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

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

N. Land Use and Planning

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

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

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

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

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

O. Mineral Resources

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

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

P. Noise

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

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

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

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

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

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

Q. Population and Housing

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

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

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

R. Public Services

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

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

S. Recreation

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

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

T. Transportation and Traffic

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

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

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

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

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

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

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

U. Utilities and Service Systems

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

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

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

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

SECTION III

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

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

V. Aesthetics, Visual Quality, and Light and Glare

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

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

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

Mitigation Measure 4.1-3 states:

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

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

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

Timing/Implementation: Prior to and during construction

Enforcement/Monitoring: Riverside County

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

W. Air Quality

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

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

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

Mitigation Measure 4.3-2 states:

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

Timing/Implementation: During operation

Enforcement/Monitoring: Riverside County

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

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

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

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

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

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

X. Biological Resources

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

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

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

Mitigation Measure 4.4-1a states:

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

The Designated Biologist must meet the following minimum qualifications:

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

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

Timing/Implementation: Prior to the initiation of construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1b states[3]:

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

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

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

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

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

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

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1c states:

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

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

Timing/Implementation: Prior to the initiation of construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1d states:

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

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1e states:

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

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

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

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

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1f states:

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

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

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

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

Timing/Implementation: Prior to construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1g states:

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

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

A) Special-Status Plant Impact Avoidance and Minimization Measures

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

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

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

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

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

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

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

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

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

B) Ensure Adequate Special-Status Plant Surveys and Reporting

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

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

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

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

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

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

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

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

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

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

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

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

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

C) Avoidance Requirements for Special-Status Plants

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-1h states:

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

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

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

Enforcement/Monitoring: Riverside County

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

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

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

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

Mitigation Measure 4.4-2a states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-2b states:

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

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

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-2c states:

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

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

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

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

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

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

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

Enforcement/Monitoring: Riverside County

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

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

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

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

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

Mitigation Measure 4.4-3a states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-3b states:

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

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

Timing/Implementation: Prior to the initiation of construction activities

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-3c states:

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

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

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

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

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

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

Timing/Implementation: During operation

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-3d states:

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

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

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

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

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

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

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

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

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

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

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

b. *Title/Conveyance.* The Applicant shall transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement as required by the County and CDFW. Transfer of either fee title or an approved conservation easement will usually be sufficient, but some situations, e.g., the donation of lands burdened by a conservation easement to BLM, will require that both types of transfers be completed. Any transfer of a conservation easement or fee title must be to CDFW, a non-profit organization qualified to hold title to and manage compensation lands (pursuant to California Government Code §65965), or to BLM under terms approved by the County and CDFW. If an approved non-profit organization holds title to the compensation lands, a conservation easement shall be recorded in favor of CDFW in a form approved by CDFW. If an approved non-profit holds a conservation easement, CDFW shall be named a third-party beneficiary.

c. *Initial Habitat Improvement Fund.* The Applicant shall fund the initial protection and habitat improvement of the compensation lands. Alternatively, a non-profit organization may hold the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code §65965) and if it meets the approval of CDFW and the County. If CDFW takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFW or its designee.

d. *Property Analysis Record.* Upon identification of the compensation lands, the Applicant shall conduct a PAR or PAR-like analysis to establish the appropriate long-term maintenance and management fee to fund the in-perpetuity management of the acquired mitigation lands.

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

The County, in consultation with CDFW, may designate another non-profit organization to hold the long-term maintenance and management fee if the organization is qualified to

manage the compensation lands in perpetuity. If CDFW takes fee title to the compensation lands, CDFW shall determine whether it will hold the long-term management fee in the special deposit fund, leave the money in the REAT Account, or designate another entity to manage the long-term maintenance and management fee for CDFW and with CDFW supervision.

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

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

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

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

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

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

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

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

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

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

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

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

The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a non-governmental organization supportive of desert habitat conservation, by written agreement of the County and CDFW. Such delegation shall be subject to approval by the County and CDFW, in consultation with the USFWS, prior to land acquisition, initial protection or maintenance and management activities.

Mitigation Measure 4.4-3e states:

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

Rationale: Implementation of the above Mitigation Measures would reduce the Project's indirect impact to desert tortoise to less than significant by requiring identification of a Designated Biologist and Biological Monitors to carry out and/or support the implementation of the biological resources mitigation measures (as outlined above); requiring an integrated weed management plan to minimize the spread and introduction of invasive weeds; by requiring a raven management plan to monitor and control ravens on the

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

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

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

Mitigation Measure: Implementation of Mitigation Measures 4.4-4a through 4.4-4d in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-4a states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-4b states:

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

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

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

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

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

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

4. ***Code of Regulations*:** The Applicant shall provide a copy of the BRMMP and CDFW permits to all contractors, subcontractors, and the Applicant's Project supervisors. Copies shall be readily available at work sites at all times during periods of active work and must be presented to any CDFW personnel upon demand. The County reserves the right to issue a stop work order or allow CDFW to issue a stop work order after giving notice to the Applicant. If the County in consultation with CDFW, determines that the Applicant has breached any of the terms or conditions or for other reasons, including but not limited to the following:

   a. The information provided by the Applicant regarding streambed alteration is incomplete or inaccurate;

   b. New information becomes available that was not known to it in preparing the terms and conditions; or

   c. The Project or Project activities as described in the EIR have changed.

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

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

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

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

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

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

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

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

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

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-4c states:

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

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

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.4-4d states:

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

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

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

c. To the extent feasible, be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation;

d. Provide quality habitat for Mojave fringe-toed lizard, that has the capacity to regenerate naturally when disturbances are removed;

e. Not have a history of intensive recreational use or other disturbance that might make habitat recovery and restoration infeasible;

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

g. Not contain hazardous wastes that cannot be removed to the extent the site is suitable for habitat;

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

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

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

Timing/Implementation: During construction

Enforcement/Monitoring: Riverside County

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

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

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

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

Mitigation Measure: Implementation of Mitigation Measure 4.4-6 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-6 states:

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

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

Timing/Implementation: Prior to construction

Enforcement/Monitoring: Riverside County

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

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

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

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

Mitigation Measure: Implementation of Mitigation Measure 4.4-7 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-7 states:

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

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

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

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

Timing/Implementation: During construction and prior to decommissioning

Enforcement/Monitoring: Riverside County

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

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

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

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

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

Mitigation Measure: Implementation of Mitigation Measure 4.4-8 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-8 states:

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

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

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

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

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

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

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

ii. The mitigation measures that will be implemented;

iii. Potential conflicting site uses or encumbrances;

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

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

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

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

viii. A brief description of the artificial burrow design;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Timing/Implementation: During construction and prior to decommissioning

Enforcement/Monitoring: Riverside County

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

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

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

Mitigation Measure: Implementation of Mitigation Measure 4.4-9 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.4-9 states:

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

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

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

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

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

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

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

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

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

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

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

Timing/Implementation: Prior to construction

Enforcement/Monitoring: Riverside County

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

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

Finding: Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings would reduce to a less-than-significant level the Project's operation- and maintenance-related impact to special-status plants and wildlife. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

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

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

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

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

Finding: Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings would reduce to a less-than-significant level the Project's decommissioning-related impact to special-status plants and non-avian and bat wildlife. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

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

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

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

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

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

Finding: Mitigation Measures 4.4-1f and 4.4-1g, outlined above in Section III(C)(1) of these Findings, Mitigation Measure 4.4-3a, outlined above in Section III(C)(3), and Mitigation Measure 4.4-4a, and 4.4-4b, outlined above in Section III(C)(4), would reduce to a less-than-significant level the Project's impact on sensitive vegetation communities. The Mitigation Measures reflect changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

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

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

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

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

County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

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

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

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

Finding: Mitigation Measures 4.4-1f and 4.4-1g, outlined above in Section III(C)(1), Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings, and Mitigation Measure 4.4-4a, and 4.4-4b, outlined above in Section III(C)(4), would reduce to a less-than-significant level the Project's impact on sensitive vegetation communities. The Mitigation Measures reflect changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.4-1f, 4.4-1g, 4.4-3a, 4.4-4a, and 4.4-4b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

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

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

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

Finding: Mitigation Measure 4.4-2c, outlined above in Section III(C)(2) of these Findings; Mitigation Measure 4.4-3d, outlined above in Section III(C)(3); Mitigation Measure 4.4-8, outlined above in Section III(C)(7); and Mitigation Measure 4.4-17, below, would reduce to a less-than-significant level the Project's impact on migratory wildlife. The Mitigation Measures reflect changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.4-2c, 4.4-3d, 4.4-8, and 4.4-17 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

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

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

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

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

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

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

Finding: Mitigation Measure 4.4-3a, outlined above in Section III(C)(3) of these Findings, would reduce to a less-than-significant level the Project's impact operational impacts on migratory wildlife. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

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

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

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

Y. Cultural and Paleontological Resources

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

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

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

Mitigation Measure 4.5-1 states:

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

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

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

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

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

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

Mitigation Measure: Implementation of Mitigation Measure 4.5-3 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.5-3 states:

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

Timing/Implementation: Implemented during construction activities

Enforcement/Monitoring: Riverside County

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

Z. Energy Consumption

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

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact associated with the inefficient, wasteful, or unnecessary use of diesel and gasoline for worker commutes and/or haul trips. The Mitigation Measure reflects changes or alterations that the County has required or incorporated into the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measure 4.6-4 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.6-4 states:

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

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

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

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

Timing/Implementation: During construction and decommissioning

Enforcement/Monitoring: Riverside County

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

AA. Geology and Soils

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

Finding: The Standard Conditions and Mitigation Measure outlined below would reduce to a less-than-significant level the Project's impact associated with soil erosion and loss of topsoil. The Standard Conditions and Mitigation Measure reflect changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

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

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

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

Mitigation Measure 4.7-1 states:

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

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

Timing/Implementation: Prior to final Project design

Enforcement/Monitoring: Riverside County

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

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

Finding: Mitigation Measure 4.7-1, outlined above in Section III(F)(1) of these Findings would reduce to a less-than-significant level the Project's impact associated with seismic-related ground failure. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

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

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

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

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

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

that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measures 4.10-1 and 4.10-5 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

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

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

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

Finding: Mitigation Measure 4.7-1, outlined above in Section III(F)(1) of these Findings, would reduce to a less-than-significant level the Project's impact associated with unstable geologic units or soils. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

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

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

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

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

Finding: Mitigation Measure 4.7-1, outlined above in Section III(F)(1) of these Findings, would reduce to a less-than-significant level the Project's impact associated with expansive soils. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

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

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

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

BB. Hazards and Hazardous Materials

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

Finding: The Mitigation Measures outlined below would reduce to a less-than-significant level the Project-related hazards associated with the transport, use, or disposal of hazardous materials. The Mitigation Measures reflect changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measures: Implementation of Mitigation Measures 4.9-1a and 4.9-1b in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

Mitigation Measure 4.9-1a states:

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

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

Enforcement/Monitoring: Riverside County

Mitigation Measure 4.9-1b states:

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

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

Enforcement/Monitoring: Riverside County

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

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

Finding: The Mitigation Measure outlined below would reduce to a less-than-significant level the Project-related hazards associated with UXO. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measure 4.9-2 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.9-2 states:

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

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

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

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

Timing/Implementation: Prior to initiation of construction

Enforcement/Monitoring: Riverside County, BLM on Federal lands

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

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

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

Mitigation Measure: Implementation of Mitigation Measure 4.9-4 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less-than-significant level.

Mitigation Measure 4.9-4 states:

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

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

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

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

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

Enforcement/Monitoring: Riverside County

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

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

Finding: Mitigation Measure 4.9-4, outlined above in Section III(G)(3) of these Findings, would reduce to a less-than-significant level the Project's impact associated with wildland fire hazards. The Mitigation Measure reflects changes or alterations that the County has required, or incorporated into, the Project that would avoid or substantially lessen the potentially significant impact as identified in the EIR. (CEQA Guidelines §15091(a)(1)).

Mitigation Measure: Implementation of Mitigation Measure 4.9-4 in the Mitigation Monitoring and Reporting Program would reduce this impact to a less than significant level.

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

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

CC. Hydrology and Water Quality

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