Facts in Support of Finding: During construction, operation and maintenance, and decommissioning of the Selected Project, risk of wildfires would be increased by combustion of native materials, smoking, and refueling and operating vehicles and other equipment and hazardous materials off road, introduction of non-native plants and restriction of access to the site. MM FIRE-1 (a project-specific Fire Prevention Plan) establishes standards and practices that would minimize the risk of a wildfire and, in the event of fire, provide for immediate suppression and notification. MM PHS-5 (a project-specific Emergency Response and Inventory Plan) and MM PHS-7 (a project-specific fire services agreement with Riverside County and BLM) provide additional requirements related to emergency response. The Selected Project could also indirectly increase wildfire risks by restricting access to the project site, and with regard to the Gen-Tie Line, creating new overhead structures that interfere with aerial firefighting. To reduce risks related to restricted site access and aerial fire-fighting, MM FIRE-1 (a project-specific Fire Prevention Plan), which includes 24-hour site access for fire agencies and a wildfire traffic management plan, would be implemented. To reduce the risk of invasion of non-native plants that increase the risk of wildfire, and to control any introductions of non-native species on an ongoing basis, Mitigation Measure VEG-9 (Integrated Weed Management Plan) would be implemented. With the implementation of these mitigation measures, potential impacts from wildfire would be less than significant.

Mitigation Measures: Mitigation Measures MM FIRE-1, MM PHS-5, MM PHS-7 and MM VEG-9 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

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7. GEOLOGY AND SOILS

a. **Impact GS-1***: Whether the Project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving geologic hazards.*

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

Facts in Support of Finding: The construction, operation and maintenance, and decommissioning of the Selected Project in a region prone to seismic events could result in impacts to on-site workers and facilities. AM GEO-1 requires structural designs to meet the requirements of all applicable federal, state and county permits and building codes (such as the California Building Code), thereby reducing seismic effects. In addition, implementation of MM PHS-5 (Emergency Response Plan) would ensure that emergency response is organized and coordinated at the Selected Project site in the event of a seismic or geologic hazard. With the implementation of MM PHS-5 (Emergency Response Plan), impacts related to seismic events would be less than significant.

Mitigation Measures: Mitigation Measure MM PHS-5 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

b. **Impact GS-2:** *Whether the Project would allow people or structures to be subject to strong seismic shaking.*

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

Facts in Support of Finding: The construction, operation and maintenance, and decommissioning of the Selected Project in a region prone to seismic events could

result in impacts to on-site workers and facilities. AM GEO-1 requires structural designs to meet the requirements of all applicable federal, state and county permits and building codes (such as the California Building Code), thereby reducing seismic effects. In addition, implementation of MM PHS-5 (Emergency Response Plan) would ensure that emergency response is organized and coordinated at the Selected Project site in the event of a seismic or geologic hazard. With the implementation of MM PHS-5 (Emergency Response Plan), impacts related to seismic events would be less than significant.

Mitigation Measures: Mitigation Measure MM PHS-5 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

c. **Impact GS-4**: *Whether the Project would be located where landslides could cause substantial soil erosion or the loss of topsoil or disturb any human remains including those interred outside of formal cemeteries.*

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

Facts in Support of Finding: Because the Selected Project has nearly flat topography, the potential for large-scale landslides is negligible. However, local surface failures and debris flows within and along incised drainage channels could happen if strong ground shaking occurs. Soils at the Selected Project site would be susceptible to erosion, especially once soil crusts are disturbed. Implementation of MM AIR-1 (Fugitive Dust Control Plan) would increase soil stabilization and minimize wind erosion/fugitive dust. AM GEO-2 (design features) identifies BMPs that would be used to minimize erosion. This measure would be supplemented by MM WAT-1 (demonstrate compliance with water quality permits) and MM WAT-4 (drainage design specifications). A protest resolution agreement among the Project Applicant, Defenders of Wildlife, the Natural Resources Defense Council

and the Sierra Club further reduces potential soil erosion by requiring the Applicant to minimize grading and vegetation removal for the Project. With the implementation of these measures, impacts related to landslides and soil erosion would be less than significant. No human remains are known to exist in the Selected Project area; MM CUL-1 through MM CUL-11 would address the unanticipated discovery of human remains.

Mitigation Measures: The protest resolution agreement among the Project Applicant, Defenders of Wildlife, the Natural Resources Defense Council and the Sierra Club, Mitigation Measures MM AIR-1, MM WAT-1 and MM WAT-4 and MM CUL-1 through MM CUL-11 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

d. **Impact GS-5:** *Whether the Project would be located on expansive soils as defined in Table 18-1B of the Uniform Building Code (1987) that is based in part on the International Building Code that would create substantial risks to life or property.*

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

Facts in Support of Finding: Soils in the vicinity of the Selected Project site have been identified as non-expansive. In addition, any potential risks to life or property as a result of expansive soils are substantially lessened by AM GEO-1 requiring structural designs consistent with all applicable federal, state and local permits and building codes. MM PHS-5 (Emergency Response Plan) would ensure that emergency response is organized and coordinated at the Selected Project site in the event of a seismic or geologic hazard. With the implementation of MM PHS-5 (Emergency Response Plan), impacts related to seismic events would be less than significant.

Mitigation Measures: Mitigation Measure MM PHS-5 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

e. **Impact GS-6:** *Whether the Project would be located on a geologic unit or soil that is unstable, or would become unstable as a result of the project and potentially result in on-site or off-site landside, lateral spreading, subsidence, liquefaction or collapse.*

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

Facts in Support of Finding: Liquefaction of soils within the Selected Project area is unlikely because ground water levels are well over 50 feet below the surface. Soils in the vicinity of the Selected Project site are identified as susceptible to subsidence during a seismic event. Due to the location of the Selected Project on flat topography, there would be no potential impacts related to slope instability resulting from a seismic event. Lateral spreading is unlikely due to flat topography and low liquefaction potential. Implementation of MM PHS-5 would reduce this impact to a less than significant level.

Mitigation Measures: Mitigation Measure MM PHS-5 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

f. **Impact GS-7:** *Whether the Project would result in the physical alteration of or damage to geologic features.*

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

Facts in Support of Finding: The Selected Project would not substantially affect or damage geologic features because of the limited nature of subsurface disturbance

required to install solar panels and transmission poles. However, the Selected Project could still have the potential to destroy unique geological features associated with paleontological resources, an impact assessed by Impact PAL-1, PAL-2 and PAL-3, above, and mitigated to a less than significant level by MM PAL-1 through MM PAL-8.

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

Impact Significance after Implementation of Mitigation: Less than Significant

g. **Impact GS-8:** *Whether the Project would result in substantial soil erosion or loss of topsoil.*

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

Facts in Support of Finding: Soils at the Selected Project site would be susceptible to erosion, especially once soil crusts are disturbed. Implementation of MM AIR-1 (Fugitive Dust Control Plan) would increase soil stabilization and minimize wind erosion/fugitive dust. AM GEO-2 (design features) identifies BMPs that would be used to ensure that water used for dust suppression would be contained within the construction area. This measure would be supplemented by MM WAT-1 (demonstrate compliance with water quality permits) and MM WAT-4 (drainage design specifications). With the implementation of these measures, impacts related to soil erosion would be less than significant.

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

Impact Significance after Implementation of Mitigation: Less than Significant.

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8. LANDS AND REALTY (LAND USE AND PLANNING)

a. Impact LU-1: *Whether the Project would conflict with existing or planned land uses on or around the site.*

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

Facts in Support of Finding: The lands that would be used by the Selected Project are currently undeveloped and no specific planned uses have been identified, other than designation of the Selected Project vicinity as a Solar Energy Zone suitable for solar development by the BLM pursuant to its Solar Energy Development Programmatic EIS (from which the Selected Project is exempt) and a proposed 500 kV transmission line and water pipeline proposed by the Eagle Mountain Pumped Storage Project along the existing SCE transmission line running through the middle of the Selected Project's southern parcel. The Selected Project would overlap several existing uses including roads and transmission lines and would be located next to (and or co-located with components of) the Desert Sunlight Project; Implementing AM LU-1 (notification), MM LR-1 (Prior ROW Coordination), MM LR-2 (FERC Withdrawal Compatibility) and MM LR-3 (Eliminate Panel Shading) would reduce impacts related to existing and planned uses less than significant.

Mitigation Measures: Mitigation Measures MM LR-1 through LR-3 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

9. NOISE AND VIBRATION

a. Impact NZ-4: *Whether the Project would create a long-term impact on noise-sensitive land uses by increasing long-term ambient CNEL levels by 10 dBA or*

more, even if the resulting noise level is below applicable land use compatibility standards.

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

Facts in support of Finding: Construction-related traffic would increase CNEL levels along Kaiser Road for a period of about two years. CNEL levels relating to the Selected Project would be increased by up to 11.5 dBA along Kaiser Road north of Lake Tamarisk Road, which would be a significant increase over ambient noise conditions resulting in a significant impact. AM N-1 (construction schedule), MM NOI-1 (limit construction hours) and MM NOI-2 (no net increase in ambient noise within Joshua Tree National Park) would reduce this impact on residences and the Joshua Tree National Park ("JTNP") to less than significant, but will not reduce the project-induced ambient CNEL increase below 10 dBA.

Mitigation Measures: Mitigation Measures MM NOI-1 and MM NOI-2 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Significant and unavoidable.

b. **Impact NZ-5:** *Whether the Project would Generate noise levels that exceed standards established by local ordinances or by State or federal agency.*

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

Facts: Construction and decommissioning activities for the Selected Project, when located near inhabited dwellings would be limited to daytime hours pursuant to Mitigation Measure NOI-1 and consistent with the Riverside County noise ordinance (beginning at 7:00 a.m. during most of the year, and perhaps starting as

early as 6:00 a.m. during the summer months, and ending no later than 6:00 p.m.). Consequently, construction and decommissioning activities would be exempt from the Riverside County noise ordinance, and noise from construction activity at the solar facility site would be a less-than-significant impact after mitigation. JTNP has established a goal to preserve pre-project ambient noise levels of 35 dBA Leq within the park. Construction traffic for the Selected Project would increase ambient noise levels at the park boundary by 3-4 dBA. Implementation of MM NOI-2 requiring the Selected Project to ensure that on-site project construction activities do not result in noise levels above 35 dBA Leq (1-hour) within the boundary of the park, along with implementation of the March 2013 Cooperative Agreement with JTNP will reduce this impact to a less-than-significant level.

Mitigation Measures: The March 2013 Cooperative Agreement with JTNP and Mitigation Measures MM NOI-1 and MM NOI-2 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

10. PUBLIC HEALTH AND SAFETY (HAZARDS AND HAZARDOUS MATERIALS)

a. Impact H-2: *Whether the Project increases significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*

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

Facts in Support of Findings: Hazardous materials that would be transported, used, or disposed of during construction, operation, and decommissioning of the Selected Project could increase significant hazards to the public or environment if left unregulated. With the implementation of Mitigation Measures PHS-1 through PHS-6 and compliance with applicable regulatory requirements, impacts would be less than significant.

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

Impact Significance after Implementation of Mitigation: Less than Significant.

b. **Impact H-3***: Whether the Project creates a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment.*

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

Facts in Support of Findings: Hazardous materials that would be transported, used, or disposed of during construction, operation, and decommissioning of the Selected Project could create a significant hazard to the public or environment if left unregulated. Mitigation Measure PHS-3 specifically addresses the components of the required Spill Prevention Control and Countermeasure ("SPCC") Plan, and Mitigation Measure PHS-8 specifically addresses potential hazards related to munitions and explosives of concern ("MEC") that could be found in the area of the Selected Project. MM PHS-9 requires the use of a licensed herbicide applicator and limits the timing and location of herbicide use to protect flora, fauna and water resources. With the implementation of Mitigation Measures PHS-1 through PHS-6, PHS-8 and PHS-9, and compliance with all applicable regulatory requirements, impacts would be less than significant.

Mitigation Measures: Mitigation Measures MM PHS-1 through MM PHS-6, MM PHS-8 and MM PHS-9 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

c. **Impact H-5:** *Whether the Project impairs implementation of or physically interferes with an adopted emergency response plan or emergency evacuation plan.*

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

Facts in Support of Findings: The Selected Project could potentially impact the implementation of emergency response plans; however, with the implementation of Mitigation Measures PHS-4 (Environmental Health and Safety Plan) and PHS-5 (Emergency Response and Inventory Plan), this impact would be less than significant.

Mitigation Measures: Mitigation Measures MM PHS-4 and MM PHS-5 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

d. **Impact H-7**: *Whether the Project exposes workers to contaminated or hazardous materials at levels in excess of those permitted by the Federal Occupational Safety and Health Administration (OSHA) in CFR 29, Part 1910, and the California Occupational Safety and Health Agency (Cal/OSHA) in California Code of Regulations (CCR) Title 8, or expose members of the public to direct or indirect contact with hazardous materials from proposed project construction or operations.*

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

Facts in Support of Findings: Hazardous materials that would be transported, used, or disposed of during construction, operation, and decommissioning of the Selected Project could create a significant hazard to workers if left unregulated. Mitigation Measure PHS-3 specifically addresses the components of the required SPCC Plan, and Mitigation Measure PHS-8 specifically addresses potential hazards related to MEC that could be found in the area of the Selected Project. MM PHS-9 requires the use of a licensed herbicide applicator and limits the timing and location

of herbicide use to protect flora, fauna and water resources. Valley Fever risks for Project workers would be mitigated to a less than significant level by MM PHS-4 (Environmental Health and Safety Plan) which would include Valley Fever-specific training requirements and California Department of Public Health recommended protective equipment. With the implementation of Mitigation Measures PHS-1 through PHS-6, PHS-8 and PHS-9, and compliance with all applicable regulatory requirements, impacts would be less than significant.

Mitigation Measures: Mitigation Measures MM PHS-1 through MM PHS-6, MM PHS-8 and MM PHS-9 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

e. **Impact H-8:** *Whether the Project exposes people or structures to a significant risk of loss, injury, or death involving electrocution or cause excessive exposure to wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.*

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

Facts in Support of Findings: The Selected Project could increase the risk of wildfire because vehicles used for the Selected Project could cause combustion of dry vegetation. With the implementation of Mitigation Measure MM-FIRE-1 (Fire prevention plan), MM-PHS-5 (Emergency response plan), and MM-VEG-9 (Prepare Integrated Weed Management Plan), impacts would be less than significant. Electrocution risks for Project workers would be mitigated to a less than significant level by MM PHS-4 (Environmental Health and Safety Plan) which would include a job hazard analysis, training requirements and emergency response measures, as well as by MM PHS-5 (Emergency Response and Inventory Plan), which would ensure timely emergency response. The risk of electrocution to

members of the public would be less than significant because the solar field will be fenced and surrounded by motion sensors that would alert 24-hour on-site security personnel of potential intruders and the Gen-Tie Line would conform to industry safety standards.

Mitigation Measures: Mitigation Measures MM PHS-4, MM PHS-5, MM FIRE-1 and MM VEG-9 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

f. **Impact H-10:** *Whether the Project exposes people to significant hazards or structures to loss as a result of intentionally destructive acts.*

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

Facts in Support of Finding: The Selected Project would introduce facilities that could be subject to intentionally destructive acts, however, because the Selected Project's solar field would be fenced and monitored by motion sensors and 24 hour on-site security personnel and MM-PHS-5 (Emergency Response and Inventory Plan) would ensure timely emergency response, impacts would be less than significant.

Mitigation Measures: Mitigation Measure MM PHS-5 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Impact Significance after Implementation of Mitigation: Less than Significant.

11. VISUAL RESOURCES (AESTHETICS)

a. **Impact V-1:** *Whether Project construction or the long-term presence of Project components would cause a substantial adverse effect on a scenic vista.*

Finding: This impact is significant. The mitigation measures listed below have been adopted and will reduce this impact, but not to a less-than-significant level.

This impact is overridden by Project benefits as set forth in the statement of overriding considerations.

Facts in Support of Finding: Although no designated scenic vistas were identified in the study area, panoramic and highly scenic vistas are available to backcountry recreationists that access the Joshua Tree Wilderness and Chuckwalla Mountains Wilderness. The Solar Facility would be prominently visible from elevated vantage points in the area, and the introduction of industrial character and structural visual contrast would result in substantial adverse effects on these views. Mitigation Measures MM VR-1 through MM VR-4 and MM VR-6 reduce the visual impact to the extent feasible; however the resulting visual impact from the Solar Facility would be significant and unavoidable. The visual impact from the Gen-Tie Line component of the Selected Project would be less than significant due to extended viewing distances from potential scenic vista locations in the surrounding wilderness areas.

Mitigation Measures: Mitigation Measure MM VR-1 through MM VR-4 and MM VR-6 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation: Significant and unavoidable.

b. **Impact V-3***: Whether Project construction or the long-term presence of Project components would substantially degrade the existing visual character or quality of the site and its surrounding landscape.*

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

Facts in Support of Finding: The Selected Project would introduce a prominent built facility with high-profile solar panels that brings considerable industrial

character into the landscape, causing a substantial degradation of the existing visual character or quality of the site and its surrounding landscape when viewed from elevated viewpoints as demonstrated by Key Observation Point (KOP")-2, from close-proximity, at-grade views along Kaiser Road and the Lake Tamarisk residential development, as demonstrated by KOP 3A and KOP 5, from adjacent BLM lands, and from Interstate10 (I-10) as demonstrated by KOP 8A. The resulting visual impacts would be significant and unavoidable. More distant at-grade views, such as those at KOP 1 and KOP 4 would not experience substantial degradation of the existing visual character or quality of the landscape because of the apparent small scale of the Selected Project elements at those considerable viewing distances (KOP 1) and/or the presence of intervening screening vegetation (KOP 4). The resulting visual impact in those circumstances would be adverse but less than significant. Views of the Selected Project from linear viewpoints including Kaiser Road, State Route 177, and I-10 would experience a range of visual impact. Some road segments and travel directions would typically experience significant visual impacts, with close proximity view opportunities typically experiencing significant and unavoidable impacts. In some cases, the impact might be mitigable if the strategic planting of sufficient intervening vegetation to intersect sightlines to the project were feasible, but others would not be reduced to a less than significant level. Mitigation Measures VR-1 through VR-6 are required to reduce visual impacts to the extent feasible.

Mitigation Measures: Mitigation Measure MM VR-1 through MM VR-6 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation: Significant and unavoidable.

c. **Impact V-4:** *Whether Project construction or the long-term presence of a project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area or be hazardous to motorists or pedestrians.*

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

Facts in Support of Finding: JTNP is known throughout the National Park System for its significant dark sky resource. The Selected Project has the potential to introduce a new source of substantial light that would adversely affect nighttime views in the area. The resulting visual impact would be significant, but it is mitigable to a less than significant level with strict and effective implementation of Mitigation Measure VR-6 (Night Lighting Control). MM VR-4 (Surface treatment of project structures and buildings) would reduce potential glare impacts to a less than significant level by requiring all Project structures and buildings to be non-reflective.

Mitigation Measures: Mitigation Measures MM VR-4 and MM VR-6 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation: Less than significant.

d. Impact V-6: *Whether construction of the Project or the presence of project components would result in an inconsistency with local regulations, plans, and standards applicable to the protection of visual resources.*

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

Facts in Support of Finding: The entire Selected Project is governed by BLM land use regulations, with the exception of a 0.6-mile segment and a 0.5-mile segment of the Gen-Tie Line, both of which are instead subject to the Riverside County General Plan. In addition, the approximately 5.8 –mile segment of the Gen-Tie Line within the County's Kaiser Road right of way over public and private lands is also subject to County jurisdiction The moderate-to-high degree of visual

change that would be caused by the Selected Project is consistent with BLM's VRM Class IV designation for the Selected Project. The segments of the Gen-Tie Line subject to the Riverside County General Plan implicate the following General Plan Land Use Element policies involving visual resources:

- LU 4.1 requires that new developments be located and designed to visually enhance, not degrade, the character of the surrounding area. Consideration should be given to preserving natural features such as unique natural terrain, drainage ways, and native vegetation wherever possible, particularly where they provide continuity with more extensive regional systems.

Project compatibility: Generally consistent. Natural features would be preserved wherever possible by sharing Desert Sunlight Project transmission poles under Alternative B or, if necessary, by constructing a stand-alone Gen-Tie Line next to the Desert Sunlight Project gen-tie line within the same County ROW under Alternative C. Adding conductors to Desert Sunlight Project transmission poles under Alternative B would not enhance but also would not degrade the existing character of the surrounding area. Constructing a stand-alone Gen-Tie line next to the Desert Sunlight Project gen-tie line would not enhance the character of the surrounding area. However, by locating close to the Desert Sunlight Project line and incorporating the design treatment requirements of MM VR-3 and MM VR-4, additional degradation of the visual character of the surrounding area would be reduced to a minimum.

- LU 13.1 preserves and protects outstanding scenic vistas and visual features for the enjoyment of the traveling public.

Project compatibility: Consistent. The Gen-Tie Line segments in question would not be readily visible from the I-10 freeway. In addition, co-location under Alternative B or, if necessary, parallel construction under Alternative C would preserve existing views.

- LU 13.3 ensures that the design and appearance of new landscaping, structures, equipment, signs, or grading within designated and eligible state and county scenic highway corridors are compatible with the surrounding scenic setting or environment.

Project compatibility: Consistent. The Gen-Tie Line segments in question are not located within designated or eligible state and county scenic highway corridors.

- LU 13.5 requires new or relocated electric or communication distribution lines, which would be visible from designated and eligible state and county scenic highways, to be placed underground.

Project compatibility: Consistent. The Gen-Tie Line segments in question are not visible from designated or eligible state and county scenic highway highways.

- LU 13.8 seeks to avoid the blocking of public views by solid walls.

Project compatibility: Consistent. The Gen-Tie Line does not involve the construction of solid walls.

- LU 20.1 requires that structures be designed to maintain the environmental character in which they are located.

Project compatibility: Consistent. Mitigation measures VM-3 and VM-4 require the Gen-Tie Line to be designed to reduce visual contrast with the surrounding landscape and both Alternative B and Alternative C would maintain the environmental character in which they are located by collocating with or locating next to the pre-existing Desert Sunlight Project gen-tie line.

- LU 20.2 requires that development be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance.

Project compatibility: Consistent. Mitigation measures MM VM-3 and MM VM-4 require the Gen-Tie Line to be designed to reduce visual contrast with the surrounding landscape.

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

Project compatibility: Generally consistent. Alternative B would conform to this policy by sharing existing infrastructure. Alternative C would generally conform to this policy by "shadowing" the Desert Sunlight Project gen-tie line within the same County ROW and by adhering to the visual treatment requirements of mitigation measures MM VM-3 and MM VM-4.

The Desert Center Area Plan (DCAP) contains the following policies involving visual resources that are applicable to the project study area (Riverside County 2003):

- DCAP 2.3 assures that the design of new land uses subject to discretionary review visually enhances, and does not degrade, the character of the Desert Center region.

Project compatibility: Generally Compatible. See Policy LU 4.1, above.

- DCAP 5.1 requires that outdoor lighting use fixtures that minimize effects on the nighttime sky and wildlife habitat areas, except as necessary for security reasons.

Project compatibility: Consistent. See finding for Impact V-4, above.

- DCAP 9.1 protects the scenic highways within the DCAP from change that would diminish the aesthetic value of adjacent properties through adherence to the policies found in the Scenic Corridors sections of the General Plan Land Use, Multipurpose Open Space, and Circulation Elements.

Project compatibility: Consistent. The Gen-Tie Line segments in question are not located within designated or eligible state and county scenic highway corridors.

- DCAP 9.2 supports the designation of I-10 as an eligible, and subsequently, official scenic highway, in accordance with the California State Scenic Highway Program.

Project compatibility: Consistent. The Gen-Tie Line segments in question would not be readily visible from the I-10 freeway.

- DCAP 10.1 encourages clustering of development for the preservation of contiguous open space.

Project compatibility: Consistent. Alternative B would cluster Project conductors on existing Desert Sunlight Project transmission poles. Alternative C would cluster Project Gen-Tie Line poles next to existing Desert Sunlight Project transmission poles.

The Selected Project is consistent with the visual resource policies of the Land Use Element of Riverside County General Plan insofar as the planning and zoning authority of the County applies to the Selected Project (i.e., 0.5-mile, 0.6-mile and 5.8-mile Gen-Tie Line segments subject to the Public Use Permit and/or the Encroachment Permit). However, jurisdictional boundaries aside, the Selected Project as a whole would not be consistent with some of the Riverside County policies listed above, resulting in a significant and unavoidable adverse impact to visual resources after application of Mitigation Measures VR-1 through VR-6.

Mitigation Measures: Mitigation Measure MM VR-1 through MM VR-6 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation: Significant and unavoidable.

e. **Impact V-7:** *Whether the presence of the Desert Harvest Solar Project would add to a cumulative visual alteration.*

The finding, facts in support, and mitigation measures for this significant and unavoidable impact are addressed in the visual resources section of the cumulative impacts findings below.

12. WATER RESOURCES (HYDROLOGY AND WATER QUALITY)

a. **Impact WAT-1:** *Whether the Project would violate any water quality standards or waste discharge requirements.*

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

Facts in Support of Finding: The Selected Project will comply with all applicable water quality standards and waste discharge requirements. Mitigation Measure WAT-1 (Demonstrate Compliance with Water Quality Permits) will ensure that the Selected Project shall comply with all applicable water quality permits and waste discharge requirements associated with construction, operation, and decommissioning activities; potential impacts would be less than significant with mitigation.

Mitigation Measures: Mitigation Measure MM WAT-1 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Less than Significant.

b. **Impact WAT-2:** *Whether the Project would substantially deplete groundwater supplies or interfere substantially with ground-water recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).*

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

Facts in Support of Finding: Construction, operation and maintenance, and decommissioning of the Selected Project would require a water source, and would meet project water requirements by pumping groundwater. Incorporated mitigation measures would include the implementation of an Alternative Water Source and Groundwater Offsets (MM WAT-2) to avoid drawdown in excess of aquifer safe-yield, and a Groundwater Drawdown Monitoring and Reporting Plan (MM WAT-3) to address potential well interference effects. Implementation of the Drought Water Management and Water Conservation Education Programs required per MM WAT-6 and the Colorado River Water Supply Plan required per MM WAT-7 would also minimize potential impacts to groundwater supply and recharge. Potential impacts would be less than significant with mitigation.

Mitigation Measures: Mitigation Measures MM WAT-2, MM WAT-3, MM-WAT-6 and MM WAT-7 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Less than significant.

c. **Impact WAT-3:** *Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.*

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

Facts in Support of Finding: The Selected Project would alter existing drainage patterns on the site, but would not alter the course of any stream or river. A project-specific Storm Water Pollution Prevention Plan ("SWPPP") would be developed and implemented, and would include BMPs specified in MM WAT-4 to minimize or avoid potential impacts associated with erosion, siltation, and flooding.

Mitigation Measures: Mitigation Measure MM WAT-4 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Less than significant.

d. **Impact WAT-4:** *Whether the project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.*

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

Facts in Support of Finding: The Selected Project would not alter surface runoff such that substantial erosion, siltation, or flooding would occur on or off site; impacts would be less than significant with mitigation. A project-specific SWPPP would be developed and implemented, and would include BMPs specified in MM WAT-4 to minimize or avoid potential impacts associated with erosion, siltation, and flooding.

Mitigation Measures: Mitigation Measure MM WAT-4 as described in Exhibit B attached hereto, is hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Less than significant.

e. **Impact WAT-5:** *Whether the Project would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.*

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

Facts in Support of Finding: There is no existing stormwater drainage system(s) in the area of the Selected Project. However, construction of the Selected Project would result in ground-disturbing activities and the handling and storage of potentially hazardous materials that would have the potential to leak or be accidentally released, resulting in polluted stormwater runoff. With implementation of the BMPs specified in MM WAT-4 and the accidental spill control and environmental training measures required per MM WAT-9, potential impacts associated with the contribution of polluted runoff would be less than significant.

Mitigation Measures: Mitigation Measures MM WAT-4 and MM WAT-9 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Less than significant.

f. **Impact WAT-6:** *Whether the Project would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.*

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

Facts in Support of Finding: The Selected Project site and surrounding parcels are designated as Flood Zone D, indicating that 100-year floods have not been assessed for this area. Hydrologic analysis conducted in support of the Selected Project indicates that 100-year flood depth on the site is anticipated to be three to five feet in depth. In accordance with MM WAT-8, all features constructed for the Selected Project would be designed and maintained to withstand flood flows on the site, and potential impacts associated with risks associated with flooding would be less than significant.

Mitigation Measures: Mitigation Measures MM WAT-8, as described in Exhibit B attached hereto, is hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Less than significant.

13. SOLID AND HAZARDOUS WASTES (SERVICE SYSTEMS)

a. **Impact WAST-1:** *Whether the project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.*

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

Facts in Support of Findings: Wastes generated by the Selected Project would be disposed of through Riverside County Waste Management Department ("RCWMD") facilities. These facilities ensure that Riverside County has a minimum of 15 years of capacity, at any time, for future landfill disposal (RCWMD 2011). MM PHS-6 specifically addresses proper recycling or disposal of project infrastructure.

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

Level of Significance after Implementation of Mitigation Measures: Less than significant.

b. **Impact WAST-2:** *Whether the Project would comply with federal, state, and local statutes and regulations related to solid waste.*

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

Facts in Support of Findings: Construction, operation and maintenance, and decommissioning of the Selected Project would occur in compliance with laws and

regulations, and BMPs relevant to the handling of solid wastes. The septic system and leach field used for wastewater disposal would be in compliance with County and Regional Water Quality Control Board ("RWQCB") permitting requirements. Impacts related to hazardous wastes would be minimized by MM PHS-1 through MM PHS-6 (Hazardous Materials Management Plan, BMPs for hazardous materials, SPCC Plan, Environmental Health and Safety Plan, Emergency Response and Inventory Plan, Recycling and Disposal of Panels). Therefore, impacts related to the Selected Project would be less than significant.

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

Level of Significance after Implementation of Mitigation Measures: Less than significant.

14. CUMULATIVE IMPACTS

a. Biological Resources – Vegetation

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

Facts in Support of Finding: Construction of the Selected Project would result in permanent and long-term impacts to 1,206 acres of natural vegetation, including 1,026 acres of Creosote Bush Scrub (Sonoran Desert Scrub) and 180 acres of Blue Palo Verde–Ironwood Woodland (Desert Dry Wash Woodland). In addition to the direct impacts to vegetation, construction of the Selected Project would have several indirect impacts to native vegetation, special-status plants, and jurisdictional streambeds off site, including introduction or spread of invasive weeds and, potentially, depletion of ground water and diversion of surface water flows and subsequent effects to groundwater-dependent vegetation. A protest resolution agreement among the Project Applicant, Defenders of Wildlife, the

Natural Resources Defense Council and the Sierra Club further reduces potential soil erosion by requiring the Applicant to minimize grading and vegetation removal for the Project. Even with implementation of the protest resolution agreement and Mitigation Measures VEG-1 through MM VEG-10, the Selected Project would introduce a considerable contribution to the cumulatively significant regional impacts to sensitive natural communities and state-jurisdictional streambeds under Impacts VEG-1 and VEG-2.

Mitigation Measures: The protest resolution agreement, Mitigation Measures MM-VEG-1 through MM-VEG-10 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Cumulatively Considerable.

b. Biological Resources – Wildlife

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

Facts in Support of Finding: Construction, operation and decommissioning activities associated with the Selected Project would affect wildlife in a number of ways, including the long-term and permanent loss of habitat, disturbance from noise and human activity, injury or mortality of animals, and interference with wildlife movement. The cumulative impacts of existing and reasonably foreseeable development to special-status wildlife and habitat (including listed threatened or endangered species), and wildlife movement, are significant within the region. The individual contributions of the Selected Project to these cumulative effects would be minor and mitigated in part through mitigation measures, particularly Mitigation Measures VEG-6 (Provide Off-Site Compensation for Impacts to Vegetation and Habitat). In addition, a protest resolution agreement among the Project Applicant,

Defenders of Wildlife, the Natural Resources Defense Council, and the Sierra Club requires the Applicant to acquire 1,800 acres of compensatory mitigation lands within the I-10 corridor (500 acres more than required by the Project's biological opinion), as well as best efforts to acquire any mitigation lands beyond 1,800 acres in Priority 1 or 2 desert tortoise connectivity lands within the NECO planning area. However, even with implementation of the protest resolution agreement and mitigation, the residual impacts of the Selected Project would have a cumulatively considerable contribution to significant habitat loss for special-status wildlife species in the NECO planning area, and reduced wildlife movement and connectivity in the upper Chuckwalla Valley. Therefore, cumulative impacts would remain significant and unavoidable under impacts WIL-1 and WIL-2.

Mitigation Measures: The protest resolution agreement, mitigation Measures MM-VEG-1 through MM-VEG-10 and Mitigation Measures WIL-1 through MM WIL-8 as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Cumulatively Considerable.

c. Cultural Resources

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

Facts in Support of Finding: The construction impacts of the Selected Project, when combined with impacts from past, present, and reasonably foreseeable projects, contribute in a small but considerable way to the cumulatively significant adverse impacts for cultural resources at both the local I-10 Corridor and regional levels. Implementation of Mitigation Measures CUL-1 through CUL-9, and Mitigation Measure CUL-10 (Radio Program) would reduce indirect and

cumulative impacts to the North Chuckwalla Petroglyph District [CA-RIV-1383, NRHP-listed], the Coco-Maricopa trail segments [CA-RIV-0053T] (determined eligible), the proposed DTC/C-AMA historic district (determined NRHP eligible) and WWII era archaeological site P-33-18392 (determined NRHP eligible). However, even after mitigation, the Selected Project would still make a small but cumulatively considerable contribution to significant cumulative impacts at both the local I-10 corridor and regional levels.

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

Level of Significance after Implementation of Mitigation Measures: Cumulatively Considerable.

d. Paleontological Resources

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

Facts in Support of Finding: Paleontological resources have been documented in the general area of the Selected Project, and significant fossils are likely to continue to be unearthed during construction of the Selected Project plus the other major ongoing and foreseeable solar and energy infrastructure projects along the Interstate-10 corridor (Section 3.16). Mitigation Measures MM PAL-1 through MM PAL-8 and similar monitoring, curation, and reporting measures being required and implemented on other major infrastructure projects would minimize cumulative impacts to paleontological resources. It is anticipated that other foreseeable projects will follow similar procedures. Overall, if significant fossils are uncovered and appropriately documented and curated during construction of these major infrastructure projects, there could be an overall net gain to the science of paleontology by allowing fossils that would not otherwise have been found to be recovered, identified, studied, and preserved.

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

Level of Significance after Implementation of Mitigation Measures: This impact is not cumulatively considerable.

e. Fire and Fuels Management

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

Facts in Support of Finding: The effects of the Selected Project in combination with surrounding projects on emergency response to fire could be cumulatively considerable. The likelihood of simultaneous fires at more than one project site is low, but such a circumstance could strain local emergency response capacity. With implementation of mitigation measures to minimize weed introduction and ignition sources and to ensure personnel are trained in emergency response as described in Mitigation Measures FIRE-1 (a project-specific Fire Prevention Plan), MM PHS-5 (a project-specific Emergency Response and Inventory Plan), MM PHS-7 (a project-specific fire services agreement with Riverside County and BLM), and MM VEG-9 (Integrated Weed Management Plan), the contribution of the Selected Project to an increase in regional fire risk would not be cumulatively considerable.

Mitigation Measures: Mitigation Measures MM FIRE-1, MM PHS-5, MM PHS-7 and MM VEG-9, as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: This impact is not cumulatively considerable.

g. Soils and Geology

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

Facts in Support of Finding: Past, present, and future projects in the cumulative analysis area would all be susceptible to similar risks from seismic events. The

Selected Project would implement MM PHS-5 (Emergency Response Plan), and other projects would likely require similar measures. Appropriate engineering and mitigation would minimize both the incremental risk related to the Selected Project and the overall cumulative effects. The Selected Project together with other past, present, and reasonably foreseeable projects have the potential to have adverse cumulative effects related to soil erosion. Any disturbance to surface soils could expose soils to the effects of wind and water. Activities including grading, compaction, drilling, back-filling, and driving on unpaved roadways could disturb soils at any work site, regardless of the type of project. There could potentially be cumulatively additive effects related to wind and water erosion for projects that are in very close proximity and that are undergoing ground disturbing activities at the same time, such as the Desert Sunlight Project and Silverado Power project. Effects of more distant projects would not be cumulatively additive. However, the incremental effects of the Selected Project would be minimal because the project owner would be required to adhere to regulatory requirements and implement AM GEO-2, MM AIR-1, MM AIR-3, MM WAT-1, and MM WAT-4, which would minimize erosion. Similarly, other existing and reasonably foreseeable projects would be required to implement comparable erosion control measures. Cumulative impacts to geologic features associated with paleontological resources are separately addressed under Paleontological Resources, above. With the implementation of mitigation, the Selected Project would have minimal impacts related to geologic hazards and soil erosion. Other cumulative projects would face similar mitigation requirements with similar results. Therefore, the Selected Project would not represent a considerable contribution to any cumulative impacts.

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

Level of Significance after Implementation of Mitigation Measures: This impact is not cumulatively considerable.

g. **Lands and Realty**

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

Facts in Support of Finding: Construction of multiple projects within the same area could create a substantial adverse cumulative effect to surrounding land and realty uses if the projects were built on or adjacent to areas with planned land and realty uses or with existing easements of ROW. The incremental contribution of the Selected Project to cumulative effects would be small because of the size of the Selected Project and because no development is planned on the Selected Project site except for a transmission line and water pipeline proposed for the Eagle Mountain Pumped Storage project. The Selected Project would overlap several existing uses including roads and transmission lines and would be located next to (and or co-located with components of) the Desert Sunlight Project. Implementation of AM LU-1 (Notification), MM LR-1 (Prior ROW coordination), MM LR-2 (FERC withdrawal compatibility) and MM LR-3 (Eliminate panel shading) would reduce impacts related to existing and planned uses less than cumulatively considerable.

Mitigation Measures: Mitigation measures MM LR-1 through MM LR-3, as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: This impact is not Cumulatively Considerable.

h. **Noise and Vibration**

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

Facts in Support of Finding: On-site construction noise from the Selected Project would not be cumulatively considerable; however, off-site (traffic) construction noise would be, and when combined with the Desert Sunlight Project would result in a cumulatively significant and unavoidable impact.

Mitigation Measures: Mitigation Measures MM NOI-1 and MM NOI-2, as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: cumulatively considerable.

i. **Public Health and Safety**

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

Facts in Support of Finding: The Selected Project would pose potential risks to public health and safety related to use and disposal of hazardous materials. MM PHS-1 through MM PHS-6, MM PHS-8 and MM PHS-9 would minimize these impacts, and the impacts would be site-specific and would not combine with similar effects from other projects to produce cumulative impacts. Therefore, the Selected Project would not represent a considerable contribution to any cumulative impacts to public health and safety related to hazardous materials. The Selected Project could potentially contribute to overburdening emergency response resources; however, implementation of MM PHS-4 (Environmental Health and Safety Plan), MM PHS-5 (Emergency Response and Inventory Plan), and MM FIRE-1 (Fire Prevention Plan) would ensure that Project personnel are trained to appropriately report and respond to emergencies. MM PHS-7 (fire services agreement) would ensure that there are adequate staff/volunteers to respond to emergencies. With these measures the Selected Project would not represent a considerable contribution to cumulative impacts related to emergency response.

Mitigation Measures: Mitigation Measures MM PHS-1 through MM PHS-9, and MM FIRE-1, as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: This impact is not cumulatively considerable.

j. Recreation

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

Facts in Support of Finding: The Selected Project may affect surrounding recreational uses as a result of the altered viewshed, including effects on the wilderness experience of dispersed and occasional visitors to the Joshua Tree Wilderness Area. The recreation effects of the Selected Project in combination with past, present, and proposed and reasonably foreseeable projects in eastern Riverside County could substantially impact the recreation opportunities and experiences of users, communities, and regional populations. The contribution of the Selected Project to cumulative impacts would be considerable because it would change the existing character of the Selected Project study area and result in a diminished wilderness experience in proximal locations within the Coxcomb Mountains. Air quality and visual resources mitigation measures applied to the Selected Project would reduce this effect, but not to a less than cumulatively considerable level.

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

Level of Significance after Implementation of Mitigation Measures: cumulatively considerable.

k. Visual Resources

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

Facts in Support of Finding: The Selected Project, along with the Desert Sunlight Project and other identified cumulative projects, would be prominently visible from elevated vantage points in the area, and the industrial character and structural visual contrast introduced by them would result in substantial adverse effects on these views. MM VR-1 through MM VR-6 would reduce the Selected Project's visual impacts to the extent feasible, but not to a less than cumulatively considerable level.

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

Level of Significance after Implementation of Mitigation Measures: cumulatively considerable

l. Water Resources

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

Facts in Support of Finding: The Selected Project would contribute to cumulative water supply impacts associated with the use of the Coachella Valley Groundwater Basin to meet the project's water requirements; however, implementation of Mitigation Measures WAT-2 (Alternative Water Source and Groundwater Offsets) and WAT-3 (Groundwater Drawdown Monitoring and Reporting Plan) MM WAT-5 (Construction Site Dewatering Management) and WAT-6 (Drought Water Management and Water Conservation Education Program)

would minimize or avoid the Selected Project's potential to affect water supply. MM WAT-1 (Demonstrate Compliance with Water Quality Permits) and MM WAT-9 (Accidental Spill Control and Environmental Training) would ensure the Selected Project complies with all applicable water quality permits and waste discharge requirements. MM WAT-7 would ensure that the Selected Project's contribution to cumulative Colorado River impacts would be less than cumulatively considerable. Mitigation measures would also reduce potential drainage and flood water impacts to a less than considerable level (MM WAT-4 (Surface Water Protection Plan and Drainage Design Specifications), MM WAT-8 (Flood and Erosion Structure Damage Protection)). With implementation of these mitigation measures, the Selected Project's contribution to cumulative water supply impacts would be less than cumulatively considerable.

Mitigation Measures: Mitigation Measures MM WAT-1 through MM WAT-9, as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: This impact is not cumulatively considerable.

m. Solid and Hazardous Wastes

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

Facts in Support of Finding: Due to adequate available disposal capacity, compliance with applicable regulations, and the implementation of mitigation measures addressing hazardous wastes, the Selected Project would not represent a considerable contribution to any cumulative impacts related to solid and hazardous wastes.

Mitigation Measures: Mitigation Measures MM PHS-1 through MM PHS-6 and MM PHS-8 and MM PHS-9, as described in Exhibit B attached hereto, are hereby incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: This impact is not cumulatively considerable.

VIII. FINDINGS REGARDING ENERGY CONSUMPTION

CEQA requires discussion of measures to reduce the wasteful, inefficient, and unnecessary consumption of energy. (Public Resources Code, § 21100(b)(3).) Under Appendix F of the CEQA Guidelines, the goal of conserving energy implies the wise and efficient use of energy including: (1) decreasing overall per capita energy consumption; (2) decreasing reliance on fossil fuels; and (3) increasing reliance on renewable energy sources.

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

Facts in Support of Finding: The Selected Project itself would help achieve the goals of reducing inefficient, wasteful, and unnecessary consumption of energy since it would develop a renewable source of power, helping to offset the use of nonrenewable resources and contribute to an overall reduction of nonrenewable resources currently used to generate electricity. Specific design features included by the Applicant would conserve energy, including the requirement that contractors submit and implement a transportation plan (Applicant Measure AQ-4); and commitment to recycling components from the solar facility after decommissioning (Applicant Measure HAZ-10, Decommissioning Plan). In addition, specific mitigation measures would conserve energy, including the requirement that on-site emissions be controlled (MM AIR-2) and equipment efficiency be increased (MM AIR-4), the requirement that the project owner recycle photovoltaic panels and other infrastructure (MM PHS-6); and the requirement that the project owner develop a master Drought Water Management Program and a master Water Conservation Education Program (MM WAT-6). With implementation of the above Applicant Measures and Mitigation Measures, the Selected Project will have less than significant impacts associated with the inefficient, wasteful, or unnecessary consumption of energy.

Mitigation Measures: Applicant Measures AQ-4 and HAZ-10, Mitigation Measures MM AIR-2, AIR-3, AIR-4, PHS-6, and WAT-6, as described in Exhibit B attached hereto, are hereby

incorporated by reference.

Level of Significance after Implementation of Mitigation Measures: Less than significant.

IX. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

An EIR must identify and describe the significant indirect environmental impacts that will result from the project, which can include growth-inducing effects. (CEQA Guidelines, § 15126.2(a), (d).)

Pursuant to Sections 15126(d) and 15126.2(d) of the CEQA Guidelines, this section is provided to examine ways in which the Project could foster economic or population growth or the construction of additional development, either directly or indirectly, in the surrounding environment. Potential growth-inducing components of the Selected Project relate to employment and potential local population growth, and increased power generation and potential regional population growth.

Implementation of the Selected Project would involve the construction, operation and maintenance, and decommissioning of a solar PV plant with a capacity of a 150 MW. The Selected Project consists of a main generation area, O&M facility, on-site substation, switchyard, site security, and a 220 kV gen-tie line. The Selected Project would have a peak construction workforce of approximately 315 and an average of approximately 130. (FEIS, 3.15-5.) During operation and maintenance, it would employ up to 8 full-time employees. (FEIS, 2-17.) The Selected Project would produce electricity and would connect to the regional electric grid via the Red Bluff Substation, where the power from the proposed solar facility would feed into the Southern California Edison's existing Devers Palo Verde No. 1.

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

1. Construction workers are expected to be hired primarily from Riverside County, San Bernardino County, and some from adjacent counties, with the majority of the workforce anticipated from Palm Springs, Desert Center, and Blythe. The vacancy rate and the availability of temporary accommodation in the project study area indicate that the area has the capacity to temporarily house this workforce. (FEIS, p. 3.5-5.) Because the project study area has sufficient available hotel and housing vacancies, temporary direct and indirect population growth impacts would not result from worker relocation.

2. As shown in the 2008 employment profile of the project study area, Riverside County has a construction labor force of 62,194 workers, and San Bernardino County has a construction labor force of 53,914, a combined total workforce of 116,108. (FEIS, p. 3-15.6) A maximum of 315 workers hired from these two counties would represent 0.27 percent of the total construction labor force of the two counties. While a single project utilizing 0.27 percent of the total construction labor force of the project study area would be considered a substantial demand, considering the high unemployment rate in the area, this would be a beneficial impact in the Project study area. As a temporary component, the Selected Project's construction phase would not trigger additional population growth in the area.

3. The Selected Project would not develop additional housing or result in direct population growth. The number of employees (up to 8) would not have a significant population growth-inducing impact. These 8 employees are expected to be drawn from the labor force within Riverside or San Bernardino County. While it is speculative to determine where the full-time staff would choose to live, if the entire staff of 8 were hired from outside the Project study area, up to 8 households could potentially relocate to the area, representing a population increase of an estimated 23 individuals or a 0.001 percent increase in Riverside County's population. Considering the less-than-2-hour drive between Desert Center and Palm Springs, Indio, and Blythe, it is anticipated that few workers would relocate to the area permanently.

4. The Selected Project is not intended to supply power related to growth for any particular development either directly or indirectly, and would not result in direct growth-inducing impacts. The Project would not facilitate growth indirectly through the additional generation of electric power in the Southern California region because it is intended to replace the existing use of fossil fuel-based energy. Development of the Selected Project is a response to the State's need for renewable energy to meet its 33-percent-by-2020 Renewable Portfolio Standard and its AB 32 GHG emissions reductions requirements. (FEIS, p. 1-5.) Unlike a gas-fired power plant, the Selected Project is not being developed

as a source of base-load power that would typically be developed to support a growth in demand for electricity. The power generated would be added to the State's electricity grid, with the intent that it would displace fossil fuel fired power plants and their associated greenhouse gas emissions. The Project is consistent with the County's planning documents, which permit and anticipate a certain level of growth, along with attendant growth in energy demand.

X. FINDINGS REGARDING WATER SUPPLY ASSESSMENT

BE IT FURTHER RESOLVED by the Board that the Water Supply Assessment contained in the FEIS was prepared in accordance with the requirements of Water Code Section 10910 et seq., and, based on the whole record, the Water Supply Assessment demonstrates with substantial evidence and reasonable analysis that water supplies will be sufficient to satisfy the demands of the Selected Project, in addition to existing and planned uses and is consistent with the adopted plans and policies of the County. The Board hereby approves the Water Supply Assessment.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

BE IT FURTHER RESOLVED by the Board that after reviewing the public record, the Board hereby adopts the following statement of overriding conditions:

The County has determined to approve the Selected Project, which includes both the north and south parcels analyzed in Alternative 4, but with high profile (15-foot) trackers as analyzed in Alterative 7. The Selected Project would authorize the collocation of the Gen-Tie Line with the Desert Sunlight Project's gen-tie line (Alternative B), and, if collocation were unattainable, construction of transmission facilities parallel to the Desert Sunlight Project's gen-tie line (Alternative C).

The County has determined that the Selected Project best minimizes environmental impacts while also maximizing the renewable energy production potential of the Project site. The Selected Project provides for the generation of more renewable energy and the displacement of more greenhouse gas emissions than any alternative identified in the FEIS without substantially increasing or adding to the environmental effects identified in the FEIS.

This statement of overriding considerations presents the County's determination that the Selected Project's substantial benefits, provided below, outweigh the anticipated significant and unavoidable environmental impacts of the project, as identified in these CEQA Findings and the FEIS.

A. Significant and Unavoidable Environmental Impacts of the Selected Project

The CEQA Findings and the EIS identify the following significant and unavoidable impacts of the Selected Project:

- 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 – 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 and cumulative off-site construction traffic impacts.
- 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.

B. Required Statement of Overriding Considerations

The County will mitigate the significant and unavoidable impacts described above to the extent feasible. However, these measures will not reduce the above impacts to less-than-significant levels.

The County has examined reasonable project alternatives, including the proposed project. The proposed project and each of the action alternatives have the same significant and unavoidable impacts. The County has determined that the three no-action alternatives (Alternatives 1, 2 and 3) the four action alternatives (Alternatives 4, 5, 6 and 7), as well as the remaining Gen-Tie alternatives (Alternatives A, D, and E) would not achieve the core project objectives, are infeasible, and/or would not significantly reduce

the significant and unavoidable impacts identified for the Selected Project. Each alternative has been discussed above.

The County has determined to approve the Selected Project. In preparing this statement of overriding considerations the County has balanced the benefits of the Selected Project against its unavoidable environmental impacts. While implementation of the Selected Project would result in significant and unavoidable impacts related to air resources, biological resources, cultural resources, noise, recreational and visual resources, the County finds that the benefits of the project are overriding considerations when weighed against the environmental impacts listed above. The Selected Project, if approved, would provide the following benefits, which the County finds outweigh the environmental risks of the Selected Project:

- Produce 150 MW of installed electrical capacity generating up to 341,000 MWh/year for delivery to the regional power grid in accordance with the California Renewables Portfolio Standard goals;

- Energy produced by the Project would assist the State of California in complying with the mandates established by Executive Order S-14-08 requiring investor-owned utilities to purchase 33 percent of their energy portfolio from renewable energy sources by 2020, as well as achievement of the President's Climate Action Plan goal of 20,000 MW of renewable energy production authorized on public lands by 2020;

- The production of energy from solar facilities like the Project has the added benefit of reducing air quality impacts and GHG emissions that would be produced by fossil-fuel based generation facilities. Specifically, the Selected Project would Displace up to 105,334 metric tons of carbon dioxide equivalents per year (MTC02e/year) that may otherwise be emitted by power plants currently generating electricity for the California system; this displacement of fossil fuel use would occur if the intermittent solar energy produced by the Project were fully integrated into the region-wide electrical grid and used to offset generation from higher polluting power plants;

- The Project would use a reliable and proven solar technology (PV) with minimal disturbance to or depletion of natural resources as compared to alternative types of development (including solar thermal trough, which would require extensive grading). Once operational, PV solar panels use no fuel source other than the energy from the sun, as opposed to natural gas or coal.

- 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 work force would average 30 employees and no more than 65 employees at any one time. The total peak workforce on the Selected Project would be 315 construction workers. The Selected Project would employ 8 fulltime staff during operations;

- Boost local business activity during construction and operation and provide economic benefits for

local businesses in Desert Center;

- The Selected Project would provide other important benefits to the local and regional economy from the purchase of equipment and supplies, increased sales and use tax revenue as agreed upon in the terms of the franchise agreement (Ordinance No. 922), property taxes, annual franchise payments and increases as agreed upon in the terms of Ordinance No. 922 for thirty years, and benefits to local motels, hotels, and other purveyors of temporary housing.

- The Selected Project is located in BLM's Riverside Solar Energy Zone, considered by BLM to be a preferred location for solar energy projects in Southern California.

XII. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Public Resources Code Section 21081, the County hereby adopts the Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit "A" with the full text of all mitigation measures attached to this Resolution as Exhibit "B". Implementation of the mitigation measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Selected Project. In the event of any inconsistencies between the mitigation measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring and Reporting Program shall control.

BE IT FURTHER RESOLVED by the Board that where the Mitigation Monitoring and Reporting Program indicates that the enforcement agency for a Mitigation Measure is other than the County, one of its agencies and/or Applicant, the Board has determined that that other entity has concurrent jurisdiction with the County to monitor and/or enforce the Mitigation Measure.

BE IT FURTHER RESOLVED by the Board that it has determined that there are no mitigation measures or alternatives that would avoid or lessen significant impacts and that are within the jurisdiction of the County other than those rejected herein and described in the Mitigation Monitoring and Reporting Program.

BE IT FURTHER RESOLVED by the Board that the findings set forth and referenced herein are hereby adopted.

XIII. GENERAL PLAN CONSISTENCY

The entire Selected Project is governed by BLM land use regulations, with the exception of a 0.6-mile segment and a 0.5-mile segment of the Gen-Tie Line, both of which are instead subject to the Riverside County General Plan. In addition, an approximately 5.8-mile segment of the Gen-Tie Line over

public and private lands requires an encroachment permit from the County because the segment lies within the County's Kaiser Road right-of-way. General Plan land use designations do not apply directly to these segments of the Gen-Tie-Line because they occur within a County right-of-way. However, the segments are 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.

The Gen-Tie Line is consistent with relevant land use policies of the General Plan for Rural Residential (R-R):

- LU 17.1 – Require that grading be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance.

  Project compatibility: Consistent. Mitigation Measure MM VR-1 requires minimization of vegetation removal and reduction of visible land-scarring associated with construction of the Gen-Tie Line. See also response to "Policy LU 20.1," below.

- LU 17.2 – Require that adequate and available circulation facilities, water resources, sewer facilities and/or septic capacity exist to meet the demands of the proposed land use.

  Project compatibility: Consistent. Operation of the Gen-Tie Line will not affect the availability of circulation facilities, water resources, sewer facilities, or septic capacity. Adequate water resources are available for construction of the Gen-Tie Line, as demonstrated in the EIS and the WSA prepared for the Project

- LU 17.3 – Ensure that development does not adversely impact the open space and rural character of the surrounding area.

  Project compatibility: Generally consistent. Alternative B would conform to this policy by sharing existing infrastructure. Alternative C would generally conform to this policy by "shadowing" the Desert Sunlight Project gen-tie line within the same County ROW and by adhering to the visual treatment requirements of mitigation measures MM VM-3 and MM VM-4.

- LU 17.4 – Encourage clustered development where appropriate on lots smaller than the underlying land use designation would allow. While lot sizes may vary, the overall project density must not exceed that of the underlying land use designation unless associated with an incentive program.

  Project compatibility: Consistent. Both Alternative B and Alternative C would facilitate clustered development by collocating with or locating next to the pre-existing Desert Sunlight Project gen-tie line.

The Gen-Tie Line is consistent with relevant land use policies of the General Plan for Open Space Rural (OS-RUR):

- LU 20.1 – Require that structures be designed to maintain the environmental character in which they are located.

Project compatibility: Consistent. Mitigation measures VM-3 and VM-4 require the Gen-Tie Line to be designed to reduce visual contrast with the surrounding landscape and both Alternative B and Alternative C would maintain the environmental character in which they are located by collocating with or locating next to the pre-existing Desert Sunlight Project gen-tie line.

- LU 20.2 – Require that development be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance.

Project compatibility: Consistent. Mitigation measures MM VM-3 and MM VM-4 require the Gen-Tie Line to be designed to reduce visual contrast with the surrounding landscape.

- LU 20.3 – Require that adequate and available circulation facilities, water resources, sewer facilities, and/or septic capacity exist to meet the demands of the proposed land use.

Project compatibility: Consistent. See "LU 17.2," above.

- LU 20.4 – Ensure that development does not adversely impact the open space and rural character of the surrounding area.

Project compatibility: Generally consistent. See "LU 17.3," above.

The Gen-Tie Line is consistent with relevant land use policies of the General Plan for Open-Space-Recreation (OS-R):

- LU 19.3 – Require that park facilities be accessible to the community, regardless of age, physical limitation or income level.

Project compatibility: Consistent. Development of the Gen-Tie Line within the Kaiser Road right-of-way will not interfere with existing public access routes to park facilities to the east of the Kaiser Road right-of-way.

- LU 19.4 – Encourage that structures be designed to maintain the environmental character in which they are located. (AI 3)

Project compatibility: Consistent. See "LU-20.1," above.

Section VII.11.d of these Findings demonstrates the Gen-Tie Line's consistency with applicable visual resources policies of the County General Plan.

The Selected Project is also consistent with County-wide policies specific to solar energy generation. General Plan Policy LU 15.15 states: "Permit and encourage, in an environmentally and fiscally responsible manner, the development of renewable energy resources and related infrastructure, including but not limited to, the development of solar power plants in the County of Riverside." The segments of the Gen-Tie Line subject to County authority constitute "related infrastructure" under General Plan Policy LU 15.15 and are therefore consistent with that policy.

Based upon the above and the entire administrative record, the Board of Supervisors hereby determines the Selected Project to be consistent with the Riverside County General Plan insofar as the planning and zoning authority of the County applies to the Selected Project.

XIV. CERTIFICATION OF FINAL EIS AS CEQA-EQUIVALENT FINAL EIR

Where an EIS will be prepared for a project pursuant to NEPA prior to the preparation of an EIR, CEQA requires lead agencies to use the EIS rather than preparing an EIR so long as the EIS complies with the Public Resources Code and the CEQA Guidelines. (CEQA Guidelines, § 15221.) As provided in Section IV, the BLM prepared the EIS for the Project before an EIR would otherwise have been prepared by the County for the Project and the County engaged in the development of the DEIS and FEIS from the date of the NOI as a Cooperating Agency under NEPA to ensure that the DEIS, FEIS and applicable noticing procedures complied with CEQA and the CEQA Guidelines. The County finds that it has reviewed and considered the EIS in evaluating the Project, that the EIS is an accurate and objective statement that fully complies with the Public Resources Code and the CEQA Guidelines and that the EIS reflects the independent judgment and analysis of the Board of Supervisors. The Board of Supervisors declares that no new significant information as defined by CEQA Guidelines 15088.5 has been received after circulation of the Draft EIS nor added to the EIS that would require circulation.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF RIVERSIDE HEREBY CERTIFIES THAT:

1. The FEIS was presented to the County Board of Supervisors, which reviewed and considered the information contained in the FEIS before taking any action to approve the Project.

2. The FEIS is an accurate and objective statement that fully complies with the Public Resources Code and the CEQA Guidelines.

3. The FEIS reflects the County's independent judgment and analysis.

4. All significant environmental impacts from the implementation of the Project have been identified in the FEIR and, with implementation of the identified mitigation measures impacts will be mitigated to a less than significant level, except for the impacts listed in Section XI of this Resolution.

5. Environmental, economic, social and other considerations and benefits derived from the Project override and make infeasible mitigation measures beyond those incorporated into the Project.

6. Other reasonable alternatives to the Project that could feasibly achieve the basic goals and objectives of the proposed Project have been considered and rejected in favor of the Project.

XV. PROJECT APPROVAL

Based upon the entire administrative record before the Board of Supervisors, including the above findings and all written and oral evidence presented during the administrative process, the Board of Supervisors hereby approves the Selected Project version of the Desert Harvest Solar Project.

XVI. CUSTODIAN OF RECORD

The custodians of the documents and materials that constitute the record of proceedings on which this decision is based are the Clerk of the Board of Supervisors and the County Planning Department. These documents and materials are located at 4080 Lemon Street, Riverside, California. This information is provided in compliance with Public Resources Code section 21081.6.

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XVII. STAFF DIRECTION

The Board of Supervisors hereby directs staff to prepare, execute, and file a Notice of Determination with the Riverside County Clerk's Office and the Office of Planning and Research within five (5) working days of adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Supervisors held on the ___ day of _____, 2014.

_____
Jeff Stone, Chairman of the Board

ATTEST:

_____
Kecia Harper-Ihem, Clerk of the Board

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RESOLUTION NO. 2014-146

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Exhibit A

Mitigation Monitoring and Reporting Plan – Desert Harvest Solar Project

The California Environmental Quality Act CEQA requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Pub. Res. Code §21081.6(a)(1) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the agency determines to carry out a project for which an EIR has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented.

This document describes a preliminary MMRP for ensuring the effective implementation of the mitigation measures that are recommended in the CEQA-equivalent EIS for Riverside County's approval of Desert Harvest LLC's Public Use Permit (PUP) application (PUP No. 914) and related documents, including Ordinance No. 922, to construct operate maintain and decommission segments of the 220 kilovolt electrical transmission line (Gen-Tie) required for the Project. Current versions of all mitigation measures as of the publication of the Final EIS and approval of the Record of Decision of the BLM are presented in Exhibit B of the County's CEQA findings. Table A-1, attached hereto, identifies reporting actions, timing and agency responsibilities for each mitigation measure listed in Exhibit B of the County's CEQA findings.

Riverside County would only implement/enforce the MMRP as it applies to land under County jurisdiction e.g., the 22 acres of private land and 5.8 miles of County road right-of-way within the Project's Gen-Tie alignment. The BLM would be responsible for implementing/enforcing mitigation measures on BLM land pursuant to the BLM Record of Decision and Right of Way Grant issued to the Project.

The MMRP is a working guide to facilitate not only the implementation of mitigation measures by the Applicant, but also the monitoring, compliance, and reporting activities of the County and any monitors it may designate. If the CEQA-equivalent EIS is certified and the Project is approved this MMRP would be updated to reflect the final (approved) mitigation measures and thereafter would serve as a self-contained general reference for the MMRP adopted by the County for the Project.

If the County approves PUP No. 914 and Ordinance No. 922 for the Project, the Applicant would be responsible for implementation of any mitigation measures and other commitments governing the construction, operation, maintenance, and decommissioning of the Project. The County would act as the lead agency for monitoring compliance with all mitigation measures relating to the segments of the Gen-Tie under County jurisdiction. All approvals and permits obtained from the County by the Applicant would be submitted to the County for mitigation compliance prior to commencing the activity for which the permits and approvals were obtained.

The MMRP describes implementation and monitoring procedural guidance, responsibilities, and timing for each mitigation measure identified in the EIR, including:

Mitigation Measure Title:	Identifies the mitigation measure number and title from the EIS.
Reporting Action:	Specifies procedures for documenting and reporting mitigation implementation.
Timing:	Identifies the stage of the Project during which the mitigation action will be taken.
Responsible Agency for Review, Approval, or Implementation:	**Designates agency responsibility for oversight/enforcement of implementation of the mitigation action.**

The responsibilities of mitigation implementation, monitoring and reporting extend to several County departments. The manager or department lead of the identified unit or department will be directly responsible for ensuring the Applicant complies with the mitigation. The Planning Department is responsible for the overall

administration of the program and for assisting relevant departments and project managers in their oversight and reporting responsibilities.

As a condition of approval of the Bureau of Land Management's (BLM) Right of Way (ROW) grant for the Desert Harvest Solar Project (DHSP) and the County of Riverside Public Use Permit (PUP) for the DHSP generation intertie transmission line (gen-tie line), the adopted mitigation measures shall be implemented as specified below in this Mitigation Monitoring and Reporting Plan (MMRP). The Applicant, or its successors in interest, shall be responsible for funding implementation of the Mitigation Measures and Applicant Measures (AMs) identified in the Final Environmental Impact Statement, which was prepared to a California Environmental Quality Act (CEQA)-equivalent standard, and the Final BO, Final MOA, and any other authorizing instrument. The MMRP has been developed in compliance with CEQA Guidelines Section 15097, which states, "In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects."

This MMRP for the Desert Harvest Solar Project will be in place through all phases of the project, including design and construction, and will help ensure that project objectives are achieved. The BLM will be responsible for administering the mitigation measure compliance and monitoring program and ensuring that all parties comply with their provisions; however, as the CEQA Lead Agency, Riverside County is responsible for verifying that the provisions of the MMRP are carried out, pursuant to Section 15097(a) of the CEQA Guidelines. In the MMRP, the official indicated as responsible for ensuring all mitigation measures (including selection of all monitoring contractors) and AMs are implemented is the BLM authorized officer (AO); however, the BLM AO may delegate various monitoring activities to staff, consultants, other officials, or contractors. In addition, Riverside County may assign an environmental liaison to coordinate with the BLM AO. The BLM, jointly with Riverside County, will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems, including, but not limited to revocation of the approved authorizations.

This MMRP was prepared and is accompanied by the associated report forms used to verify compliance with individual mitigation measures. This MMRP identifies each mitigation measure by discipline, the entity (organization) responsible for its implementation, the report/permit/certification required for each measure, and an accompanying BLM form used to certify completion. Certain inspections and reports may require preparation by qualified individuals, and these are specified as needed. The timing and method of verification for each measure is also specified.

BLM's authority under this MMRP is inclusive of management of a compliance monitoring contractor for development, management, and implementation of the project's component of a BLM monitoring database, standardized data collection formats and reporting protocols for all programs, using BLM-approved reporting formats and schedules.

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
Monitoring Process								
4.2: Air Resources								
AIR-1	Fugitive Dust Control Plan as identified in the Final EIS[1]	• Develop and implement Fugitive Dust Control Plan	• Prior to issuance of construction permits • During construction and decommissioning	x	x		x	• SCAQMD (Rule 403) • BLM
AIR-2	Control On-Site Emissions as identified in the Final EIS	• Implement on-site emissions control measures listed in mitigation measure	• During use of on-site off-road construction equipment • Primarily during construction, but also when applicable during operation and decommissioning		x	x	x	• SCAQMD • BLM
AIR-3	Control Operational Fugitive Dust as identified in the Final EIS	• Implement all dust control measures listed in mitigation measure	• During operation			x		• SCAQMD • BLM
AIR-4	Control Equipment Emissions as identified in the Final EIS	• Implement all emissions control measures listed in mitigation measure	• During operation			x		• SCAQMD • BLM
4.3: Biological Resources – Vegetation								
VEG-1	Assign a Designated Biologist and Biological Monitors as identified in the Final EIS	• Appoint qualified Designated Biologist • Designated Biologist must fulfill all assigned duties found in mitigation measure	• Prior to ground-disturbing activities • During construction, operation, and decommissioning	x	x	x	x	• BLM (Approval) • Riverside County (Approval) • USFWS (Approval) • CDFW (Approval) • NPS
VEG-2	Conduct Biological Monitoring and Reporting during Project Construction, Operations, and Decommissioning as identified in the Final EIS	• Designated Biologist and Biological Monitors implement all assigned duties found in mitigation measure • Submit monthly compliance reports throughout the construction and decommissioning phases of the project	• During mobilization activities, construction, operations, and decommissioning	x	x	x	x	• BLM • Riverside County • USFWS • CDFW • NPS

[1] "Final EIS" refers to the Desert Harvest Solar Project Final Environmental Impact Statement and Proposed California Desert Conservation Area Plan Amendment, issued November 2012, CACA-49491, Publication Index # BLM/CA/ES-2013-003+1793, DOI-BLM-CA-D000-2012-0004-EIS.

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing				Responsible Agency for Review, Approval, or Implementation
				PC	C	O	D	
VEG-3	Prepare and Implement a Worker Environmental Awareness Program (WEAP) as identified in the Final EIS	• Implement project-specific WEAP	• During pre-construction (Approval) • During construction and decommissioning (Training)	x	x		x	• BLM (Approval) • Riverside County (Approval) • USFWS (Consultation) • CDFW (Consultation)
VEG-4	Minimize Construction-Related Impacts as identified in the Final EIS and modified by Appendix 7 of the ROD[2]	• Implement all components of mitigation measure	• Prior to start of construction (Fencing/delineation) • During construction activities	x	x			• BLM
VEG-5	Prepare and Implement a Vegetation Resources Management Plan as identified in the Final EIS	• Implement Vegetation Resources Management Plan.	• Prior to the initiation of any vegetation-disturbing activities (Plan approval) • During construction, operations, and decommissioning	x	x	x	x	• BLM (Approval) • Riverside County (Approval) • USFWS (Approval) • CDFW (Approval)
VEG-6	Provide Off-Site Compensation for Impacts to Vegetation and Habitat as identified in the Final EIS and modified by Appendix 7 of the ROD	• Implement Habitat Compensation Plan	• Prior to commencement for construction (Plan approval) • During construction (Avoidance)	x	x			• BLM (Approval) • Riverside County (Approval) • USFWS (Approval) • CDFW (Approval) • Potential third party other than NFWF (Responsibility for acquisition of compensation lands)
VEG-7	Mitigate Direct Impacts to Special-Status Plants as identified in the Final EIS	• Implement all components of mitigation measure	• During pre-construction surveys	x				• BLM (Coordination) • Rancho Santa Ana Botanic Garden (Consultation) • BLM, Riverside County EPD, USFWS, and CDFW (Approval for Emory's Crucifixion Thorn Salvage and Relocation Plan)

[2] "ROD" refers to the Record of Decision issued March 6, 2013.

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
VEG-8	Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas as identified in the Final EIS	• Implement all Best Management Practices listed in mitigation measure	• During construction, operations, and decommissioning		x	x	x	• USFWS • CDFW • BLM and Riverside County (Notification of spills)
VEG-9	Prepare and Implement an Integrated Weed Management Plan as identified in the Final EIS	• Implement Weed Management Plan • Include in Plan the Best Management Practices listed in mitigation measure	• Prior to initial ground disturbance (Plan approval) • During construction and throughout life of project	x	x	x	x	• BLM (Approval) • Riverside County EPD (Approval) • CDFW (Consultation) • USFWS (Consultation)
VEG-10	Prepare and Implement a Desert Dry Wash Woodland Monitoring and Reporting Plan as identified in the Final EIS	• Finalize Desert Dry Wash Woodland Monitoring and Reporting Plan • Implement sampling protocol • Submit monthly monitoring and annual summary memos and maps • Also see MM WAT-3	• Prior to commencing project-related pumping activities (Plan approval) • During construction and at least 3 years following • Extension past 3 year requirement (through operation and decommissioning) will be determined at that time	x	x	(x)	(x)	• BLM (Approval) • Riverside County (Approval) • CDFW (Approval) • USFWS (Approval)
4.4: Biological Resources – Wildlife								
VEG-1	Assign a Designated Biologist and Biological Monitors as identified in the Final EIS	• Please see Biological Resources – Vegetation						
VEG-2	Conduct Biological Monitoring and Reporting during Project Construction, Operations, and Decommissioning as identified in the Final EIS	• Please see Biological Resources – Vegetation						
VEG-3	Prepare and Implement a Worker Environmental Awareness Program (WEAP) as identified in the Final EIS	• Please see Biological Resources – Vegetation						
VEG-4	Minimize Construction-Related Impacts as identified in the Final EIS	• Please see Biological Resources – Vegetation						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
VEG-5	Prepare and Implement a Vegetation Resources Management Plan as identified in the Final EIS	• Please see Biological Resources – Vegetation						
VEG-6	Provide Off-Site Compensation for Impacts to Vegetation and Habitat as identified in the Final EIS and modified by Appendix 7 of the ROD	• Please see Biological Resources – Vegetation						
VEG-9	Prepare and Implement an Integrated Weed Management Plan as identified in the Final EIS	• Please see Biological Resources – Vegetation						
WIL-1	Wildlife Impact Avoidance and Minimization as identified in the Final EIS	• Implement all wildlife avoidance and minimization measures listed in mitigation measure	• During construction and operation, and decommissioning		x	x	x	• BLM • Riverside County • USFWS • CDFW
WIL-2	Desert Tortoise Clearance Surveys, Exclusion Fencing, and Translocation as identified in the Final EIS	• Implement all components of mitigation measure • Include methods and results for desert tortoise activities in monthly compliance reports	• Prior to construction (Off-site tortoise relocation) • During construction, operation, and decommissioning (Avoidance and minimization of impacts)	x	x	x	x	• BLM • Riverside County • USFWS • CDFW
WIL-3	Nesting Bird Management Plan, Pre-Construction Nest Surveys and Impact Avoidance Measures for Migratory and Nesting Birds as identified in the Final EIS	• Prepare and implement all components of mitigation measures • Describe nests, buffer areas, and project activities in the vicinity of nests in regular monitoring and compliance reports	• During pre-construction (Nest surveys) • During construction, operation, and decommissioning	x	x	x	x	• BLM • Riverside County • USFWS • CDFW
WIL-4	Burrowing Owl Impact Avoidance, Minimization, and Compensation Measures as identified in the Final EIS	• Prepare and implement all components of mitigation measure	• Pre-construction surveys • During construction, operation, and decommissioning	x	x	x	x	• BLM • Riverside County • USFWS • CDFW

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
WIL-5	Golden Eagle Pre-construction and Construction Phase Surveys as identified in the Final EIS	• Implement all components of mitigation measure • Prepare Golden Eagle Monitoring and management Plan (if required)	• Beginning in winter 2011-12, and continuing throughout the construction phase of the project (Annual winter and nesting season surveys) • Duration of construction (Golden Eagle Monitoring and Management Plan – if required)	x	x		•	• BLM • Riverside County • USFWS • CDFW
WIL-6	Bird and Bat Conservation Plan as identified in the Final EIS and modified by Riverside County	• Implement Bird and Bat Conservation Strategy	• Pre-construction (Approval) • Ongoing during construction, operation, and decommissioning	x	x	x	x	• USFWS (Approval) • BLM (Consultation) • Riverside County (Consultation) • CDFW (Consultation) • Joshua Tree National Park (Consultation)
WIL-7	Desert Kit Fox and American Badger Impact Avoidance as identified in the Final EIS and modified by Appendix 7 of the ROD	• Conduct Baseline Census and Population Health Study • Prepare and implement Desert Kit Fox Management Plan	• Prior to construction (Surveys and approval) • Primarily during construction, but also when applicable during operation and decommissioning	x	x	x	x	• CDFW (Approval) • BLM (Approval) • USFWS (Approval)
WIL-8	Raven Monitoring, Management, and Control Plan as identified in the Final EIS	• Implement Raven Monitoring, Management, and Control Plan (Raven Plan)	• Prior to construction (Approval) • During construction, operation, and decommissioning	x	x	x	x	• BLM (Approval) • Riverside County (Approval) • CDFW (Approval) • USFWS (Approval)
4.5: Climate Change								
	None							
4.6: Cultural Resources								
CUL-1	Memorandum of Agreement (MOA) as identified in the Final EIS	• Prepare MOA in consultation with the SHPO, Indian tribes, and other interested parties	• Prior to BLM's approval of the Record of Decision	x				• BLM
CUL-2	Project Cultural Resources Staff as identified in the Final EIS	• Appoint a qualified Project Cultural Resources Specialist and additional cultural resources staff	• Primarily during construction, as well as any operation or decommissioning excavation activity	x	x	x	x	• BLM

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
CUL-3	Monitoring and Treatment Plan as identified in the Final EIS	• Implement Monitoring and Treatment Plan	• Prior to issuance of Notice to Proceed (Plan approval) • Prior to and during construction	x	x			• BLM (Approval) • Riverside County
CUL-4	Authority to Halt Construction as identified in the Final EIS	• Comply with all components of mitigation measure	• Primarily during construction, as well as construction activities during operation and decommissioning		x	x	x	• BLM
CUL-5	Cultural Resources Worker Awareness Program (WEAP) as identified in the Final EIS	• Train construction supervisors and crew	• Prior to BLM notice to proceed • Required for construction and decommissioning personnel	x	x		x	• BLM (Approval)
CUL-6	Monitoring for Cultural Resources as identified in the Final EIS	• Monitor in association with ground-disturbing activities	• During construction, operation, and decommissioning		x	x	x	• BLM (Approval) • Indian Tribes (Consultation)
CUL-7	Cultural Resources Reporting as identified in the Final EIS	• Submit daily, weekly, or monthly progress reports as necessary • Submit final cultural resources report	• During construction		x			• BLM • State regulatory agency
CUL-8	Curation of Cultural Resources Collections as identified in the Final EIS	• Comply with all components of mitigation measure	• Following archaeological investigations		x			• BLM • California State Historical Resources Commissions (Guidelines)
CUL-9	Pre-construction Geoarchaeological Subsurface Excavation as identified in the Final EIS	• Submit Pre-construction Geoarchaeological Subsurface Excavation Plan • Ensure that subsurface excavations occur at a minimum of 10 locations within the project area • Results shall be incorporated into the Monitoring and Treatment Plan	• Prior to BLM notice to proceed • Implementation of the Plan shall be complete prior to the completion of the Monitoring and Treatment Plan (CUL-3)	x				• BLM (Approval) • Riverside County (Approval)
CUL-10	Radio Program as identified in the Final EIS and modified by Appendix 7 of the ROD	• Implement an appropriate radio program or alternative per the ROD	• Broadcast shall be maintained for the life of the project, and updated with relevant new information every five years		x	x		• BLM
CUL-11	Avoid Known Resources as identified in the Final EIS	• Avoid flagged resources	• Primarily during construction, as well as activities during operation and decommissioning	x	x			• BLM

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
4.7: Paleontology								
PAL-1	Project Paleontological Staff as identified in the Final EIS	• Appoint qualified paleontologist	• Prior to and during construction • During operation and decommissioning, when applicable	x	x	x	x	• Riverside County (Paleontological permit) • BLM (Paleontological resource permit) • BLM
PAL-2	Paleontological Mitigation and Monitoring Plan (PMMP) as identified in the Final EIS	• Complete PMMP • Implement all measures of PMMP • Submit monitoring reports	• Prior to issuance of a Notice to Proceed (Plan approval) • Primarily during construction • During operation and decommissioning, when applicable	x	x	x	x	• BLM (Approval) • Riverside County
PAL-3	Authority to Halt Ground Disturbance as identified in the Final EIS	• Comply with all components of mitigation measure	• Primarily during construction (but also applicable to ground disturbing activities during operation and decommissioning)		x	x	x	• BLM
PAL-4	Paleontological Worker Environmental Awareness Program (WEAP) as identified in the Final EIS	• Perform WEAP training	• Required for construction and decommissioning personnel	x	x		x	• BLM
PAL-5	Construction Monitoring for Paleontological Resources as identified in the Final EIS	• Implement all construction monitoring mitigation measures	• Primarily during construction (but also applicable to ground disturbing activities during operation) • During decommissioning (Spot-checking)		x	x	x	• BLM
PAL-6	Paleontological Reporting as identified in the Final EIS	• Submit daily, monthly and final monitoring reports	• During construction • During decommissioning if any new fossils are identified during monitoring of decommissioning activities		x		x	• BLM • Riverside County • State regulatory agency

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
PAL-7	Curation of Paleontological Materials as identified in the Final EIS	• Comply with mitigation measure	• Prior to issuance of Notice to Proceed • Within 90 days from completion of monitoring (Final Paleontological Resource Recovery Report) • During construction and decommissioning	x	x		x	• BLM
PAL-8	Pre-construction Paleontological Subsurface Excavation as identified in the Final EIS	• Submit a Pre-construction Paleontological Subsurface Excavation Plan • Perform subsurface excavations at a minimum of 10 locations within the project area • Results shall be incorporated into the PMMP	• Prior to BLM notice to proceed • Implementation of the Plan shall be complete prior to the completion of the PMMP	x				• BLM (Approval) • Riverside County (Approval)
4.8: Fire and Fuels Management								
FIRE-1	A project-specific Fire Prevention Plan shall be developed and implemented as identified in the Final EIS	• Submit Fire Prevention Plan • Comply with plan	• Prior to construction • During construction, operation, and decommissioning	x	x	x	x	• County of Riverside • BLM- Fire Management Officer (Coordination) • Local fire department in the Chuckwalla Valley at Tamarisk Park (Coordination)
PHS-5	A project-specific Emergency Response and Inventory Plan shall be prepared as identified in the Final EIS	• Please see Public Health and Safety						
PHS-7	Develop and implement fire services agreement with Riverside County Fire Department and BLM as identified in the Final EIS	• Please see Public Health and Safety						
VEG-9	Prepare and implement an Integrated Weed Management Plan as identified in the Final EIS	• Please see Biological Resources – Vegetation						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
4.9: Soils and Geology								
AIR-1	Fugitive Dust Control Plan as identified in the Final EIS	• Please see Air Resources						
AIR-3	Control On-Site Emissions as identified in the Final EIS	• Please see Air Resources						
WAT-1	Demonstrate compliance with water quality permits as identified in the Final EIS	• Please see Water Resources						
WAT-4	Surface Water Protection Plan and Drainage Design Specifications as identified in the Final EIS	• Please see Water Resources						
PHS-5	A project-specific Emergency Response and Inventory Plan shall be prepared as identified in the Final EIS	• Please see Public Health and Safety						
4.10: Energy and Mineral Resources								
	None							
4.11: Lands and Realty								
LR-1	Prior ROW Coordination as identified in the Final EIS	• Coordinate with prior ROW holders and implementation of all components of mitigation measure	• Prior to and during construction	x	x			• BLM
LR-2	FERC Withdrawal Compatibility as identified in the Final EIS	• Comply with all components of mitigation measure	• Prior to construction	x				• BLM
LR-3	Eliminate DSSF Panel Shading as identified in the Final EIS	• Implement all components of mitigation measure	• Prior to BLM's issuance of a notice to proceed	x				• BLM (Approval)

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
4.12: Noise and Vibration								
NOI-1	Limit Construction Hours When Occurring Near Occupied Residences as identified in the Final EIS	• Implement all components of mitigation measure	• During construction		x			• Riverside County (Noise ordinance) • BLM
NOI-2	No Net Increase in Ambient Noise within JTNP as identified in the Final EIS	• Comply with all components of mitigation measure	• During construction		x			• BLM
4.13: Public Health and Safety								
PHS-1	A Hazardous Materials Management Plan shall be prepared as identified in the Final EIS	• Submit a Hazardous Materials Management Plan • Comply with plan	• Prior to issuance of a construction permit • Throughout duration of project	x	x	x	x	• BLM (Approval) • Riverside County (Consultation)
PHS-2	Best Management Practices (BMPs) for hazardous materials shall be implemented as identified in the Final EIS	• Implement all BMPs listed in mitigation measure	• During construction of the solar facility and gen-tie line • Throughout duration of project		x	x	x	• BLM
PHS-3	A Spill Prevention Control and Countermeasures (SPCC) Plan shall be prepared as identified in the Final EIS	• Submit SPCC Plan • Comply with plan	• Prior to issuance of a construction permit • Throughout duration of project	x	x	x	x	• BLM (Approval)
PHS-4	An Environmental Health and Safety Plan shall be prepared as identified in the Final EIS and modified by Riverside County	• Submit Environmental Health and Safety Plan • Comply with plan	• Prior to issuance of a construction permit • Throughout duration of project	x	x	x	x	• BLM (Approval)
PHS-5	A project-specific Emergency Response and Inventory Plan shall be prepared as identified in the Final EIS	• Submit an Emergency Response and Inventory Plan • Comply with plan	• Prior to issuance of construction permit • During construction, operation, and decommissioning	x	x	x	x	• Riverside County (Consultation) • BLM (Approval)
PHS-6	Ensure proper disposal or recycling of photovoltaic panels and other infrastructure as identified in the Final EIS	• Develop recycling and disposal plan	• Construction or operation (If panels or other components are damaged) • During decommissioning (Implementation)	x	x	x	x	• Riverside County Department of Planning and Building

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
PHS-7	Develop and implement fire services agreement with Riverside County Fire Department and BLM as identified in the Final EIS	• Implement fire service agreement	• Prior to issuance of construction permit • During construction, operation, and decommissioning	x	x	x	x	• Riverside County Fire Department/CAL FIRE • BLM
PHS-8	Develop and implement plan to address munitions and explosives of concern (MEC) as identified in the Final EIS and modified by Appendix 7 of the ROD	• Implement all components of mitigation measure • Provide appropriate MEC health and safety awareness training to personnel	• Prior to issuance of construction permit • During construction	x	x			• Department of Defense (Consultation) • BLM (Direction)
PHS-9	Use Licensed Herbicide Applicator as identified in the Final EIS	• Implement all components of mitigation measure • Herbicide applicator must contact BLM prior to any herbicide application	• During construction and operation		x	x		• BLM
FIRE-1	A project-specific Fire Prevention Plan shall be developed and implemented as identified in the Final EIS	• Please see Fire and Fuels Management						
4.14: Recreation								
VR-1	Reduce Construction Related Impacts as identified in the Final EIS	• Please see Visual Resources						
VR-2	Revegetation as identified in the Final EIS	• Please see Visual Resources						
VR-3	Project Design to Reduce Visual Contrast as identified in the Final EIS	• Please see Visual Resources						
VR-4	Surface Treatment of Project Structures/Buildings as identified in the Final EIS	• Please see Visual Resources						
VR-5	Screening Vegetation Buffer as identified in the Final EIS	• Please see Visual Resources						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
VR-6	Night Light Control as identified in the Final EIS	• Please see Visual Resources						
4.15: Social and Economic								
	None							
4.16: Environmental Justice								
	None							
4.17 Special Designations								
SD-1	The NPS reviews and comments on pre-construction plans as identified in the Final EIS	• Implement all components of mitigation measure	• Review and comment by the NPS must be within time frames specified by the BLM	x				• NPS • BLM
SD-2	Project owner enters into a funding agreement as identified in the Final EIS	• Implement all components of mitigation measure	• Funding agreement may be included in the ROD • Monitoring costs would be assessed during the construction period	x	x			• NPS • BLM
SD-3	The project owner develops a Signage and Guidance Plan as identified in the Final EIS	• Implement all components of mitigation measure	• Review and approval by both the NPS and the BLM shall occur prior to the start of construction	x				• NPS (Approval) • BLM (Approval)
MM AIR-1	Fugitive Dust Control Plan as identified in the Final EIS	• Please see Air Resources						
MM AIR-3	Control Operational Fugitive Dust as identified in the Final EIS	• Please see Air Resources						
MM AIR-4	Control Equipment Emissions as identified in the Final EIS	• Please see Air Resources						
MM NOI-2	No Net Increase in Ambient Noise within Joshua Tree National Park as identified in the Final EIS	• Please see Noise						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
MM VEG-1	Assign a Designated Biologist and Biological Monitors as identified in the Final EIS	• Please see Biological Resources – Vegetation						
MM VEG-2	Conduct Biological Monitoring and Reporting during Project Construction, Operations, and Decommissioning as identified in the Final EIS	• Please see Biological Resources – Vegetation						
MM VEG-3	Prepare and Implement a Worker Environmental Awareness Program (WEAP) as identified in the Final EIS	• Please see Biological Resources – Vegetation						
MM VEG-4	Minimize Construction-Related Impacts as identified in the Final EIS and modified by Appendix 7 of the ROD	• Please see Biological Resources – Vegetation						
MM VEG-5	Prepare and Implement a Vegetation Resources Management Plan as identified in the Final EIS	• Please see Biological Resources – Vegetation						
MM VEG-6	Provide Off-Site Compensation for Impacts to Vegetation and Habitat as identified in the Final EIS and modified by Appendix 7 of the ROD	• Please see Biological Resources – Vegetation						
MM VEG-8	Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas as identified in the Final EIS	• Please see Biological Resources – Vegetation						
MM VEG-9	Prepare and Implement an Integrated Weed Management Plan as identified in the Final EIS	• Please see Biological Resources – Vegetation						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
MM VR-1	Reduce Construction Related Impacts as identified in the Final EIS	• Please see Visual Resources						
MM VR-2	Revegetation as identified in the Final EIS	• Please see Visual Resources						
MM VR-3	Project Design to Reduce Visual Contrast as identified in the Final EIS	• Please see Visual Resources						
MM VR-4	Surface Treatment of Project Structures/Buildings as identified in the Final EIS	• Please see Visual Resources						
MM VR-5	Screening Vegetation Buffer as identified in the Final EIS	• Please see Visual Resources						
4.18: Transportation and Public Access								
TRAN-1	Limit Water Truck Deliveries as identified in the Final EIS	• Implement all components of mitigation measure	• During construction and operation		x	x		• BLM • Riverside County (LOS standards)
TRAN-2	Restore Local Roads as identified in the Final EIS	• Implement all components of mitigation measure	• Prior to and at the end of project construction and decommissioning	x	x		x	• Riverside County • BLM
4.19:Visual Resources								
VR-1	Reduce Construction Related Impacts as identified in the Final EIS	• Implement all components of mitigation measure	• Prior to and during construction	x	x			• BLM
VR-2	Revegetation as identified in the Final EIS	• Prepare revegetation plan • Implement all components of mitigation measure	• Approved plan must be submitted no more than 30 days following the publication of the BLM's Record of Decision/ROW Issuance, whichever comes first • Through decommissioning	x	x	x	x	• BLM (Approval)

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing				Responsible Agency for Review, Approval, or Implementation
				PC	C	O	D	
VR-3	Project Design to Reduce Visual Contrast as identified in the Final EIS	• Prepare Project Design Plan • Implement all components of mitigation measure	• Draft plan must be submitted to BLM for approval at least 30 days prior to (a) ordering the first structures that are to be color-treated during manufacture, or prior to construction of any of the facility components, whichever comes first.	x	x			• BLM (Approval)
VR-4	Surface Treatment of Project Structures/Buildings as identified in the Final EIS	• Prepare Surface Treatment Plan • Implement all components of mitigation measure	• Draft plan must be submitted to BLM for approval at least 30 days prior to (a) ordering the first structures that are to be color-treated during manufacture, or prior to construction of any of the facility components, whichever comes first. • Construction activities shall not start until the BLM's approval of the plan has been received • During construction	x	x			• BLM (Approval)
VR-5	Screening Vegetation Buffer as identified in the Final EIS	• Prepare Screening Plan • Implement vegetated buffer • Implement all components of mitigation measure	• Draft plan must be submitted no fewer than 30 days prior to the start of construction • Final screen planning must be submitted following the BLM's review and comment period, and no fewer than 15 days prior to the start of construction • During construction and maintained throughout operation	x	x	x		• BLM (Approval)

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
VR-6	Night Lighting Control as identified in the Final EIS	• Prepare and implement Night Lighting Management Plan • Coordinate with the NPS Night Sky Program Manager	• Draft plan must be submitted no fewer than 30 days prior to the start of construction • Final plan must be submitted following BLM's and NPS' review, and no fewer than 15 days prior to the start of construction • During construction and operation	x	x	x		• BLM (Approval) • NPS- Joshua Tree National Park (Approval)
4.20: Water Resources								
WAT-1	Demonstrate compliance with water quality permits as identified in the Final EIS	• Secure all applicable permits prior to construction • Comply with all permits	• Prior to construction, demonstrate that all applicable agencies have been contacted • During construction and operation	x	x	x	x	• BLM • Riverside County Department of Planning and Building • CDFW; U.S. Army Corps of Engineers; SWRCB / Colorado River Basin RWQCB (Jurisdiction for potential water quality permits)
WAT-2	Alternative Water Source and Groundwater Offsets as identified in the Final EIS and modified by Appendix 7 of the ROD	• Implement all components of mitigation measure	• Identify alternative water source prior to the onset of construction • During construction and operation	x	x	x		• BLM • Water district in project-area (Administration of Forbearance and Fallowing Program)
WAT-3	Groundwater Drawdown Monitoring and Reporting Plan as identified in the Final EIS	• Prepare and implement Groundwater Monitoring and Reporting Plan • Submit quarterly and annual data reports	• Prior to onset of construction • Reporting during first five years of project, including construction	x	x	x		• BLM (Approval) • Colorado River Basin RWQCB (Consultation)
WAT-4	Surface Water Protection Plan and Drainage Design Specifications as identified in the Final EIS	• Comply with BMPs required by the SWPP	• Prior to construction • During construction, operation, and decommissioning	x	x	x	x	• SWRCB / Colorado River Basin RWQCB (filing of NOI) • BLM

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
WAT-5	Construction Site Dewatering Management as identified in the Final EIS	• Implement all components of mitigation measure	• If groundwater is encountered during construction, operation, or decommissioning		x	x	x	• BLM (Notification) • Colorado River Basin RWQCB (Notification) • Environmental Monitor
WAT-6	Drought Water Management and Water Conservation Education Programs as identified in the Final EIS	• Implement Drought Water Management Program and Water Conservation Education Program	• Prior to onset of construction • Implemented throughout construction and operation	x	x	x		• BLM (Approval)
WAT-7	Colorado River Water Supply Plan as identified in the Final EIS	• Implement Colorado River Water Supply Plan • Implement all components of mitigation measure	• Approval prior to onset of groundwater pumping • During construction and operations	x	x	x		• BLM (Approval) • Colorado River Basin RWQCB (Approval) • Environmental Monitor
WAT-8	Flood and Erosion Structure Damage Protection as identified in the Final EIS	• Implement all components of mitigation measure	• Prior to and during construction • Maintenance during operation	x	x	x		• Environmental Monitor
WAT-9	Accidental Spill Control and Environmental Training as identified in the Final EIS	• Implement all components of mitigation measure	• Prior to and during construction	x	x			• BLM
4.21: Solid and Hazardous Wastes								
PHS-1	A Hazardous Materials Management Plan shall be prepared as identified in the Final EIS	• Please see Public Health and Safety						
PHS-2	Best Management Practices (BMPs) for hazardous materials shall be implemented as identified in the Final EIS	• Please see Public Health and Safety						
PHS-3	A Spill Prevention Control and Countermeasures (SPCC) Plan shall be prepared as identified in the Final EIS	• Please see Public Health and Safety						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
PHS-4	An Environmental Health and Safety Plan shall be prepared as identified in the Final EIS	• Please see Public Health and Safety						
PHS-5	A project-specific Emergency Response and Inventory Plan shall be prepared as identified in the Final EIS	• Please see Public Health and Safety						
PHS-6	Ensure proper disposal or recycling of photovoltaic panels and other infrastructure as identified in the Final EIS	• Please see Public Health and Safety						
Applicant Proposed Measures (APMs)								
4.2: Air Quality								
AM AQ-1	Dust Control Plan as identified in the Final EIS	• Comply with MM AIR-1						
AM AQ-2	Phased construction activity as identified in the Final EIS	• Phase construction activity across the site to minimize the area disturbed on any single day	• During construction		x			• BLM
AM AQ-3	Minimize Emissions from grading as identified in the Final EIS	• Balance cut and fill	• During construction		x			• BLM
AM AQ-4	Transportation plan as identified in the Final EIS	• Bidders for construction contract submit transportation plans	• Prior to issuance of construction permits	x				• BLM
4.3 & 4.4: Biological Resources- Vegetation and Wildlife								
AM BIO-1	Habitat Compensation Plan as identified in the Final EIS	• Comply with requirements of MM VEG-6						
AM BIO-2	Integrated Weed Management Plan as identified in the Final EIS	• Comply with requirements of MM VEG-9						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
AM BIO-3	Pre-construction Surveys for Special-Status Plant Species and Cacti as identified in the Final EIS	• Comply with requirements of MM VEG-7						
AM BIO-4	Worker Environmental Awareness Program (WEAP) as identified in the Final EIS	• Comply with requirements of MM VEG-3						
AM BIO-5	Vegetation Resources Management Plan as identified in the Final EIS	• Comply with requirements of MM VEG-5						
AM BIO-6	Desert Tortoise Translocation Plan as identified in the Final EIS	• Comply with requirements of MM WIL-2						
AM BIO-7	Avian and Bat Protection Plan as identified in the Final EIS	• Comply with requirements of MM WIL-6						
AM BIO-8	Construction Water Storage Pond Design as identified in the Final EIS	• Construct water ponds in accordance with migratory waterfowl and raven management standards	• During construction		x			• BLM
	4.7: Paleontology							
AM PAL-1	Paleontological Measures as identified in the Final EIS	• Comply with MM PAL-1 through MM PAL-8						
	4.8: Fire and Fuels Management							
AM HAZ-7	Fire protection measures shall be implemented as identified in the Final EIS	• Comply with FIRE-1						
AM HAZ-8	Fire Prevention Plan as identified in the Final EIS	• Comply with FIRE-1						
AM HAZ-9	Emergency Response Plan as identified in the Final EIS	• Comply with MM PHS-5						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
4.9: Soils and Geology								
AM GEO-1	Design Plan as identified in the Final EIS	• Include mitigation measures provided by upcoming geotechnical survey in construction design plans for project	• Prior to and during construction	x	x			• BLM
AM GEO-2	Design Features as identified in the Final EIS	• Comply with AIR-1, WAT-1, WAT-4						
4.11: Lands and Realty								
AM LU-1	Notification as identified in the Final EIS	• Notify property owners within 300 feet of all major project construction milestones	• At least 30 days before start of construction • During construction	x	x			• BLM
4.12: Noise and Vibration								
AM N-1	Construction Schedule as identified in the Final EIS	• Comply with MM NOI-1						
4.13: Public Health and Safety								
AM HAZ-1	Spill containment and clean-up kits as identified in the Final EIS	• Keep spill containment and clean-up kits on site • Also see MM PHS-3 for Spill Prevention Control and Countermeasures	•		x	x		• BLM
AM HAZ-2	Hazardous Materials Management Plan as identified in the Final EIS	• Comply with MM PHS-1						
AM HAZ-3	Best Management Practices (BMPs) for hazardous materials as identified in the Final EIS	• Comply with MM PHS-2						
AM HAZ-4	Spill Prevention Control and Countermeasures (SPCC) Plan as identified in the Final EIS	• Comply with MM PHS-3						
AM HAZ-5	Environmental Health and Safety Plan as identified in the Final EIS	• Comply with MM PHS-4						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
AM HAZ-6	Emergency Response and Inventory Plan as identified in the Final EIS	• Comply with MM PHS-5						
AM HAZ-7	Fire Protection and other requirements as identified in the Final EIS	• Comply with FIRE-1						
AM HAZ-8	Fire Prevention Plan as identified in the Final EIS	• Comply with FIRE-1						
AM HAZ-9	Emergency Response Plan as identified in the Final EIS	• Comply with MM PHS-5						
AM HAZ-10	Decommissioning Plan as identified in the Final EIS	• If permanent closure is appropriate, develop decommissioning plan and submit to BLM for review and approval • Also see PHS-6 for recycling						• BLM
4.15: Social and Economic								
AM S-1	Notification as identified in the Final EIS	• Notify public of project activities and scheduling	• Prior to construction • Any activities during project lifetime	x	x	x	x	• BLM
AM S-2	Minimize Visual Impacts of Gen-Tie as identified in the Final EIS	• Comply with MM VR-3						
4.18: Transportation and Public Access								
AM TR-1	Construction Traffic Control Plan as identified in the Final EIS	• Prepare Traffic Control Plan	• Prior to construction • During construction and operations	x	x	x		• Riverside County and/or Caltrans (Coordination)
AM TR-2	Document road conditions as identified in the Final EIS	• Comply with MM TRAN-2						
AM TR-3	Share project information with airport owners as identified in the Final EIS	• Share project information with airport owners if a transmission line alternative that runs near the former Desert Center Airport runway is selected	• Prior to construction	x				• BLM
AM TR-4	Coordinate with DoD as identified in the Final EIS	• Coordinate with DoD regarding low-level flight operations	• Prior to and during construction	x	x			• BLM

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
4.19: Visual Resources								
n/a	Equipment other than the solar panels will have a non-reflective surface and neutral colors to minimize their visual impacts to the extent practical as identified in the Final EIS	• Comply with VR-3 and VR-4						
n/a	A paint color acceptable to the BLM will be used on all facilities that can be painted to blend the facility with the existing surroundings as identified in the Final EIS	• Comply with VR-4						
n/a	Nighttime lighting will be limited to areas required for operation, safety, or security, and will be directed or shielded from major roadways or possible outside observers as identified in the Final EIS	• Comply with VR-6						
n/a	Lighting at high illumination areas not required on a continuous basis will be controlled by switches, motion detectors, etc., to light the areas only when required as identified in the Final EIS	• Comply with VR-6						
n/a	Exterior lights will be hooded and lights will be directed onsite so that light or glare will be minimized as identified in the Final EIS	• Comply with VR-6						

Mitigation Monitoring and Reporting Plan

MM #	Mitigation Measure Title	Reporting Action	Timing	Timing PC	C	O	D	Responsible Agency for Review, Approval, or Implementation
n/a	Low-pressure sodium lamps and fixtures of a non-glare type will be specified as identified in the Final EIS	• Comply with VR-6						
4.20: Water Resources								
AM WR-1	Manage Hazardous Materials and Use SPCC Plan as identified in the Final EIS	• Comply with PHS-3						

RESOLUTION NO. 2014-146

EXHIBIT B

FULL TEXT OF MITIGATION MEASURES AND APPLICANT MEASURES

Full Text of Mitigation Measures and Applicant Measures

Air Resources

AM AQ-1 **Dust Control Plan.** Applicant will develop and implement a dust control plan that includes the use of dust palliatives to ensure compliance with SCAQMD Rule 403. The dust control plan is expected to focus on reducing fugitive dust from construction activities.

AM AQ-2 **Phased construction activity.** Construction activity will be phased across the Solar Project site in a manner that would minimize the area disturbed on any single day.

AM AQ-3 **Minimize emissions from grading.** Cut and fill quantities will be balanced across the Solar Project site to minimize emissions from grading and to avoid the need to import fill materials or to remove excess soil.

AM AQ-4 **Transportation Plan.** Applicant would require bidders for the construction contract to submit a transportation plan describing how workers would travel to the project site and how to encourage carpooling and alternative forms of transportation.

MM AIR-1 **Fugitive Dust Control Plan.** The project owner shall develop a Fugitive Dust Control Plan in compliance with SCAQMD Rule 403 to reduce PM10 and PM2.5 emissions during construction. The Fugitive Dust Control Plan shall include:

- Name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan;
- Description and location of construction activities; and
- Listing of all fugitive dust emissions sources included in the construction activities.
- The following dust control measures shall be implemented:

  The road leading to the operations and maintenance facility shall be paved as early as practical during construction.

  All other onsite unpaved roads shall be effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.

  All material excavated or graded will be sufficiently watered to prevent excessive dust. Watering will occur as needed with complete coverage of disturbed areas. The excavated soil piles are watered hourly for the duration of construction or covered with temporary coverings.

  Construction activities that occur on unpaved surfaces will be discontinued during windy conditions when winds exceed 25 miles per hour and when those activities cause visible dust plumes. All grading activities shall be suspended when wind speeds are greater than 30 miles per hour.

Track-out shall not extend 25 feet or more from an active operation and track-out shall be removed at the conclusion of each workday.

A wheel-washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the project property.

All hauling materials should be moist while being loaded into dump trucks. All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).

Soil loads should be kept below 18 inches or the freeboard of the truck.

Drop heights should be minimized when loaders dump soil into trucks.

Gate seals should be tight on dump trucks.

Traffic speeds on unpaved roads shall be limited to 15 miles per hour.

Other fugitive dust control measures as necessary to comply with South Coast Air Pollution Control District Rules and Regulations.

Disturbed areas should be minimized.

Disturbed areas should be revegetated as soon as possible after disturbance.

- For JTNP, the project shall not result in an increase in ambient dust conditions within the Park boundaries during construction. During construction, the project owner shall contribute fair-share funding for operation of existing dust monitoring stations associated with the Desert Sunlight Solar Farm project. Fair-share funding shall be negotiated with the Desert Sunlight Solar Farm project and approved by JTNP. The project owner shall provide access to real-time dust monitoring data to Park staff to the extent feasible, and shall immediately address non-compliance with Park dust standards with Park staff. The burden of proof of infeasibility of real-time monitoring shall rest with the project owner.

- The project owner shall provide an on-site dust monitor on weekend days (Saturday and Sunday) and holidays during the construction period (i.e., during non-working daytime hours) to ensure that fugitive dust conditions from destabilized soils are immediately detected. The on-site dust monitor shall immediately respond to fugitive dust conditions at the project site by mobilizing project personnel to apply water or other approved dust palliatives to destabilized soils in authorized work zones. The monitor shall document all dust palliative compliance events in a log to be submitted to the National Park Service and the BLM within one week after the occurrence of each non-compliance event. Both the duration of the event and a description of the response shall be documented in the log.

MM AIR-2 **Control On-Site Emissions.** The project owner shall control emissions from the on-site off-road construction equipment by implementing the following:

- All off-road construction diesel engines not registered under California Air Resources Board's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower to 750 horsepower, shall meet, at a minimum, the Tier 3 California Emission Standards for Off-road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless that such engine is not available for a particular item of equipment. In the event a Tier 3 or Tier 4

engine is not available for any off-road engine larger than 100 horsepower and smaller than 750 horsepower, that engine shall be equipped with retrofit controls that would provide nitrogen oxides and particulate matter emissions that are equivalent to Tier 3 engine. Off-road equipment with diesel engines larger than 750 horsepower shall meet Tier 2 or Tier 3 California Emission Standards.

- All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized.
- All equipment engines shall be maintained in good operating condition and in proposed tune per manufacturers' specification.
- Where appropriate, use alternatively fueled construction equipment, and utilize grid-based electricity and/or onsite renewable electricity generation rather than diesel and/or gasoline powered generators.
- Construction contracts shall incorporate the following controls to ensure effective implementation of the emission reductions: employ periodic unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained and tuned; prohibit any tampering with engines; identify where implementation of mitigation measures is rejected based on economic infeasibility.

MM AIR-3 **Control Operational Fugitive Dust.** The project owner shall control fugitive dust from the unpaved roads on the site during operation using the following methods:

- The main access road for employees and deliveries to the maintenance complex shall be paved as early during construction as practical.
- The other unpaved roads at the site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.
- Traffic speeds on unpaved roads shall be limited to no more than 15 miles per hour. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex.
- For JTNP, the project shall not result in an increase in ambient dust conditions within the Park boundaries during operation. Over the operational life of the project, the project owner shall contribute fair-share funding for operation of existing dust monitoring stations associated with the Desert Sunlight Solar Farm project. Fair-share funding shall be negotiated with the Desert Sunlight Solar Farm project and approved by JTNP. The project owner shall provide access to real-time dust monitoring data to Park staff to the extent feasible, and shall immediately address non-compliance with Park dust standards with Park staff. The burden of proof of infeasibility of real-time monitoring shall rest with the project owner.

MM AIR-4 **Control Equipment Emissions.** The project owner shall control emissions from the on-site dedicated equipment (i.e., equipment that would remain on site each day) by implementing the following:

- All on-site on-road vehicles for operation/maintenance shall be new equipment that meets the recent California Air Resources Board engine emission standards or alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, as appropriate.

- All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized.

Biological Resources – Vegetation

AM BIO-1 **Habitat Compensation Plan**. A Habitat Compensation Plan is being prepared and will be implemented by the Applicant to compensate for the loss of creosote desert scrub, desert dry wash woodland, and jurisdictional resources. Compensation will be accomplished by acquisition of mitigation land or conservation easements or by providing funding for specific land acquisition, endowment, restoration, and management actions under one of several programs, such as the recently approved mitigation program created by AB 13. The Habitat Compensation Plan will be reviewed and approved by BLM, United States Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG). The precise details of the mitigation, including mitigation ratios, will be established in the BLM Right-of-Way (ROW) grant, USFWS Biological Opinion, and any CDFG 2081 Incidental Take Permit or CDFG 2080.1 Consistency Determination.

AM BIO-2 **Integrated Weed Management Plan.** A Draft Integrated Weed Management Plan (IWMP) will be prepared pursuant to BLM's Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States (BLM 2007) and the National Invasive Species Management Plan (NISC 2008), and will be implemented by the Applicant to reduce the potential for the introduction of invasive species during construction, operation and maintenance, and decommissioning of the project. The draft plan will be reviewed and approved by the BLM.

AM BIO-3 **Pre-construction Surveys for Special-Status Plant Species and Cacti.** Before construction, the Applicant will stake and flag the construction area boundaries, including the construction areas for the solar farm site and gen-tie line; construction laydown, parking, and work areas; and the boundaries of all temporary and permanent access roads. A BLM-approved biologist will then survey all areas of proposed ground disturbance for special-status plant species and cacti during the appropriate blooming period for those species having the potential to occur in the construction areas. All special-status plant species and cacti observed will be flagged for transplantation. All cacti observed will be flagged for transplantation and special-status plant species observed will be flagged for salvage.

AM BIO-4 **Worker Environmental Awareness Program (WEAP).** The Applicant will implement a WEAP to educate on-site workers about sensitive environmental issues associated with the project. The WEAP will be administered to all on-site personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The program will be implemented during site mobilization, ground disturbance, grading, construction, operation, and closure. BLM will be responsible for ensuring that each construction worker at the site, throughout the duration of construction activities, receives the above training.

AM BIO-5 **Vegetation Resources Management Plan.** The Applicant will prepare and implement a Vegetation Resources Management Plan that contains the following components:

- A *Vegetation Salvage Plan* which discusses the methods that will be used to transplant cacti present within the project locations following BLM's standard operating procedures, as well as methods that will be used to transplant special-status plant species that occur in the project locations if feasible.

- A *Restoration Plan* which discusses the methods that will be used to restore Creosote Bush Scrub and Desert Dry Wash Woodland Habitat that is temporarily disturbed by construction activities.
- The *Vegetation Salvage Plan* and *Restoration Plan* will specify success criteria and performance standards. BLM will be responsible for reviewing and approving the plan and for ensuring that the Applicant implements the plan including maintenance and monitoring required in the plan.

MM VEG-1 **Assign a Designated Biologist and Biological Monitors.** Prior to ground-disturbing activities, an individual will be designated by the project owner and approved by the BLM, Riverside County, and the Resource Agencies (USFWS and CDFG) as a Designated Biologist (i.e., field contact representative). The project owner will appoint a Designated Biologist throughout the construction, O&M, and post-project decommissioning phases, and any subsequent monitoring/reporting period. For the construction and decommissioning phases of the project, and subsequent monitoring and reporting, the Designated Biologist's qualifications will be as listed below. These requirements may be adjusted over the life of the project depending on specific agency policies and status of special-status species in the vicinity, and the nature of project operational activities by agreement among the BLM, Riverside County, and Resource Agencies. Minimum qualifications shall be as follows:

- Bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field;
- At least three years of experience in field biology or current certification of a nationally recognized biological society, such as The Ecological Society of America or The Wildlife Society;
- At least one year of direct field experience with biological resources found in or near the project area, including desert tortoise;
- Meet the current USFWS Authorized Biologist qualifications criteria (http://.fws.gov/ventura/species_information/protocols_guidelines/index.html), demonstrate familiarity with protocols and guidelines for the desert tortoise, and be approved by the USFWS (note that biologists who meet earlier USFWS criteria may not meet current criteria due to requirements to assess health and draw blood; biologists must obtain training such as that offered through the Desert Tortoise Conservation Center in Las Vegas); and
- Possess a California Endangered Species Act Memorandum of Understanding pursuant to Section 2081(a) for desert tortoise.

The Designated Biologist duties will vary during the construction, O&M, and decommissioning phases. In general, the duties will include, but will not be limited to those listed below:

- Notify the BLM's Authorized Officer, Riverside County, and the Resource Agencies at least 14 calendar days before initiation of ground-disturbing activities.
- Immediately notify the project owner, BLM's Authorized Officer, Riverside County, and the Resource Agencies (as applicable) in writing of any non-compliance with any of the biological mitigation measures or permit conditions.

- Conduct continuous compliance inspections throughout the initial site preparation activities, including the construction of tortoise-exclusion fencing; pre-construction clearance surveys; and initial clearing, grubbing, and grading. Provide weekly verbal or written updates to BLM, Riverside County, and, for any information pertinent to state or federal permits, to the Resource Agencies.

- After the initial clearance and construction activities are complete, conduct monthly compliance inspections throughout the construction and decommissioning phases of the project, and provide weekly verbal or written updates to BLM, Riverside County, CDFG, and USFWS. The Biological Monitor will conduct inspections daily or weekly as necessary during construction and decommissioning to provide these weekly updates. Prepare and submit monthly compliance reports as required in MM VEG-2, and other reports as required under all applicable mitigation measures. A copy of the monthly compliance reports will also be provided to Joshua Tree National Park (JTNP).

- During the operations phase of the project, conduct quarterly compliance inspections; conduct weed monitoring and control (as required in MM VEG-9); prepare and submit quarterly compliance reports and other reports as required under all adopted mitigation measures.

- Be available to supervise, conduct, and coordinate mitigation, monitoring, and other biological resources compliance requirements, particularly in areas requiring avoidance or containing sensitive biological resources, such as special-status species or their habitat; and to appoint a Biological Monitor as temporary contact at any time the Designated Biologist will be unavailable.

- Respond directly to inquiries of the BLM, Riverside County, the Resource Agencies, NPS, or any other agencies regarding biological resource issues.

- Train and supervise the Biological Monitors as appropriate, and ensure their familiarity with the Worker Environmental Awareness Program (WEAP) training, mitigation measures, conditions required by biological permits and agreements, and current USFWS guidelines on desert tortoise surveys and handling procedures.

- Maintain the ability to be in regular, direct communication with representatives of the BLM, Riverside County, the Resource Agencies, and JTNP, including notifying these agencies of dead or injured special-status species.

The project owner and Designated Biologist will appoint Biological Monitors as needed for the construction, O&M, and decommissioning phases of the project. During the operations phase, a Biological Monitor may assume most of the on-site duties, so long as a qualified Designated Biologist is available as needed. The Designated Biologist will submit the resume, at least three (3) references, and contact information of each of the proposed Biological Monitors to the BLM's Authorized Officer, Riverside County, and the Resource Agencies. The resume will demonstrate, to the satisfaction of the BLM's Authorized Officer and Riverside County, the appropriate education and experience to accomplish the assigned biological resources tasks. The responsibilities, qualifications, and authority of each Biological Monitor will be the equivalent of the USFWS designated Desert Tortoise Monitor (http://www.fws.gov/ventura/species_information/protocols_guidelines/.).

The Designated Biologist and Biological Monitors will conduct clearance surveys and monitoring duties as defined in all adopted mitigation measures. In addition, they will:

- Clearly mark sensitive biological resource areas, as appropriate, during construction, O&M, and decommissioning, and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions.
- Inspect active construction or O&M activity areas where animals may have become trapped prior to construction commencing each day. At the end of each work day, inspect for the installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way and relocate them if necessary.
- Present WEAP training to all project employees, contractors, and on-site personnel and provide documentation to the BLM, Riverside County, and Resource Agencies (as applicable), as defined in MM VEG-3.

MM VEG-2 **Conduct Biological Monitoring and Reporting during Project Construction, Operations, and Decommissioning.** The Designated Biologist and Biological Monitors will conduct surveys and monitoring of mobilization activities, construction-related ground disturbance, grading, boring, or trenching during all phases of the project. The Designated Biologist and Biological Monitors will ensure that construction activities are contained within the staked and flagged construction areas at all times. The Designated Biologist or a Biological Monitor will be present during all ground-disturbing activities and, to the extent practicable, will actively or passively (i.e., without handling the animals) relocate wildlife out of harm's way. Relocated animals will be moved to a suitable location on BLM lands outside of the project footprint. This location will be within 500 meters of the animal's original location, if feasible. Desert tortoises will only be handled in accordance with the project Biological Opinion and Incidental Take Permit issued by USFWS and CDFG, respectively. Provisions for handling desert tortoises will be specified in the Desert Tortoise Translocation Plan (see MM WIL-2).

The Designated Biologist will have the authority and responsibility to immediately halt any project activities that are not in compliance with mitigation measures incorporated into the BLM Record of Decision or Riverside County's Conditional Use Permit or any Conditions of Approval, any requirements of the USFWS Biological Opinion, the CDFG 2081 Incidental Take Permit or 2080.1 Consistency Determination, the CDFG 1600 Streambed Alteration Agreement, or any other applicable permit or agreement for the project involving biological resources.

The Designated Biologist and the Biological Monitors will also have the authority to order any reasonable measure to avoid take of a listed species. If required by the Designated Biologist or Biological Monitor(s), the project owner's construction/operation manager will halt any site mobilization, ground disturbance, grading, boring, trenching, or operation activities in areas specified by the Designated Biologist. The Designated Biologist will:

1. Require a halt to any activities in any area if it is determined that the activity, if continued, would cause an unauthorized adverse impact to biological resources;

2. Inform the project owner and the construction/operation manager when activities may resume;

3. Notify the BLM, Riverside County, and Resource Agencies (as applicable) no later than the following morning (or Monday morning in the case of a weekend) of a halt of any activities, and any corrective actions already taken or to be taken as a result of the work stoppage;

4. If the Designated Biologist is unavailable for direct consultation, an appointed Biological Monitor will act on behalf of the Designated Biologist; and

5. Report all special-status species observations to the CNDDB and include copes of these reports in monthly or quarterly monitoring reports, and immediately report any dead or injured listed threatened or endangered species to the Resource Agencies.

Any translocation of desert tortoises will be done in accordance with the project Biological Opinion issued by the USFWS, and any biologists who handle tortoises will be authorized to do so in advance by USFWS.

Throughout the construction and decommissioning phases of the project, the Designated Biologist will submit a monthly compliance report to the project owner, BLM's Authorized Officer, Riverside County, and the Resource Agencies. Copies of the monthly compliance reports will also be provided to the NPS. After construction has been completed, and again when decommissioning is complete, the Designated Biologist will provide the project owner, Bureau of Land Management (BLM), Riverside County, and JTNP with final construction-phase and decommissioning-phase monitoring reports. The Biological Monitor will also provide BLM with brief weekly updates on the status of construction and monitoring efforts throughout the construction and decommissioning phases. During the O&M phase, the reporting schedule will be quarterly rather than monthly. The project owner will be responsible for ensuring that construction monitoring is conducted during all project phases.

MM VEG-3 **Prepare and Implement a Worker Environmental Awareness Program (WEAP).** This mitigation measure provides further detail and specificity to the WEAP requirements described in AM BIO-4. The project owner will prepare and implement a project-specific WEAP that will be available in English and Spanish. The project owner will secure approval for the WEAP from the *BLM and Riverside County* in consultation with the USFWS and CDFG. The WEAP will be provided to the JTNP for review and comment. The project owner will be responsible for ensuring that all workers at the site receive this training prior to beginning work on the project and throughout the construction, operations, and decommissioning phases. The WEAP will be administered to all on-site personnel including surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors, and delivery personnel. The WEAP will be implemented during site pre-construction, construction, operation, and closure/decommissioning. The WEAP will:

1. Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation in which supporting written material and electronic media, including photographs of protected species, is made available to all participants;

2. Provide an explanation of the function of flagging that designates authorized work areas;

3. Discuss general safety protocols such as hazardous substance spill prevention and containment measures and fire prevention and protection measures;

4. Provide a review of mitigation and biological permit requirements;

5. Provide an explanation of the sensitivity of the vegetation and habitat within and adjacent to work areas, and proper identification of these resources;

6. Provide a discussion of the federal and State Endangered Species Acts, Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act and the consequences of non-compliance with these acts;

7. Discuss the locations and types of sensitive biological resources on the project site and adjacent areas, and explain the reasons for protecting these resources;

8. Inform participants that no snakes, other reptiles, birds, bats, or any other wildlife will be harmed or harassed;

9. Place special emphasis on species known or likely to occur on the project site and/or gen-tie alignment, including special-status plants, desert tortoise, Mojave fringe-toed lizard, burrowing owl, golden eagle, nesting birds, desert kit fox, Palm Springs round-tailed ground squirrel, American badger, and Nelson's bighorn sheep, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures;

10. Describe the temporary and permanent habitat protection measures to be implemented at the project site;

11. Discuss the importance of avoiding the introduction of invasive weeds onto the project site and surrounding areas, describe the Integrated Weed Management Plan (MM VEG-9) and applicable compliance requirements for workers on the site;

12. Provide contact information for the Designated Biologist and Biological Monitors to handle late comments and questions about the material discussed in the program, as well as notification of any dead or injured wildlife species encountered during project-related activities;

13. Include printed training materials, including photographs and brief descriptions of Emory's crucifixion thorn and other special-status plants that may be encountered, desert tortoises, Mojave fringe-toed lizards, burrowing owls, golden eagles, nesting birds covered under the Migratory Bird Treaty Act, desert kit fox, roosting bats, Palm Springs round-tailed ground squirrels, Nelson's bighorn sheep, and American badger, including behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures;

14. Prominently display posters and descriptions in offices, conference rooms,

employee break rooms, and other areas where employees may congregate, of Emory's crucifixion thorn and other special-status plants that may be encountered, desert tortoises, Mojave fringe-toed lizards, burrowing owls, golden eagles, nesting birds, desert kit fox, roosting bats, Palm Springs round-tailed ground squirrels, Nelson's bighorn sheep, and American badger, including behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures;

15. Direct all WEAP trainees to report all observations of listed species and their sign to the Designated Biologist for inclusion in the monthly compliance report; and

16. Include a training acknowledgment form to be signed by each worker indicating that they received training and will abide by the guidelines.

The specific program can be administered by a competent individual(s) acceptable to the Designated Biologist. The project owner will be responsible for ensuring that each construction worker at the site and gen-tie, throughout the duration of construction and decommissioning activities, receives the above training.

MM VEG-4 **Minimize Construction-Related Impacts.** Final engineering of the project will reduce the extent of the temporary construction work areas to the extent feasible and minimize the impacts to native vegetation and habitat. Prior to the start of construction, work areas (including, but not limited to, staging areas, access roads, and sites for temporary placement of construction materials and spoils) will be delineated with orange construction fencing or staking to clearly identify the limits of work and will be verified by the Designated Biologist or the Biological Monitor (MM VEG-1) prior to ground-disturbing activities. Fencing/staking will remain in place for the duration of construction. Spoils will be stockpiled in disturbed areas lacking native vegetation or where habitat quality is poor. To the extent possible, disturbance of shrubs and surface soils due to stockpiling will be minimized. All disturbances, vehicles, and equipment will be confined to the fenced/flagged areas.

Spoils and topsoil will be stockpiled in areas already disturbed or to be disturbed by construction, so that stockpile sites do not add to total disturbance footprint.

When feasible, construction activities will implement drive and crush rather than grading. Construction equipment would drive over and crush native plants to minimize impacts to the roots of desert shrubs. Drive and crush is expected to reduce the recovery time of desert shrubs within the temporary construction areas.

Site grading within the project site shall be localized in nature and limited to major access roads, inverter pad locations, lay down areas, tracker locations and ancillary facilities (including parking area, material storage, operations and maintenance building and switchyard).

With regard to CDFW jurisdictional streams, localized grading will be required to allow vehicle access when the slope is greater than 1 percent at the boundaries of delineated CDFW jurisdictional streambeds and the streambed is deeper than 12 inches (i.e., too steep for vehicles to traverse unassisted). Additionally, localized grading will be used where foundations or roads must be sited within streambeds. In all other instances, grading within CDFW jurisdictional streambeds shall be only occur when no other equally-sound method of engineering will allow development of the project at an equal

or lesser cost than grading.

Excavation shall be limited to trenches for electrical conductors that connect the PV modules and the inverters to the switchyard. The PV modules would be electrically connected by wire harnesses and combiner boxes that would collect power from several rows of modules and feed the project's power conversion stations via direct current (DC) cables placed in underground covered trenches of an estimated 3 feet deep and from 1.5 to 2.5 feet wide.

Temporarily disturbed areas shall be revegetated.

MM VEG-5 **Prepare and Implement a Vegetation Resources Management Plan.** This mitigation measure provides further detail and specificity to the Pre-construction Surveys for Special-Status Plant Species and Cacti provided in AM BIO-3, and the Vegetation Resources Management Plan described in AM BIO-5. The project owner will contract a qualified botanist to prepare and implement a Vegetation Resources Management Plan, to be reviewed and approved by BLM, Riverside County, and the Resource Agencies. The Resources Management Plan will be provided to the JTNP for review and comment. The Vegetation Resources Management Plan must be approved in writing prior to the initiation of any vegetation-disturbing activities. The Plan's goal will be to prevent further degradation of disturbed sites, but not necessarily to restore pre-disturbance habitat values, due to off-site compensation requirements (MM VEG-6). The Vegetation Resources Management Plan will detail the methods for revegetation of temporarily impacted sites; salvage of cacti and special-status plants from the project footprint; and long-term management of vegetation within the solar facility during its operations. The Vegetation Resources Management Plan will be supplemented prior to decommissioning to provide a framework for vegetation management and post-decommissioning restoration/reclamation. The Vegetation Resources Management Plan will include the following components:

1. **Reclamation, revegetation, or restoration of temporarily impacted sites.** Temporary project disturbances to soils and vegetation (e.g., staging areas, materials and equipment, lay-down areas, temporary work areas and access routes along the gen-tie line) are analyzed as long-term disturbance, and habitat compensation lands are required to mitigate those long-term impacts (MM VEG-6). In order to avoid further degradation of these sites, the project owner will prepare and implement a plan to revegetate or restore the sites. The objectives will be to prevent or minimize further site degradation; stabilize soils; maximize the likelihood of vegetation recovery over time; and minimize soil erosion, dust generation, and weed invasions. The nature of site reclamation, revegetation, or restoration at each site will differ according to its pre-disturbance condition and the nature of the construction disturbance (e.g., drive and crush, vs. blading).

2. **Implementation**: The Plan will include at minimum: (a) soil preparation measures, including locations of recontouring, decompacting, imprinting, or other treatments; (b) details for topsoil storage, as applicable; (c) plant material collection and acquisition guidelines, including guidelines for salvaging, storing, and handling plants from the project site, as well as obtaining replacement plants from outside the project area; (d) a plan view drawing or schematic depicting the temporary disturbance areas (drawing of "typical" gen-tie structure sites will be appropriate);

(e) time of year that the planting or seeding will occur and the methodology of the planting; (f) a description of the irrigation, if used; (g) a statement that the Integrated Weed Management Plan (MM VEG-9) will be implemented, or alternate measures to control invasive weeds undertaken, as appropriate to site conditions; (h) quantitative success criteria; and (i) a detailed monitoring program to measure the success criteria, commensurate with the Plan goals. This Plan will also contain contingency measures for failed revegetation or restoration efforts (efforts not meeting success criteria).

3. **Seed and Nursery Stock.** Only seed or potted nursery stock of locally occurring native species from a local source will be used for revegetation. Seeding and planting will be conducted as described in Chapter 5 of *Rehabilitation of Disturbed Lands in California* (Newton and Claassen 2003). The list of plants observed during botanical surveys of the project area will be used as a guide to site-specific plant selection for revegetation.

4. **Monitoring Requirement and Success Criteria.** The Plan will include objective, quantifiable success criteria, commensurate with the goals of the Plan. Monitoring of the reclamation, revegetation, or restoration sites will continue annually for 3 years or until the defined success criteria are achieved, whichever is later. The project owner will be responsible for implementing remediation measures as needed. Following remediation work, the site will be subject to the success criteria and monitoring period as required for the initial reclamation, revegetation, or restoration.

5. **Cactus Salvage.** In conformance with BLM policy, the project owner will include salvaged or nursery stock yuccas (all species), and cacti (excluding cholla species, genus *Cylindropuntia*), in revegetation plans and implementation affecting BLM lands. The Plan will include methods to salvage and replant cacti, yucca, or other native species found on the site, prior to disturbance. It will include descriptions of pre-project field surveys to locate and identify specimens suitable for salvage; season for salvaging the plants; methods for salvage, storage, and re-planting them; locations for re-planting; and appropriate monitoring and success criteria for the salvage work.

6. **Operations Phase On-Site Vegetation Management:** The Plan will include methods and scheduling for on-site vegetation management throughout the operations phase, describing mowing or other vegetation treatments to be implemented, disposal of mown material, and incorporating all applicable components of the Integrated Weed Management Plan, including any proposed herbicide usage.

7. **Decommissioning Phase Plan Supplement.** Prior to closing and decommissioning the project, the project owner will contract a qualified botanist to prepare a supplement to the Vegetation Resources Management Plan, to describe all proposed vegetation management activities, and to be consistent with the site's proposed reuse. The supplement will describe any proposed reclamation, revegetation, or restoration of the site, to be consistent with Section 1 of this measure, above, as well as weed management and post-decommissioning monitoring requirements and success criteria.

8. **Reporting.** Within 90 days after completion of each year of project construction, the project owner will provide to the BLM and Riverside County verification of the total vegetation acreage subject to temporary and permanent disturbance and a written report identifying which items of the Vegetation Resources Management Plan have been completed, a summary of all modifications to mitigation measures made during the project's construction and decommissioning phases, and which items are still outstanding. The annual reports will also include a summary of the reclamation, revegetation, or restoration activities for the year, a discussion of whether performance standards for the year were met, any remedial actions conducted and recommendations for remedial action, if warranted, that are planned for the upcoming year.

MM VEG-6 **Provide Off-Site Compensation for Impacts to Vegetation and Habitat.** This mitigation measure provides further detail and specificity to the habitat compensation requirements described in AM BIO-1. In addition to compensating for impacts to vegetation resources, this measure also compensates for wildlife habitat resources. The Habitat Compensation Plan will compensate for acreages and habitat types as defined herein. The Plan will be submitted for approval to the BLM, Riverside County, and Resource Agencies prior to the commencement of construction. The Habitat Compensation Plan will be provided to the JTNP for review and comment.

The project owner will acquire and protect, in perpetuity, compensation habitat to mitigate impacts to biological resources as detailed below. The compensation lands will be placed under conservation management to be funded through the terms described herein. The acreages and ratios will be based upon final calculation of impacted acreage for each resource and on ratios set forth in this measure, or in the USFWS Biological Opinion, the CDFG Streambed Alteration Agreement, the CDFG Incidental Take Permit, or the Consistency Determination, whichever presents a higher ratio. Acreages of anticipated compensation requirements as summarized throughout this measure are based on impacts analysis of Alternatives 4 and B (proposed project) in Sections 4.3 and 4.4 and ratios described below. Acreages will be adjusted as appropriate for other alternatives or future modifications during implementation.

Compensation will be provided for impacts to the following resources, at the specified ratios (acres acquired and preserved to acres impacted):

- Blue Palo Verde–Ironwood Woodland (Desert Dry Wash Woodland) (3:1)
- Dune and partially stabilized sandfield habitat (applicable only to Alternative E, all within the Palen-Ford WHMA; 5:1)
- Creosote Bush Scrub (Sonoran Desert Scrub) (1:1)
- State-jurisdictional streambeds (3:1)
- Occupied habitat for special-status plants (1:1; see MM VEG-7)
- Occupied or suitable desert tortoise habitat and habitat linkages (minimum 1:1)

- Occupied and suitable Mojave fringe-toed lizard habitat (only applicable to Alternative E, all within the Palen-Ford WHMA; 5:1)
- Occupied or suitable habitat for breeding or wintering burrowing owls (13 acres for each single burrowing owl or breeding pair if owls occur on compensation lands; 19.5 acres per single burrowing owl or breeding pair if there is no evidence that the compensation lands are currently occupied by burrowing owls). Note that compensation will be required if owls are observed during preconstruction or clearance surveys, or during other incidental observations.
- Golden eagle foraging habitat (1:1)
- Nelson's bighorn sheep movement habitat (1:1)
- General wildlife movement corridors/habitat linkages (1:1)
- Habitat for other special-status wildlife species and nesting birds (1:1)
- Chuckwalla Desert Wildlife Management Area (DWMA) (5:1)
- Chuckwalla Desert Tortoise Critical Habitat Unit (CHU) (5:1)
- Palen-Ford Wildlife Habitat Management Area (WHMA) (2:1)

Under the proposed project, a total of 1,300 acres would be impacted (1,208 acres at the project site, and 92 acres along gen-tie Alternative B). Based on the proposed project, total habitat compensation lands would be no fewer than 2,083.5 acres, including, at minimum, 1,300 acres of desert tortoise habitat and 928.5 acres of state-jurisdictional streambeds (including at least 693 acres of Blue Palo Verde–Ironwood Woodland, or Desert Dry Wash Woodland). Final compensatory habitat acreages will be based on the final alternative selected and final project design. Table 4.3-3 details the minimum acres of habitat compensation lands for the proposed project, assuming maximum nesting of compensation lands (see discussion of "nesting" in Item 1 below Table 4.3-3). Final compensation requirements will be adjusted to account for any deviations in project disturbance, according to the final alternative selected, final design, and as-built project footprint. If the project shares gen-tie infrastructure with DSSF as proposed under Alternative B, the DHSP project owner will be responsible only for its proportion of compensation acreage to be acquired as mitigation for impacts of the shared facilities (i.e., 50 percent of compensation land requirements for construction-related impacts for shared infrastructure). The total amount of compensation mitigation lands required under this measure may exceed the acreages identified in Table 4.3-3, in order to provide mitigation for all of the resources identified in this measure.

1. **Nesting Compensation Lands.** Compensation lands for biological resources may be "nested." For example, compensation for impacts to burrowing owls could be

entirely or partially fulfilled by the acquisition of Creosote Bush Scrub (Sonoran Desert Scrub) compensation lands, provided those lands also contain suitable or occupied burrowing owl habitat and the acreage of compensation lands for burrowing owls is met. Thus, compensation for burrowing owls or other resources (desert tortoise, rare plants, golden eagle, etc.) may be fully nested within other compensation requirements.

2. **Compensation Ratios.** Where impacted habitats meet criteria as two (2) or more compensation ratios, the highest ratio will apply. For example, impacts to occupied desert tortoise habitat in Creosote Bush Scrub (Sonoran Desert Scrub) within the Chuckwalla DWMA would require mitigation at a 5:1 ratio.
3. **Compensation Land Selection Criteria.** Criteria for the acquisition, initial protection and habitat improvement, and long-term maintenance and management of compensation lands for impacts to biological resources will include all of the following:
    a. Compensation lands selected for acquisition to meet BLM, USFWS, CDFG, and Riverside County requirements will provide habitat value that is equal to or better than the quality and function of the habitat impacted, to be determined by BLM, CDFG, and USFWS biologist, taking into consideration soils, vegetation, topography, human-related disturbance, wildlife movement opportunity, proximity to other protected lands, management feasibility, and other habitat values;
    b. To the extent that proposed compensation habitat may have been degraded by previous uses or activities, the site quality and nature of degradation must support the expectation that it will regenerate naturally when disturbances are removed;
    c. Be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation;
    d. Not have a history of intensive recreational use or other disturbance that might cause future erosion or other habitat damage, and make habitat recovery and restoration infeasible;
    e. Not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;
    f. Not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat;
    g. Must provide wildlife movement value equal to that on the project site, to be determined by BLM, CDFG, and USFWS, based on topography, presence and nature of movement barriers or crossing points, location in relationship to other habitat areas, management feasibility, and other habitat values; and
    h. Have water and mineral rights included as part of the acquisition, unless the BLM and Riverside County, in consultation with CDFG and USFWS, agree in writing to the acceptability of land without these rights.
    i. Additional selection criteria for desert tortoise compensation lands:
        i. Compensation lands for impacts to desert tortoise will be within the Colorado Desert Tortoise Recovery Unit;

ii. Will be contiguous and biologically connected to lands currently occupied by desert tortoise, ideally with populations that are stable, recovering, or likely to recover (for lands proposed as desert tortoise habitat compensation; and

iii. Will contribute to wildlife movement and desert tortoise population connectivity value at least equal to that on the project site, by contributing to linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and other lands allocated for conservation. The primary focus area for acquiring parcels to maintain/improve connectivity will be along the I-10 corridor between Desert Center and Cactus City with a priority on parcels that connect conserved lands on either side of the I-10 through large culverts or bridges; the habitat compensation ratio for mitigation lands along the I-10 corridor will be 1:1 for each acre of total long-term and permanent disturbance. If acquisition of sufficient acreage within the I-10 corridor is not feasible, then the project owner will coordinate with Resource Agencies to identify other suitable lands to compensate for the project's impacts to desert tortoise habitat connectivity. The applicant shall use best efforts to acquire and restore lands within the Chuckwalla Valley to help maintain a connectivity corridor that is accessible to wildlife, and will support desert tortoise movement and occupancy.

iv. Located within the I-10 connectivity corridor (as identified in the Biological Opinion for the project) that constitute either (i) 1,800 acres, or (ii) if BLM approves a Project that requires less than 1,800 acres of compensatory mitigation lands, 100 percent of what is required under the Biological Opinion as adjusted for the smaller project. If the Project requires more than 1,800 total acres of mitigation land, the applicant agrees to use best efforts to acquire lands within Priority 1 or 2 desert tortoise connectivity lands within the NECO planning area, as identified in the Solar Energy Development PEIS, provided USFWS and CDFW confirm such lands satisfy the compensatory mitigation standards set forth in the Biological Opinion.

j. Additional selection criteria for special-status plant compensation lands. The compensation lands selected for acquisition for impacts to special-status plants will include at least one of the following categories:

i. Occupied Habitat, No Habitat Threats. The compensation lands selected for acquisition will be occupied by the target plant population and will be characterized by site integrity and habitat quality that are required to support the target species, and will be of equal or better habitat quality than that of the affected occurrence. The occurrence of the target special-status plant on the proposed acquisition lands should be viable, stable or increasing (in size and reproduction).

ii. Unoccupied but Adjacent. The project owner may also acquire habitat for which occupancy by the target species has not been documented, if the proposed acquisition lands are adjacent to occupied habitat. The project owner will provide evidence that acquisition of such unoccupied lands would improve the defensibility and long-term sustainability of the occupied habitat by providing a protective buffer around the occurrence and by enhancing connectivity with undisturbed habitat.

k. If all or any portion of the acquired compensation lands meets the habitat occu-

pancy or suitability requirement for more than one of the resources listed above, that portion of those compensation lands may also be used to fulfill that portion of the obligation to acquire compensation lands to mitigate impacts to those resources.

4. **Review and Approval of Compensation Lands Prior to Acquisition.** The project owner will submit a formal acquisition proposal to the BLM, USFWS, CDFG, and Riverside County describing the parcel(s) intended for purchase. This acquisition proposal will discuss the suitability of the proposed parcel(s) as compensation lands in relation to the selection criteria listed above, and must be approved by the BLM, CDFG, USFWS, and Riverside County in. The project owner will submit the formal acquisition proposal to the JTNP for review and comment.
5. **Management Plan.** The project owner or approved third party will prepare a management plan for the compensation lands in consultation with the entity that will be managing the lands. The goal of the management plan will be to support and enhance the long-term viability of the biological resources. The Management Plan will be submitted for review and approval to the BLM, CDFG, USFWS, and Riverside County, in consultation with the JTNP. A copy of the final Management Plan will be provided to the JTNP.
6. **Compensation Lands Acquisition Requirements.** The project owner will comply with the following requirements relating to acquisition of the compensation lands after the BLM, USFWS, CDFG, and Riverside County have approved the proposed compensation lands:
    a. **Preliminary Report.** The project owner, or an approved third party, will provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the BLM, USFWS, CDFG, and Riverside County. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the BLM and Riverside County. For conveyances to the State, approval may also be required from the California Department of General Services, the Fish and Game Commission, and the Wildlife Conservation Board.
    b. **Title/Conveyance.** The project owner will acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the BLM, USFWS, CDFG, and Riverside County. Any transfer of a conservation easement or fee title must be to CDFG, to a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code section 65965), or to BLM or other public agency approved by the BLM and Riverside County. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement will be recorded in favor of CDFG or another entity approved by the BLM and Riverside County. If an entity other than CDFG holds a conservation easement over the compensation lands, the BLM and Riverside County may require that CDFG or another entity approved by the BLM, USFWS, and Riverside County, in consultation with CDFG, be named a third party beneficiary of the conservation easement. The project owner will obtain approval of the BLM, USFWS, CDFG, and Riverside County of the terms of any

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

c. **Initial Protection and Habitat Improvement.** The project owner will fund activities that the BLM and Riverside County require for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities are estimated to be $330 per acre of compensation land, but actual costs will vary depending on the measures that are required for the compensation lands. A non-profit organization, CDFG or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code section 65965), if it meets the approval of the BLM and Riverside County in consultation with USFWS and CDFG, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFG takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFG or its designee.

d. **Property Analysis Record.** Upon identification of the compensation lands, the project owner will conduct a Property Analysis Record (PAR; Center for Natural Lands Management 2012) or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the BLM, Riverside County, USFWS, and CDFG before it can be used to establish funding levels or management activities for the compensation lands.

e. **Long-term Maintenance and Management Funding.** The project owner will provide money to establish an account with non-wasting capital that will be used to fund the long-term maintenance and management of the compensation lands. The amount of money to be paid will be determined through an approved PAR or PAR-like analysis conducted for the compensation lands. Until an approved PAR or PAR-like analysis is conducted for the compensation lands, the amount of required funding is initially estimated to be $1,450 for every acre of compensation lands. If compensation lands will not be identified and a PAR or PAR-like analysis completed within the time period specified for this payment, the project owner will either: (i) provide initial payment equal to the amount of $1,450 multiplied by the number of acres the project owner proposes to acquire for compensatory mitigation; or (ii) provide security to the BLM and Riverside County under subsection (g), "Mitigation Security," below, in an amount equal to $1,450 multiplied by the number of acres the project owner proposes to acquire for compensatory mitigation. The amount of the required initial payment or security for this item will be adjusted for any change in the project Disturbance Area. If an initial payment is made based on the estimated per-acre costs, the project owner will deposit additional money as may be needed to provide the full amount of long-term maintenance and management funding indicated by a PAR or PAR-like analysis, once the analysis is completed and approved. If the approved analysis indicates less than $1,450 per acquired acre will be required for long-term maintenance and management, the excess paid will be returned to the project owner. The project owner must obtain the BLM

and Riverside County's approval of the entity that will receive and hold the long-term maintenance and management fund for the compensation lands. The BLM and Riverside County will consult with USFWS and CDFG before deciding whether to approve an entity to hold the project's long-term maintenance and management funds.

The project owner will ensure that an agreement is in place with the long-term maintenance and management fund holder/manager to ensure the following requirements are met:

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

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

iii. **Pooling Long-Term Maintenance and Management Funds.** An entity approved to hold long-term maintenance and management funds for the project may pool those funds with similar non-wasting funds that it holds from other projects for long-term maintenance and management of compensation lands. However, for reporting purposes, the long-term maintenance and management funds for this project must be tracked and reported individually to the BLM, USFWS, CDFG, and Riverside County.

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

g. **Mitigation Security.** No fewer than 30 days prior to ground disturbance, the project owner will provide financial assurances to the BLM and Riverside County to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing project activities. Financial assurances will be provided to the BLM, USFWS, CDFG, and Riverside County in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved by the BLM, USFWS, CDFG, and Riverside County. The actual costs to comply with this condition will vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the

habitat, and the actual costs of long-term management as determined by a PAR report. Prior to submitting the Security to the BLM, USFWS, CDFG, and Riverside County, the project owner will obtain the BLM, USFWS, CDFG, and Riverside County's approval of the form of the Security. The BLM, USFWS, CDFG, and Riverside County may draw on the Security if the BLM, USFWS, CDFG, and Riverside County determine the project owner has failed to comply with the requirements specified in this condition. The BLM, USFWS, CDFG, and Riverside County may use money from the Security solely for implementation of the requirements of this condition. The BLM, USFWS, CDFG, and Riverside County's use of the Security to implement measures in this condition may not fully satisfy the project owner's obligations under this condition, and the project owner remains responsible for satisfying the obligations under this condition if the Security is insufficient. The unused Security will be returned to the project owner in whole or in part upon successful completion of the associated requirements in this condition.

Security for the requirements of this condition will be calculated as shown in Table 4.3-4. However, regardless of the amount of the security or actual cost of implementation, the project owner will be responsible for implementing all aspects of this condition, including acquisition and protection of additional habitat acreage if necessary to compensate for all impacts listed in this mitigation measure.

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

i. The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the BLM, USFWS, CDFG, and Riverside County. Such delegation will be subject to approval by the BLM and Riverside County, in consultation with CDFG and USFWS, prior to land acquisition, enhancement or management activities. Agreements to delegate land acquisition to an approved third party, or to manage compen-

sation lands, will be executed and implemented within 18 months of the BLM and Riverside County's certification of the project.

j. The project owner may choose to compensate and mitigate for impacts to state-listed endangered species pursuant to §2081 of the California Endangered Species Act using one or both of the "in-lieu fee" or "advance mitigation" mechanisms set forth in AB 13. Compensation lands acquired through AB 13 may in whole or in part satisfy the compensation habitat requirements set forth in this mitigation measure, only to the extent that they do in fact provide habitat values and mitigation for significant impacts to the species and biological resources identified above, and are consistent with the selection criteria described above.

MM VEG-7 **Mitigate Direct Impacts to Special-Status Plants.** This mitigation measure provides further detail and specificity to the Pre-construction Surveys for Special-Status Plant Species and Cacti provided in AM BIO-3. The project owner will mitigate impacts to Emory's crucifixion thorn (CRPR 2) on the solar generator site and direct impacts to any other CRPR 1 or 2 ranked plants that may be impacted by gen-tie line construction, including impacts to Harwood's woollystar (CRPR 1) on gen-tie Alternative E, through one or a combination of the following strategies.

1. **Avoidance.** Project design will avoid at minimum 75 percent of the Emory's crucifixion thorn, Harwood's woollystar, and other CRPR 1 or 2 ranked plants occurrences within the project boundaries or other work areas, including the gen-tie line, and will provide a minimum 100-foot buffer area surrounding each avoided occurrence, where no project activities will take place.
2. **Off-site compensation.** The project owner will provide compensation lands consisting of occupied Emory's crucifixion thorn, Harwood's woollystar or other CRPR 1 or 2 ranked plants, habitat at a 1:1 ratio for any occupied habitat affected by the project, according to the terms described in MM VEG-6. Occupied habitat will be calculate on the project site and on the compensation lands as including each special status plant occurrence and a surrounding 100-foot buffer area. Off-site compensation will be incorporated into the project's Habitat Compensation Plan, for review and approval by the BLM, Riverside County, and the Resource Agencies.
3. **Salvage.** It is not known whether salvage is a feasible mitigation strategy for Emory's crucifixion thorn or most other special-status plants. For Emory's crucifixion thorn, the project owner will consult with Rancho Santa Ana Botanic Garden (RSABG) regarding the success of salvage efforts for this species at the Desert Sunlight Solar Farm Project site. If the strategy has been shown to be feasible, then the project owner will prepare and implement an Emory's Crucifixion Thorn Salvage and Relocation Plan, to be reviewed and approved by the BLM, Riverside County EPD, and the Resource Agencies, prior to disturbance of any occupied Emory's crucifixion thorn habitat. Emory's crucifixion thorn on private lands may also be subject to the provisions of the California Desert Native Plants Act. The project owner will contract with RSABG or another entity with comparable experience and qualifications, to salvage at minimum 75 percent of Emory's crucifixion thorn individuals from the proposed project site and transfer them to a suitable off-site location approved by BLM. If special-status plants are salvaged from non-BLM land, then all salvage planning and activities will be subject to review and approval by Riverside County EPD. For other special-status plants (i.e., on gen-tie Alternative E, if they occur), the

project owner will consult with the BLM botanist and/or Riverside County (as applicable), along with RSABG or another qualified entity, to develop an appropriate experimental salvage and relocation strategy, based on the life history of the species affected. The Plan will include at minimum: (a) collection/salvage measures for plants or seed banks, to retain intact soil conditions and maximize success likelihood; (b) details regarding storage of plants or seed banks; (c) location of the proposed recipient site, and detailed site preparation and plant introduction techniques details for top soil storage, as applicable; (d); time of year that the salvage and replanting or seeding will occur and the methodology of the replanting; (e) a description of the irrigation, if used; (f) success criteria; and (g) a detailed monitoring program, commensurate with the Plan's goals.

4. **Horticultural propagation and off-site introduction.** If salvage and relocation is not believed to be feasible for Emory's crucifixion thorn or other special-status plants, then the project owner will consult with RSABG or another qualified entity, to develop an appropriate experimental propagation and relocation strategy, based on the life history of the species affected. The Plan will include at minimum: (a) collection/salvage measures for plant materials or seed banks, to retain intact soil conditions and maximize success likelihood; (b) details regarding storage of plant, plant materials, or seed banks; (c) location of the proposed propagation facility, and proposed methods; (d); time of year that the salvage and other practices will occur; (e) success criteria; and (f) a detailed monitoring program, commensurate with the Plan's goals.

MM VEG-8 **Implement Best Management Practices to Minimize Impacts to Jurisdictional Areas.** The project owner will implement all mitigation measures and conditions contained within the Streambed Alteration Agreement obtained from the California Department of Fish and Game for impacts to jurisdictional areas, as well as any requirements of the Regional Water Quality Control Board or the U.S. Army Corps of Engineers, upon determination of jurisdiction and permit issuance by all three agencies (see MM WAT1). In addition, the following Best Management Practices will be implemented during all construction activity in or near ephemeral drainages:

1. Vehicles and equipment will not operate in ponded or flowing water except as described in the Streambed Alteration Agreement.
2. The project Proponent will minimize road building, construction activities, and vegetation clearing within ephemeral drainages to the extent feasible.
3. The project Proponent shall prevent water containing mud, silt, or other pollutants from grading or other activities to enter ephemeral drainages or be placed in locations that may be subjected to high storm flows.
4. Spoil sites will not be located within 30 feet from the boundaries of drainages or in locations that may be subjected to high storm flows, where spoils might be washed back into drainages.
5. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project-related activities, will not contaminate the soil and/or entering ephemeral drainages. The project owner shall ensure that safety precautions specified by this measure, as well as all other safety requirements of other measures and permit conditions are followed during all

phases of the project.

6. When operations are completed, any excess materials or debris will be removed from the work area. No rubbish will be deposited within 150 feet of the high water mark of any drainage during construction, operation, and decommissioning the project.
7. No equipment maintenance will occur within 150 feet of any category 3, 4, or 5 streambed or any streambed greater than 10 feet wide and no petroleum products or other pollutants from the equipment will be allowed to enter these areas or enter any off-site state-jurisdictional waters under any flow.
8. With the exception of the drainage control system installed for the project, the installation of bridges, culverts, or other structures will be such that water flow (velocity and low flow channel width) is not impaired. Bottoms of temporary culverts will be placed at or below stream channel grade.
9. No broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or other organic or earthen material from any construction or associated activity of whatever nature will be allowed to enter into, or placed where it may be washed by rainfall or runoff into, off-site state-jurisdictional waters.
10. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to a drainage, will be positioned over drip pans. Stationary heavy equipment will have suitable containment to handle a catastrophic spill/leak. Clean up equipment such as brooms, absorbent pads, and skimmers will be on site prior to the start of construction.
11. The cleanup of all spills will begin immediately. The BLM, the State of California Department of Toxic Substances Control, and Riverside County will be notified immediately by the project owner of any spills and will be consulted regarding clean-up procedures.
12. Non-Native Vegetation Removal. The project owner will remove any non-native vegetation (consistent with the Integrated Weed Management Plan, MM VEG-9) from any drainage on the project site that requires the placement of a bridge, culvert, or other structure. Removal will be done at least twice annually (spring/summer) throughout the life of the project.

MM VEG-9

Prepare and Implement an Integrated Weed Management Plan. This mitigation measure provides further detail and specificity to the Integrated Weed Management Plan described in AM BIO-2. The project owner will contract a qualified biologist to prepare and implement a Weed Management Plan that meets the approval of the BLM and Riverside County EPD, in consultation with the JTNP, CDFG, and USFWS. The Weed Management Plan will be approved prior to initial ground disturbance. At minimum, the Weed Management Plan will include the following:

1. An assessment of nonnative and invasive weeds occurring onsite prior to construction activities;
2. An assessment of nonnative and invasive weeds that could be introduced into the project area;
3. A description of methods to be used to survey for the presence of introduced weeds during construction and operation;

4. Monitoring and weed control methods to be employed during operation, consistent with BLM's Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States (BLM 2007) and the National Invasive Species Management Plan (NISC 2008);
5. Specific and detailed guidelines for herbicide use to prevent overspray onto surrounding areas where it would adversely affect wildlife or native plants; and
6. Reporting requirements.

The final plan will only include weed control measures with a demonstrated record of success for target weeds, based on the best available information from sources such as: The Nature Conservancy's The Global Invasive Species Team, Cooperative Extension, California Invasive Plant Council: http://www.cal-ipc.org/plant_profiles/index.php, and the California Department of Food & Agriculture Encyclopedia: http://www.cdfa.ca.gov/phpps/ipc/_hp. The methods will meet the following criteria:

1. **Manual.** Well-timed removal of plants or seed heads with hand tools; seed heads and plants must be disposed of in accordance with guidelines from the Riverside County Agricultural Commissioner.
2. **Chemical.** Herbicides known to have residual toxicity, such as pre-emergents and pelts, will not be used in natural areas or within channels (engineered or not) where they could run off into downstream areas. Only the following application methods may be used: wick (wiping onto leaves); inner bark injection; cut stump; frill or hack & squirt (into cuts in the trunk); basal bark girdling; foliar spot spraying with back-pack sprayers or pump sprayers at low pressure or with a shield attachment to control drift, and only on windless days, or with a squeeze bottle for small infestations

In addition to describing weed eradication and control methods, and a reporting plan for weed management during and after construction, the final Weed Management Plan will include at minimum the following Best Management Practices to prevent the spread and propagation of weeds:

a. Limit the extent of any vegetation and/or ground disturbance to the absolute minimum needed, and limit ingress and egress to defined routes.
b. Install and maintain vehicle wash and inspection stations and closely monitor the types of materials brought onto the site.
c. Reestablish soil stability and vegetation on temporarily disturbed sites (measures and performance standards to be consistent with the Vegetation Resources Management Plan, described in MM VEG-5).
d. Monitoring and timely implementation of control measures to ensure early detection and eradication for weed invasions. Weed infestations must be controlled or eradicated as soon as possible upon discovery, and before they go to seed, to prevent further expansion.
e. Use only certified weed-free straw or hay bales used for sediment barrier installations, and certified weed-free seed.
f. Reclamation, revegetation, or restoration will occur on all temporarily disturbed areas, including, but not limited to, temporary access roads, construction work temporary lay-down areas, and staging areas (consistent with MM VEG-5).
g. Control weeds in areas where dust control, irrigation, and solar panel washing take

place.

h. Prohibit on-site storage or disposal of mulch or green waste from weed material to prevent inadvertent introduction and spread of invasive plants beyond the immediate vicinity of the project area and possibly into rare plant populations off-site. Mulch or green waste will be removed from the site in a covered vehicle to prevent seed dispersal, and transported to a licensed landfill or composting facility.

i. Indicate where herbicides may be used, which herbicides, and specify techniques to be used to avoid chemical drift or residual toxicity to special-status plants, consistent with consistent with BLM's Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States (BLM 2007) and guidelines provided by the Nature Conservancy's The Global Invasive Species Team: http://www.invasive.org/gist/products.html.

j. Avoid herbicide use or other control methods in or around any environmentally sensitive areas identified within or adjacent to the project site.

Nonnative and invasive weed infestations will be flagged by the Designated Biologist or Biological Monitor and controlled, using either mechanical (hand pulling, mowing) or chemical methods as approved by the BLM and, as appropriate, Riverside County. Only state and BLM-approved herbicides will be used, and all herbicide applicators will possess a qualified herbicide applicator license from the state. All herbicide applications will follow U.S. Environmental Protection Agency label instructions and be performed in accordance with federal, state, and local laws and regulations.

From the time construction begins and throughout the life of the project, surveying for new invasive weed populations and the monitoring of identified and treated populations will be required within the project area. Surveying and monitoring for weed infestations will occur at least two times per year (timed to occur early and late in the growing season). Treatment of all identified weed populations will occur at a minimum of once annually. When no new seedlings or re-sprouts are observed at treated sites for three consecutive, normal rainfall years, the weed population can be considered eradicated and weed control efforts may cease for that impact site.

MM VEG-10 **Prepare and Implement a Desert Dry Wash Woodland Monitoring and Reporting Plan.** The project owner will contract a qualified biologist to prepare and submit a Desert Dry Wash Woodland Monitoring and Reporting Plan to BLM, Riverside County, and the Resource Agencies for review and approval and to the JTNP for review and comment prior to commencing project-related pumping activities. Upon approval, the project owner will finalize and implement the Plan. The Desert Dry Wash Woodland Monitoring and Reporting Plan will outline the following information and actions:

1. Prior to project operations, the baseline health and vigor of groundwater-dependent plant species (principally desert ironwood and blue palo verde but also other species such as smoke tree and crucifixion thorn would be included) will be recorded within four zones: immediately off-site at the project boundary, and at ¼-mile, ½-mile and 1-mile distances from proposed project groundwater supply well locations. At least one "control" site, at least 2 miles from the project site, will also be sampled. The number of individuals for each of the target species to be sampled at each site will be large enough to provide valid comparison of data among sites.

2. A qualified botanist or plant physiologist will develop or adapt a sampling protocol

to be carried out in desert dry wash woodland at each sampling zone (above) and the control site to monitor stress and mortality of target plants once operations begin. The protocol will include a measure of pre-dawn water potential or other appropriate indictor or water stress, as measured by standard plant physiology techniques.

3. The Desert Dry Wash Woodland Monitoring and Reporting Plan will identify what constitutes a significant difference in plant stress or mortality under this mitigation measure. If a significant difference in plant stress or mortality is shown at one or more sample locations in comparison to the control site, the project owner will coordinate with BLM, Riverside County, and CDFG to interpret the results. The sample site and control site data will be evaluated in terms of the project's groundwater usage, climate factors, and groundwater monitoring data collected under MM WAT-3. If plant stress or mortality is determined to be related to project activities, then the project owner will either refrain from pumping, reduce groundwater pumping to allow for recovery of the groundwater table, or provide additional habitat compensation as described below.

Monthly Desert Dry Wash Woodland Monitoring summary memos will be submitted to BLM, CDFG, and Riverside County during the construction period of the project. In addition, annual Desert Dry Wash Woodland Monitoring reports will be submitted for at least the first 3 years following completion of construction of the project or until the defined success criteria are achieved, whichever is later. The summary memos will contain the monitoring data required as part of the monitoring program requirements under MM WAT-3. In addition, each Desert Dry Wash Woodland Monitoring Report will provide maps and text discussion of each study site, changes in plant health and vigor, changes in groundwater levels in the production wells, and the year's monitoring data.

If results of the groundwater monitoring program under MM WAT-3 indicate that the project pumping has resulted in water level decline of 1 foot or more below the baseline trend, and vegetation monitoring for plant stress, mortality, and water potential have documented one or more of the sampling sites for the two groundwater-dependent plant species as reaching the threshold (above), the project owner will reduce groundwater pumping until water levels stabilize or recover, provide for temporary supplemental watering, or compensate for additional impacts to desert dry wash woodland (Blue Palo Verde–Ironwood Woodland) at the ratio of 3:1, consistent with MM VEG-6. Estimated acreage of additional dry wash woodland impacts will be submitted to BLM, Riverside County, and the Resource Agencies for approval. Upon approval, the project owner will initiate compensation according to the requirements and conditions for habitat compensation as described in MM VEG-6.

At the conclusion of the three-year monitoring period or until the defined success criteria are achieved, whichever is later, for Desert Dry Wash Woodland following completion of project construction, the project owner, Riverside County, and BLM will jointly evaluate the effectiveness of the Desert Dry Wash Woodland Monitoring and Reporting Plan and determine if monitoring frequencies or procedures should be revised, extended to the operation and decommissioning periods, or eliminated. Should additional data be forthcoming to demonstrate that this potential impact is not verifiable or attributable to this specific project or found inconsistent with state or federal