, and then continuing south along the within and along the west side of the Kaiser Road ROW
Section 34	That portion of land that lies within a 160-ft. area within and along the west side of the Kaiser Road ROW
T 5S, R 15E	
Section 3	That portion of land that lies within a 160-ft. area within and along the west side of the Kaiser Road ROW
Section 10	That portion of land that lies within a 160-ft. area within and along the west side of the Kaiser Road ROW
Section 15	That portion of land that lies within a 160-ft. area within and along the west side of the Kaiser Road ROW
Section 20	That portion of land that lies within a 160-ft. area within and along the west side of the Kaiser Road ROW, and then crossing west to east across Kaiser Road

#### 11. Overall Dimensions and Gross Acreage

Please see the description under #9 and #4, for overall dimensions and gross acreage, respectively. In addition, see Site Plan exhibits.

#### 12. Vicinity Map

Please see Site Plan & Vicinity Map Exhibit.

#### 13. Exhibit Revision Block

The exhibit revision block is included on all Site Plan exhibits.

#### 14. Thomas Brothers Map Page and Coordinates

Please refer to Riverside County Planning Department GIS maps for Thomas Brothers Map Page information.

15-17. Not required.

## 18. Location of Adjoining Property

Please refer to Site Plan.

## 19. Existing and Proposed Land Use

Land use for the entire project is described in the EIS for the Desert Sunlight project. Land use for the affected parcels along the two alternative Gen-Tie routes is summarized below. Zoning information is shown on Existing Zoning map prepared by Riverside County Planning Department.

Most of the land along the routes is administered by the BLM and is designated Multiple Use Class M (Moderate). With respect to non-federal lands, the County zoning designations would apply. A 0.6-mile section of Gen-Tie Alternatives B and C would be on private land designated as "Open Space-Rural (OS-RUR)." According to the General Plan:

"The Open Space-Rural land use designation is applied to remote, privately owned openspace areas with limited access and a lack of public services. Single-family residential uses are permitted at a density of one dwelling unit per 20 acres. The extraction of mineral resources subject to an approved surface mining permit may be permissible, provided that the proposed project can be undertaken in a manner that is consistent with maintenance of scenic resources and views from residential neighborhoods and major roadways and that the project does not detract from efforts to protect endangered species."

This land is zoned Natural Assets. Permitted uses in areas zoned Natural Assets include some dwellings and accessory buildings, field and tree crops, grazing subject to stated limitations, and apiaries. Several other uses, including utility substations, are allowed by approval or by permit. A 0.6-mile portion of Gen-Tie Alternatives B and C would run adjacent to one parcel of private land near Lake Tamarisk designated as Rural Residential. This parcel is zoned W-2-10 (Controlled Development).

## 20. Existing Use and Zoning of Surrounding Parcels

Existing Zoning, Land Use and General Plan Designation are shown on maps prepared by Riverside County Planning Department.

## 21. Specific Plan

The affected parcels are not included in a Specific Plan.

## 22. Names of Utility Providers

The Gen-Tie Line will connect the Desert Harvest Solar Project to the Southern California Edison transmission system. No other utilities are affected by the project.

## 23. Locations, Widths and Improvements of Public Easements

Detailed easement information is contained in the Site Plan exhibits. Information related to the Gen-Tie Route is summarized below.

Owner	Use	Width (Ft.)	Location Relative to Project	BLM File Number	Serial Number
Riverside County	Kaiser Rd	300	Kaiser Rd Esmt; Gen-Tie line would cross	N/A	

MWD	ROW for ditches	N/A	All Gen-Tie line would cross	R 07041
SCE	Transmission Line	100	NW to SE of Kaiser Rd; Gen-Tie line would cross	LA 0149780
SCE	Transmission Line	25	NW to SE of Kaiser Rd; Gen-Tie line would cross	LA 0153144
Caltrans	I-10	200	Road easement; Gen-Tie line would cross	N/A
Caltrans	SR 177	100	Road easement; Gen-Tie line would cross	N/A
SCE	Water pipeline & well	50	Gen-Tie line would cross	LA 098376
Sprint	Underground telco cable	15	Gen-Tie line would cross	CA 18888
Private Owner	Private access road	12	Gen-Tie line would cross & parallel for part of its length	CA 37076

**24. Names, Locations, Widths and Improvements of Public Streets**

Please refer to Site Plan exhibits.

**25. Easements of Record**

Please refer to the table above.

**26. Streets, Alleys and Right of Ways Providing Access**

Please refer to Site Plan exhibits.

**27. Not Applicable**

**28. Street Improvement Cross Sections**

No street improvements are proposed.

**29. Not Applicable**

**30. Existing Topography**

Please refer to Site Plan exhibit.

**31. Preliminary Grading**

Only minimal spot grading is proposed for the project (< 2,000 c.y.); please refer to the attached Site Plan exhibits depicting the existing topography.

**32. Spot Elevations**

Detailed surveys of the route have not yet been completed. Please refer to Site Plan exhibits for elevation data.

**33. Septic System**

No septic system is proposed as part of the Gen-Tie.

**34. Geologic Hazard**

The routes are not subject to liquefaction, and are not within a Special Study Zone.

**35. Overflow, Inundation or Flood Hazard**



None of the private parcels along either route have significant flood or inundation hazards.

**36. FEMA Mapped Floodplains**

The Project is not within a designated flood hazard area and has not been mapped by FEMA.

**37. Drainage Plan**

The transmission line would be constructed above ground, and would be supported by towers as described above. The storm water modeling performed by the Applicant and presented showed very little change in drainage or surface water flow characteristics in the area where the solar farm arrays will be built. Changes to the land surface for the Gen-Tie routes would be much less than the changes to the land where the solar farm arrays would be built, because the Gen-Tie line is a linear feature, and the towers that support the line would be much more spread out than the supports for the solar farm. Therefore, the impacts to surface water and drainage from the construction of either Gen-Tie route would be less than the impacts from construction of the solar farm, which were identified as very small. Therefore, construction of either Gen-Tie route would not cause substantial erosion or siltation, would not increase the potential for flooding or the amount of damage that could result from flooding, and would not contribute additional runoff water.

**38-42. Not Applicable**

There will be no open channels or buildings.

**43. Ingress and Egress.**

Please refer to Site Plan exhibits.

**44 and 45. Dimensions of Structures**

Please refer to Site Plan exhibits.

**46. Setbacks for Existing Structures**

There are no existing structures in the Gen-Tie right of ways.

**47. Setbacks for Proposed Structures and Paved Areas.**

The Applicant will provide a set-back of at least two feet from any conductor to the edge of the right-of-way.

**48-53. Not Applicable**

**NOTICE OF PUBLIC HEARING BEFORE THE RIVERSIDE COUNTY BOARD OF SUPERVISORS ON A PUBLIC USE PERMIT AND ORDINANCE FOR AN ELECTRIC FRANCHISE AND NOTICE OF INTENT TO USE ENVIRONMENTAL IMPACT STATEMENT AS THE ENVIRONMENTAL IMPACT REPORT**

NOTICE IS HEREBY GIVEN that a public hearing has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, Government Code sections 26001, 65090, and 65091, and Public Utilities Code section 6234, before the Riverside County Board of Supervisors to consider the project shown below:

**DESERT HARVEST SOLAR PROJECT** - Applicant: Desert Harvest, LLC – Engineer/Representative: Section Thirty Seven Consultants, LLC – Fourth Supervisorial District – Chuckwalla Zoning Area – Desert Center Area Plan – Location: Northerly of Interstate 10, westerly of Desert Center Rice Road (State Highway 177) within portions of Kaiser Road rights-of-way. **REQUEST: PUBLIC USE PERMIT NO. 914** - The Applicant proposes to construct, operate, and maintain a 220 kilovolt (kV) electrical transmission line (herein referred to as the “Gen-Tie Line”) in connection with its 150-megawatt solar photovoltaic solar power plant known as the “Desert Harvest Solar Project” located approximately five miles north of Desert Center.

TIME OF HEARING: 10:30 a.m. or as soon as possible thereafter.  
DATE OF HEARING: June 17, 2014  
PLACE OF HEARING: County Administrative Center  
4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
Riverside, CA 92501

The overall Desert Harvest Solar Project consists of two main components associated with generating and transmitting electricity – a solar array field and the Gen-Tie Line. The solar array field, where the power would be generated, consists of a northern parcel of 1,053 acres and a southern parcel of 155 acres, together 1,208 acres of BLM-managed public lands located immediately adjacent to the site of the Desert Sunlight Solar Farm project. The solar array field would consist of several components: a generation area including fifteen-foot tall PV arrays, a switchyard, inverters, overhead lines, and access roads; an operations and maintenance facility; an on-site substation and switchgear; and site security, fencing, and lighting.

The Gen-Tie Line will connect the electrical output of solar power plant to Southern California Edison’s Red Bluff Substation where the power would feed into the existing Devers Palo Verde No. 1 500-kV interconnection line. The entire Gen-Tie Line would be 12.1 miles long. A portion of the Gen-Tie Line will run under, along, across or upon the County of Riverside’s Kaiser Road rights-of-way (a total distance of approximately 5.8 miles) requiring an encroachment permit and a franchise agreement with the County. Two (2) portions of the Gen Tie Line are proposed to cross private land under the jurisdiction of the County, which requires the Applicant to obtain a Public Use Permit (PUP) pursuant to Riverside County Ordinance No. 348, Section 18.29. These two (2) PUP portions are adjacent to Assessor’s Parcel Numbers 807-171-005 and 808-161-001 and comprise a total area of approximately 22 acres under County land use jurisdiction. The Gen-Tie Line would either share steel monopoles with the approved Desert Sunlight Solar Farm project gen-tie line presently under construction or construct a separate, stand-alone Gen-Tie Line running parallel with the Desert Sunlight gen-tie line. The Gen-Tie Line is proposed to exit the northwest portion of the solar farm site, run south along the west side of Kaiser Road, turn east just north of Desert Center, and then run south across Interstate 10 to the Red Bluff Substation.

**RELATED CASE - ORDINANCE NO. 922**, “An Ordinance of the County of Riverside Granting to Desert Harvest, LLC, A Delaware Limited Liability Company, and its Lawful Successors and Assigns, in whole or in part, a Franchise to Construct and Use an Electrical Transmission Line Under, Along, Across or Upon the Kaiser Road Rights-of-Way in Eastern Riverside County” will also

be considered by the Board during the public hearing. If granted, the franchise shall be for 30 years. During the life of the franchise, Desert Harvest, LLC, its lawful successors and assigns, shall annually pay to the County franchise payments. Consistent with Board policy, Desert Harvest, LLC will submit annual payments of \$150 per acre, increased annually by 2% from and after 2013 (currently \$153 per acre in 2014), based on the solar power plant net acreage amount of 1,208 acres at full build out. The Project is scheduled to be built in phases and the annual payments will be based on the net acreage included in each phase until complete build out. The initial payments for each phase shall be made within five (5) business days of the commencement of construction for that phase. All subsequent payments shall be made by September 30<sup>th</sup> of each year. In the event the payments are not made, the franchise shall be forfeited following a cure period. Desert Harvest, LLC 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.

The Project is a Fast Track project (FTA 2013-04).

**ENVIRONMENTAL REVIEW:** As authorized by Public Resources Code Section 21083.5 and CEQA Guidelines Section 15221, instead of preparing an Environmental Impact Report ("EIR"), Riverside County, acting as lead agency under the California Environmental Quality Act ("CEQA"), intends to use the Environmental Impact Statement ("EIS"), prepared by the Bureau of Land Management ("BLM"), the National Environmental Policy Act ("NEPA") lead agency, for the Desert Harvest Solar Project ("Project"). CEQA provides that, in the event a project requires both an EIS and an EIR "the lead agency shall, whenever possible, use the environmental impact statement as such environmental impact report." Public Resources Code Section 21083.7. State and local agencies are encouraged to use an EIS prepared pursuant to NEPA rather than preparing a new CEQA document when the EIS, prepared before a Mitigated Negative Declaration or EIR, would otherwise be completed for the project; and the EIS complies with CEQA Guidelines. CEQA Guidelines section 15225 further states that, where the EIS was circulated for public review as broadly as state and local law may require and notice was given that met the standards in section 15087(a) of the CEQA Guidelines, the lead agency may use the EIS in place of an EIR without recirculating the EIS for public review. The EIS was broadly circulated to federal and state agencies and there was a ninety (90) day public review period on the Draft EIS that began on April 13, 2012 and ended on July 12, 2012.

Prior to using the EIS in place of an EIR, the lead agency must provide notice that it will use the EIS in place of the EIR and believes that the EIS meets the requirements of CEQA. The County participated in the preparation of the EIS as a cooperating agency under NEPA and as a lead agency under CEQA. Because the County has determined that the EIS for the Project was prepared to comply with CEQA, circulated as broadly as required under CEQA, and notice met the standards of section 15087(a), the County is not recirculating the EIS for public review.

**Significant Environmental Effects** - The Project is anticipated to significantly effect the following resources: Air Resources (Air Quality), Biological Resources (Vegetation and Wildlife), Cultural Resources, Paleontological Resources, Fire and Fuels Management, Soils and Geology, Lands and Realty, Noise and Vibration, Public Health and Safety, Recreation, Visual Resources, Water Resources, and Solid and Hazardous Wastes. Some of these impacts are significant and unavoidable after implementation of mitigation.

No sites listed under Government Code Section 65962.5 are present within the Project site.

Digital copies of the EIS and all documents referenced in the EIS are available at the BLM Palm Springs Field Office website at:

[http://www.blm.gov/ca/st/en/fo/palmsprings/Solar\\_Projects/Desert\\_Harvest\\_Solar\\_Project.html](http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Desert_Harvest_Solar_Project.html).

Hard copies of the EIS are available at: Riverside County Planning Department, 4080 Lemon Street, Riverside, California, 92501.

The Planning Department has determined that the Project has the potential to have a significant effect on the environment. The Board of Supervisors will consider the Project and the EIS at the public hearing.

The Project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Planning Department office located at 4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, California 92501. FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT JAY OLIVAS, PROJECT PLANNER, AT (760) 863-7050 OR EMAIL [jolivas@rctlma.org](mailto:jolivas@rctlma.org).

Any person wishing to testify in support of or in opposition to the Project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the Project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the Project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the Project, may be changed in a way other than specifically proposed.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147.

Dated: \_\_\_\_\_

Kecia Harper-Ihem, Clerk of the Board  
By: Cecilia Gil, Board Assistant

## PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 4/9/2014,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers PUP00914 For

Company or Individual's Name Planning Department,

Distance buffered 1000'.

Pursuant to application requirements furnished by the Riverside County Planning Department, Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Vinnie Nguyen

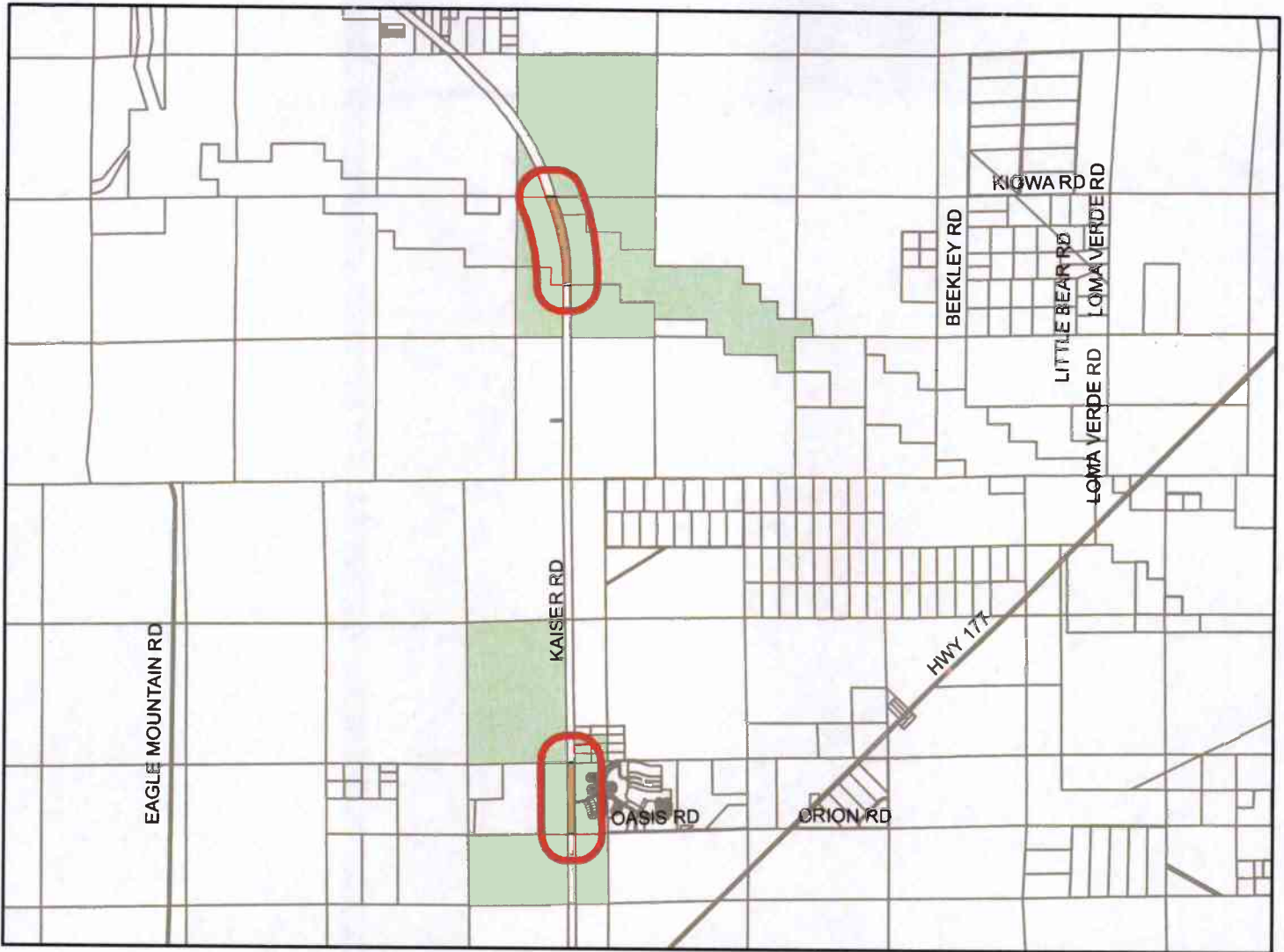
TITLE GIS Analyst

ADDRESS: 4080 Lemon Street 2<sup>nd</sup> Floor

Riverside, Ca. 92502

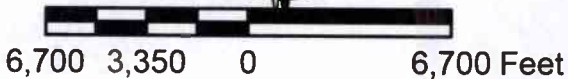
TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

**PUP00914 (1000 feet buffer)**



**Selected Parcels**

808-202-008	808-181-014	808-191-001	808-162-003	808-162-004	808-181-004	808-201-008	808-270-002	808-191-012	808-191-004
808-270-003	808-201-009	808-202-005	808-270-011	808-181-001	808-181-013	808-191-002	808-270-010	808-191-010	808-181-002
808-181-003	808-181-005	808-181-007	808-181-009	808-181-010	808-181-011	808-181-012	808-181-017	808-191-003	808-191-005
808-191-006	808-191-007	808-191-008	808-191-011	808-201-001	808-201-002	808-201-003	808-201-004	808-201-005	808-201-006
808-201-010	808-201-011	808-201-012	808-201-013	808-201-014	808-202-002	808-202-004	808-202-006	808-202-007	808-161-001
807-171-004	807-172-029	808-181-006	808-181-008	808-202-009	808-202-003	808-181-016	808-191-009	808-201-007	808-181-015
807-141-002	807-142-002	807-171-005	807-172-019	807-172-020	808-022-025	808-023-025	808-270-001	808-270-008	808-270-006
808-202-001									



Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

ASMT: 807172020, APN: 807172020  
USA 807  
US DEPT OF INTERIOR  
WASHINGTON DC 21401

ASMT: 808181013, APN: 808181013  
GREEN FREDERICK ARTHUR TRUST  
C/O CARRIE GREEN  
3029 HERMOSA AVE  
LA CRESCENTA CA 91214

ASMT: 807172029, APN: 807172029  
MWD  
C/O ASSEST MANAGEMENT  
P O BOX 54153  
LOS ANGELES CA 90054

ASMT: 808181014, APN: 808181014  
CAROL SINKIE  
P O BOX 515  
43621 TAMARISK DR  
DSRT HOT SPG CA 92239

ASMT: 808162004, APN: 808162004  
COUNTY OF RIVERSIDE  
C/O REAL ESTATE DIVISION  
P O BOX 1180  
RIVERSIDE CA 92502

ASMT: 808181015, APN: 808181015  
SUZANNE RAGSDALE  
1212 HEXEM AVE  
SANTA ROSA CA 95404

ASMT: 808181001, APN: 808181001  
MARIA JUAREZ, ETAL  
P O BOX 413  
DESERT CENTER CA 92239

ASMT: 808181016, APN: 808181016  
ROBERT AMACHER  
P O BOX 455  
DESERT CENTER CA 92239

ASMT: 808181004, APN: 808181004  
JIM HAMBY, ETAL  
44080 CRYSTAL WAY  
DESERT CENTER, CA. 92239

ASMT: 808191001, APN: 808191001  
MILDRED TRUITT, ETAL  
C/O LOREN D PRIMMER  
P O BOX 136  
DESERT CENTER CA 92239

ASMT: 808181006, APN: 808181006  
NANCY PROTHRO  
2140 27TH AVE  
OAKLAND CA 94601

ASMT: 808191002, APN: 808191002  
JERI BRUNTON, ETAL  
P O BOX 475  
DESERT CENTER CA 92239

ASMT: 808181008, APN: 808181008  
NATHAN SIPPEL  
43815 GALAXY DR  
LA QUINTA CA 92253

ASMT: 808191004, APN: 808191004  
LOIS DONALDSON, ETAL  
555 12TH ST STE 1250  
OAKLAND CA 94607

ASMT: 808191009, APN: 808191009  
SOUTHERN CALIF DISTRICT ADVISORY BOARD  
C/O JOHN L DENNEY  
21979 AVENIDA DE ARBOLES  
MURRIETA CA 92562

ASMT: 808202003, APN: 808202003  
PATRICIA BELL  
P O BOX 459  
DESERT CENTER CA 92239

ASMT: 808191010, APN: 808191010  
BRANDY MICHELLE, ETAL  
41183 ROSEDALE ST  
INDIO CA 92203

ASMT: 808202007, APN: 808202007  
LAKE TAMARISK DEV CORP  
337 N VINEYARD AVE 4TH FL  
ONTARIO CA 91764

ASMT: 808191012, APN: 808191012  
ELIZABETH KEPNER  
P O BOX 184  
DESERT CENTER CA 92239

ASMT: 808202008, APN: 808202008  
BRENDA REID, ETAL  
P O BOX 1274  
ENUMCLAW WA 98022

ASMT: 808201007, APN: 808201007  
JUDY WRIGHT, ETAL  
26801 FAIRWAY DR  
DESERT CENTER, CA. 92239

ASMT: 808202009, APN: 808202009  
PATRICIA AIKIN  
44290 SHASTA DR  
DESERT CENTER, CA. 92239

ASMT: 808201008, APN: 808201008  
DOUGLAS PERCIVAL  
P O BOX 943  
WINCHESTER CA 92596

ASMT: 808270002, APN: 808270002  
EAGLE MOUNTAIN BAPTIST CHURCH  
P O BOX 287  
DESERT CENTER CA 92239

ASMT: 808201009, APN: 808201009  
GARO DEMIRAIKIAN  
12 BOLLINGER RD  
RANCHO MIRAGE CA 92270

ASMT: 808270003, APN: 808270003  
FRANCISCO OLIVIA  
P O BOX 630  
MIRA LOMA CA 91752

ASMT: 808202001, APN: 808202001  
MAUREEN HOUSE, ETAL  
P O BOX 503  
DESERT CENTER CA 92239

ASMT: 808270006, APN: 808270006  
MARYEL GREEN, ETAL  
P O BOX 306  
DESERT CENTER CA 92239





ASMT: 808270008, APN: 808270008  
USA 808  
US DEPT OF THE INTERIOR  
WASHINGTON DC 21401

ASMT: 808270010, APN: 808270010  
FRANCES HAMMACK, ETAL  
671 E COUNTRY CLUB DR E  
UNION WA 98592

ASMT: 808270011, APN: 808270011  
KENDRA WARNER, ETAL  
P O BOX 81  
UNION WA 98592

<p>Applicant: Desert Harvest, LLC 4000 Executive Parkway, Ste 100 San Ramon, CA 94583</p>	<p>Bureau of Land Management 22835 Calle San Juan De Los Lagos Moreno Valley, CA 92553</p>	<p>Metropolitan Water District So. Ca. Attn: Ralph Hicks P.O. Box 54143 Los Angeles, CA 90054</p>
<p>Lozeau Drury LLP 410 12<sup>th</sup> Street, Ste. 250 Oakland, CA 94607</p>	<p>Section 37 Consultants P.O. Box 2522 Yucca Valley, CA 92286</p>	<p>California State Lands Commission Attn: Jim Porter 100 Howe Ave., Suite 100s Sacramento, CA 95825</p>
<p>Department of Toxic Substances Control, Brownfields and Environmental Restoration Program Rafiq Ahmed, Project Manager 5796 Corporate Avenue Cypress, CA 90830</p>	<p>Riverside County Fire Department, Strategic Planning Bureau 210 West San Jacinto Avenue Perris, CA 92570</p>	<p>U.S. Department of the Interior, National Park Service, Pacific West Region Christine S. Lehnertz, Regional Director 333 Bush Street, Suite 500 San Francisco, CA 94104</p>
<p>U.S. Fish &amp; Wildlife Service, Palm Springs Office Assistant Field Supervisor 777 East Tahquitz Canyon Wy, Ste. 208 Palm Springs, CA 92262</p>	<p>Metropolitan Water District of Southern California Deirdre West, Manager, Environmental Planning Team P.O. Box 54153 Los Angeles, CA 90054</p>	<p>Colorado River Board of California Christopher S. Harris, Acting ED 770 Fairmont Ave., Suite 100 Glendale, CA 91203</p>
<p>U.S. Environmental Protection Agency Enrique Manzanilla, Director, Communities &amp; Ecosystems Division 75 Hawthorne Street San Francisco, CA 94105</p>	<p>Colorado River Board of California J.C. Jay Chen, Super. Hydraulic Engineer 770 Fairmont Ave., Suite 100 Glendale, CA 91203</p>	<p>California Department of Fish and Wildlife Magdalena Rodriguez 3602 Inland Empire Blvd., Suite C-220 Ontario, CA 91764</p>
<p>Bureau of Land Management Greg Miller 22835 Calle San Juan De Los Lagos Moreno Valley, CA 92553</p>	<p>Army Corps of Engineers, Los Angeles District 915 Wilshire Blvd., Suite 1101 Los Angeles, CA 90017</p>	<p>Dept. of the Army, NAWC Weapons Div Naval Air Weapons Station China Lake 1 Administration Circle China Lake, CA 93555</p>
<p>US EPA Region IX Environmental Protection Agency 75 Hawthorne Street San Francisco, CA 94105</p>	<p>Joshua Tree National Park 74485 National Park Drive Twentynine Palms, CA 92277</p>	<p>Federal Energy Regulatory Commission 888 First Street, NE Washington, DC 20426</p>
<p>US EPA, Communities &amp; Ecosystems Division U.S. EPA Region 9 75 Hawthorne Street San Francisco, CA 94105</p>	<p>Caltrans District 8 464 W. 4th St San Bernardino, CA 92401</p>	<p>Native American Heritage Commission 1550 Harbor Blvd, Suite 100 West Sacramento, CA 95691</p>
<p>California Public Utilities Commission 505 Van Ness Avenue San Francisco, CA 94102</p>	<p>State Clearinghouse and Planning Unit 1400 Tenth Street P.O. Box 3044 Sacramento, CA 95812</p>	<p>State Water Quality Control Resources Board P.O. Box 100 Sacramento, CA 95812</p>
<p>Regional Water Quality Control Board-- Colorado River Basin Region 73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260</p>	<p>California Energy Commission 1516 Ninth Street, MS-29 Sacramento, CA 95814</p>	<p>California Department of Transportation P.O. Box 942873 Sacramento, CA 94273</p>

South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765	City of Indian Wells 44-950 Eldorado Drive Indian Wells, CA 92210	County of San Bernardino 385 N. Arrowhead Avenue San Bernardino, CA 92415
County of Orange Hall of Administration 333 W. Santa Ana Blvd. Santa Ana, CA 92701	County of San Diego County Administration Center 1600 Pacific Highway San Diego, CA 92101	Imperial County 940 Main Street, Suite 101 El Centro, CA 92243
Desert Protection Society Donna Charpiet P.O. Box 397 Desert Center, CA 92239	Basin and Range Watch Kevin Emmerich 4400 North Scottsdale Road #9902 Scottsdale, AZ 85251	FreightCenter.com Robert R. Clark, National Account Manager 2049 Welbilt Blvd. Trinity, FL 34655
National Parks Conservation Association Seth Shteir, California Desert Field Representative 61325 Twentynine Palms Hwy, Suite B Joshua Tree, CA 92252	People for Land and Nature (PLAN) Ernest Goitein 167 Almendral Atherton, CA 94207	Laborers Intl Union of North America, Local Union 1184 Richard Drury, Lozeau Drury LLP 410 12th Street, Suite 250 Oakland, CA 94607
Center for Biological Diversity Ileene Anderson, Biologist/Desert Program Director Lisa T. Belenky, Senior Attorney 8033 Sunset Blvd., #447 Los Angeles, CA 90046	Kim Delfino, Defenders of Wildlife 1303 J Street, Suite 270 Sacramento, CA 95814	Johanna Wald, Natural Resources Defense Council 111 Sutter Street, 20th Floor San Francisco, CA 94104
Sarah Friedman, Beyond Coal Campaign, Sierra Club 714 W. Olympic Blvd, Suite 1000 Los Angeles, CA 90015	Sally Miller, Senior Regional Conservation Representative for the Wilderness Society 250 Montgomery Street, Suite 210 San Francisco, CA 94104	Desert Sunlight Holdings, LLC Kenneth Stein, Environmental Manager 700 Universe Boulevard June Beach, FL 33408
Western Watersheds Project P.O. Box 1770 Hailey, Idaho 83333	California Unions for Reliable Energy Marc D. Joseph Adams Broadwell Joseph & Cardozo 601 Gateway Boulevard, Suite 1000 South San Francisco, CA 94080	Eagle Crest Energy Company 3000 Ocean Park Boulevard # 1020 Santa Monica, CA 90405
Susan Fleming – Lake Tamarisk Resort P.O. Box 437 Desert Center, CA 92239	Riverside County Residents Samuel Castro & David Vasquez, San Bernardino Resident Brett Stillwell Lozeau Drury LLP 410 12th Street, Suite 250 Oakland, CA 94607	Cabazon Band of Mission Indians Judy Stapp, Director of Cultural Affairs 84245 Indio Springs Drive Indio, CA 92203
Augustine Band of Cahuilla Indians Mary Ann Green, Tribal Chairperson P.O. Box 846 Coachella, CA 92236	Colorado Indian Tribes Shute, Mihaly, & Weinberger LLP 396 Hayes Street San Francisco, CA 94102	Californians for Renewable Energy (CARE) Cory J. Briggs, Mekaela M. Gladden, Briggs Law Corporation 5663 Balboa Avenue, No. 376 San Diego, CA 92111
La Cuna de Aztlan Sacred Sites Protection Circle Advisory Committee Cory J. Briggs, Mekaela M. Gladden, Briggs Law Corporation 5663 Balboa Avenue, No. 376 San Diego, CA 92111	Colorado River Indian Tribes (CRIT) Colorado River Indian Reservation 26600 Mohave Road Parker, AZ 85344	Howard Wilshire 3727 Burnside Road Sebastopol, CA 95472

Donna and Larry Charpied P.O. Box 321 Desert Center, CA 92239	Paul Friesema 227 Scott Hal, Northwestern University 601 University Place Evanston, IL 60208	George Hepker 850 River Drive Norco, CA 92860
Sandra Fairchild 2175 Handel Avenue Henderson, NV 89052	Yanbao Ma 5200 North Lake Road Merced, CA 95343	Yifang Zhu UCLA School of Public Health 650 Charles E. Young Drive South 51-295 CHS Los Angeles, CA 90095
Philip M. Klasky P.O. Box 1722 29 Palms, CA 92277	Solar Development, EDF Renewable Energy Ian Black 15445 Innovation Dr. San Diego, CA 92128	Andrew C. Bell Marten Law 455 Market Street Suite 2200 San Francisco, California 94105
Arielle Harris Downey Brand LLP 333 Bush Street, Suite 1400 San Francisco, CA 94104	Lake Tamarisk Branch Library 43680 Lake Tamarisk Drive Desert Center, CA 92239	Palo Verde Valley District Library 125 West Chanslorway Blythe, CA 91115
Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Officer Patricia Garcia 5401 Dinah Shore Drive Palm Springs, CA 92264	Agua Caliente Band of Cahuilla Indians Director of Planning Margaret Park 5401 Dinah Shore Drive Palm Springs, CA 92264	Ah-Mut-Pipa Foundation Preston J. Arrow-weed PO Box 160 Bard, CA 92222
Audubon California 4225 Hollis Str. Emeryville, CA 94608	Audubon California Garry George 926 Citrus Avenue Los Angeles, CA 90036	Basin and Range Watch P.O. Box 70 Beatty, NV 89003-0070
Briggs Law Corporation Inland Empire Office Mekaela M. Gladden 99 East "C" Street, Suite. 111 Upland, CA 91786	Building Industry Association 77-570 Springfield Ln., Ste. E Palm Desert, CA 92211-0473	Bureau of Indian Affairs Southern California Agency 1451 Research Park Drive, Suite 100 Riverside, CA 92507
Bureau of Reclamation Lower Colorado River Regional Office Steven C. Hvinden P.O. Box 61470 Boulder City, NV 89006-1470	CA State Office of Historic Preservation 1725 23 <sup>rd</sup> Street, Ste. 100 Sacramento, CA 95816	Cahuilla Band of Indians Luther Salgado, Sr., Chairperson P.O. Box 391760 Anza, CA 92539
California Air Resources Board Stationary Source Division/7 <sup>th</sup> Flr. Lawrence Vettrainso 1001 I St. P.O. Box 2815 Sacramento, CA 95812	California Department of Conservation 801 K Street MS 24-01 Sacramento, CA 95814-3530	California Department of Conservation California Geological Survey State Geologist 801 K. Street, Suite 1200 Sacramento, CA 95814
California Department of Conservation Mining & Geology Board 801 K Street, MS 20-15 Sacramento, CA 95814	California Department of Parks & Recreation 1416 9 <sup>th</sup> St., Rm 1435 P.O. Box 942896 Sacramento, CA 95814	California Department of Water Resources P.O. Box 942836 Sacramento, CA 94236-0001

<p>CALTRANS Division of Aeronautics P.O. Box 942873 Sacramento, CA 94273-0001</p>	<p>Chemehuevi Reservation Edward Smith, Chairperson P.O. Box 1976 Chemehuevi Valley, CA 92363</p>	<p>Chuckawalla Valley State Prison California State Dept. of Corrections 19025 Wileys Well Rd. Blythe, CA 92225-2287</p>
<p>City of Blythe Community Services District Development Services Director 440 S. Main Street Blythe, CA 92225</p>	<p>City of Blythe Development Services Department 235 N. Broadway, MS 2611 Blythe, CA 92225</p>	<p>Coachella Valley Association of Governments 73-710 Fred Waring Dr. Ste. 200 Palm Desert, CA 92260-2553</p>
<p>Colorado River Board of California State of California, Natural Resources Agency Tanya M. Trujillo 770 Fairmont Ave., Ste. 100 Glendale, CA 91203-1068</p>	<p>Colorado River Indian Tribes 26600 Mohave Road Parker, AZ 85344-7737</p>	<p>Commander NAWCWD 575 "I" Avenue Ste. 1 Point Mugu, CA 93042-5049</p>
<p>Desert Tortoise Preserve Committee, Inc. 4067 Mission Inn Avenue Riverside, CA 92501</p>	<p>East Blythe Water District Blythe City Council 235 N. Broadway Blythe, CA 92225</p>	<p>Fort Mojave Indian Tribe Timothy Williams, Chairperson 500 Merriman Ave. Needles, CA 92363</p>
<p>Fort Mojave Indian Tribe Ahamakav Cultural Society Linda Otero, Director P.O. Box 5990 Mohave Valley, AZ 86440</p>	<p>Fort Yuma Quechan Indian Nation Keeny Escalanti, Sr., President P.O. Box 1899 Yuma, AZ 85366</p>	<p>La Cuna de Aztlan Sacred Sites Protection Circle Alfredo A. Figueroa 424 N. Carlton Ave. Blythe, CA 92225</p>
<p>Marine Corps. Air/Ground Combat Ctr. Attn: Installation &amp; Logistics Commanding General P.O. Box 788106 Twenty-Nine Palms, CA 92278-5001</p>	<p>The Metropolitan Water District of Southern California Attn: Michael Melanson P.O. Box 54153 Los Angeles, CA 90054-0153</p>	<p>Mojave County Planning Department 700 West Beale Street Kingman, AZ 86401</p>
<p>Mojave Desert Air Quality Mgmt. District Attn: Alan J. De Salvio 14306 Park Ave. Victorville, CA 92392-2310</p>	<p>Morongo Band of Mission Indians Cultural Heritage Program Michael Contreras 12700 Pumarra Road Banning, CA 92220</p>	<p>National Park Service Joshua Tree National Park 74485 National Park Dr. Twenty-Nine Palms, CA 92277-3533</p>
<p>Palo Verde Irrigation District Attn: Roger Henning 180 W. 14<sup>th</sup> Ave. Blythe, CA 92225-2714</p>	<p>Palo Verde Resource Conservation District P.O. Box 610 Blythe, CA 92225</p>	<p>Desert Center Unified School District P.O. Box 6 1434 Kaiser Road Desert Center, CA 92239</p>
<p>Imperial County Planning Department 801 Main Street El Centro, CA 92243-2843</p>	<p>Quechan Indian Nation Tribal Historic Preservation Officer Arlene Kingery P.O. Box 1899 Yuma, AZ 85366</p>	<p>Ramona Band of Cahuilla Mission Indians Joseph Hamilton, Chairman P.O. Box 391670 Anza, CA 92539</p>
<p>San Diego County Planning Department 5201 Ruffin Road, Suite B San Diego, CA 92123</p>	<p>San Gorgonio Chapter, Sierra Club 4079 Mission Inn Ave. Riverside, CA 92501</p>	<p>San Manual Band of Mission Indians 26569 Community Center Drive Highland, CA 92346</p>

<p>Santa Rosa Band of Cahuilla Indians Steven Estrada, Cultural Resources P.O. Box 391820 Anza, CA 92539</p>	<p>Serrano Nation of Indians Goldie Walker P.O. Box 343 Patton, CA 92369</p>	<p>Soboba Band of Luiseno Indians Cultural Resources Director Joseph Ontiveros P.O. Box 487 San Jacinto, CA 92581</p>
<p>Southern California Association of Governments 818 West Seventh Street, 12<sup>th</sup> Floor Los Angeles, CA 90017-3435</p>	<p>Southern California Edison 2244 Walnut Grove Ave. Rm 312 P.O. Box 600 Rosemead, CA 91770</p>	<p>Torres-Martinez Desert Cahuilla Indians Diana L. Chihuahua, Vice Chairperson P.O. Box 1160 Thermal, CA 92274</p>
<p>Twenty-Nine Palms Band of Mission Indians Darrel Mike, Chairperson 46-200 Harrison Place Coachella, CA 92236</p>	<p>U.S. Department of the Interior Bureau of Indian Affairs 1849 C Street Washington, DC 20240</p>	<p>U.S. Fish &amp; Wildlife Service Biological Service Division Manager 6010 Hidden Valley Rd. Carlsbad, CA 92011</p>
<p>U.S. Fish &amp; Wildlife Service Division of Migratory Birds Thomas Dietsch 6010 Hidden Valley Rd. Carlsbad, CA 92011</p>	<p>Western Pacific Region, FAA AWP 600 15000 Aviation Blvd. Lawndale, CA 90261-1000</p>	<p>Western Watersheds Project California Director P.O. Box 2364 Reseda, CA 91337-2364</p>

ATTACHMENT 2

3 **RESOLUTION NO. 2014-146**

4 CERTIFYING THE FINAL ENVIRONMENTAL IMPACT STATEMENT AS A CEQA-  
5 EQUIVALENT FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTING ENVIRONMENTAL  
6 FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVING  
7 A WATER SUPPLY ASSESSMENT, ADOPTING A MITIGATION MONITORING AND  
8 REPORTING PROGRAM, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS,  
9 AND APPROVING THE DESERT HARVEST SOLAR PROJECT

10  
11 **WHEREAS**, Desert Harvest, LLC (the Applicant) filed an Application for Land Use and  
12 Development with the Riverside County Planning Department seeking a Public Use Permit (PUP No.  
13 914), an encroachment permit, and has proposed to enter into a franchise agreement (RCO No. 922) with  
14 the County of Riverside (the County) for portions of a 12.1-mile long 220 kilovolt (“kV”) electrical  
15 transmission line (“Gen-Tie Line”), which is a project component of the Desert Harvest Solar Project  
16 (“Project” or “DHSP”), that traverses lands under the jurisdiction of Riverside County (“County”); and

17 **WHEREAS**, the Project includes two main components: 1) a 150-megawatt (“MW”) solar  
18 photovoltaic (“PV”) energy-generating facility, project substation and switchyard (“Solar Field”), on  
19 public lands administered by the United States Department of Interior Bureau of Land Management  
20 (“BLM”); and 2) the Gen-Tie Line on public lands administered by the BLM, private lands, and lands  
21 owned by the County; and

22 **WHEREAS**, the Solar Field, where the power would be generated, consists of a northern parcel  
23 of 1,053 acres and a southern parcel of 155 acres, together 1,208 acres located immediately adjacent to the  
24 site of the Desert Sunlight Solar Farm Project. The Solar Field would consist of several components: a  
25 generation area including PV arrays (also referred to herein as “panels”), a switchyard, inverters,  
26 overhead lines, and access roads, an operations and maintenance facility; an on-site substation and  
27 switchgear; and site security, fencing, and lighting; and

28 **WHEREAS**, the Gen-Tie Line will connect the electrical output of solar power plant to Southern

FORM APPROVED COUNTY COUNSEL  
BY:  DATE: 09/14



1 California Edison's Red Bluff Substation where the power would feed into the existing Devers Palo  
2 Verde No. 1 500-kV interconnection line. The entire Gen-Tie Line would be 12.1 miles long. A portion  
3 of the Gen-Tie Line will run under, along, across or upon the County of Riverside's Kaiser Road rights-  
4 of-way (a total distance of approximately 5.8 miles) requiring an encroachment permit and a franchise  
5 agreement with the County. Two (2) portions of the Gen-Tie Line are proposed to cross non-federal lands  
6 under the jurisdiction of the County, which requires the Applicant to obtain a Public Use Permit ("PUP")  
7 pursuant to Riverside County Ordinance No. 348, Section 18.29. These two (2) PUP portions are  
8 adjacent to Assessor's Parcel Numbers 807-171-005 and 808-161-001 and comprise a total area of  
9 approximately 22 acres under County land use jurisdiction. The Gen-Tie Line would either share steel  
10 monopoles with the approved Desert Sunlight Solar Farm project gen-tie line presently under construction  
11 or construct a separate, stand-alone Gen-Tie Line running parallel with the Desert Sunlight gen-tie line.  
12 The Gen-Tie Line is proposed to exit the northwest portion of the solar farm site, run south along the west  
13 side of Kaiser Road, turn east just north of Desert Center, and then run south across Interstate 10 to the  
14 Red Bluff Substation; and

15       **WHEREAS**, the PUP, encroachment permit, and the franchise agreement are discretionary  
16 approvals required by the County in order for the Applicant to construct, operate and maintain the  
17 portions of the Gen-Tie Line on lands under the County's jurisdiction; and

18       **WHEREAS**, the Project constitutes a "project" under the California Environmental Quality Act  
19 ("CEQA") Guidelines section 15378 as a result of such discretionary approvals; and

20       **WHEREAS**, the County is the lead agency under CEQA for the evaluation of the Project's  
21 potential impacts to the physical environment; and

22       **WHEREAS**, on March 13, 2013 the BLM, acting as the lead agency under the National  
23 Environmental Policy Act ("NEPA"), adopted a Record of Decision ("ROD") approving the issuance of a  
24 Right of Way ("ROW") Grant to the Applicant for the Project, amendments to the California Desert  
25 Conservation Area Plan ("CDCA"), and a Final Environmental Impact Statement ("FEIS"), subject to the  
26 terms, conditions, stipulations, Plan of Development, and environmental protection measures developed  
27 by the BLM and reflected in the Record of Decision; and

1           **WHEREAS**, the FEIS contains a Water Supply Assessment prepared in accordance with the  
2 requirements of Water Code Section 10910 et seq.; and

3           **WHEREAS**, the Water Supply Assessment determines water supplies will be sufficient to satisfy  
4 the demands of the Selected Project, in addition to existing and planned uses; and

5           **WHEREAS**, the County has reviewed the Water Supply Assessment, concurred in its analysis  
6 and conclusions, and found that the Water Supply Assessment's content and conclusions are consistent  
7 with the adopted plans and policies of the County; and

8           **WHEREAS**, Public Resources Code Section 21083.7 provides that a CEQA lead agency "shall,  
9 whenever possible" use an Environmental Impact Statement ("EIS") as an Environmental Impact Report  
10 ("EIR"), provided the EIS meets the provisions of Public Resources Code Section 21083.7 and sections  
11 15221 and 15225 of the CEQA Guidelines; and

12           **WHEREAS**, on May 14, 2014, the County issued a Notice of Intent to Use the EIS as the EIR for  
13 the Project pursuant to CEQA Guidelines section 15225 and such Notice of Intent was also published on  
14 May 17, 2014; and

15           **WHEREAS**, the Board, acting as the decision-making body for the County under CEQA has  
16 reviewed and considered the FEIS and the proposed Mitigation Monitoring and Reporting Plan  
17 ("MMRP") in evaluating the potential environmental impacts of the Project; and

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

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

23           **WHEREAS**, all provisions of CEQA and Riverside County CEQA implementing procedures  
24 have been satisfied in the FEIS, which is sufficiently detailed so that all of the potentially significant  
25 environmental effects of the Project, as well as feasible alternatives and mitigation measures, have been  
26 adequately evaluated; and

27           **WHEREAS**, the FEIS prepared in connection with the Project sufficiently analyzes both the  
28 feasible mitigation measures necessary to avoid or substantially lessen the Project's potential

1 environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects  
2 in accordance with the Public Resources Code and the CEQA Guidelines; and

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

6       **WHEREAS**, the Proposed Project is described in Section II below; and

7       **WHEREAS**, the Selected Project is described in Section III below; and

8       **WHEREAS**, the public review process is described in Section IV below; and

9       **WHEREAS**, the findings demonstrating why recirculation is not required are set forth in Section  
10 V below; and

11       **WHEREAS**, the findings for alternatives evaluated in the FEIS are set forth in Section VI below;  
12 and

13       **WHEREAS**, the findings regarding significant environmental impacts of the Selected Project are  
14 set forth in Section VII; and

15       **WHEREAS**, the findings regarding energy consumption are set forth in Section VIII; and

16       **WHEREAS**, the findings regarding growth-inducing impacts are set forth in Section IX; and

17       **WHEREAS**, the findings regarding the Water Supply Assessment are set forth in Section X; 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 XI below; and

21       **WHEREAS**, the Mitigation Monitoring and Reporting Program (“MMRP”), required to be  
22 adopted by this Board upon approval of the Project pursuant to CEQA Guidelines section 15091,  
23 subsection (d), sets forth the mitigation measures that the County shall require as binding obligations of  
24 the Applicant in connection with any part of the Project on land under County jurisdiction, is adopted in  
25 Section XII below, and is attached hereto as Exhibit “A” and incorporated herein by reference; and

26       **WHEREAS**, the General Plan Consistency Determination is set forth in Section XIII

27       **WHEREAS**, the Board of Supervisors’ certification of the FEIS as a CEQA-Equivalent EIR,  
28 including findings regarding same, is set forth in Section XIV; and

1           **WHEREAS**, on June 17, 2014 the Board of Supervisors conducted a duly noticed hearing on the  
2 Project, at which time all persons wishing to testify were heard, and the Board considered the Project, the  
3 FEIS, all public testimony, relevant exhibits and recommendations of staff; and

4           **WHEREAS**, the FEIS and the Staff Report are incorporated herein by this reference in their  
5 entirety; and,

6           **WHEREAS**, the FEIS reflects the independent judgment and analysis of the Board of Supervisors  
7 and is deemed adequate for purposes of making decisions on the merits of the Project; and

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

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

12 **I.     INTRODUCTION**

13           The Applicant proposes to construct, operate, maintain, and decommission a 1,208-acre, 150-MW  
14 solar energy project and 220-kV Gen-Tie Line primarily located on public lands administered by the  
15 BLM in the County.

16           BLM is the NEPA lead agency for the project. The County is the CEQA lead agency due to a  
17 County Public Use Permit, encroachment permit, and franchise agreement required for the Project's Gen-  
18 Tie Line. BLM and the County entered into a Memorandum of Agreement on June 5, 2012, for the  
19 preparation of a CEQA-equivalent EIS under NEPA pursuant to the mandate of Public Resources Code  
20 Section 21083.7 that a CEQA lead agency "shall, whenever possible" use an EIS as an EIR under CEQA.  
21 Pursuant to the Memorandum of Agreement, the County engaged in the preparation of the DEIS and FEIS  
22 from the date of the Notice of Intent as a Cooperating Agency under NEPA to ensure that the DEIS, FEIS,  
23 and applicable noticing procedures complied with CEQA and the CEQA Guidelines. As a result, the FEIS  
24 was prepared to a CEQA-equivalent standard pursuant to Public Resources Code Section 21083.7 and  
25 Sections 15221 and 15225 of the CEQA Guidelines.

26           Pursuant to Section 15091 of the CEQA Guidelines and Public Resources Code Section 21081, the  
27 County may only approve or carry out a project for which an EIR has been completed that identifies any  
28 significant environmental effects if the County makes one or more of the following written finding(s) for

1 each of those significant effects accompanied by a brief explanation of the rationale for each finding:

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

9 Notably, Public Resources Code section 21002 requires an agency to “substantially lessen or

10 avoid” significant adverse environmental impacts. Thus, mitigation measures that “substantially lessen”

11 significant environmental impacts, even if not completely avoided, satisfy section 21002’s mandate.

12 (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 (“CEQA does not

13 mandate the choice of the environmentally best feasible project if through the imposition of feasible

14 mitigation measures alone the appropriate public agency has reduced environmental damage from a

15 project to an acceptable level”); *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles*

16 (1986) 177 Cal. App. 3d 300, 309 (“[t]here is no requirement that adverse impacts of a project be avoided

17 completely or reduced to a level of insignificance . . . if such would render the project unfeasible”).)

18 The Public Resources Code requires that lead agencies adopt feasible mitigation measures or

19 alternatives to substantially lessen or avoid significant environmental impacts. An agency need not,

20 however, adopt infeasible mitigation measures or alternatives. (CEQA Guidelines §15091(a), (b).) Public

21 Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a

22 successful manner within a reasonable period of time, taking into account economic, environmental,

23 social, and technological factors.” CEQA Guidelines section 15091 adds “legal” considerations as another

24 indicia of feasibility. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553,

25 565.) Project objectives also inform the determination of “feasibility.” (*City of Del Mar v. City of San*

26 *Diego* (1982) 133 Cal.App.3d 401, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the

27 extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social,

28 and technological factors.” (*Id.*; see also *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23

1 Cal.App.4th 704, 715.)

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

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

14 In addition to making a finding for each potentially significant impact, if the lead agency approves  
15 a project without mitigating all of the significant impacts, it must prepare a statement of overriding  
16 considerations, in which it balances the benefits of the project against the unavoidable environmental  
17 risks. The statement of overriding considerations must explain the social, economic, or other reasons for  
18 approving the project despite its environmental impacts. (CEQA Guidelines § 15093, Pub. Res. Code §  
19 21081).

20 This Resolution contains the findings and statement of overriding considerations based on the  
21 FEIS and administrative record for the approval of a combination of several alternatives to the proposed  
22 project considered in the FEIS and reflects the County’s independent judgment and analysis.

## 23 **II. PROPOSED PROJECT**

24 The FEIS analyzed the proposed project and multiple alternatives to the proposed project. The  
25 proposed project consists of two main components associated with generating and delivering electricity –  
26 the Solar Field and the Gen-Tie Line. The Solar Field, where the power would be generated, would  
27 consist of a northern parcel of 1,053 acres and a southern parcel of 155 acres, together encompassing  
28 1,208 acres of BLM-managed public lands. The proposed project is located immediately adjacent to the

1 site of the approved Desert Sunlight Solar Farm project (“Desert Sunlight Project”), for which a Final EIS  
2 was issued in April of 2011 and a Record of Decision (“ROD”) issued in August of 2011 and for which  
3 the County approved Public Use Permit No. 909 and Ordinance No. 909. The Solar Field would consist  
4 of several components: a main generation area including six-foot tall PV arrays, a switchyard, inverters,  
5 overhead lines, and access roads; an operations and maintenance (“O&M”) facility; an on-site substation  
6 and switchgear; and site security, fencing, and lighting. The Gen-Tie Line would transmit the electricity  
7 generated at the proposed solar facility to the regional transmission system, through the Red Bluff  
8 Substation where the power from the proposed solar facility would feed into the Southern California  
9 Edison’s (“SCE”) existing Devers Palo Verde No. 1 500-kV interconnection line. The Gen-Tie Line  
10 would be 12.1 miles long, encompassing up to 256 acres of ROW (92 acres of permanent disturbance).  
11 The Gen-Tie Line would share steel monopoles included as part of the approved Desert Sunlight Project  
12 gen-tie line presently under construction.

### 13 **III. SELECTED PROJECT**

14 The County is now considering the adoption of a modified version of the proposed project that  
15 includes 15-foot tall PV arrays (instead of 6-foot tall arrays) as well as a second, additional and alternate  
16 Gen-Tie Line alignment parallel and next to the Desert Sunlight Project gen-tie line (Alternative C of the  
17 FEIS) in the event a shared gen-tie pole agreement cannot be achieved between the Applicant and the  
18 owners of the Desert Sunlight Project (Alternative B of the FEIS). Alternative B contemplates the  
19 Project’s Gen-Tie Line sharing the gen-tie poles of the Desert Sunlight Project. Under the Selected  
20 Project, in the event a shared use agreement between the Applicant and the owners of the Desert Sunlight  
21 Project cannot be achieved to implement Alternative B, the Applicant would be authorized to implement  
22 Alternative C, which contemplates construction of a separate, stand-alone gen-tie transmission line  
23 parallel to the Desert Sunlight Project’s gen-tie line. To effectuate Alternative C, the Applicant must  
24 provide: documentation detailing the inability to reach a shared use agreement for Alternative B; a  
25 financial, technical, and environmental feasibility analysis on all potential gen-tie locations; and any other  
26 documentation deemed necessary.

27 This modified project is referred to in these CEQA findings as the “Selected Project”, as opposed  
28 to the “proposed project” and “preferred project” of the FEIS. All impacts of the Selected Project have

1 been analyzed in the FEIS because it is a combination of the facility footprint analyzed under Alternative  
2 4, the high-profile PV arrays analyzed under Alternative 7, and the Gen-Tie Line routes analyzed under  
3 Alternative B and Alternative C of the FEIS. The Selected Project is superior to the proposed project  
4 because it generates more electricity than the proposed project without requiring additional land or  
5 additional environmental impacts. Specifically, while both the preferred project and the Selected Project  
6 share a nameplate rating of 150 MW, the Selected Project would generate approximately 30 percent more  
7 electricity because the high-profile PV arrays it contemplates have a power efficiency of 22-26 percent,  
8 resulting in generation of 341,000 MWh/year or more. In contrast, the low-profile PV arrays of the  
9 proposed project have a power efficiency of 16-18 percent, resulting in generation of less than 236,000  
10 MWh/year. The Selected Project also provides more flexibility by authorizing stand-alone, parallel Gen-  
11 Tie Line poles within the same right-of-way alignment as the Desert Sunlight Project's gen-tie alignment  
12 in the event a shared gen-tie pole arrangement cannot be made between Desert Harvest and Desert  
13 Sunlight.

#### 14 **IV. PUBLIC REVIEW PROCESS**

15 A Notice of Intent ("NOI") to prepare the EIS was published in the Federal Register on September  
16 15, 2011 and received by the State Clearinghouse on September 29, 2011. The Project was assigned State  
17 Clearinghouse #2011094004. The NOI was prepared pursuant to CEQA Guidelines Section 15082  
18 requirements for a notice of preparation under CEQA. The NOI was circulated to the following state  
19 agencies: Department of Conservation; California Energy Commission; California Highway Patrol;  
20 Native American Heritage Commission; Department of Parks and Recreation; Public Utilities  
21 Commission; Resources Agency; State Lands Commission; Resources, Recycling and Recovery;  
22 Department of Water Resources; Caltrans, District 8; Regional Water Quality Control Board, Region 7;  
23 Department of Toxic Substances Control; Department of Fish and Wildlife, Region 6. The U.S. Fish and  
24 Wildlife Service and other federal agencies also received the NOI.

25 The federal scoping period was September 15, 2011 to October 17, 2011. The review period listed  
26 by the State Clearinghouse was September 29, 2011 through October 28, 2011, and scoping comments  
27 were accepted through this period. Therefore, the scoping comment period lasted more than 30 days,  
28 which is the duration required for review of a notice of preparation of an EIR under CEQA Guidelines



1 Section 15082. Two public scoping meetings were held on October 3, 2011 and one was held on October  
2 6, 2011. Notification of the public Scoping Meetings was posted on the BLM's website. In addition,  
3 notices of the Scoping Meetings were sent to Responsible and Trustee Agencies under CEQA, all  
4 landowners within 300 feet of the Project boundary, and other interested parties.

5 A Notice of Availability of the Draft EIS ("DEIS") was published on April 13, 2012 in  
6 compliance with the requirements of CEQA Guidelines Sections 15225 and 15087, including publishing  
7 in a newspaper of general circulation in the area potentially affected by the project. In addition, the DEIS  
8 was filed with the Riverside County Clerk and the State Clearinghouse, and the notice was posted in the  
9 office of the County Clerk for 30 days. The DEIS was made available for public review for 90 days, as  
10 provided under Public Resources Code section 21091, and public notice of that fact has been given  
11 pursuant to Section 21092. The FEIS was also made available for public review for 30 days after  
12 publication of a Notice of Availability on November 2, 2012. Both the DEIS and the FEIS disclosed the  
13 intent of the County to use the FEIS as an EIR equivalent under CEQA. Section 15225 of the CEQA  
14 Guidelines directs that, where the EIS was circulated for public review as broadly as state and local law  
15 may require and notice was given that met the standards in section 15087(a) of the CEQA Guidelines, the  
16 lead agency may use the EIS in place of an EIR without recirculating the EIS for public review. On May  
17 14, 2014 the County issued a Notice of Intent to use the FEIS as the EIR for the Project and such Notice  
18 of Intent was also published on May 17, 2014.

19 **V. FINDINGS DEMONSTRATING WHY RECIRCULATION IS NOT REQUIRED**

20 **BE IT FURTHER RESOLVED** by the Board that after reviewing the public record, the Board  
21 hereby makes the following findings regarding why recirculation is not required:

22 CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review  
23 and comment when significant new information is added to the EIR after public notice is given of the  
24 availability of the Draft EIR but before certification. New information includes (i) changes to the project;  
25 (ii) changes in the environmental setting; or (iii) additional data or other information. Section 15088.5  
26 further provides that "[n]ew information added to an EIR is not significant unless the EIR is changed in a  
27 way that deprives the public of a meaningful opportunity to comment upon a substantial adverse  
28 environmental effect of the project or a feasible way to mitigate or avoid such an effect including a

1 feasible project alternative that the project's proponents have declined to implement." This standard is  
2 not, however, "intend[ed] to promote endless rounds of revision and recirculation of EIRs. Recirculation  
3 is intended to be the exception, rather than the general rule." (*Laurel Heights Improvement Assn. v.*  
4 *Regents of the Univ. of California* (1993) 6 Cal.4th 1112, 1132.) The following lists new information  
5 discovered since publication of the DEIS.

6  
7 **A. New Project Alternative**

8 The Selected Project includes both the north and south parcels of the Solar Field analyzed in  
9 Alternative 4, but also includes the high-profile (15-foot) array trackers analyzed in Alternative 7. The  
10 Selected Project also includes two Gen-Tie Line alignment alternatives, Alternatives B and C in the EIS.  
11 Alternative B contemplates the Project's Gen-Tie Line sharing the gen-tie poles of the Desert Sunlight  
12 Solar Farm Project. In the event a shared use agreement between the Applicant and the owners of the  
13 Desert Sunlight project cannot be achieved to implement Alternative B, the Applicant would be  
14 authorized to implement Alternative C, which contemplates construction of a separate, stand-alone Gen-  
15 Tie transmission line parallel to the Desert Sunlight Project's gen-tie line. To effectuate Alternative C,  
16 the Applicant would be required to provide: documentation detailing the inability to reach a shared use  
17 agreement for Alternative B; a financial, technical, and environmental feasibility analysis on all potential  
18 gen-tie locations; and any other documentation deemed necessary.

19 While the Selected Project was not analyzed as a separate alternative in the FEIS, it does not  
20 trigger recirculation under CEQA because the Selected Project is within the spectrum of alternatives  
21 analyzed in the FEIS and will not result in any new, or substantially more severe, significant impacts  
22 beyond those already analyzed in the FEIS.

23 All of the environmental impacts of the Selected Project are substantially similar to those analyzed  
24 for the proposed project (Alternative 4). The only area where the Selected Project and the proposed  
25 project (Alternative 4) differ is with respect to the height of the panels. Alternative 4 contemplated low-  
26 profile panels on the southern and northern parcels. The Selected Project contemplates high-profile  
27 panels on both parcels. The FEIS assessed the effects of high-profile panels in Alternative 7, which  
28 contemplated no panels on the southern parcel and high-profile panels on the northern parcel.

1 Installing high-profile panels on the southern parcel does not constitute significant new  
2 information because the impacts of doing so do not substantially increase the severity of the visual  
3 impacts identified in the FEIS analysis of Alternative 4 and Alternative 7. As documented in the EIS, the  
4 visual impact of the higher profile panels from Joshua Tree National Park is indistinct from the visual  
5 impact of the shorter panels proposed for Alternative 4 (see Figure 4.19-1B compared with Figure 4.19-  
6 1C in Appendix A of the FEIS). Adding the southern parcel to Figure 4.19-1C would not substantially  
7 alter this result. As shown in Figures 3.19-1A (Alternative 4 viewshed impacts) and 3.19-1C (Alternative  
8 7 viewshed impacts, which notably includes high-profile trackers on the southern parcel) of the FEIS, the  
9 high-profile panels can be viewed at a very small number of additional locations compared with the low-  
10 profile panels - the relevant viewsheds are substantially similar. From Kaiser Road (KOP 3 in the EIS)  
11 the high-profile panels (see Figure 4.19-3D) would be more evident in the foreground compared with the  
12 lower profile panels (Figure 4.19-3B), but it should be observed that the low-profile rendering is 0.15  
13 miles further from the viewer than the high-profile rendering and does not depict fencing or overhead  
14 lines that would also be installed with low-profile panels, thereby understating its impact relative to the  
15 Alternative 7 simulation. In addition, viewership from this location is very low. Moreover, while the  
16 southern parcel was not specifically simulated with Alternative 7's high-profile panels from Key  
17 Observation Point ("KOP") 3, it was not specifically simulated with Alternative 4's low-profile panels  
18 from KOP 3, either. Instead, simulations of the northern parcel under Alternative 4 were relied upon as  
19 an example of visual impacts from Kaiser Road in the immediate vicinity of the project, whether viewing  
20 the northern parcel or the southern parcel. Therefore, as with simulations prepared for Alternative 4, the  
21 simulation of the visual impacts of the higher profile panels from KOP 7 (Figure 4.19-3D) provides an  
22 appropriate proxy for the visual impacts of the higher profile panels on the southern parcel as well, even  
23 though that specific scenario was not simulated. Approving higher profile panels on the southern parcel  
24 as well as the northern parcel therefore would not raise any new, or substantially intensify any previously  
25 identified, significant effect beyond the four corners of the FEIS.

26 Adopting Alternative C contingent upon the inability of the Applicant to implement Alternative B  
27 would not raise any new, or intensify any previously identified, significant effects because both  
28 Alternatives are fully assessed in the FEIS.

1 Finally, the BLM approved variances for the Desert Sunlight Project's gen-tie ROW consistent  
2 with the Desert Sunlight Project ROD, Memorandum of Agreement executed on June 21, 2011 and other  
3 applicable requirements, including NEPA. These approved variances alter the route that would be  
4 followed by the Selected Project gen-tie under Alternatives B and C, as those Alternatives utilize the  
5 Desert Sunlight project line's route. The approved variances to the Desert Sunlight line have served to  
6 reduce impacts to cultural resources identified in preconstruction surveys and do not introduce any new,  
7 or intensify any previously identified, significant impacts of the FEIS. These approved variances  
8 associated with the Desert Sunlight line include moving a previously approved access road for the gen-tie  
9 line along an existing access road, which prevents a new, parallel access road, reduces direct impacts to  
10 desert tortoise critical habitat, and minimizes project impacts to cultural properties.

11 **B. Changes in the Environmental Setting.**

12  
13 Construction of the Desert Sunlight project has changed the immediate, non-cumulative  
14 environmental setting of the Selected Project, particularly with regard to the impacts of Alternative B and  
15 Alternative C. The non-cumulative impacts of Alternative B disclosed in the FEIS were premised on an  
16 environmental baseline as of the publication of the NOI in September 2011, at which time only partial  
17 grading of the Desert Sunlight project had begun. The FEIS's non-cumulative analyses of Alternative B  
18 and Alternative C were therefore premised on the absence of the Desert Sunlight gen-tie line. For  
19 example, while Alternative B contemplates co-locating with existing Desert Sunlight gen-tie  
20 infrastructure, the non-cumulative analysis of the FEIS had to analyze Alternative B as though it were a  
21 stand-alone gen-tie project because the Desert Sunlight project was not included in the environmental  
22 baseline, thereby overstating the impacts of Alternative B as a consequence. A substantial portion of the  
23 Desert Sunlight project has been constructed since publication of the NOI, including its gen-tie poles. As  
24 such, the cumulative impact analyses of Alternative B and Alternative C conducted by the FEIS – which  
25 focused primarily on the presence of the Desert Sunlight gen-tie line – better represent the impacts of  
26 Alternative B and C at the non-cumulative level under current conditions. The same generally holds for  
27 the entire Selected Project, as well. The impacts of this change in the environmental setting has been  
28 assessed by the FEIS at the cumulative level and does not create any new, or substantially intensify any

1 previously identified, significant impacts beyond those analyzed in the FEIS.

2 Furthermore, the presence of the Desert Sunlight gen-tie poles under current conditions  
3 substantially reduces the impacts of Alternative B and Alternative C relative to their non-cumulative  
4 analyses in the FEIS because the Desert Sunlight gen-tie poles are now part of the environmental baseline  
5 of current existing conditions. This effectively removes the effects of gen-tie pole installation from the  
6 non-cumulative analysis of Alternative B. It also reduces the non-cumulative effects of Alternative C  
7 because many of them are overlapped and subsumed by the effects of the adjacent Desert Sunlight gen-tie  
8 poles - visual effects in particular - as a consequence of co-locating both gen-ties within the same ROW.

9 In short, substantial development of the Desert Sunlight project since publication of the NOI has  
10 effectively incorporated many of its impacts into current local baseline environmental conditions. As a  
11 result, the increment between existing baseline conditions and the effects of the Desert Harvest project is  
12 now smaller than analyzed in the FEIS. This change in environmental conditions therefore reduces rather  
13 than intensifies the non-cumulative effects of the Desert Harvest project. On the other hand, the  
14 cumulative effects of the Desert Harvest Project remain the same as analyzed in the FEIS because the  
15 FEIS assumed completion of the Desert Sunlight project under cumulative conditions.

16 On January 17, 2014, Governor Jerry Brown declared a Drought State of Emergency for the State  
17 of California. The January 17, 2014 declaration of a Drought State of Emergency for the State of  
18 California and associated drought conditions within Riverside County are circumstances that were  
19 anticipated by the FEIS and addressed by Mitigation Measure (“MM”) WAT-2 (Alternative Water Source  
20 and Groundwater Offsets), MM WAT-3 (Groundwater Drawdown Monitoring and Reporting Plan), MM  
21 WAT-6 (Drought Water Management and Water Conservation Education Program) and MM WAT-7  
22 (Colorado River Water Supply Plan). In addition, although not required for a solar energy project  
23 consuming less than 75 acre-feet annually over the life of the project, a Senate Bill 610 Water Supply  
24 Assessment prepared for the project and included in Appendix E of the EIS determined that sufficient  
25 water supplies exist to serve the Project in normal-year, single-dry year and multiple-dry year conditions.  
26 The declaration of a Drought State of Emergency and associated drought conditions therefore do not  
27 constitute significant new information and do not implicate any new or more intense significant impacts  
28 above and beyond those already analyzed in the EIS.

1           **C. Additional Data or Other Information.**

2           The following new information has become available since publication of the FEIS:

- 3           • A location of the off-site operations and maintenance facility was identified (see Figure ROD-
- 4           1, attached to the BLM's ROD for the Project).
- 5           • The Applicant provided information that 150 MW was the minimum target capacity required
- 6           for a PV generating facility to be economically feasible on the Project site.
- 7           • The Applicant demonstrated that the taller, high-profile panels would be capable of meeting
- 8           the Project's generation needs. The taller, high-profile, panels will supply greater energy
- 9           generation efficiency within the same footprint and with substantially similar impacts. The
- 10          taller panels would produce 150 MW target capacity, but would be far more efficient in
- 11          providing renewable energy to the electrical grid, yielding 341,000 MW-hours per year
- 12          (MWh/y). The shorter panels, on the other hand, would allow for a capacity of 150 MW, but
- 13          would be substantially less efficient, yielding only 240,000 MWh/y. According to the
- 14          Applicant's statements, the higher efficiency, high-profile panels are needed to meet in-
- 15          progress contractual obligations of a pending Power Purchase Agreement for the Project, and
- 16          according to the Applicant, are critical to ensuring the Project's technical and economic
- 17          feasibility.
- 18          • The United States Fish & Wildlife Service issued a Final Biological Opinion for the Project on
- 19          January 16, 2013, which identifies the BLM's obligations for the Project under Section 7 of
- 20          the Endangered Species Act.
- 21          • A Memorandum of Agreement ("MOA") among the BLM, EDF, and the State Historic
- 22          Preservation Officer ("SHPO") executed on February 20, 2013, by all three parties, concluded
- 23          BLM's obligations under Section 106 of the NHPA have been met with respect to the Project.
- 24          • On February 22, 2013, Aspen Environmental Group submitted a memorandum to the BLM
- 25          and the administrative record demonstrating that the EIS applies all feasible mitigation
- 26          measures to reduce the air quality impacts of the project ("Air Quality Memorandum").
- 27          • After the BLM's issuance of the FEIS, the Natural Resources Defense Council ("NRDC"),
- 28          Defenders of Wildlife ("DOW"), and the Sierra Club, pursuant to 43 C.F.R. § 1610.5-2, jointly

1 initiated a formal protest of the CDCA Plan Amendment and FEIS in a letter addressed to the  
2 BLM. The letter addressed the impact of the CDCA Plan Amendment and the Project on the  
3 wildlife and natural resources of the Project area. NRDC, DOW and Sierra Club met with the  
4 Applicant and agreed to withdraw their joint protest based on the terms provided in an  
5 agreement entitled the Desert Harvest Protest Resolution, which imposes additional mitigation  
6 measures on the Project with regard to American badger and desert kit fox management, soil  
7 treatment, compensatory Wildlife Habitat Management Area (“WHMA”) mitigation,  
8 compensatory mitigation for wildlife connectivity effects, water rights, and project monitoring.

- 9 • On March 11, 2013, the National Park Service (“NPS”) and the Applicant finalized a  
10 Cooperative Agreement to implement Mitigation Measures SD-1, SD-2, and SD-3 requiring  
11 the Applicant to coordinate mitigation measures with NPS and to enter into an agreement with  
12 the NPS to carry out certain mitigation measures.
- 13 • The BLM issued a ROD approving the Selected Project on March 13, 2013. The County  
14 hereby incorporates into these findings by reference the ROD and the entirety of BLM’s  
15 administrative record for the Project through issuance of the ROD.
- 16 • The California Department of Fish and Wildlife (“CDFW”) issued a Consistency  
17 Determination for the Project on April 3, 2013, confirming that the January 16, 2013  
18 Biological Opinion and Incidental Take Statement satisfy the requirements of the California  
19 Endangered Species Act.
- 20 • On August 30, 2013, Aspen Environmental Group submitted to the administrative record a  
21 memorandum to the County concerning the potential for soils in the project area to harbor the  
22 fungus that causes coccidioidomycosis, known as Valley Fever, and the existing mitigation  
23 measures of the EIS that address Valley Fever (“Valley Fever Memorandum”).
- 24 • On May 28, 2014 Aspen Environmental Group submitted a memorandum to the administrative  
25 record and to the County regarding recent avian mortality data gathered for the Desert  
26 Sunlight, Genesis and Ivanpah Solar Electric Generating System projects in Riverside and San  
27 Bernardino counties (“Avian Memorandum”).

28 None of the above constitutes significant new information because it does not change the analysis

1 in, or conclusions of, the FEIS. The O&M Facility would be located in an existing building, and access to  
2 the site would be via existing paved roads. The O&M Facility was analyzed as a component of the  
3 proposed project and alternatives in the FEIS. While the precise location of the O&M Facility was not  
4 identified in the FEIS, the FEIS evaluated the effects of both an onsite O&M Facility and one located off-  
5 site within a 10-mile radius of the solar generation site. As a result of this assumption, vehicle trips  
6 related to an off-site O&M location were included in traffic and noise projections in the EIS, and an off-  
7 site O&M location was considered by BLM and the United States Fish and Wildlife Service (“USFWS”)  
8 for its contribution to potential desert tortoise mortality.

9 The Air Quality Memorandum demonstrates that the EIS applies all feasible mitigation measures  
10 to reduce the air quality impacts of the project without any changes to the project or EIS and therefore  
11 presents no new significant information.

12 The Valley Fever Memorandum indicates that the Center for Disease Control has determined the  
13 County to be in the lowest category of areas endemic to Valley Fever and demonstrates that the EIS  
14 already requires dust control measures and public health and safety plans that will prevent and mitigate  
15 the risk of Valley Fever due to the construction, operation, maintenance, and decommissioning of the  
16 project. The Valley Fever Memorandum also clarifies how implementation of the Environmental Health  
17 and Safety Plan required Mitigation Measure PHS-4 will specifically address Valley Fever, which, for  
18 clarity, the County has decided to add directly to the text of Mitigation Measure PHS-4, as detailed in  
19 Exhibit B, attached hereto. Such changes implement and add specificity to the existing mitigation  
20 measure without implicating a new or more intense environmental impact beyond those already  
21 considered in the EIS.

22 The Avian Memorandum explains why new utility-scale solar avian mortality data speak to  
23 impacts that have already been analyzed and addressed in the EIS rather than to new or more intense  
24 significant impacts. The Avian Memorandum also explains why changes to Mitigation Measure WIL-6 to  
25 ensure the project’s Bird and Bat Conservation Strategy keeps pace with the latest research and methods  
26 with accountability (and enforceability) serve only to amplify and lend greater specificity to principles  
27 already laid down in the original mitigation measure, as informed by new information developed since  
28 preparation of the EIS, and do not implicate any new or more intense significant impacts above and



1 beyond those already analyzed in the EIS. The Board hereby determines the changes to MM WIL-6  
2 recommended by the Avian Memorandum to be feasible and hereby adopts them, as those changes are  
3 detailed in Exhibit B, attached hereto.

4 New Applicant information regarding the minimum target capacity and technological preferences  
5 for the Project substantiate the Applicant's preferences and do not affect the significance conclusions of  
6 the EIS.

7 The ROD, MOA, Biological Opinion, Consistency Determination, protest resolution agreement,  
8 National Park Service Cooperative Agreement, Valley Fever Memorandum, and Avian Memorandum  
9 implement, clarify and/or amplify mitigation measures already identified in the FEIS and/or impose new  
10 mitigation measures similar to those previously identified in the FEIS, all of which the Applicant has  
11 consented to. No new mitigation measures have caused new or more intense significant environmental  
12 impacts beyond those already identified in the EIS.

13 Based on the foregoing, and having reviewed the information contained in the FEIS and in the  
14 documents comprising the Project administrative record of both the County and the BLM, the Board  
15 hereby finds, based on the standards provided in Public Resources Code Section 21092.1 and Section  
16 15088.5 of the CEQA Guidelines, that no significant new information has been added since public notice  
17 was given of the availability of the DEIS that would require recirculation of the FEIS prior to the  
18 County's certification of the FEIS as an EIR equivalent document.

19 **VI. FINDINGS FOR ALTERNATIVES EVALUATED IN THE EIS.**

20 Section 15126.6 of the CEQA Guidelines requires EIRs to consider and discuss a reasonable range  
21 of alternatives to a project, or to the location of the project, which would feasibly attain most of the basic  
22 project objectives of the project but would avoid or substantially lessen any of the significant effects of  
23 the project, and to evaluate the comparative merits of the alternatives. However, an EIR "need not  
24 consider every conceivable alternative to a project" and need not consider "alternatives that are  
25 infeasible." (CEQA Guidelines, § 15126.6(a).) Instead, an EIR must only "consider a reasonable range  
26 of potentially feasible alternatives that will foster informed decision-making and public participation."  
27

1 (*Ibid.*) The consideration of alternatives is to be judged against a “rule of reason.” (CEQA Guidelines, §  
2 15126.6(f).)

3 CEQA also requires that the EIR identify the environmentally superior alternative of a project  
4 other than the No Project Alternative. (CEQA Guidelines, § 15126.6(e)(2).) The lead agency is not  
5 required to choose the “environmentally superior” alternative identified in the EIR if the alternative  
6 specific, legal, social, economic, technological or other considerations make the alternative infeasible.  
7 (Pub. Res. Code, § 21080(a)(3); CEQA Guidelines § 15091(a)(3).)

8 **BE IT FURTHER RESOLVED** by the Board that after reviewing the public record, the Board  
9 hereby makes the following findings regarding alternatives to the Selected Project evaluated in the FEIS:

10 **A. Alternatives Evaluated in the FEIS**

11 The FEIS evaluated the proposed project and multiple alternatives to the proposed project. A  
12 description and a finding for each alternative, other than Alternative B and Alternative C (which have  
13 been incorporated into the Selected Project), are presented below. For the reasons stated below, it is the  
14 finding of the County that there is no feasible environmentally superior alternative to the Selected Project.

15 **Alternative 1: No Action (No Plan Amendment)**

16 **Description:** Under Alternative 1, the proposed project would not be approved (all components  
17 of the Project would be denied), no ROW grant would be issued, and no CDCA Plan Amendment would  
18 be approved to make the land available for large-scale solar development.

19 **Finding: *Infeasible***

20 Based on the whole record, the County finds that Alternative 1 would result in fewer  
21 environmental impacts than the Selected Project. However, the County finds that Alternative 1 is  
22 infeasible because it would not meet any of the Project objectives.

23 **Alternative 2: No Project Alternative (with Plan Amendment to Find the Site  
24 Suitable for Solar Energy Development)**

25 **Description:** Under Alternative 2, the proposed project would not be approved (all components  
26 of the proposed project denied), no ROW grant would be issued to the Applicant, and the CDCA Plan  
27 would be amended to find the project area, or based on resource conflict, only a portion of it, suitable for  
28 solar energy development.

1 **Finding: *Infeasible***

2 Based on the whole record, the County finds that Alternative 2 would result in fewer  
3 environmental impacts than the Selected Project. The County also finds, however, that Alternative 1 is  
4 infeasible because it would not meet any of the Project objectives.

5 **Alternative 3: No Project Alternative (with Plan Amendment to Find the Site**  
6 **Unsuitable for Solar Energy Development)**

7 **Description:** Under Alternative 3, the proposed project would not be approved (all components  
8 of the proposed project denied), no ROW grant would be issued to the Applicant, and the CDCA Plan  
9 would be amended to find the project area unsuitable and unavailable for large-scale solar energy  
10 development.

11 **Finding: *Infeasible***

12 Based on the whole record, the County finds that Alternative 3 would result in fewer  
13 environmental impacts than the Selected Project. The County also finds that Alternative 3 is infeasible  
14 because it would not meet any of the Project objectives and would be inconsistent with BLM's  
15 prioritization of the Project area for solar development within the Riverside East Solar Energy Zone of the  
16 BLM's Solar Energy Development Program.

17 **Alternative 4: Proposed Project**

18 **Description:** Alternative 4 would include the northern and southern parcels for a total of 1,208  
19 acres of solar field development. Alternative 4 would use low-profile panels of up to six feet in height.

20 **Finding: *Infeasible***

21 Based on the whole record, the County finds that Alternative 4 is infeasible because it would not  
22 meet the core Project objective of constructing a cost-competitive solar project of 150 MW of nameplate  
23 capacity required to render the Project economically feasible. Less renewable energy would be produced  
24 by the less efficient low-profile panels of Alternative 4 (236,000 MWh/year at a power efficiency of 16-  
25 18%) than by the more efficient high-profile panels of the Selected Project (341,000 MWh/year at a  
26 power efficiency of 22-26%). Alternative 4 therefore would be 31 percent less cost-effective, and  
27 therefore substantially less cost-competitive, because the price of power per MWh sought from an off-  
28 taker would have to be substantially higher in order for the Project to be financially feasible.

1           **Alternative 5:           Solar Project Excluding WHMA**

2           **Description:** Alternative 5 would be constructed within the same Project boundaries as the  
3 proposed project, except that it would exclude the 47-acre portion of the site which is within the Palen-  
4 Ford Wildlife Habitat Management Area (WHMA). Alternative 5 would encompass an estimated 1,161  
5 acres and the areas cleared of vegetation would be the same as for the Project (107 acres). Alternative 5  
6 would use the same low-profile PV panels as Alternative 4 and would be an estimated 145 MW nominal  
7 capacity project, which would generate approximately 230,000 MWh/y with a power efficiency of 16 to  
8 18 percent. The area permanently covered by at-grade items would also remain the same as with  
9 Alternative 4: 10 acres.

10           **Finding:           Infeasible**

11           Based on the whole record, the County finds Alternative 5 infeasible because its intent – the  
12 protection of WHMA resource values – cannot be accomplished in a successful manner due to  
13 environmental factors. When the adjacent Desert Sunlight Project was approved by the BLM in August  
14 of 2011, a portion of the Palen-Ford WHMA was approved for use as a solar facility, resulting in the  
15 creation of a 47-acre island of WHMA between an approved solar project and a the proposed project (see  
16 Figure 3 of the BLM ROD). A preserved 47-acre island of WHMA lands within the Selected Project  
17 footprint would, in addition to being cut off from the rest of the Palen Ford WHMA, become a small  
18 island of undeveloped land in the midst of two adjacent solar projects, with a resulting steep reduction in  
19 its habitat value. In addition, the identified 47-acre segment of the WHMA does not exhibit the dune,  
20 playa and Mojave fringe-toed lizard habitat characteristics that the Palen-Ford WHMA was established to  
21 protect. (FEIS at p. 3.4-12). Alternative 5 is infeasible because it will not protect the resource values it  
22 was designed to protect.

23           The County finds that Alternative 5 is also infeasible because it would not meet the core Project  
24 objective of constructing a cost-competitive solar project of 150 MW of nameplate capacity required to  
25 render the Project economically feasible. Alternative 5 would accommodate 5 fewer MWs of nameplate  
26 capacity. In addition, less renewable energy would be produced by the less efficient low-profile panels of  
27 Alternative 5 (228,000 MWh/year at a power efficiency of 16-18%) than by the more efficient high-  
28 profile panels of the Selected Project (341,000 MWh/year at a power efficiency of 22-26%), resulting in

1 MWh/acre rate of 196.4 for Alternative 5 versus 282.3 MWh/acre generation rate for the Selected  
2 Project. Alternative 5 therefore would be 30 percent less cost-effective, and therefore substantially less  
3 cost-competitive, because the price of power per MWh sought from an off-taker would have to be  
4 substantially higher in order for the Project to be financially feasible.

5 **Alternative 6: Reduced Footprint Solar Project**

6 **Description:** Alternative 6 would be constructed with the same low-profile panels as the  
7 proposed project, but within a smaller footprint that would exclude the 155-acre southern parcel of the  
8 project and a small (9-acre) portion of the northern parcel that contains a sensitive plant species,  
9 crucifixion thorn. Alternative 6 would not exclude the portion of the site that is within the Palen-Ford  
10 WHMA. Alternative 6 would encompass an estimated 1,044 acres and would be an estimated 125 to 135  
11 MW nominal capacity project, which would generate approximately 200,000 MWh/y with a power  
12 efficiency of 16 to 18 percent. The areas cleared of vegetation would be slightly less than for the  
13 proposed project, an estimated 100 acres. The area permanently covered by at-grade items would also be  
14 slightly reduced from the proposed project, less than 10 acres. Because Alternative 6 would not require  
15 use of two separate parcels of land, the alternative would not require an under-ground electrical  
16 connection.

17 **Finding: *Infeasible***

18 Based on the whole record, the County finds that Alternative 6 would result in only marginally  
19 fewer environmental impacts than the Selected Project. As stated in BLM's ROD for the project,  
20 potential direct and indirect impacts to crucifixion thorn prompted the development of Alternative 6,  
21 which considers the elimination of the entire 155-acre southern parcel and a 9-acre portion of the northern  
22 parcel to avoid crucifixion thorn plants. However, BLM has found those impacts to be mitigated fully  
23 through the adoption of buffers (MM VEG-7) to mitigate impacts to crucifixion thorn plants on the  
24 northern and southern parcels without recourse to footprint redesign. Based on its review, BLM  
25 determined that it could safely and completely mitigate all adverse impacts to this plant through  
26 mitigation buffers without footprint redesign, and therefore could approve development of the southern  
27 parcel. The County concurs with BLM's determination that the mitigation buffers of MM VEG-7 obviate  
28

1 elimination of the entire 155-acre parcel and a 9-acre portion of the northern parcel and therefore finds  
2 Alternative 6 to be marginally environmentally superior to the Selected Project.

3 The County also finds that Alternative 6 is infeasible because it would not meet the core Project  
4 objective of constructing a cost-competitive solar project of 150 MW of nameplate capacity required to  
5 render the Project economically feasible. Alternative 6 would accommodate 15 to 25 fewer MWs of  
6 nameplate capacity. In addition, less renewable energy would be produced by the less efficient low-  
7 profile panels of Alternative 5 (200,000 MWh/year at a power efficiency of 16-18%) than by the more  
8 efficient high-profile panels of the Selected Project (341,000 MWh/year at a power efficiency of 22-26%),  
9 resulting in MWh/acre generation rate of 191.6 for Alternative 6 versus 282.3 MWh/acre generation rate  
10 for the Selected Project. Alternative 6 therefore would be 32 percent less cost-effective, and therefore  
11 substantially less cost-competitive, because the price of power per MWh sought from an off-taker would  
12 have to be substantially higher in order for the Project to be financially feasible.

13 **Alternative 7: High-Profile Reduced Footprint Solar Project**

14 **Description:** Alternative 7 would be constructed within the same project boundaries as  
15 Alternative 6. Alternative 7 would encompass an estimated 1,044 acres and would be an estimated 125-  
16 135 MW nominal capacity project, which would generate a minimum of 260,000 MWh/y with a power  
17 efficiency of 22 to 26 percent. Alternative 7 would use high-profile single-axis tracking panels that would  
18 have a total height of 15 feet. Because Alternative 7 would not require use of two separate parcels of land,  
19 the alternative would not require an under-ground electrical connection.

20 **Finding: Infeasible**

21 Based on the whole record, the County finds that Alternative 7 would result in only marginally  
22 fewer environmental impacts than under the Selected Project, for the same reasons as stated in the  
23 County's findings regarding Alternative 6, above. The County also finds that Alternative 7 is infeasible  
24 because it would generate 15-25 MW less than the Selected Project and therefore would not meet the core  
25 Project objective of constructing a cost-competitive solar project of 150 MW of nameplate capacity. It  
26 also would not meet the renewable energy goals of AB 32 to the same extent as the Selected Project.

27 **Alternative A: No Gen-Tie**

1           **Description:** This No Gen-Tie Alternative defines the scenario that would exist if the Gen-Tie  
2 Line were not constructed and no new or additional plan amendment was issued. If this No Gen-Tie  
3 Alternative is selected, the construction and operational impacts of the Gen-Tie Line would not occur.  
4 There would be no disturbance of the ground at the tower locations and pull sites, no disturbance of desert  
5 vegetation and habitat, and no installation of transmission equipment. This No Gen-Tie Alternative  
6 would also eliminate any contributions to cumulative impacts on environmental resources. This No Gen-  
7 Tie Alternative is inherent in the solar project no action and no project alternatives (Alternatives 1 through  
8 3), but is introduced to provide a no action baseline for evaluating the potential environmental impacts of  
9 the gen-tie action Alternatives B through E.

10           **Finding:***Infeasible*

11           Based on the whole record, the County finds that Alternative A would result in fewer  
12 environmental impacts than the Selected Project. However, the County also finds that Alternative A is  
13 infeasible because it would prevent the Project from meeting any of the Project objectives.

14           **Alternative D:***Cross-Valley Alignment*

15           **Description:** Alternative D would parallel the approved Desert Sunlight Project gen-tie line for  
16 2,400 feet along the east side of Kaiser Road until intersecting with the existing SCE transmission line  
17 ROW. Alternative D would turn southeast and run parallel to the existing transmission ROW for 7.2  
18 miles, then turn south for 0.6 miles, continuing due west for 0.5 miles until it turns south across I-10 and  
19 continues 1,000 feet (not along any existing feature) to Red Bluff Substation.

20           **Finding:***Infeasible*

21           Based on the whole record, the County finds that Alternative D could have fewer vegetation and  
22 wildlife impacts than the Selected Project because it traverses a substantial amount of disturbed  
23 agricultural land. However, Alternative D's vegetation and wildlife effects still may be greater because it  
24 would not use the same transmission towers as the Desert Sunlight Project or co-locate within the same  
25 ROW being used by the Desert Sunlight Project if the use of shared towers becomes infeasible. Further,  
26 Alternative D could have a greater visual effect by developing a new, second gen-tie ROW alignment  
27 within the Chuckwalla Valley instead of consolidating with the previously approved Desert Sunlight  
28 Project gen-tie ROW alignment.

1 The County also finds that Alternative D is infeasible because the Applicant would have to obtain  
2 site control over twenty-one (21) private parcels required for Alternative D without the consent of all  
3 property owners. Because the Applicant sought but did not obtain consent from all 21 property owners, it  
4 lacks the necessary site control to build Alternative D. Without that site control, it is legally infeasible for  
5 this alternative to be approved. This alternative is also rejected because it will permanently preclude use  
6 of 185 acres of cultivated lands. Alternative D is also infeasible because it would not meet the co-location  
7 Project objectives of the Selected Project because the Gen-Tie Line under Alternative D could not be co-  
8 located with the gen-ties of other nearby projects.

9 **Alternative E: New Cross-Valley Alignment**

10 **Description:** Alternative E would exit the south end of the solar facility site at a point 0.8 miles  
11 from its southeast corner at a substation location. It would travel southeast for 1.8 miles across properties  
12 owned in fee by MWD then turn east for 0.5 miles across MWD and BLM land, then run south for 0.25  
13 miles until just before Highway 177. Alternative E would then turn southeast for 0.3 miles crossing over  
14 Highway 177 then travel due east for 1.75 miles over the MWD property and BLM land. It would then  
15 turn southeast for 1.3 miles, then due south for 3.8 miles. Alternative E would then turn west for 1.75  
16 miles crossing the I-10 to reach the Red Bluff Substation.

17 **Finding: Infeasible**

18 Based on the whole record, the County finds that Alternative E would result in the same or slightly  
19 greater environmental impacts than under the Selected Project because, in addition to causing impacts  
20 similar to the Selected Project, Alternative E would also affect aeolian sand habitat and associated special-  
21 status species including Mojave fringe-toed lizard and Palm Springs round-tailed ground squirrel.  
22 Vegetation and wildlife impacts also may be greater because Alternative E would not use the same  
23 transmission towers as the Desert Sunlight Project or co-locate within the same ROW being used by the  
24 Desert Sunlight Project if the use of shared towers becomes infeasible. Further, Alternative D could have  
25 a greater visual effect by developing a new, second gen-tie ROW alignment within the Chuckwalla Valley  
26 instead of consolidating with the previously approved Desert Sunlight Project gen-tie ROW alignment.



1 The County also finds the alignment to be infeasible because it would not meet the co-location  
2 project objectives of the Selected Project because the Gen-Tie Line under Alternative E could not be co-  
3 located with the gen-ties of other nearby projects.

4 **B. The Environmentally Superior Action Alternative is Alternative 6 and Alternative B**

5  
6 CEQA Guidelines Section 15126.6(e)(2) requires that an environmental document identify the  
7 environmentally superior alternative. However, where the environmentally superior alternative is the “no  
8 project” alternative, an EIR must also identify an environmentally superior alternative among the other  
9 alternatives. (CEQA Guidelines, § 15126.6(e)(2).) As demonstrated in Section 2.17.3 of the FEIS, the  
10 overall environmentally superior alternative is combined Alternative 1-A (No Action Alternative/No Gen-  
11 Tie Alternative combination). Among the action alternatives, the combination of solar facility Alternative  
12 6 (Reduced Footprint Alternative) and Gen-Tie Alternative B (Proposed Gen-Tie Line [Shared Towers])  
13 would result in the fewest and least severe adverse environmental effects overall, although it still would  
14 result in predictable unavoidable adverse direct, indirect, and cumulative effects on environmental  
15 resources in the Chuckwalla Valley and within the project study area.

16 **Finding:** The County finds that the combination of Alternative 1 and Alternative A is the overall  
17 environmentally superior alternative and the combination of Alternative 6 and Alternative B is the  
18 environmentally superior action alternative. However, as described in Section VI.A of this Resolution,  
19 this alternative would not meet Project objectives, and would lead to environmental impacts elsewhere.  
20 As such, the combination of Alternative 6 and Alternative B, while the environmentally superior action  
21 alternative, is not feasible.

22 **VII. FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED**  
23 **IN THE EIS**

24 **BE IT FURTHER RESOLVED** by the Board that after reviewing the public record, the Board  
25 hereby incorporates all Applicant measures/design features described in the FEIS as part of the Selected  
26 Project and makes the following findings regarding the significant effects of the Selected Project,  
27 pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines:  
28

1 **1. Air Quality**

2 **a. Impact AR-1.** *Whether the Project would conflict with or obstruct implementation*  
3 *of the applicable air quality plan.*

4 **Finding:** Changes or alterations have been required in, or incorporated into, the  
5 Project which avoid or substantially lessen the significant effects on the  
6 environment.

7 **Facts in Support of Finding:** The Selected Project site area is in attainment for all  
8 federal air quality standards, however, this area is also non-attainment for state  
9 ozone and PM10 standards. With regard to construction related impacts, the  
10 Selected Project would implement MM AIR-2 to mitigate NOx emissions in  
11 conformance with the South Coast Air Quality Management District ("SCAQMD")  
12 ozone plan, and implementation of mitigation measures AIR-2 would ensure that  
13 the Selected Project conforms to the SCAQMD Air Management Plan. Therefore,  
14 the Selected Project would not conflict with or obstruct implementation of the  
15 SCAQMD air quality plans.

16 **Mitigation Measures:** Mitigation Measure MM AIR-2 as described in Exhibit B  
17 attached hereto, is hereby incorporated by reference.

18 **Impact Significance after Implementation of Mitigation:** Less than Significant.

19 **b. Impact AR-2:** *Whether the Project would violate any air quality standard or*  
20 *contribute to an existing or projected air quality violation.*

21 **Finding:** This impact is significant. The mitigation measures listed below have  
22 been adopted and will reduce this impact, but not to a less-than-significant level.  
23 This impact is overridden by Project benefits as set forth in the statement of  
24 overriding considerations.

25 **Facts in Support of Finding:** Construction emissions of VOC, CO, NOx, PM10  
26 and PM2.5 during construction would exceed the SCAQMD thresholds even after  
27 implementing Mitigation Measures AIR-1, AIR-2, AIR-3 and AIR-4, and these  
28 emission levels could cause localized exceedances, or contribute significantly to

1 existing exceedances, of the State or federal air quality standards. Therefore, the  
2 Selected Project would have temporary significant and unavoidable VOC, CO,  
3 NOx, PM10 and PM 2.5 impacts during construction.

4 **Mitigation Measures:** Mitigation Measures MM AIR-1, MM AIR-2, MM AIR-3  
5 and MM AIR-4 as described in Exhibit B attached hereto, are hereby incorporated  
6 by reference.

7 **Impact Significance after Implementation of Mitigation:** Significant and  
8 unavoidable.

- 9 c. **Impact AR-3:** *Whether the Project would result in a cumulatively considerable*  
10 *net increase of any criteria pollutant for which the project region is in non-*  
11 *attainment under an applicable federal or state ambient air quality standard*  
12 *(including releasing emissions that exceed quantitative thresholds for ozone*  
13 *precursors).*

14 **Finding:** This impact is significant. The mitigation measures listed below have  
15 been adopted and will reduce this impact, but not to a less than cumulatively  
16 considerable level. This impact is overridden by Project benefits as set forth in the  
17 statement of overriding considerations.

18 **Facts in Support of Finding:** Implementation of Mitigation Measures AIR-1 and  
19 AIR-2 would reduce fugitive dust emissions and engine NOx emissions; however,  
20 the daily construction pollutants NOx, and PM10 emissions would still exceed the  
21 SCAQMD thresholds after mitigation, resulting in a cumulatively considerable net  
22 increase of NOx and PM10 during project construction because ozone and PM10  
23 are currently in non-attainment under state standards. Therefore, the Selected  
24 Project would have temporary, cumulatively considerable NOx and PM10 impacts  
25 during construction. The Selected Project would also exceed SCAQMD thresholds  
26 for VOC, CO and PM 2.5 after mitigation. This, in conjunction with similar  
27 exceedances caused by the adjacent Desert Sunlight Project, could constitute a  
28 cumulatively considerable net increase of nonattainment status criteria pollutants.

1                   **Mitigation Measures:** Mitigation Measures MM AIR-1 through MM AIR-4 as  
2 described in Exhibit B attached hereto, are hereby incorporated by reference.

3                   **Impact Significance after Implementation of Mitigation:** Significant and  
4 unavoidable.

5                   **2. VEGETATION (BIOLOGICAL RESOURCES)**

- 6  
7                   **a. Impact VEG-1:** *Whether the Project would have a substantial adverse effect,*  
8 *either directly or through habitat modifications, on any plant species identified as a*  
9 *candidate, sensitive, or special-status species in local or regional plans, policies,*  
10 *or regulations, or by the CDFW or USFWS.*

11                   **Finding:** Changes or alterations have been required in, or incorporated into, the  
12 project which avoid or substantially lessen the significant effects on the  
13 environment.

14                   **Facts in Support of Finding:** Construction of the Selected Project would  
15 adversely affect special-status plants. Impacts to vegetation resources during the  
16 construction, operational and decommissioning phases of the Selected Project  
17 would be mitigated to less than significant levels with implementation of mitigation  
18 measures VEG-1 through VEG-10 by minimizing vegetation impacts to the extent  
19 practicable; mitigating direct impacts to special-status plants; revegetating  
20 disturbed areas; controlling invasive weeds and preventing infestations by newly  
21 introduced weeds; and providing for long-term conservation and management of  
22 native vegetation on compensation lands. In particular, MM VEG-7 is specifically  
23 designed to mitigate direct impacts to special-status plants through avoidance,  
24 offsite compensation, salvage, horticultural propagation and off-site introduction.

25                   **Mitigation Measures:** Mitigation Measures MM-VEG-1 through MM-VEG-10 as  
26 described in Exhibit B attached hereto, are hereby incorporated by reference.

27                   **Impact Significance after Implementation of Mitigation:** Less than Significant.

1           **b.     Impact VEG-2:** *Whether the Project would have a substantial adverse effect on*  
2 *any riparian habitat or other sensitive natural community identified in local or*  
3 *regional plans, policies, regulations or by the CDFW or USFWS.*

4           **Finding:** Changes or alterations have been required in, or incorporated into, the  
5 project which avoid or substantially lessen the significant effects on the  
6 environment.

7           **Facts in Support of Finding:** Construction of the Selected Project would  
8 adversely affect riparian habitat in state jurisdictional streambeds. Impacts to  
9 vegetation resources during the construction, operational and decommissioning  
10 phases of the Selected Project would be mitigated to less than significant levels  
11 with implementation of mitigation measures VEG-1 through VEG-10 by  
12 minimizing vegetation impacts to the extent practicable; mitigating direct impacts  
13 to special-status plants; revegetating disturbed areas; controlling invasive weeds  
14 and preventing infestations by newly introduced weeds; and providing for long-  
15 term conservation and management of native vegetation on compensation lands. In  
16 particular, MM VEG-6 requires off-site compensation at a 3:1 ratio for state  
17 jurisdictional streambeds and Blue Palo Verde Ironwood woodland while MM  
18 VEG-8 requires implementation of Best Management Practices (“BMPs”) to  
19 minimize impacts to state jurisdictional streambeds.

20           **Mitigation Measures:** Mitigation Measures MM VEG-1 through MM VEG-10, as  
21 described in Exhibit B attached hereto, are hereby incorporated by reference.

22           **Impact Significance after Implementation of Mitigation:** Less than Significant.

23  
24           **3.     WILDLIFE (BIOLOGICAL RESOURCES)**

25           **a.     Impact WIL-1:** *Whether the Project would have a substantial adverse effect,*  
26 *either directly or through habitat modifications, on any species identified as a*  
27 *candidate, sensitive, or special-status species in local or regional plans, policies,*  
28 *or regulations, or by the CDFW or USFWS.*

1                   **Finding:** Changes or alterations have been required in, or incorporated into, the  
2 project which avoid or substantially lessen the significant effects on the  
3 environment.

4                   **Facts in Support of Finding:** Construction, operation and decommissioning of  
5 the Selected Project would result in significant impacts to special-status wildlife  
6 and habitat including listed threatened or endangered species. With  
7 implementation of (1) the desert tortoise biological opinion issued for the Project  
8 by USFWS on January 15, 2013, (2) the consistency determination issued for the  
9 Project by the California Department of Fish and Wildlife on April 4, 2013, and (3)  
10 Mitigation Measures VEG-1 through MM VEG-9 and MM WIL-1 through MM  
11 WIL-8, these impacts to wildlife resources would be mitigated to less-than-  
12 significant levels by minimizing habitat impacts to the extent practicable,  
13 mitigating direct impacts to special-status wildlife, avoiding impacts to nesting and  
14 migratory birds, controlling potential subsidies for ravens or other predators,  
15 minimizing and mitigating avian impacts due to reflection or glare from PV solar  
16 technology, and providing for long-term conservation and management of native  
17 habitat on compensation lands. In addition, a protest resolution agreement among  
18 the Project Applicant, Defenders of Wildlife and the Natural Resources Defense  
19 Council requires the Applicant to acquire 1,800 acres of compensatory mitigation  
20 lands within the I-10 corridor (500 acres more than required by the Selected  
21 Project's biological opinion), as well as best efforts to acquire any mitigation lands  
22 beyond 1,800 acres in Priority 1 or 2 desert tortoise connectivity lands within the  
23 Northern and Eastern Colorado Desert Coordinated Management Plan ("NECO")  
24 planning area.

25                   **Mitigation Measures:** The protest resolution agreement among the Project  
26 Applicant, Defenders of Wildlife and the Natural Resources Defense Council, the  
27 desert tortoise biological opinion issued for the Project by USFWS on January 15,  
28 2013, the consistency determination issued for the Project by the CDFW on April

1 4, 2013, Mitigation Measures MM-VEG-1 through MM-VEG-9, and MM-WIL-1  
2 through MM-WIL-8 as described in Exhibit B attached hereto, are hereby  
3 incorporated by reference.

4 **Impact Significance after Implementation of Mitigation:** Less than Significant.

- 5 b. **Impact WIL-2:** *Whether the Project would interfere substantially with the*  
6 *movement of any native resident or migratory fish or wildlife species or with*  
7 *established native resident or migratory wildlife corridors, or impede the use of*  
8 *native wildlife nursery sites.*

9 **Finding:** Changes or alterations have been required in, or incorporated into, the  
10 project which avoid or substantially lessen the significant effects on the  
11 environment.

12 **Facts in Support of Finding:** Construction, operation and decommissioning of  
13 the Selected Project would result in significant impacts with regard to the  
14 movement of wildlife. With implementation of Mitigation Measures VEG-1  
15 through MM VEG-9 and MM WIL-1 through MM WIL-8, these impacts to  
16 wildlife resources would be mitigated to less-than-significant levels by minimizing  
17 habitat impacts to the extent practicable, mitigating direct impacts to special-status  
18 wildlife, avoiding impacts to nesting and migratory birds, controlling potential  
19 subsidies for ravens or other predators, minimizing and mitigating avian impacts  
20 due to reflection or glare from PV solar technology, and providing for long-term  
21 conservation and management of native habitat on compensation lands. In  
22 addition, a protest resolution agreement among the Project Applicant, Defenders of  
23 Wildlife and the Natural Resources Defense Council requires the Applicant to  
24 acquire 1,800 acres of compensatory mitigation lands within the I-10 corridor (500  
25 acres more than required by the Selected Project's biological opinion), as well as  
26 best efforts to acquire any mitigation lands beyond 1,800 acres in Priority 1 or 2  
27 desert tortoise connectivity lands within the NECO planning area.  
28

1                   **Mitigation Measures:** The protest resolution agreement among the Project  
2 Applicant, Defenders of Wildlife and the Natural Resources Defense Council, the  
3 desert tortoise biological opinion issued for the Project by USFWS on January 15,  
4 2013, the consistency determination issued for the Project by CDFW on April 4,  
5 2013, Mitigation Measures MM-VEG-1 through MM-VEG-9, and MM-WIL-1  
6 through MM-WIL-8 as described in Exhibit B attached hereto, are hereby  
7 incorporated by reference.

8                   **Impact Significance after Implementation of Mitigation:** Less than Significant.

9  
10           **4. CULTURAL RESOURCES**

- 11           **a. Impact CR-1:** *Whether the Project would cause a substantial adverse change in*  
12 *the significance of a historical resource.*

13           **Finding:** This impact is significant. The mitigation measures listed below have  
14 been adopted and will reduce this impact, but not to a less-than-significant level.  
15 This impact is overridden by Project benefits as set forth in the statement of  
16 overriding considerations.

17           **Facts in Support of Finding:** Construction, operation and decommissioning of  
18 the Selected Project would result in potentially significant impacts with regard to  
19 adverse change to the significance of historic resources. With implementation of  
20 Mitigation Measures MM CUL-1 through MM CUL-11, these impacts to cultural  
21 resources would be reduced by: implementing the MOA under Section 106 of the  
22 National Historic Preservation Act that will govern the resolution of any adverse  
23 effects on historic properties, implementing a monitoring and treatment plan that  
24 will guide all project cultural resources work, retaining a qualified cultural  
25 resources specialist to prepare the monitoring and treatment and implement it,  
26 training for all construction personnel, requiring expert monitoring of all ground  
27 disturbance, ensuring that cultural resources specialists have the authority to halt  
28 construction in the event of a discovery, treating inadvertent discoveries using the



1 guidance of the MOA, requiring documentation of interim results of the  
2 construction monitoring program, requiring final documentation of all discoveries  
3 during construction, requiring curation for any cultural resources finds, and  
4 avoiding known resources. However, some impacts, particularly to the setting of  
5 the North Chuckwalla Petroglyph District (CA-RIV-1383, NRHP-listed) and the  
6 Coco-Maricopa trail segments (CA RIV-00053T, determined eligible), would  
7 remain significant and unavoidable.

8 **Mitigation Measures:** The MOA and Mitigation Measures MM CUL-1 through  
9 MM CUL-11 as described in Exhibit B attached hereto, are hereby incorporated by  
10 reference.

11 **Impact Significance after Implementation of Mitigation:** Significant and  
12 unavoidable.

- 13 **b. Impact CR-2:** *Whether the Project would cause a substantial adverse change in*  
14 *the significance of an archaeological resource.*

15 **Finding:** This impact is significant. The mitigation measures listed below have  
16 been adopted and will reduce this impact, but not to a less-than-significant level.  
17 This impact is overridden by Project benefits as set forth in the statement of  
18 overriding considerations.

19 **Facts in Support of Finding:** Construction, operation and decommissioning of  
20 the Selected Project would result in potentially significant impacts with regard to  
21 adverse change to the significance of archaeological resources. With  
22 implementation of Mitigation Measures MM CUL-1 through MM CUL-11, these  
23 impacts to cultural resources would be reduced by: implementing the MOA under  
24 Section 106 of the National Historic Preservation Act that will govern the  
25 resolution of any adverse effects on historic properties, implementing a monitoring  
26 and treatment plan that will guide all project cultural resources work, retaining a  
27 qualified cultural resources specialist to prepare the monitoring and treatment plan  
28 and implement it, training for all construction personnel, requiring expert

1 monitoring of all ground disturbance, ensuring that cultural resources specialists  
2 have the authority to halt construction in the event of a discovery, treating  
3 inadvertent discoveries using the guidance of the MOA, requiring documentation of  
4 interim results of the construction monitoring program, requiring final  
5 documentation of all discoveries during construction, requiring curation for any  
6 cultural resources finds, and avoiding known resources. However, some impacts,  
7 particularly to the setting of the North Chuckwalla Petroglyph District (CA-RIV-  
8 1383, NRHP-listed) and the Coco-Maricopa trail segments (CA RIV-00053T,  
9 determined eligible), would remain significant and unavoidable.

10 **Mitigation Measures:** Mitigation Measures MM CUL-1 through MM CUL-11 as  
11 described in Exhibit B attached hereto, are hereby incorporated by reference.

12 **Impact Significance after Implementation of Mitigation:** Significant and  
13 unavoidable.

14 **5. PALEONTOLOGICAL RESOURCES**

- 15  
16 **a. Impact PAL-1:** *Whether the Project would damage or destroy fossils or other*  
17 *unique paleontological resources.*

18 **Finding:** Changes or alterations have been required in, or incorporated into, the  
19 project which avoid or substantially lessen the significant effects on the  
20 environment.

21 **Facts in Support of Finding:** The geologic units present at the Selected Project  
22 site have a high potential to contain vertebrate fossils and other scientifically  
23 valuable paleontological resources. The construction, operation and  
24 decommissioning of the Selected Project could result in significant impacts related  
25 to damage or destruction of fossils or other unique paleontological resources. With  
26 the implementation of Mitigation Measures MM PAL-1 through MM PAL-8, the  
27 significant impacts would be reduced to a less than significant level by retaining a  
28 paleontologist, preparing a paleontological resource management plan, pre-

1 construction monitoring of geotechnical testing, development of a worker  
2 environmental awareness program, construction monitoring, recovery and testing  
3 of resources, submission of monthly progress reports, sample analysis, preparation  
4 of a final report, and the curation of collections and documents.

5 **Mitigation Measures:** Mitigation Measures MM PAL-1 through MM PAL-8 as  
6 described in Exhibit B attached hereto, are hereby incorporated by reference.

7 **Impact Significance after Implementation of Mitigation:** Less than Significant.

- 8 **b. Impact PAL-2:** Whether the Project would directly or indirectly destroy a unique  
9 geologic feature associated with paleontological resources.

10 **Finding:** Changes or alterations have been required in, or incorporated into, the  
11 project which avoid or substantially lessen the significant effects on the  
12 environment.

13 **Facts in Support of Finding:** The geologic units present at the Selected Project  
14 site have a high potential to contain vertebrate fossils and other scientifically  
15 valuable paleontological resources. The construction, operation and  
16 decommissioning of the Selected Project could result in significant impacts related  
17 to damage or destruction a unique geologic feature associated with paleontological  
18 resources. With the implementation of Mitigation Measures MM PAL-1 through  
19 MM PAL-8, the significant impacts would be reduced to a less than significant  
20 level by retaining a paleontologist, preparing a paleontological resource  
21 management plan, pre-construction monitoring of geotechnical testing,  
22 development of a worker environmental awareness program, construction  
23 monitoring, recovery and testing of resources, submission of monthly progress  
24 reports, sample analysis, preparation of a final report, and the curation of  
25 collections and documents.

26 **Mitigation Measures:** Mitigation Measures MM PAL-1 through MM PAL-8 as  
27 described in Exhibit B attached hereto, are hereby incorporated by reference.

28 **Impact Significance after Implementation of Mitigation:** Less than Significant.

1           **c. Impact PAL-3:** *Whether the Project would cause the loss of valuable scientific*  
2 *information by disturbing the geology in which fossils are found.*

3           **Finding:** Changes or alterations have been required in, or incorporated into, the  
4 project which avoid or substantially lessen the significant effects on the  
5 environment.

6           **Facts in Support of Finding:** Due to the geology of the site, the physical  
7 disturbance of the geologic units present at the site during construction, operation  
8 and decommission of the Selected Project could directly impact (i.e., damage or  
9 destroy) any fossils that might be present, including valuable scientific information.  
10 With the implementation of Mitigation Measures MM PAL-1 through MM PAL-8,  
11 the significant impacts would be reduced to a less than significant level by retaining  
12 a paleontologist, preparing a paleontological resource management plan, pre-  
13 construction monitoring of geotechnical testing, development of a worker  
14 environmental awareness program, construction monitoring, recovery and testing  
15 of resources, submission of monthly progress reports, sample analysis, preparation  
16 of a final report, and the curation of collections and documents.

17           **Mitigation Measures:** Mitigation Measures MM PAL-1 through MM PAL-8 as  
18 described in Exhibit B attached hereto, are hereby incorporated by reference.

19           **Impact Significance after Implementation of Mitigation:** Less than Significant.

20           **6. FIRE AND FUELS MANAGEMENT**

21  
22           **a. Impact Fire-1:** *Whether the Project would expose people or structures to a*  
23 *significant risk of loss, injury, or death involving wildland fires, including where*  
24 *wildlands are adjacent to urbanized areas or where residences are intermixed with*  
25 *wildlands.*

26           **Finding:** Changes or alterations have been required in, or incorporated into, the  
27 project which avoid or substantially lessen the significant effects on the  
28 environment.