



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

Memorandum

DATE: March 7, 2014

TO: Board of Supervisors

FROM: Planning Department

RE: Item No. 3-29 – CONDITIONAL USE PERMIT NO. 3682, PUBLIC USE PERMIT NO. 911, DEVELOPMENT AGREEMENT NO. 77, AND ENVIRONMENTAL IMPACT REPORT NO. 528

As provided to the Board of Supervisors during the Public Hearing on February 25, 2014, modifications were made to the conditions of approval for the McCoy Solar Energy Project. The modifications were provided to and reviewed by the applicant. Attached for the Board's consideration on March 11, 2014 is a clean, complete set of the conditions of approval for Conditional Use Permit No. 3682 and Public Use Permit No. 911. The attached conditions dated March 6, 2014 replace and supersede all earlier versions.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1

USE - PROJECT DESCRIPTION

RECOMMND

The use hereby permitted is for an approximately 50 megawatt (MW) photovoltaic (PV) energy generating facility (solar power plant) on approximately 477 acres of privately owned land (APNs 812-130-006, 812-130-007, and 812-130-008). The Project is a portion of a larger overall project known as the McCoy Solar Energy Project. The majority of the McCoy Solar Energy Project is on Bureau of Land Management (BLM) land. The overall solar project proposes to construct, operate, maintain, and decommission a PV solar energy generating facility (solar power plant) with a capacity up to 750 megawatts (MW) on approximately 477 acres of land under the jurisdiction of the County of Riverside and 4,096 acres of public owned land administered by the BLM. The Project would generate and deliver solar power to the California electric grid through an interconnection at the Colorado River Substation (CRS).

The overall McCoy Solar Energy project would be phased and constructed in two units. The 477 acres of land under the County's jurisdiction is located within Unit 1. These conditions of approval only apply to the 477 acres under the County's jurisdiction, even if a condition of approval references the entire Project acreage. The proposed facilities on land under the County's jurisdiction would be limited to solar arrays and inverters, up to two water wells, a portion of the access road, and the distribution line. All of the operations and maintenance buildings and the gen-tie line would be on the BLM-administered portion of Unit 1. The access road area within the 477 acres under the County's jurisdiction includes perimeter and solar panel access roads and encompasses approximately 22 acres. The PV panel area within these 477 acres includes the entire disturbed area of the panels and encompasses approximately 344 acres. A single-axis tracking system or a fixed tilt ground mount will be used for the structures that support the PV panels with the maximum height of the panels being 6-10 feet high. Approximately 516,000 PV panels would be placed on the land under the County's jurisdiction.

Other Planning Cases associated with the McCoy Solar Energy Project include Public Use Permit No. 911 and Development Agreement No. 77.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10. EVERY. 2 USE - HOLD HARMLESS

RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the CONDITIONAL USE PERMIT; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the CONDITIONAL USE PERMIT, including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

10. EVERY. 3 USE - DEFINITIONS

RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Conditional Use Permit No. 3682 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Conditional Use Permit No. 3682, Exhibit A (Sheets 1-11), Amended No. 1, dated September 26, 2012.

The words or any combination thereof identified in the

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10. EVERY. 3 USE - DEFINITIONS (cont.) RECOMMND

following list that appear in the attached conditions of Conditional Use Permit No. 3682 shall be considered equivalent and are identified as follows:

Applicant/Permitee, Permit Holder/Permitee, Applicant, Permit Holder, Permit Holder's, Developer.

10. EVERY. 4 USE - BOS B-29 POLICY RECOMMND

In order to secure public health, safety, and welfare, this Project (the McCoy Solar Energy Project) shall be subject to the requirements of Board of Supervisors Policy Number B-29 regarding solar power plants. The applicant has proposed entering into a Development Agreement (DA No. 77) with the County. Board of Supervisors Policy No. B-29 states, "[N]o approval required by Ordinance Nos. 348 or 460 shall be given for a solar power plant unless the Board first approves a development agreement with the solar power plant owner and the development agreement is effective." County staff has reached an agreement with the applicant on the provisions of the development agreement that are consistent with Board of Supervisor Policy No. B-29. In the event it is determined that any provisions of DA No. 77 are inconsistent with Board of Supervisors Policy No. B-29, the provisions of DA No. 77 shall control.

10. EVERY. 5 USE - DEVELOPMENT AGREEMENT RECOMMND

Consistent with Board of Supervisors Policy No. B-29, the use approved under Conditional Use Permit No. 3682 shall not be effective until Development Agreement No. 77 is effective. All use of Conditional Use Permit No. 3682 shall be done in strict compliance with the provisions of Development Agreement No. 77 and these conditions of approval.

10. EVERY. 6 USE - 90 DAYS TO PROTEST RECOMMND

The project developer has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

BS GRADE DEPARTMENT

10.BS GRADE. 1 USE - GENERAL INTRODUCTION RECOMMND

Improvements such as grading, filling, over excavation and recompaction, and base or paving which require a grading permit are subject to the included Building and Safety Department Grading Division conditions of approval.

10.BS GRADE. 3 USE - OBEY ALL GDG REGS RECOMMND

All grading shall conform to the California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in Riverside County and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building and Safety Department.

10.BS GRADE. 4 USE - DISTURBS NEED G/PMT RECOMMND

Ordinance 457 requires a grading permit prior to clearing, grubbing, or any top soil disturbances related to construction grading.

10.BS GRADE. 6 USE - BMP'S RECOMMND

Construction activities including clearing, stockpiling, grading or excavation of land which disturbs less than 1 acre and requires a grading permit or construction Building permit shall provide for effective control of erosion, sediment and all other pollutants year-round. The permit holder shall be responsible for the installation and monitoring of effective erosion and sediment controls. Such controls will be evaluated by the Department of Building and Safety periodically and prior to permit Final to verify compliance with industry recognized erosion control measures.

Year-round, Best Management Practices (BMP's) shall be maintained and be in place for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Stabilized Construction Entrances and project perimeter linear barriers are required year round. Removal BMP's (those BMP's which must be temporarily removed during construction activities) shall be in place at the end of each working day.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.BS GRADE. 7 USE - EROSION CNTRL PROTECT RECOMMND

Graded but undeveloped land shall provide, in addition to erosion control planting, any drainage facility deemed necessary to control or prevent erosion. Additional erosion protection may be required during the rainy season from October 1, to May 31.

10.BS GRADE. 9 USE - 2:1 MAX SLOPE RATIO RECOMMND

Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved.

10.BS GRADE. 11 USE - MINIMUM DRNAGE GRADE RECOMMND

Minimum drainage grade shall be 1% except on portland cement concrete where .35% shall be the minimum. In instances where the proposed grade is less than the minimum required grades, substantiating data shall be provided for review and approval. In areas where only clearing and grubbing is to be conducted, the natural grades at less than 1% are acceptable.

10.BS GRADE. 12 USE - DRAINAGE & TERRACING RECOMMND

Provide drainage facilities and terracing in conformance with the California Building Code's chapter on "EXCAVATION & GRADING".

10.BS GRADE. 13 USE - SLOPE SETBACKS RECOMMND

Observe slope setbacks from buildings & property lines per the California Building Code as amended by Ordinance 457.

10.BS GRADE. 14 USE - SLOPES IN FLOODWAY RECOMMND

Graded slopes which infringe into a FEMA-mapped 100 year storm flood way, shall be protected from erosion, or other flood hazards, by a method acceptable to the Building & Safety Department's Engineer - which may include Riverside County Flood Control & Water Conservation District's review and approval. However, no graded slope in a FEMA-mapped 100 year storm flood way will be allowed which in the professional judgment of the Building & Safety Department Engineer blocks, concentrates or diverts drainage flows.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.BS GRADE. 17 USE - PVT RD GRADG PMT RECOMMND

Constructing a private road requires a grading permit. All private roads which are conditioned to be paved shall conform to Ordinance 457 base and paving and inspection requirements.

10.BS GRADE. 18 USE - OFFST. PAVED PKG RECOMMND

All offstreet parking areas which are conditioned to be paved shall conform to Ordinance 457 base and paving design and inspection requirements.

10.BS GRADE. 23 USE - MANUFACTURED SLOPES RECOMMND

Plant and irrigate all manufactured slopes equal to or greater than 3 feet in vertical height with drought tolerant grass or ground cover; slopes 15 feet or greater in vertical height shall also be planted with drought tolerant shrubs or trees in accordance with the requirements of Ordinance 457.

In instances where planting and irrigation are not feasible, alternative methods of stabilization shall be provided.

10.BS GRADE. 24 USE - FINISH GRADE RECOMMND

Finish grade shall be sloped to provide proper drainage away from all exterior foundation walls in accordance with the California Building Code and Ordinance 457.

BS PLNCK DEPARTMENT

10.BS PLNCK. 1 USE - BUILD & SAFETY PLNCK RECOMMND

Where any portion of the proposed project falls within Riverside County jurisdiction, the applicant shall submit building plans and obtain building permits from the building department for any buildings, structures, and/or equipment prior to any construction or placement on the property.

All building plans and supporting documents shall comply with current adopted California Building Codes, Riverside County Ordinances, and California Title 25 regulations where applicable.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.BS PLNCK. 1 USE - BUILD & SAFETY PLNCK (cont.)

RECOMMND

All building department plan submittal and fee requirements apply.

E HEALTH DEPARTMENT

10.E HEALTH. 1 CUP 3682 - COMMENTS

RECOMMND

Conditional Use Permit 3682 (CUP 3682) is proposing to construct and operate a solar photovoltaic facility. It is important to note that the delineated boundaries of CUP 3682 excludes Federal lands, is solely located within Riverside County, and does not include any buildings or structures with plumbing or sanitation facilities.

However, the portion of this facility that is located on Federal lands consist of buildings with sanitation facilities that shall require approval from the Department of Environmental Health (DEH) for the proposed use of an onsite wastewater treatment system or advanced treatment system(s) as well as proposed use of potable water well(s). Prior to the permitting and construction of these facilities, the applicant shall contact DEH at (760) 863-7570 to determine the appropriate requirements.

Any noise related issues as well as Environmental Site Assessment Phase I/II studies for the proposed habitable structures shall be subject to the oversight of DEH Office of Industrial Hygiene and DEH Environmental Cleanup Program. For any questions, please contact (951) 955-8980.

In addition, any hazardous materials that are used or stored onsite whether on lands within the County of Riverside or on Federal Lands shall be subject to the regulatory oversight of DEH Hazardous Materials Management Branch. Prior to the operation of this facility, the applicant shall contact DEH Hazardous Materials Management Branch at (760) 863-8976 to determine the appropriate requirements.

Additional requirements may apply pending review of all requested items.

10.E HEALTH. 2 USE - WATER WELL

RECOMMND

The applicant shall contact the Department of Environmental Health (DEH) Land Use and Water Resources Program for any

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.E HEALTH. 2 USE - WATER WELL (cont.)

RECOMMND

plan check and permitting requirements.

Department of Environmental Health
Land Use and Water Resources Program
47-950 Arabia Street, Suite "A"
Indio, CA 92201
(760) 863-7570

EPD DEPARTMENT

10.EPD. 1 - NOTIFICATION REPORT

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-2c 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. General Biological Reports: Submit a monthly Biological Monitoring Report to County of Riverside EPD. The monthly should contain summaries of each day's biological monitoring activities; which includes any compliance violations by the Applicant and any deaths or injuries to wildlife. Report should also contain a summary on the

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.EPD. 1 - NOTIFICATION REPORT (cont.) RECOMMND

following month's expected biological monitoring activities.

10.EPD. 3 - DT MITIGATION RECOMMND

As stated by McCoy Solar Project Revised DEIR Mitigation Measure 4.4-3d 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 by MM 4.43-d. Applicant may also 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, as stated in Mitigation Measure 4.4-3e.

FIRE DEPARTMENT

10.FIRE. 1 USE*-23-MIN REQ FIRE FLOW RECOMMND

If buildings or structures are to be proposed or provided in the future (not inclusive of non-habitable enclosures for electrical equipment) the following shall apply: A minimum required fire flow shall be 1500 GPM for a 2 hour duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Fire flow is based on type V-B construction per the 2010 CBC and Building(s) having a fire sprinkler system.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.FIRE. 2 USE-#20-SUPER FIRE HYDRANT RECOMMND

If buildings or structures are to be proposed or provided in the future (not inclusive of non-habitable enclosures for electrical equipment) the following shall apply:

Super fire hydrant(s) (6" x 4" x 2-2 1/2 ") shall be located not less than 25 feet or more than 250 feet from any portion of the building as measured along approved vehicular travel ways.

10.FIRE. 4 USE-#89-RAPID HAZMAT BOX RECOMMND

Rapid entry Hazardous Material data and key storage cabinet shall be installed on the outside of the building. Plans shall be submitted to the Riverside County Fire Department for approval prior to installation.

10.FIRE. 5 USE-#88A-AUTO/MAN GATES RECOMMND

Gate(s) shall be automatic operated, minimum 20 feet in width, with a setback of 35 feet from face of curb/flow line. Gate access shall be equipped with a Knox rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the Knox rapid entry system shall remain open until closed by the Knox rapid entry system.

10.FIRE. 6 USE- ROAD ACCESS RECOMMND

Primary Access:

Primary access from Black Rock Road shall be provided to the facility and for every proposed future building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of proposed future buildings as measured by an approved route around the exterior of the building or facility.

Approved fire apparatus access roads shall be all-weather hard-surfaced right-of-way not less than 20 feet in width and shall have an unobstructed vertical clearance of not

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 11

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.FIRE. 6 USE- ROAD ACCESS (cont.)

RECOMMND

less than 13 feet 6 inches. The grade of the access road shall not exceed 15%. Such access shall be unobstructed and maintained only as access to the public street. The access road shall be designed to sustain 70,000 pounds over two axels.

Solar Array Field Access:

Every SEGS project will be reviewed on a case-by-case basis to determine the on-site access roadway widths, turn around and turnout locations to all structures and field equipment for the purposes of fire suppression and/or emergency medical response needs. On-site access roads shall be not less than 20 feet in width and shall have an unobstructed vertical clearance of not less than 13 feet 6 inches. The grade of the access road shall not exceed 15%. The access roads shall be designed, constructed, and certified by a registered Engineer to be capable of sustaining 70,000 pounds over two axels.

Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Turning areas shall be designed in accordance with Riverside County Fire Department standards.

Plans shall be submitted for review and approval from the Riverside County Fire Department prior to construction.

10.FIRE. 7 USE-#84-TANK PERMITS

RECOMMND

Applicant or Developer shall be responsible for obtaining under/aboveground fuel, chemical and mixed liquid storage tank permits, from the Riverside County Fire Department and Environmental Health Departments. Plans must be submitted for approval prior to installation. Aboveground fuel/mixed liquid tanks(s) shall meet the following standard: Tank must be tested and labeled to UL2085 Protected Tank Standard or SwRI 93-01. The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test. A sample copy of the tank's label from an independent test laboratory must be included with your plans.

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 12

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

FLOOD RI DEPARTMENT

10.FLOOD RI. 1

USE FLOOD HAZARD REPORT

RECOMMND

Conditional Use Permit No. 3682 is a proposal to construct a photovoltaic solar power plant in the Blythe area located north of Interstate 10 and Blythe Airport and east of McCoy Mountains. While majority of the project is on Bureau of Land Management (BLM) land, there are 3 privately owned parcels totaling 477 acres within the County's land use jurisdiction and are subject of this conditional use permit. This case is related to Public Use Permit No. 911 and replaces Conditional Use Permit 3671.

The entire project site (both BLM land and private property) lies within the State Department of Water Resources (DWR) awareness floodplain and is adopted into the Country's Floodplain Management Ordinance 458. The 477-acre portion of the project site is located on a broad alluvial plain and receives sheet flow type stormwater runoff from a tributary drainage area of approximately 46 square miles from the McCoy Mountains to the northwest and west. Stormwater flows from McCoy Wash impact the northeastern corner of the project site. The topography of the area shows that runoff flows in a broad braided and distributary nature typical of desert washes. All new buildings shall be floodproofed by constructing the finished floor a minimum of 24 inches above the highest adjacent ground or 12 inches above the floodplain elevation whichever is greater. Slope protection shall be provided for buildings on fill. All solar panels shall be mounted to provide a minimum clearance of 24 inches above the adjacent ground.

Though the site is within the Colorado River Regional Water Quality Control Board jurisdiction, it is outside the Whitewater River watershed limits of Riverside County National Pollutant Discharge Elimination System (NPDES) municipal separate storm sewer system permit (MS4 permit). Therefore, a Water Quality Management Plan for Urban Runoff (WQMP) is not required for the site. However, it is recommended that impervious areas should be graded or constructed to drain to a filtration BMP or equally effective alternative. Filtration BMPs can be found in the attachment to Supplement A, "Selection and Design of Stormwater Quality Controls".

The exhibit indicates that the maintenance roads within the

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.FLOOD RI. 1 USE FLOOD HAZARD REPORT (cont.) RECOMMND

project will be constructed with gravel and only the entrance will be paved. Since the project proposes to construct the solar panels on native soil and only a minimal amount of impervious paving, no increased runoff and/or flow diversion is anticipated. The property's maintenance access and site grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. This development must provide adequate flow through area onsite to allow the passage of the tributary stormwater runoff. The bottom 24 inches of the fencing shall be break-away chain link fabric.

It should be noted the proposed location for the building is outside the private property and within the BLM land limits, therefore the District has no comment to this structure. The District does recommend floodproofing measures in order to protect any proposed structures.

10.FLOOD RI. 2 USE 24-INCH MIN. CLEARANCE RECOMMND

The flood hazard review indicates the property will be impacted by sheet flow type runoff from the northwest. All solar panels shall be mounted to provide a minimum clearance of 24 inches above the adjacent ground. The solar module arrays shall be mounted in a matter that allows for a minimum clearance of 24 inches above the surrounding adjacent ground when upright to ensure the storm flows are not obstructed. New construction should comply with all applicable ordinances. It should be noted that a storm of unusual magnitude may cause some damage.

PLANNING DEPARTMENT

10.PLANNING. 1 GEN - IF HUMAN REMAINS FOUND RECOMMND

The developer/permit holder or any successor in interest shall comply with the following codes for the life of this project:

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 1 GEN - IF HUMAN REMAINS FOUND (cont.) RECOMMND

in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law. Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant." The Most Likely Descendant shall then make recommendations and engage in consultation with the County and the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the County Planning Director. The final disposition of any human remains will be made within 30 days of discovery.

10.PLANNING. 3 USE- CULT RES DECOMMISSION RECOMMND

During project decommissioning, the removals of equipment shall be monitored for any additional subsurface cultural resources that may be exposed. Monitoring shall be conducted by a County-certified professional archaeologist in accordance with current requirements and standards. A monitoring report shall be submitted to the County Archaeologist upon the conclusion of site restoration. The monitoring report shall follow the current requirements for such reports and a copy shall be forwarded to any Native American tribes who originally participated in construction monitoring.

10.PLANNING. 5 REN ENG - UTILITY COORDINATION RECOMMND

The developer/permit holder shall ensure all distribution lines, electrical substations and other interconnection facilities are constructed to the specifications of the utility purveyor and/or building codes. Interconnection shall conform to the procedures and standards established by the Public Utilities Commission or as applicable.

10.PLANNING. 6 REN ENG - FUTURE INTERFERENCE RECOMMND

If the operation of this facility generates electronic interference with or otherwise impairs the operation of any communication facilities, the developer/permit holder shall

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 6 REN ENG - FUTURE INTERFERENCE (cont.) RECOMMND

take immediate action and consult with County Information Technology staff to develop and implement measures acceptable to the Department of Information Technology.

10.PLANNING. 7 REN ENG - REPLACE OR MODIFY RECOMMND

The developer/permit holder shall give written notice to the Planning Director and Building and Safety Director prior to the replacement or modification of any portion of the project as shown on the APPROVED EXHIBITS except for routine maintenance. Any changes, refinements or amendments to the existing development approvals granted under Conditional Use Permit No. 3682 shall be processed in accordance with the terms of Section 3.5 of Development Agreement No. 77.

10.PLANNING. 10 REN ENG - NO FINAL NO CONNECT RECOMMND

The developer/permit holder shall ensure that the Department of Building and safety has completed their final inspection prior to connection to the utility purveyor.

A temporary power permit may be pursued from the Department of Building and Safety prior to final inspection for construction and to allow equipment and system testing. The Director of Building and Safety or his designee, may allow the interconnection of individual arrays or power blocks if it is determine that adequate safe guards exist to ensure compliance with all conditions of approval.

10.PLANNING. 11 USE - PDP01425 RECOMMND

County Paleontological Report (PDP) No. 1425, submitted for this case (CUP03682 - "McCoy Solar"), was prepared by SWCA Environmental Consultants and is entitled: "Paleontological Resources Assessment Report for the McCoy Solar Energy Project, Riverside County, California", dated November 17, 2011.

PDP01425 concluded ground-disturbing activities associated with the development of the project have the potential to impact sensitive nonrenewable paleontological resources unless proper mitigation measures are implemented.

PDP01425 recommended a qualified paleontologist be retained to implement a paleontological resources monitoring and

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 16

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 11 USE - PDP01425 (cont.)

RECOMMND

mitigation plan during ground disturbances related to the project and any paleontological fieldwork occurring on lands administered by the BLM would require a Paleontological Resources Use Permit issued by the BLM state office.

PDP01425 satisfies the requirement for a Paleontological Resources Assessment for this project. PDP01425 is hereby accepted for CUP03682. At such time as a grading plan is prepared, the paleontological consultant of record shall prepare and submit, to the County Geologist, a paleontological resources impact mitigation program for review and approval.

In addition, per the County's SABER (Safeguard Artifacts Being Excavated in Riverside County) Policy, paleontological fossils found in the County of Riverside should, by preference, be directed to the Western Science Center in the City of Hemet.

10.PLANNING. 12 USE - GEO02325

RECOMMND

County Geologic Report (GEO) No. 2325, submitted for this project (CUP03682) was prepared by Terracon and is entitled: "Preliminary Geotechnical Engineering Report, McCoy Solar Energy Project, 8 Miles North of Interstate 10, West of the Blythe Airport, Riverside, California", dated November 13, 2012. In addition, Terracon prepared "McCoy Solar Energy Project, 8 Miles North of Interstate 10, West of the Blythe Airport, Riverside County, California, Response to riverside County Planning Department, Preliminary Geotechnical Engineering Report", dated July 12, 2013. This document is herein incorporated as a part of GEO02325.

GEO02325 concluded:

- 1.Active or potentially active faults are not shown on or in the immediate vicinity of the site.
- 2.Liquefaction is not considered a hazard at this site.
- 3.Maximum slope configuration in all soil types is 3H:1V.
- 4.The seismic settlement of dry sands for this project is anticipated to be negligible.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 12 USE - GEO02325 (cont.)

RECOMMND

GEO02325 recommended:

- 1.If steeper slopes than 3H:1V or required for site development, stability analyses should be completed to design the grading plan.
- 2.Structures may be supported on shallow spread footings.
- 3.Drilled shaft foundations are considered suitable for support of transmission poles and other structures.
- 4.The proposed solar photovoltaic modules may be supported on a driven pile foundation system.

GEO No. 2325 satisfies the requirement for a fault study for Planning/CEQA purposes. GEO No. 2325 is hereby accepted for Planning purposes. Engineering and other Uniform Building Code parameters were not included as a part of this review or approval. This approval is not intended and should not be misconstrued as approval for grading permit. Engineering and other building code parameters should be reviewed and additional comments and/or conditions may be imposed by the City upon application for grading and/or building permits.

10.PLANNING. 13 USE - COMPLY WITH ORD./CODES

RECOMMND

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10.PLANNING. 14 USE - FEES FOR REVIEW

RECOMMND

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 14 USE - FEES FOR REVIEW (cont.) RECOMMND

with.

10.PLANNING. 15 USE - LIGHTING HOODED/DIRECTED RECOMMND

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way.

10.PLANNING. 21 USE - NO OUTDOOR ADVERTISING RECOMMND

No outdoor advertising display, sign or billboard (not including on-site advertising or directional signs) shall be constructed or maintained within the property subject to this approval.

10.PLANNING. 27 USE - EXTERIOR NOISE LEVELS RECOMMND

Exterior noise levels produced by any use allowed under this permit, including, but not limited to, any outdoor public address system, shall not exceed 45 db(A), 10-minute LEQ, between the hours of 10:00 p.m. to 7:00 a.m., and 65 db(A), 10-minute LEQ, at all other times as measured at any residential, hospital, school, library, nursing home or other similar noise sensitive land use. In the event noise exceeds this standard, the permittee or the permittee's successor-in-interest shall take the necessary steps to remedy the situation, which may include discontinued operation of the facilities. The permit holder shall comply with the applicable standards of Ordinance No. 847.

10.PLANNING. 28 USE - NOISE MONITORING REPORTS RECOMMND

The permit holder may be required to submit periodic noise monitoring reports as determined by the Department of Building and Safety as part of a code enforcement action. Upon written notice from the Department of Building and Safety requiring such a report, the permittee or the permittee's successor-in-interest shall prepare and submit an approved report within thirty (30) calendar days to the Department of Building and Safety, unless more time is allowed through written agreement by the Department of Building and Safety. The noise monitoring report shall be approved by the Office of Industrial Hygiene of the Health Service Agency (the permittee or the permittee's successor-in-interest shall be required to place on deposit

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 28 USE - NOISE MONITORING REPORTS (cont.) RECOMMND

sufficient funds to cover the costs of this approval prior to commencing the required report).

10.PLANNING. 31 USE - PREVENT DUST & BLOWSAND RECOMMND

Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Building and Safety Department and the State air quality management authorities.

10.PLANNING. 33 USE - CAUSES FOR REVOCATION RECOMMND

In the event the use hereby permitted under this permit,
a) is found to be in violation of the terms and conditions of this permit,
b) is found to have been obtained by fraud or perjured testimony, or
c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

10.PLANNING. 34 USE - CEASED OPERATIONS RECOMMND

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

10.PLANNING. 37 USE - LIMIT ON SIGNAGE RECOMMND

Signage for this project shall be limited to the one sign shown on APPROVED EXHIBIT A. Any additional signage shall be approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10.PLANNING. 41 USE - BUSINESS LICENSING RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org.buslic.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 44 USE - MITIG MEASURE VIS 6-1C RECOMMND

Mitigation Measure 6-1c from EIR 528:

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

10.PLANNING. 45 USE - MITIG MEASURE AQ 4.3-2 RECOMMND

Mitigation Measure 4.3-2 from EIR 528:

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.

10.PLANNING. 46 USE - MITIG MEASURE UTL 4.18-1 RECOMMND

Mitigation Measure 4.18-1 from EIR 528:

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

10.PLANNING. 47 USE - ALUC CONDITIONS RECOMMND

1. The following condition is applicable to any portion of the project within the Blythe Airport Influence Area as delineated in the 2004 Blythe Airport Land Use

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10. PLANNING. 47 USE - ALUC CONDITIONS (cont.)

RECOMMND

Compatibility Plan. The following uses shall be prohibited:

(a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

(b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

(c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.

(d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

2. The following condition is applicable to any portion of the project within the Blythe Airport Influence Area as delineated in the 2004 Blythe Airport Land Use Compatibility Plan. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky.

3. The "Notice of Airport in Vicinity" shall be provided to all potential purchasers, and shall be recorded as a deed notice for those parcels within the project located wholly or partially within Airport Compatibility Zones C and D.

4. In the event that any incidence of electrical interference affecting the safety of air navigation occurs as a result of project operation, upon notification to the airport operator of an incidence, the airport operator shall notify the project operator in writing. Within 30 days of written notice, the project operator shall be required to promptly take all measures necessary to eliminate such interference. An "incidence" includes any situation that results in an accident, incident, "near-miss," report by airport personnel, or specific safety complaint to the airport operator or to federal,

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 47 USE - ALUC CONDITIONS (cont.) (cont.) RECOMMND

state, or county authorities responsible for the safety of air navigation. The project operator shall work with the airport operator to prevent recurrence of the incidence. For each such incidence made known to the project operator, the necessary remediation shall only be considered to have been fulfilled when the airport operator states in writing that the situation has been remediated to the airport operator's satisfaction.

5.Structures 52 through 59 as shown on the approved site plan shall be constructed with daytime obstruction markers/balls on the transmission lines in accordance with FAA Advisory Circular 70/7460-1 K.

10.PLANNING. 50 USE - UNANTICIPATED RESOURCES RECOMMND

If during ground disturbance activities, cultural resources are discovered that were not assessed by the archaeological reports and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. A cultural resources site is defined, for this condition, as being four or more artifacts within five meters of one another exhibiting a clear horizontal spatial or stratigraphic relationship, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance. Isolated finds consist of single, or occasionally multiple, prehistoric or historical artifacts. Isolates have been found on a variety of surfaces, including desert pavement, gravel beds, and washes because alluvial and aeolian actions are known to have redistributed archaeological materials in the area from their primary depositional locations into secondary contexts lacking archaeological integrity. Similarly, secondary deposits of non-diagnostic historic-era metal cans or glass will not be recorded as "sites" or "features." Such deposits will be noted by field monitors, photographed, and recorded with a sub-meter Global Positioning System (GPS) equipment to map the distribution and extent of such materials across the Project area.

Unanticipated Discovery

The protocol for treating unanticipated effect and post-review discoveries at the MSEP involves seven steps, which may or may not all apply to any individual unanticipated effect or post-review discovery. These steps are summarized below.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 50

USE - UNANTICIPATED RESOURCES (cont.)

RECOMMND

1.Discovery. When a field monitor observes a non-isolate or bone that cannot definitively be identified as faunal or is suspected to be human, the field monitor will divert all earth-disturbing work from the find location. The field monitor, and Native American consultant if present, will then immediately establish and clearly mark the boundaries of a temporary exclusion zone (TEZ) to protect the find during subsequent investigation. The boundary may be marked with lath and surveyor's ribbon, plastic fencing, or other suitable material. The TEZ typically will extend not more than 10 meters (33 feet) from the nearest edge of the find, although a greater or lesser distance in any direction may be warranted if indicated by visible archaeological evidence at the discretion of the Project Archaeologist.

Except as provided below, no earth-disturbing activity will be permitted within the TEZ. If the find has Native American associations, a Native American consultant shall be notified if not already present at the find location.

2.Preliminary Inspection. As soon as the TEZ boundary has been defined and marked, the field monitor, assisted by additional qualified personnel as needed and a Native American consultant if applicable, will promptly inspect the find. The purpose of the inspection is limited to exposing the find sufficiently using customary archaeological techniques so that its nature and extent can be reliably determined and documented. For example, if bones that cannot definitively be identified as faunal or are suspected to be human are observed, the inspection will aim to determine (a) whether the bones are human or faunal and, if the former, (b) whether a burial, cremation, or other mortuary feature is present. The preliminary inspection will be completed within one to two business days following the discovery, unless schedule delays outside of the control of McCoy Solar and their cultural resources consultant prevent completion of the inspection.

3.Determine Course of Action.

3.1.If the discovery is not on federal land, and if it consists of human remains regulated under California Health and Safety Code Section 7050.5 et seq. and Public Resources Code Section 5097.98, with or without associated grave goods, then the procedures required by the California (H&S) Code Section 7050.5 et seq. and PRC Section 5097.98 will be implemented.

3.2.All non-isolate archaeological resources not covered by 3.1 above that are discovered will be treated in accordance with the remaining steps.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10. PLANNING. 50 USE - UNANTICIPATED RESOURCES (cont.) (cont.) RECOMMND

4. Assume CRHR Eligibility. Any new non-isolate archaeological features, site component(s), or site(s) discovered during construction will be assumed a priori to be eligible for the California Register of Historical Resources (CRHR).

5. Assess Feasibility of Avoidance. If the results of the preliminary inspection confirm the presence of a historical resource, McCoy Solar will consider the discovery location relative to Project construction plans in order to determine whether avoidance is feasible. If complete avoidance is infeasible, McCoy Solar will ascertain whether partial avoidance is feasible so as to minimize further disturbance of the find. As soon as practicable, but typically not more than five working days following the preliminary inspection, McCoy Solar will advise the County Archaeologist whether (a) the find can be avoided, or (b) partial avoidance is feasible, or (c) the find cannot be avoided by Project construction.

5.1. If the discovered historical resource can be avoided, it will not be investigated beyond the Preliminary Inspection (above), and it will be reburied in place and an Environmentally Sensitive Area (ESA) established, and no Project-related ground disturbance will take place in the ESA. The find may also be protected from future disturbance by additional measures, as needed. Such measures will be proposed by the Project Archaeologist and approved by County, in consultation with the Tribes if the resource has Native American association, and then implemented.

5.2. If the discovered historical resource can be partly avoided, that portion of the find that can be avoided will be treated in accordance with Item 5.1 above. The remainder of the find will be treated as prescribed in Item 6 below.

6. Perform Treatment for Historical Resources Assumed Eligible under CRHR Criterion 4. If all or part of the discovered historical resource cannot be avoided by Project construction, and if the resource is assumed eligible under CRHR Criterion 4 because of its potential to yield information important in prehistory or history, then an adequate sample of information will be gathered using archaeological data recovery methods. For data recovery purposes, sample size and collection techniques will be determined at the discretion of the Project Archaeologist on the basis of the find's perceived data potentials relative to the archaeological research design and sampling strategy for the MSEP. Data recovery excavations will begin immediately following the completion of the actions

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.PLANNING. 50 USE - UNANTICIPATED RESOURCES (cont.) (cont.)RECOMMND

required above, and will be finished as expeditiously as possible. Following field work, the recovered specimens and data will be processed, analyzed, and reported according to current best practices as well as the guidelines and standards issued variously by the California Office of Historic Preservation (OHP).

7. Perform Treatment for Historical Resources Eligible under CRHR Criteria 1, 2, or 3. If new adverse effects to previously identified historical resources that are eligible for the CRHR Criteria 1, 2, or 3, are identified during construction, then: (a) the Project Archaeologist will, within five working days, prepare and submit to County Archaeologist a brief draft property-specific treatment plan and proposed work schedule; (b) if the property is associated with Native Americans, the County Archaeologist will then review and comment on the draft plan within 10 working days following receipt; (c) the County will consult with the Tribes if the property is prehistoric during that same 10 working days; (d) following County Archaeologist's and tribal review, the Project Archaeologist will revise the plan, if requested, within three working days following receipt of the County Archaeologist's comments on the draft, and produce a final version for approval; and (e) the County will then approve the final plan within five working days following receipt. Upon the final plan's approval, the Project Archaeologist will begin to implement the agreed-upon treatment measures expeditiously and in keeping with the approved schedule.

8. Resume Construction.

TRANS DEPARTMENT

10.TRANS. 1 USE - COUNTY WEB SITE RECOMMND

Additional information, standards, ordinances, policies, and design guidelines can be obtained from the Transportation Department Web site:
<http://rctlma.org/trans/>. If you have questions, please call the Plan Check Section at (951) 955-6527.

10.TRANS. 9 USE - STD INTRO (ORD 461) RECOMMND

With respect to the conditions of approval for the referenced tentative exhibit, the landowner shall provide all street improvements, street improvement plans and/or road dedications set forth herein in accordance with

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

10. GENERAL CONDITIONS

10.TRANS. 9 USE - STD INTRO (ORD 461) (cont.) RECOMMND

Riverside County Road Improvement Standards (Ordinance 461). It is understood that the exhibit correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or unacceptability may require the exhibit to be resubmitted for further consideration. This ordinance and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

10.TRANS. 10 USE - ENCROACHMENT PERMIT RECOMMND

An encroachment permit must be obtained from the Transportation Department prior to the commencement of any work within the County road right-of-way.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1 USE - LIFE OF THE PERMIT RECOMMND

The life of Conditional Use Permit No. 3682 shall be effective the date that Development Agreement No. 77 is effective and shall continue for a period of thirty years thereafter, approximately April 1, 2044. This permit shall thereafter be null and void and of no effect whatsoever unless the permit and Development Agreement have been extended pursuant to the provisions of Development Agreement No. 77 and the "Existing Land Use Regulations" referenced in Development Agreement No. 77.

20.PLANNING. 2 USE - EXPIRATION DATE-CUP/PUP RECOMMND

This approval shall be used within two (2) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within two (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time in which to begin substantial construction or use

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

20. PRIOR TO A CERTAIN DATE

20.PLANNING. 2 USE - EXPIRATION DATE-CUP/PUP (cont.) RECOMMND

of this permit. Should the one year extension be obtained and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, shall become null and void.

20.PLANNING. 3 USE - MMRP RECOMMND

The mitigation measures set forth in the Mitigation Monitoring and Reporting Program ("MMRP") that are not otherwise included in these Conditions of Approval are hereby incorporated into these Conditions of Approval and shall be enforced by the agency or agencies listed in the MMRP. These Conditions of Approval, including the MMRP, establish the timing of compliance with all conditions of approval and all mitigation measures applicable to this permit. The County shall enforce compliance with these Conditions of Approval as otherwise permitted by law pursuant to Condition No. 10.Planning.33 and as required by the procedures set forth in County Ordinance No. 348.

60. PRIOR TO GRADING PRMT ISSUANCE

BS GRADE DEPARTMENT

60.BS GRADE. 2 USE - GRADING SECURITY RECOMMND

Grading in excess of 199 cubic yards will require a performance security to be posted with the Building and Safety Department.

60.BS GRADE. 3 USE - IMPORT / EXPORT RECOMMND

In instances where a grading plan involves import or export, prior to obtaining a grading permit, the applicant shall have obtained approval for the import/export location from the Building and Safety Department.

A separate stockpile permit is required for the import site. It shall be authorized in conjunction with an approved construction project and shall comply with the requirements of Ordinance 457.

If an Environmental Assessment, prior to issuing a grading permit, did not previously approve either location, a Grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.BS GRADE. 3 USE - IMPORT / EXPORT (cont.) RECOMMND

Building and Safety Department Director for approval.

Additionally, if the movement of import / export occurs using county roads, review and approval of the haul routes by the Transportation Department may be required.

60.BS GRADE. 4 USE - GEOTECH/SOILS RPTS RECOMMND

Geotechnical soils reports, required in order to obtain a grading permit, shall be submitted to the Building and Safety Department for review and approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by Riverside County.* *The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the RIVERSIDE COUNTY GEOTECHNICAL GUIDELINES FOR REVIEW OF GEOTECHNICAL AND GEOLOGIC REPORTS.

60.BS GRADE. 6 USE - DRAINAGE DESIGN Q100 RECOMMND

All drainage facilities shall be designed in accordance with the Riverside County Flood Control & Water District's or Coachella Valley Water District's conditions of approval regarding this application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows.

60.BS GRADE. 7 USE - OFFSITE GRDG ONUS RECOMMND

Prior to the issuance of a grading permit, it shall be the sole responsibility of the owner/applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed.

60.BS GRADE. 8 USE - NOTARIZED OFFSITE LTR RECOMMND

A notarized letter of permission from the affected property owners or easement holders shall be provided in instances where off site grading is proposed as part of the grading plan.

60.BS GRADE. 9 USE - RECORDED ESMT REQ'D RECOMMND

In instances where the grading plan proposes drainage facilities on adjacent offsite property, the owner/applicant shall provide a copy of the recorded drainage

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.BS GRADE. 9 USE - RECORDED ESMT REQ'D (cont.) RECOMMND

easement, if required by the offsite property owner.

60.BS GRADE. 11 USE - SITE DESIGN BMPS RECOMMND

Prior to the issuance of a grading permit, the grading plan shall include the Site Design BMPs to be utilized to mitigate impacts to water quality. This includes but is not limited to minimizing urban runoff by maximizing permeable areas, incorporating landscape buffers and directing drainage flows to these areas. Minimizing directly connected impervious areas by directing roof runoff to vegetative swales or landscape buffer areas. Minimizing impervious footprint by using open jointed paving materials or permeable surfaces. Directing drainage to natural areas.

60.BS GRADE. 12 USE - PRE-CONSTRUCTION MTG RECOMMND

Upon receiving grading plan approval and prior to the issuance of a grading permit, the applicant is required to schedule a pre-construction meeting with the Building and Safety Department Environmental Compliance Division.

EPD DEPARTMENT

60.EPD. 1 - NESTING BIRD SURVEY RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-6, Birds and their nests are protected by the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Game (CDFG) Codes. Since the project supports suitable nesting bird habitat, removal of vegetation or any other potential nesting bird habitat disturbances shall be conducted outside of the avian nesting season (February 1st through July 31st). If habitat must be cleared during the nesting season, a preconstruction nesting bird survey shall be conducted. The preconstruction nesting bird survey must be conducted by a Biological Consulting Firm who holds a current MOU with the County of Riverside. 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). 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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 1 - NESTING BIRD SURVEY (cont.)

RECOMMND

surveys may be required if periods of construction inactivity exceed 3 weeks. The biologist shall prepare and submit a report, documenting the results of the survey, to the Environmental Programs Division (EPD) of the Riverside County Planning Department for review and approval. If nesting activity is observed, appropriate avoidance measures shall be adopted to avoid any potential impacts to nesting birds. Measures are to be the following: 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 Environmental Programs Division (EPD) of the Riverside County Planning Department; and 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.

60.EPD. 2 - BIO MONITOR TEAM

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1a, prior to beginning construction 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 Environmental Programs Division (EPD) of the Riverside County Planning Department for approval in consultation with CDFW and USFWS. The Designated Biologist shall meet the following minimum qualifications (or in lieu of the requirements resume shall demonstrate appropriate background/training to effectively implement mitigation measures):

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 qualification criteria, demonstrate familiarity with protocols and

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 2

- BIO MONITOR TEAM (cont.)

RECOMMND

guidelines for the desert tortoise, and be approved by the USFWS

5. Possess a CESA Memorandum of Understanding pursuant to §2081(a) for desert tortoise.

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1b, Prior to the issuance of a grading permit, the Designated Biologist shall submit a signed statement to the Environmental Programs Division (EPD) of the Riverside County Planning Department stating that they understand the following duties.

The Designated Biologist shall perform 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 remains the contact for the Applicant and the Environmental Programs Division (EPD) of the Riverside County Planning Department. 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 Riverside Environmental Programs Department of any non-compliance with any biological resources mitigation measure
7. Respond directly to inquiries of the County of Riverside

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 2

- BIO MONITOR TEAM (cont.) (cont.)

RECOMMND

Environmental Programs Department 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

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

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1c and 1d, prior to the issuance of a grading permit the Designated Biologist shall submit the resume, at least three references, and contact information of the proposed Biological Monitors to the Environmental Programs Division (EPD) of the Riverside County Planning Department. The resume shall demonstrate, to the satisfaction of EPD, the appropriate education and experience to accomplish the assigned biological resource tasks. 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. 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 EPD.

60.EPD. 3

- BRMIMP

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1f, Prior to the issuance of a grading permit or building permit the Applicant shall develop a Biological Resources Mitigation, Implementation, and Monitoring Plan (BRMIMP), and shall submit two copies of the proposed BRMIMP to the County of Riverside Environmental Programs Department for review and approval. The Applicant shall

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 3 - BRMIMP (cont.)

RECOMMND

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 of Riverside Environmental Programs Department and appropriate agencies for review and approval

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 3

- BRMIMP (cont.) (cont.)

RECOMMND

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 CNDDDB per CDFW requirements.

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-2c 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. General Biological Reports: Submit a monthly Biological Monitoring Report to the Environmental Programs Division (EPD) of the Riverside County Planning Department. The monthly report should contain summaries of each day's biological monitoring activities; which includes any compliance violations by the Applicant and any deaths or injuries to wildlife. Report should also contain a summary on the following month's expected biological monitoring activities.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 4

* PHASING

RECOMMND

Prior to initiating each phase of construction the Applicant shall submit, to Environmental Programs Division (EPD) of the Riverside County Planning Department Environmental Programs Division (EPD), 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.

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.

60.EPD. 5

- DT AVOIDANCE

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-2a 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. Installation of Desert Tortoise Exclusion Fence (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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 5

- DT AVOIDANCE (cont.)

RECOMMND

Biological Monitors to ensure the safety of any tortoise present)

2. 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.

3. 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).

60.EPD. 6

- DT TRANSLOCATION

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-2b the 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 Environmental Programs Division (EPD) of the Riverside County Planning Department. 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 EPD, USFWS, and CDFW.

60.EPD. 7

- WEED MANAGEMENT PLAN

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-3a prior to beginning construction on the Project, the Applicant will prepare, circulate to the Environmental Programs Division (EPD) of the Riverside County Planning Department for comment and approval, and

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 7 - WEED MANAGEMENT PLAN (cont.)

RECOMMND

then implement an Invasive Weed Management Plan that meets Environmental Programs Division (EPD) of the Riverside County Planning Department 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 will address these topics: preventative during construction-equipment cleaning, containment and control measures, monitoring, reporting and success criteria.

60.EPD. 10 - BUOW SURVEY

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-8 the applicant shall implement a pre-construction survey for burrowing owl s. 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). If construction begins after the 30 day period, the survey will be considered null and void. As a result another Burrowing Owl survey will need to be completed. If active burrow is detected within 500ft from project disturbance area a non-disturbance buffer will be established that includes fencing at a 250ft radius from occupied burrow and no entry signs posted in both English and Spanish. 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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 10 - BUOW SURVEY (cont.)

RECOMMND

avoid such disturbance.

60.EPD. 11 - BUOW MITIGATION

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-8 to be 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 Environmental Programs Division (EPD) of the Riverside County Planning Department, 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.

MITIGATION PLAN

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-8 the Applicant shall prepare and implement a final Burrowing Owl Mitigation Plan. The Plan shall be approved by the Environmental Programs Division (EPD) of the Riverside County Planning Department 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:

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 11

- BUOW MITIGATION (cont.)

RECOMMND

- 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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 11 - BUOW MITIGATION (cont.) (cont.) RECOMMND

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.

60.EPD. 12 - DKF MANAGEMENT PLAN RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-9 the Applicant shall prepare and implement a Desert Kit Fox Management Plan. The Applicant shall submit the management plan for approval to the Environmental Programs Division (EPD) of the Riverside County Planning Department of Riverside Environmental Program Division at least 45 days prior to beginning of construction. The plan shall include all components described in MM 4.4-9 measure 1:

- 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
- 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 Solar

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 12 - DKF MANAGEMENT PLAN (cont.)

RECOMMND

Energy Project site). The contents and requirements of the Plan shall be subject to review and approval by the County and CDFW.

60.EPD. 13 - DKF AND AB SURVEYS

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-9 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. 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. 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. 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. 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. If an active natal den (a den with pups) is detected on the site, the Environmental Programs Division (EPD) of the Riverside County Planning Department 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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 13 - DKF AND AB SURVEYS (cont.)

RECOMMND

shall be maintained around all active dens.

60.EPD. 14 - WEAP PROGRAM

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-17 the Applicant shall develop and implement a Project-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from the Environmental Programs Division (EPD) of the Riverside County Planning Department prior to commencement of construction. 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 include all components described below:

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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 14 - WEAP PROGRAM (cont.)

RECOMMND

Environmental Programs Division (EPD) of the Riverside
County Planning Department

60.EPD. 15 - SPECIAL STATUS PLANTS

RECOMMND

As stated in the McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1g 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 of Riverside Environmental Programs Department; 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.

60.EPD. 16 EPD-BBCS

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-5a the project owner shall prepare a Bird and Bat Conservation Strategy (BBCS) in consultation with the Environmental Programs Division (EPD) of the Riverside County Planning Department in consultation with CDFW for review and comment. The BBCS will address all the points listed under MM 4.4-5A:

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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 16

EPD-BBCS (cont.)

RECOMMND

will evaluate the effectiveness of those measures.

The BBCS shall include the following components:

1. A description and summary of the baseline survey methods, raw data, and results.
2. Avian and bat mortality and injury monitoring that includes:
 - a) Onsite monitoring that will systematically survey representative locations within the facility, at a level that will produce statistically robust data; account for potential spatial bias; and allow for the extrapolation of survey results to non-surveyed areas within the solar plant site boundary and the survey interval based on scavenger and searcher efficiency trials and detection rates.
 - b) Low-visibility and high-wind weather event reporting to document potential weather-related collision risks that may be associated increased risk of avian or bat collisions with project features, including foggy, highly overcast, or rainy night-time weather typically associated with an advancing frontal system, and high wind events (40 miles per hour winds) that are sustained for period of greater than 4 hours.
 - c) Statistically robust scavenger and searcher efficiency trials prior and post construction to document the extent to which avian or bat fatalities remain visible over time and can be detected within the project area and to adjust the survey timing and survey results to reflect scavenger and searcher efficiency rates.
 - d) Statistical methods used to generate facility estimates of potential post construction avian and bat impacts based on the observed number of detections during standardized searches during the monitoring season for which the cause of death can be determined and is determined to be facility-related.
 - e) Field detection and mortality or injury identification, cause attribution, handling and reporting requirements.
3. Post-construction monitoring studies included in the BBCS shall be conducted by a third party contractor for at least 3 years following commencement of commercial operation of each individual unit. At the end of the three-year period, the Environmental Programs Division (EPD) of the Riverside County Planning Department in consultation with CDFW shall determine whether the survey program shall be continued.
4. An adaptive management program shall be developed to identify and implement reasonable and feasible measures needed to reduce levels of avian or bat mortality or injury

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 16

EPD-BBCS (cont.) (cont.)

RECOMMND

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

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

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

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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 16

EPD-BBCS (cont.) (cont.) (cont.)

RECOMMND

affect birds that use the mitigation lands or other approved locations; and (xi) contribute to the Migratory Bird Conservation Fund managed by the Migratory Bird Conservation Commission. Adaptive mitigation will be discussed and evaluated in survey reports.

5. Monitor the death and injury of birds and bats from collisions with PV panels. The monitoring data shall be used to inform an adaptive management program that would avoid and minimize Project-related avian and bat impacts. The study design shall be approved by the Environmental Programs Division (EPD) of the Riverside County Planning Department and CDFW. The monitoring shall include detailed specifications on data and carcass collection protocol and a rationale justifying the proposed schedule of carcass searches. The program also shall include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias.

The results of onsite injury and mortality monitoring will be reported monthly. The reports will include all monitoring data required as part of the monitoring program. The reports shall also assess any adaptive management measure implemented during the prior year as approved by the Environmental Programs Division (EPD) of the Riverside County Planning Department in consultation with CDFW. The Environmental Programs Division (EPD) of the Riverside County Planning Department in consultation with CDFW shall determine if additional monitoring is warranted based on data quality and sufficiency of analysis, or if needed, to document efficacy of any adaptive management measures undertaken by the Project owner.

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

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

1. Provide 60-inch minimum horizontal separation between energized conductors or energized conductors and grounded

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 16 EPD-BBCS (cont.) (cont.) (cont.) (cont.) RECOMMND

hardware;

2. Insulate hardware or conductors against simultaneous contact if adequate spacing is not possible;
3. Use structure designs that minimize impacts to birds; and
4. Shield wires to minimize the effects from bird collisions.

Impacts to Golden Eagles

As stated by McCoy Solar Project Revised DEIR Mitigation Measure 4.4-7 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 using methods described in described in the Interim Golden Eagle Inventory and Monitoring Protocols and Other Recommendations (Pagel et al., 2010)
2. Inventory data gathered during surveys
3. Determination of unoccupied territory status
4. Applicant shall prepare and implement a Monitoring and Adaptive Management Plan for Golden Eagle if an occupied nest is detected within 1 mile of the project boundaries.

60.EPD. 17 EPD-BBCS REVIEW RECOMMND

Prior to the start of construction, the Bird and Bat Conservation Strategy (BBCS) shall be submitted to the Environmental Programs Division (EPD) of the Riverside County Planning Department of Riverside Environmental Programs Department for review and approval. EPD will review and comment on only the sections and components of the BBCS that pertain to grading commencement and operation.

PLANNING DEPARTMENT

60.PLANNING. 1 USE - CULTURAL RESOURCE PROFE RECOMMND

As a result of information contained in archaeological report PD-A-4719, prepared by AECOM, dated July 2011, including Geoarchaeological Report for the McCoy Solar Energy Project, Riverside County, California, prepared by SWCA Environmental Consultants, dated March 2011, the sensitivities for both prehistoric cultural resources and historic period cultural resources have been demonstrated by the number of archaeological sites and isolated finds

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 1 USE - CULTURAL RESOURCE PROFE (cont.) RECOMMND

identified during the cultural resources survey. Prior to the issuance of grading permits, the developer/permit holder shall retain and enter into a monitoring service contract with a qualified County-certified archaeologist for monitoring services. The professional shall be known as the "Project Archaeologist." The Project Archaeologist shall be included in the pre-construction meetings to provide cultural/historical sensitivity training including the establishment of set guidelines for ground disturbance in sensitive areas with the grading contractors and any required tribal or special interest monitors. The Project Archaeologists shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required tribal or special interest monitors.

60.PLANNING. 2 CUP - SPECIAL INTEREST MONITOR RECOMMND

As a result of archaeological report PD-A-4719, numerous sites and isolated finds associated with the World War II DTA/CAMA training facilities were identified within this project.

Prior to the issuance of grading permits, the developer/permit holder shall enter into contract and retain a monitor(s) designated by the General Patton Memorial Museum, in Chiriaco Summit, California. This group shall be known as the Special Interest Monitor (SI Monitor) for this project. The SI Monitor requirement may be met by a Project archaeological monitor knowledgeable about World War II-era artifacts. The contract shall address the treatment and ultimate disposition of cultural resources which may include curation at the Patton Museum.

The SI Monitors shall be allowed on-site during all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading, trenching, stockpiling of materials, rock crushing, structure demolition and etc. The SI Monitors shall provide interpretive consultation services to assist the Project Archaeologists with cultural materials related to the World War II military facilities and resources within the project boundaries.

The developer/permit holder shall submit a fully executed

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 49

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 2

CUP - SPECIAL INTEREST MONITOR (cont.)

RECOMMND

copy of the Special Monitor contract to the Riverside County Planning Department to ensure compliance with this condition of approval. Upon verification, the Planning Department shall clear this condition.

NOTE: 1)The Project Archaeologists are responsible for implementing CEQA-based mitigation, if required, using current standard professional practices for cultural resources archaeology. The Project Archaeologists shall consult with the County, developer/permit holder and special interest group monitor throughout the process.

2)Special interest monitoring does not replace any required Cultural Resources archaeological monitoring, but rather serves as a supplement for consultation and advisory purposes for public interests only.

3)This agreement shall not modify any approved condition of approval or mitigation measure.

4)The developer/permit holder shall contact the Planning Director for consideration of this condition after forty-five (45) days, if an agreement with the special interest group has not been met.

5)Should curation at another facility be necessary, it shall not occur until after the Phase IV monitoring report has been submitted to the Riverside County Planning Department. The developer/permit holder is responsible for all curation costs.

(MODIFIED 2-25-14)

60.PLANNING. 3

USE - PALEO PRIMP & MONITOR

RECOMMND

PDP01425, prepared by SWCA Environmental Consultants for this project (CUP03682 - "McCoy Solar"), concluded ground-disturbing activities associated with the development of the project have the potential to impact sensitive nonrenewable paleontological resources unless proper mitigation measures are implemented.

HENCE,

PRIOR TO ISSUANCE OF GRADING PERMITS:

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 3

USE - PALEO PRIMP & MONITOR (cont.)

RECOMMND

1.The applicant shall retain a qualified paleontologist approved by the County of Riverside to create and implement a project-specific plan for monitoring site grading/earthmoving activities (project paleontologist).

2.The project paleontologist retained shall review the approved development plan and grading plan and shall conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements as appropriate. These requirements shall be documented by the project paleontologist in a Paleontological Resource Impact Mitigation Program (PRIMP). This PRIMP shall be submitted to the County Geologist for review and approval prior to issuance of a Grading Permit.

Information to be contained in the PRIMP, at a minimum and in addition to other industry standard and Society of Vertebrate Paleontology standards, are as follows:

- 1.Description of the proposed site and planned grading operations.
- 2.Description of the level of monitoring required for all earth-moving activities in the project area.
- 3.Identification and qualifications of the qualified paleontological monitor to be employed for grading operations monitoring.
- 4.Identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens.
- 5.Direction for any fossil discoveries to be immediately reported to the property owner who in turn will immediately notify the County Geologist of the discovery.
- 6.Means and methods to be employed by the paleontological monitor to quickly salvage fossils as they are unearthed to avoid construction delays.
- 7.Sampling of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
- 8.Procedures and protocol for collecting and processing of samples and specimens.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 3 USE - PALEO PRIMP & MONITOR (cont.) (cont.) RECOMMND

9.Fossil identification and curation procedures to be employed.

10.Identification of the permanent repository to receive any recovered fossil material. * Per the County of Riverside "SABER Policy", paleontological fossils found in the County of Riverside should, by preference, be directed to the Western Science Center in the City of Hemet. A written agreement between the property owner/developer and the repository must be in place prior to site grading.

11.All pertinent exhibits, maps and references.

12.Procedures for reporting of findings.

13.Identification and acknowledgement of the developer for the content of the PRIMP as well as acceptance of financial responsibility for monitoring, reporting and curation fees. The property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the County that such funding has been paid to the institution.

All reports shall be signed by the project paleontologist and all other professionals responsible for the report's content (eg. Professional Geologist), as appropriate. Two wet-signed original copies of the report(s) shall be submitted to the office of the County Geologist along with a copy of this condition and the grading plan for appropriate case processing and tracking. These documents should not be submitted to the project Planner, the Plan Check staff, the Land Use Counter or any other County office. In addition, the applicant shall submit proof of hiring (i.e. copy of executed contract, retainer agreement, etc.) a project paleontologist for the in-grading implementation of the PRIMP.

60.PLANNING. 13 USE - FEE STATUS

RECOMMND

Prior to the issuance of grading permits for Conditional Use Permit No. 3682, the Planning Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 13 USE - FEE STATUS (cont.) RECOMMND

the outstanding balance.

60.PLANNING. 16 USE - REQD APPLICATIONS (1) RECOMMND

No grading permits shall be issued until Development Agreement No. 77 have been approved and adopted by the Board of Supervisors and have been made effective.

60.PLANNING. 17 USE - MITIG MEASURE VIS 6-1A RECOMMND

Mitigation Measure 6-1a from EIR 528:

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

Visual design elements to be integrated into construction plans, details, shop drawings and specifications must at a minimum include:

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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 17

USE - MITIG MEASURE VIS 6-1A (cont.)

RECOMMND

characteristics of naturally occurring openings.

4.A form of color treatment shall be used to reduce visual contrast between the backs or non-energy gathering side of the solar panels and the landscape setting. Since not all of the panels are visible outside the project footprint, the exact location or color treatment method that will be required shall be determined prior to installation.

5.Security fencing shall be coated with black poly-vinyl or other visual contrast reducing color.

6.Materials, coatings, or paints having little or no reflectivity shall be used whenever possible.

7.Grouped structures, including the water tanks and prefabricated buildings, shall be painted the same color to reduce visual complexity and color contrast.

8.The gen-tie line and the distribution line shall utilize nonspecular conductors and nonreflective coatings on insulators.

9.The choice of color treatments shall be based on the appearance at typical viewing distances and consider the entire landscape around the proposed development as it would be viewed from publically accessible locations. Appropriate colors for smooth surfaces often need to be two to three shades darker than the background color to compensate for shadows that darken most textured natural surfaces. Choice of colors shall be made in consultation with a County landscape architect or other designated visual resource specialist.

10.A lighting plan shall be prepared that documents how lighting will be designed and installed to minimize night-sky impacts during facility construction and operations. Lighting for facilities should not exceed the minimum number of lights and brightness required for safety and security, and should not cause excessive reflected glare. Low-pressure sodium light sources should be used to reduce light pollution. Full cut-off luminaires should be used to minimize uplighting. Lights should be directed downward or toward the area to be illuminated. Light fixtures should not spill light beyond the project boundary. Lights in highly illuminated areas that are not occupied on a continuous basis should have switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.

11.Where feasible, vehicle mounted lights should be used for night maintenance activities. Wherever feasible, consistent with safety and security, lighting should be kept off when not in use. The lighting plan should include

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 17 USE - MITIG MEASURE VIS 6-1A (cont.) (cont.) RECOMMND

a process for promptly addressing and mitigating complaints about potential lighting impacts.

60.PLANNING. 18 USE - MITIG MEASURE VIS 6-1B RECOMMND

Mitigation Measure 6-1b from EIR 528:

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

Specific measures shall include the following:

- 1.The Applicant shall reduce visual impacts during construction by clearly delineating construction boundaries and minimizing areas of surface disturbance; preserving existing, native vegetation to the extent feasible; utilizing undulating surface-disturbance edges; stripping, salvaging, and replacing topsoil; using contoured grading; controlling erosion; using dust suppression techniques; and restoring exposed soils to their original contour and vegetation.
- 2.Visual impact mitigation objectives and activities shall be discussed with equipment operators before construction activities begin.
- 3.Existing rocks, vegetation, and drainage patterns shall be preserved to the extent feasible.
- 4.Brush-beating or mowing or using protective surface matting rather than removing vegetation shall be employed where feasible.
- 5.Slash from vegetation removal shall be mulched and spread to cover fresh soil disturbances as part of the revegetation plan. Slash piles shall not be left in sensitive viewing areas.
- 6.The visual color contrast of graveled surfaces shall be reduced with approved color treatment practices.
7. No paint or permanent discoloring agents shall be applied to rocks or vegetation to indicate surveyor

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 18 USE - MITIG MEASURE VIS 6-1B (cont.)

RECOMMND

construction activity limits.

8.All stakes and flagging shall be removed from the construction area and disposed of in an approved facility.

60.PLANNING. 19 USE - MITIG MEASURE VIS 6-1D

RECOMMND

Mitigation Measure 6-1d from EIR 528:

A Decommissioning and Site Reclamation Plan, covering visual impact mitigation measures, shall be in place prior to construction, and reclamation activities should be undertaken as soon as possible after disturbances occur and be maintained throughout the life of the Project.

The following decommissioning/reclamation activities/practices shall be implemented to partially mitigate visual impacts associated with solar energy development, where feasible:

1.Pre-development visual conditions shall be reviewed, and the visual elements of form, line, color, and texture shall be restored to pre-development visual compatibility or to that of the surrounding landscape setting conditions, whichever achieves the better visual quality and most ecologically sound outcome.

2.A Decommissioning and Site Reclamation Plan shall be developed, approved by the County, and implemented. The plan shall require that all aboveground and near-ground structures be removed. Some structures shall be removed only to a level below the ground surface that will allow reclamation/restoration. Topsoil from all decommissioning activities shall be salvaged and reapplied during final reclamation. The plan shall include provisions for monitoring and determining compliance with the plan.

3.Soil borrow areas, cut-and-fill slopes, berms, water bars, and other disturbed areas shall be contoured to approximate naturally occurring slopes, thereby avoiding form and line contrasts with the existing landscapes. The Applicant shall contour to a rough texture (i.e., use large rocks/boulders, grade uneven surfaces, and/or vegetation mulches/debris) in order to trap seed and to discourage off-road travel, thereby reducing associated visual impacts.

4.A combination of seeding, planting of nursery stock, transplanting of local vegetation within the proposed disturbance areas, and staging of decommissioning activities enabling direct transplanting shall be

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 19 USE - MITIG MEASURE VIS 6-1D (cont.)

RECOMMND

considered. Where feasible, native vegetation shall be used for revegetating to establish a composition consistent with the form, line, color, and texture of the surrounding undisturbed landscape.

5. Stockpiled topsoil shall be reapplied to disturbed areas, and the areas shall be revegetated by using a mix of native species selected for visual compatibility with existing vegetation, where applicable, or by using a mix of native and non-native species if necessary to ensure successful revegetation. Gravel and other surface treatments shall be removed or buried.

6. Rocks, brush, and vegetal debris shall be restored whenever possible to approximate pre-existing visual conditions.

60.PLANNING. 20 USE - MITIG MEASURE ENG 4.6-4

RECOMMND

Mitigation Measure 4.6-4 from EIR 528:

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.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 21 USE - MITIG MEASURE HAZ 4.9-2

RECOMMND

Mitigation Measure 4.9-2 from EIR 528:

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 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 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 within 30 days of completion of the surveys.

60.PLANNING. 22 USE - MITIG MEASURE HAZ 4.9-4

RECOMMND

Mitigation Measure 4.9-4 from EIR 528:

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

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 58

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 22 USE - MITIG MEASURE HAZ 4.9-4 (cont.) RECOMMND

RCFD for approval before the Applicant receives grading permits.

60.PLANNING. 23 USE - MITIG MEASURE AQ 4.3-1 RECOMMND

Mitigation Measure 4.3-1 from EIR 528:

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

60.PLANNING. 24 USE - NATIVE AMERICAN MONITOR RECOMMND

Prior to the issuance of grading permits, the developer/permit applicant shall enter into a contract with a Tribal monitor(s) from the appropriate Native American Tribe(s) who shall be required on-site during all construction related ground disturbing activities. The developer shall submit a copy of a signed contract between the appropriate Tribe and the developer/permit holder for the monitoring of the project. The Project Archaeologist shall include in the report any concerns or comments that the monitor has regarding the project and shall include as an appendix any written correspondence or reports prepared by the monitor.

(MODIFIED 2-25-14)

TRANS DEPARTMENT

60.TRANS. 2 USE-SBMT/APPVD GRADG PLAN/TRAN RECOMMND

When you submit a grading plan to the Department of Building and Safety, a copy of the grading plan shall be submitted and approved by the Transportation Department prior to a grading permit issuance.

Submit required grading plan to the Transportation Department, Plan Check Section, 8th Floor, 4080 Lemon Street, Riverside, CA.

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 59

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

70. PRIOR TO GRADING FINAL INSPECT

EPD DEPARTMENT

70.EPD. 1 EPD-BBCS FINAL REVIEW

RECOMMND

Prior to the grading permit final inspection, the Bird and Bat Conservation Strategy (BBCS) shall be submitted to the Environmental Programs Division (EPD) of the Riverside County Planning Department of Riverside Environmental Programs Department in consultation with CDFW for complete review and approval.

PLANNING DEPARTMENT

70.PLANNING. 1 USE - CULTURAL RESOURCES RPT

RECOMMND

Prior to final inspection of grading, the developer/permit holder shall prompt the Cultural Resources Professional to submit two (2) copies of a Cultural Resources Monitoring Report that complies with the Riverside County Planning Department's requirements for such reports. The report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Planning Department shall review the report to determine adequate mitigation compliance. Provided the report is adequate, the Planning Department shall clear this condition.

(MODIFIED 2-25-14)

70.PLANNING. 2 USE - PALEO MONITORING REPORT

RECOMMND

PRIOR TO GRADING FINAL:

The applicant shall submit to the County Geologist one wet-signed copy of the Paleontological Monitoring Report prepared for site grading operations at this site. The report shall be certified by the professionally-qualified Paleontologist responsible for the content of the report. This Paleontologist must be on the County's Paleontology Consultant List. The report shall contain a report of findings made during all site grading activities and an appended itemized list of fossil specimens recovered during grading (if any) and proof of accession of fossil materials into the pre-approved museum repository. In addition, all appropriate fossil location information shall be submitted to the Western Center, the San Bernardino County Museum and Los Angeles County Museum of Natural History, at a minimum, for incorporation into their Regional Locality Inventories.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

BS GRADE DEPARTMENT

80.BS GRADE. 1 USE - NO B/PMT W/O G/PMT RECOMMND

Prior to the issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Building and Safety Department.

80.BS GRADE. 2 USE - ROUGH GRADE APPROVAL RECOMMND

Prior to the issuance of any building permit, the applicant shall obtain rough grade approval and/or approval to construct from the Building and Safety Department. The Building and Safety Department must approve the completed grading of your project before a building permit can be issued. Rough Grade approval can be accomplished by complying with the following:

1. Submitting a "Wet Signed" copy of the Soils Compaction Report containing substantiating data from the Soils Engineer (registered geologist or certified geologist, civil engineer or geotechnical engineer as appropriate) for his/her certification of the project.

2. Submitting a "Wet Signed" copy of the Rough Grade certification from a Registered Civil Engineer certifying that the grading was completed in conformance with the approved grading plan.

3. Requesting a Rough Grade Inspection and obtaining rough grade approval from a Riverside County inspector.

4. Rough Grade Only Permits: In addition to obtaining all required inspections and approval of all final reports, all sites permitted for rough grade only shall provide 100 percent vegetative coverage to stabilize the site prior to receiving a rough grade permit final.

Prior to release for building permit, the applicant shall have met all rough grade requirements to obtain Building and Safety Department clearance.

E HEALTH DEPARTMENT

80.E HEALTH. 1 USE - E.HEALTH CLEARANCE REQ. RECOMMND

ENVIRONMENTAL HEALTH CLEARANCE IS REQUIRED PRIOR TO THE ISSUANCE OF THIS BUILDING PERMIT.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

EPD DEPARTMENT

80.EPD. 1 MAP - EPD CONDITION

RECOMMND

All relevant Environmental Programs Division Prior to Grading conditions, must be satisfied prior to the issuance of a building permit.

FIRE DEPARTMENT

80.FIRE. 1 USE-17A-BLDG PLAN CHECK

RECOMMND

If buildings or structures are to be proposed or provided in the future (not inclusive of non-habitable enclosures for electrical equipment) the following shall apply:

Building Plan check deposit base fee of \$1,056.00, shall be paid in a check or money order to the Riverside County Fire Department after plans have been approved by our office.

PLANNING DEPARTMENT

80.PLANNING. 2 REN ENG - REMEDIATION BONDING

RECOMMND

Prior to the issuance of building permits, the developer/permit holder shall bond or provide another appropriate and sufficient security in a form acceptable to the County in the County's sole discretion to cover the costs of all foreign material removal and site restoration including but not limited to removal of foundations, towers, transformers, inverters and cables. The amount shall be as specified and agreed upon in an engineering estimate prepared by a California Registered Engineer and that has been reviewed and approved by the County.

The bond shall be held for life of the permit, but may be released sooner by the Board of Supervisors upon approval of a final demolition and site restoration inspection by the Department of Building and Safety. Thereafter, and with no interruption in the bonding security of the project, bonds shall be renewed in five (5) year increments to include the expiration date of the permit(s) granted, as referenced herein.

If the Planning Director determines, at any time during the term of the bond or other security, that the amount of the bond or other security has become insufficient, the permit holder shall increase the amount of the bond or other

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 2 REN ENG - REMEDIATION BONDING (cont.) RECOMMND

security within thirty (30) days after being notified that the amount is insufficient, but the required increase shall not exceed the increase in the U.S. Department of Labor Consumer Price Index for the Los Angeles-Long Beach Metropolitan Area.

80.PLANNING. 7 USE - LIGHTING PLANS RECOMMND

All street lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.

(MODIFIED 2-25-14)

80.PLANNING. 8 USE - CONFORM TO ELEVATIONS RECOMMND

Elevations of all buildings and structures submitted for building plan check approval shall be in substantial conformance with the elevations shown on APPROVED EXHIBIT A.

80.PLANNING. 21 USE - REQD APPLICATIONS (2) RECOMMND

No building permits shall be issued until Development Agreement No. 77 has been approved and adopted by the Board of Supervisors and has been made effective.

80.PLANNING. 26 USE - SCHOOL MITIGATION RECOMMND

Impacts to the Palo Verde Valley Unified School District shall be mitigated in accordance with California State law.

80.PLANNING. 27 USE - FEE STATUS RECOMMND

Prior to issuance of building permits for Conditional Use Permit No. 3682, the Planning Department shall determine the status of the deposit based fees for project. If the case fees are in a negative state, the permit holder shall pay the outstanding balance.

80.PLANNING. 28 USE - MITIG MEASURE VIS 6-1A RECOMMND

Mitigation Measure 6-1a from EIR 528:

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 28

USE - MITIG MEASURE VIS 6-1A (cont.)

RECOMMND

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

Visual design elements to be integrated into construction plans, details, shop drawings and specifications must at a minimum include:

1. Vegetation and ground disturbance associated with access road construction, gen-tie and distribution line installations, and the perimeter access road shall be minimized and take advantage of existing clearings wherever feasible.
2. Along all off-site access roads, all off-site gen-tie and distribution line corridors, and all internal access roads 16 feet or wider, graveled surfaces, areas to be permanently cleared of vegetation, and (if applicable) cut slopes shall be treated with rock stains or other color treatment appropriate with the surrounding landscape.
3. Openings in vegetation for facilities, structures, roads, and gen-tie line monopoles (and/or H-frames), shall be feathered and shaped to repeat the size, shape, and characteristics of naturally occurring openings.
4. A form of color treatment shall be used to reduce visual contrast between the backs or non-energy gathering side of the solar panels and the landscape setting. Since not all of the panels are visible outside the project footprint, the exact location or color treatment method that will be required shall be determined prior to installation.
5. Security fencing shall be coated with black poly-vinyl or other visual contrast reducing color.
6. Materials, coatings, or paints having little or no reflectivity shall be used whenever possible.
7. Grouped structures, including the water tanks and

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 28 USE - MITIG MEASURE VIS 6-1A (cont.) (cont.) RECOMMND

prefabricated buildings, shall be painted the same color to reduce visual complexity and color contrast.

8.The gen-tie line and the distribution line shall utilize nonspecular conductors and nonreflective coatings on insulators.

9.The choice of color treatments shall be based on the appearance at typical viewing distances and consider the entire landscape around the proposed development as it would be viewed from publically accessible locations. Appropriate colors for smooth surfaces often need to be two to three shades darker than the background color to compensate for shadows that darken most textured natural surfaces. Choice of colors shall be made in consultation with a County landscape architect or other designated visual resource specialist.

10.A lighting plan shall be prepared that documents how lighting will be designed and installed to minimize night-sky impacts during facility construction and operations. Lighting for facilities should not exceed the minimum number of lights and brightness required for safety and security, and should not cause excessive reflected glare. Low-pressure sodium light sources should be used to reduce light pollution. Full cut-off luminaires should be used to minimize uplighting. Lights should be directed downward or toward the area to be illuminated. Light fixtures should not spill light beyond the project boundary. Lights in highly illuminated areas that are not occupied on a continuous basis should have switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.

11.Where feasible, vehicle mounted lights should be used for night maintenance activities. Wherever feasible, consistent with safety and security, lighting should be kept off when not in use. The lighting plan should include a process for promptly addressing and mitigating complaints about potential lighting impacts.

80.PLANNING. 29 USE - MITIG MEASURE VIS 6-1B

RECOMMND

Mitigation Measure 6-1b from EIR 528:

A pre-construction meeting with County landscape architects, BLM landscape architects, or other designated visual/scenic resource specialists shall be held before construction begins to coordinate on the mitigation strategy and confirm the compliance-checking schedule and

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 29

USE - MITIG MEASURE VIS 6-1B (cont.)

RECOMMND

procedures. Final design and construction documents will be reviewed for completeness with regard to the visual mitigation elements, assuring that requirements and commitments are adequately addressed. The construction documents shall include, but not be limited to grading, drainage, revegetation, vegetation clearing, and feathering plans.

Specific measures shall include the following:

- 1.The Applicant shall reduce visual impacts during construction by clearly delineating construction boundaries and minimizing areas of surface disturbance; preserving existing, native vegetation to the extent feasible; utilizing undulating surface-disturbance edges; stripping, salvaging, and replacing topsoil; using contoured grading; controlling erosion; using dust suppression techniques; and restoring exposed soils to their original contour and vegetation.
- 2.Visual impact mitigation objectives and activities shall be discussed with equipment operators before construction activities begin.
- 3.Existing rocks, vegetation, and drainage patterns shall be preserved to the extent feasible.
- 4.Brush-beating or mowing or using protective surface matting rather than removing vegetation shall be employed where feasible.
- 5.Slash from vegetation removal shall be mulched and spread to cover fresh soil disturbances as part of the revegetation plan. Slash piles shall not be left in sensitive viewing areas.
- 6.The visual color contrast of graveled surfaces shall be reduced with approved color treatment practices.
7. No paint or permanent discoloring agents shall be applied to rocks or vegetation to indicate surveyor construction activity limits.
- 8.All stakes and flagging shall be removed from the construction area and disposed of in an approved facility.

80.PLANNING. 30

USE - MITIG MEASURE HAZ 4.9-1B

RECOMMND

Mitigation Measure 4.9-1b from EIR 528:

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

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 66

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 30

USE - MITIG MEASURE HAZ 4.9-1B (cont.)

RECOMMND

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 law 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.

80.PLANNING. 31

USE - MITIG MEASURE LIGH 4.1-3

RECOMMND

Mitigation Measure 4.1-3 from EIR 528:

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.
3. 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

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 31 USE - MITIG MEASURE LIGH 4.1-3 (cont.) RECOMMND

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.

80.PLANNING. 32 USE - MITIG MEASURE VIS 6-1D RECOMMND

Mitigation Measure 6-1d from EIR 528:

A Decommissioning and Site Reclamation Plan, covering visual impact mitigation measures, shall be in place prior to construction, and reclamation activities should be undertaken as soon as possible after disturbances occur and be maintained throughout the life of the Project.

The following decommissioning/reclamation activities/practices shall be implemented to partially mitigate visual impacts associated with solar energy development, where feasible:

1. Pre-development visual conditions shall be reviewed, and the visual elements of form, line, color, and texture shall be restored to pre-development visual compatibility or to that of the surrounding landscape setting conditions, whichever achieves the better visual quality and most ecologically sound outcome.

2. A Decommissioning and Site Reclamation Plan shall be developed, approved by the County, and implemented. The plan shall require that all aboveground and near-ground structures be removed. Some structures shall be removed only to a level below the ground surface that will allow reclamation/restoration. Topsoil from all decommissioning activities shall be salvaged and reapplied during final reclamation. The plan shall include provisions for monitoring and determining compliance with the plan.

3. Soil borrow areas, cut-and-fill slopes, berms, water bars, and other disturbed areas shall be contoured to approximate naturally occurring slopes, thereby avoiding form and line contrasts with the existing landscapes. The Applicant shall contour to a rough texture (i.e., use large

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 32

USE - MITIG MEASURE VIS 6-1D (cont.)

RECOMMND

rocks/boulders, grade uneven surfaces, and/or vegetation mulches/debris) in order to trap seed and to discourage off-road travel, thereby reducing associated visual impacts.

4.A combination of seeding, planting of nursery stock, transplanting of local vegetation within the proposed disturbance areas, and staging of decommissioning activities enabling direct transplanting shall be considered. Where feasible, native vegetation shall be used for revegetating to establish a composition consistent with the form, line, color, and texture of the surrounding undisturbed landscape.

5.Stockpiled topsoil shall be reapplied to disturbed areas, and the areas shall be revegetated by using a mix of native species selected for visual compatibility with existing vegetation, where applicable, or by using a mix of native and non-native species if necessary to ensure successful revegetation. Gravel and other surface treatments shall be removed or buried.

6.Rocks, brush, and vegetal debris shall be restored whenever possible to approximate pre-existing visual conditions.

80.PLANNING. 33

USE - MITIG MEASURE HAZ 4.9-2

RECOMMND

Mitigation Measure 4.9-2 from EIR 528:

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 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,

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 69

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 33 USE - MITIG MEASURE HAZ 4.9-2 (cont.) RECOMMND

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 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 within 30 days of completion of the surveys.

80.PLANNING. 34 USE - ALUC FAA DETERMINATION RECOMMND

Prior to issuance of any building permits, the applicant shall have received a determination of "Not a Hazard to Air Navigation" from the Federal Aviation Administration (FAA) Obstruction Evaluation Service. Copies of the FAA determination shall be provided to the Riverside County Planning Department and the Riverside County Airport Land Use Commission.

TRANS DEPARTMENT

80.TRANS. 3 USE - SIGNING & STRIPING RECOMMND

A signing and striping plan is required for any roads for which encroachment permits must be obtained. The project proponent shall be responsible for any additional paving and/or striping, removal caused by the striping plan.

(MODIFIED 2-25-14)

80.TRANS. 4 USE - EXISTING MAINTAINED RECOMMND

Black Rock Road is a County maintained dirt road and shall be improved with 32-feet of AC pavement, 7-feet of graded shoulder on the north side and 8-feet of graded shoulder on the south side as determined by the Transportation Department within the existing right-of-way in accordance with County Standard No. 106, Section B. (Modified)

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

80. PRIOR TO BLDG PRMT ISSUANCE

80.TRANS. 7 USE - IMP PLANS

RECOMMND

Improvement plans for the required improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the limit of construction at a grade and alignment as approved by the Riverside County Transportation Department. Completion of road improvements on non-county roads does not imply acceptance for maintenance by County.

NOTE: Before you prepare the street improvement plan(s), please review the Street Improvement Plan Policies and Guidelines from the Transportation Department Web site: www.rctlma.org/trans/land_dev_plan_check_guidelines.html.

(MODIFIED 2-25-14)

90. PRIOR TO BLDG FINAL INSPECTION

BS GRADE DEPARTMENT

90.BS GRADE. 1 USE - BMP INSPECTION

RECOMMND

Prior to final building inspection, the applicant shall obtain inspection of all Site Design BMPs and/or clearance from the Building and Safety Department.

Source Control BMPs such as educational materials, activity restrictions and proper maintenance (non-structural) as well as proper landscape/irrigation design and protection of slopes and channels shall be made available to the owner/applicant.

90.BS GRADE. 5 USE - REQ'D GRADING INSP'S

RECOMMND

The developer / applicant shall be responsible for obtaining the following inspections required by Ordinance 457.

- 1.Sub-grade inspection prior to base placement.
- 2.Base inspection prior to paving.
- 3.Precise grade inspection of entire permit area.
 - a.Inspection of Final Paving
 - b.Precise Grade Inspection
 - c.Inspection of completed onsite storm drain facilities

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 71

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

90. PRIOR TO BLDG FINAL INSPECTION

90.BS GRADE. 5 USE - REQ'D GRADING INSP'S (cont.) RECOMMND

d. Inspection of the Site Design BMPs

90.BS GRADE. 6 USE - PRECISE GRDG APPROVAL RECOMMND

Prior to final building inspection, the applicant shall obtain precise grade approval and/or clearance from the Building and Safety Department. The Building and Safety Department must approve the precise grading of your project before a building final can be obtained. Precise Grade approval can be accomplished by complying with the following:

1. Requesting and obtaining approval of all required grading inspections.

2. Submitting a "Wet Signed" copy of the Soils Compaction Report from the Soils Engineer (registered geologist or certified geologist, civil engineer or geotechnical engineer as appropriate) for the sub-grade and base of all paved areas.

3. Submitting a "Wet Signed" copy of the Sub-grade (rough) Certification from a Registered Civil Engineer certifying that the sub-grade was completed in conformance with the approved grading plan.

4. Submitting a "Wet Signed" copy of the Precise (Final) Grade Certification for the entire site from a Registered Civil Engineer certifying that the precise grading was completed in conformance with the approved grading plan.

5. Submitting a "Wet Signed" copy of the Certification certifying the installation of any onsite storm drain systems not inspected by Riverside County Flood Control District or the Riverside County Transportation Department.

6. Submitting a "Wet Signed" copy of the Water Quality Management Plan (WQMP) Certification from a Registered Civil Engineer certifying that the Water Quality Management Plan treatment control BMPs have been installed in accordance with the approved WQMP.

Prior to release for building final, the applicant shall have met all precise grade requirements to obtain Building and Safety Department clearance.

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 72

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

90. PRIOR TO BLDG FINAL INSPECTION

90.BS GRADE. 7 USE- BUSINESS REGISTRATION RECOMMND

Prior to final building inspection, the applicant/owner shall register the project with the Department of Building Safety Business Registration Division. Any person or entity that owns or operates a commercial and/or industrial facility shall register such facility for annual inspections.

E HEALTH DEPARTMENT

90.E HEALTH. 1 USE- E.HEALTH CLEARANCE REQ RECOMMND

Environmental Health Clearance prior to final inspection.

90.E HEALTH. 2 USE - HAZMAT BUS PLAN RECOMMND

The facility will require a business emergency plan for the storage of hazardous materials greater than 55 gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances.

90.E HEALTH. 3 USE - HAZMAT REVIEW RECOMMND

If further review of the site indicates additional environmental health issues, the Hazardous Materials Management Division reserves the right to regulate the business in accordance with applicable County Ordinances.

90.E HEALTH. 4 USE - HAZMAT CONTACT RECOMMND

Contact a Hazardous Materials Specialist, Hazardous Materials Management Division, at (951) 358-5055 for any additional requirements.

FIRE DEPARTMENT

90.FIRE. 2 USE-#27-EXTINGUISHERS RECOMMND

Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (inches) to center above floor level with maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

90. PRIOR TO BLDG FINAL INSPECTION

PLANNING DEPARTMENT

90.PLANNING. 4 REN ENG - CLEAR CONST. AREA RECOMMND

Prior to scheduling and final inspection, the developer/permit holder shall ensure the entire site and construction staging area has been cleared from all construction related materials including, but not limited to, trash, fencing, trailers and etc.

The Planning Department shall verify this condition as part of the final inspection, and shall clear this condition upon determination of compliance.

90.PLANNING. 15 USE - LIGHTING PLAN COMPLY RECOMMND

All street lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.

90.PLANNING. 28 USE - WALL & FENCE LOCATIONS RECOMMND

Wall and/or fence locations shall be in conformance with APPROVED EXHIBIT A.

90.PLANNING. 30 USE - CONDITION COMPLIANCE RECOMMND

The Department of Building and Safety shall verify that the Development Standards of this approval and all other preceding conditions have been complied with prior to any use allowed by this permit.

90.PLANNING. 35 USE - FEE STATUS RECOMMND

Prior to final building inspection for Conditional Use Permit No. 3682, the Planning Department shall determine the status of the deposit based fees. If there are fees owed to the County, the permit holder shall pay the outstanding balance.

90.PLANNING. 36 USE - ORD NO. 659 (DIF) RECOMMND

Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall comply with the provisions of Riverside County Ordinance No. 659, which requires the payment of the

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

90. PRIOR TO BLDG FINAL INSPECTION

90.PLANNING. 36

USE - ORD NO. 659 (DIF) (cont.)

RECOMMND

appropriate fee set forth in the Ordinance. Riverside County Ordinance No. 659 has been established to set forth policies, regulations and fees related to the funding and installation of facilities and the acquisition of open space and habitat necessary to address the direct and cumulative environmental effects generated by new development project described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

As set forth in Section 4.4 of Development Agreement No. 77, the applicant and the County acknowledge and agree that solar power plants do not present the same Facilities needs as other new residential, commercial or industrial development. For that reason, the applicant and the County agree that the application and payment of the Desert Center/CV Desert Area Plan Surface Mining Development Impact Fee category from Ordinance No. 659 computed on a Project Area basis as set forth in Section 13 of Ordinance No. 659 is appropriate for this development project due to similar development impacts. The applicant and the County acknowledge and agree that the Project Area acreage used for the computation of Development Impact Fees shall be 476 acres. The applicant and the County further acknowledge that any temporary reduction of fees approved by the Board of Supervisors in place at the time of payment of fees shall be applicable to the Project.

In the event Riverside County Ordinance No. 659 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 659 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required so long as it does not conflict with the agreed upon terms of Development Agreement No. 77.

TRANS DEPARTMENT

90.TRANS. 4

USE - SIGNING & STRIPING

RECOMMND

A signing and striping plan is required for any roads for which encroachment permits must be obtained. The project proponent shall be responsible for any additional paving and/or striping, removal caused by the striping plan.

(MODIFIED 2-25-14)

03/06/14
13:57

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 75

CONDITIONAL USE PERMIT Case #: CUP03682

Parcel: 812-130-008

90. PRIOR TO BLDG FINAL INSPECTION

90.TRANS. 11 USE - EXISTING MAINTAINED

RECOMMND

Black Rock Road is a County maintained dirt road and shall be improved with 32-feet of AC pavement, 7-feet of graded shoulder on the north side and 8-feet of graded shoulder on the south side as determined by the Transportation Department within the existing right-of-way in accordance with County Standard No. 106, Section B. (Modified)

90.TRANS. 20 USE - IMP PLANS

RECOMMND

Improvement plans for the required improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the limit of construction at a grade and alignment as approved by the Riverside County Transportation Department. Completion of road improvements on non-county roads does not imply acceptance for maintenance by County.

NOTE: Before you prepare the street improvement plan(s), please review the Street Improvement Plan Policies and Guidelines from the Transportation Department Web site: www.rctlma.org/trans/land_dev_plan_check_guidelines.html.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1

USE - PROJECT DESCRIPTION

RECOMMND

The use hereby permitted is to construct, operate, and maintain a 230 kilovolt (kV) electrical transmission line (gen-tie line) in connection with a photovoltaic (PV) solar energy generating facility with a capacity up to 750 megawatts (MW) known as the McCoy Solar Energy Project. The solar power plant would generate and deliver solar power to the California electrical grid through an interconnection at the Colorado River Substation (CRS). In order to connect this facility to the electrical grid it is necessary to construct a transmission or Gen-Tie Line. The majority of the Gen-Tie Line will be located on BLM administered land. The Gen-Tie line will connect the solar site to the proposed Southern California Edison Colorado River Substation. Portions of the Gen-Tie Line will need to cross a thin (approximately 20 foot wide) County owned parcel (APN 818-210-014). Crossing of the County owned parcel (APN 818-210-014) requires the applicant to obtain both a Public Use Permit (PUP No. 911) and a non-exclusive easement from the County. These conditions of approval only apply to the portion of the Project under the County's jurisdiction, even if a condition of approval references the entire Project acreage.

Other Planning Cases associated with the McCoy Solar Energy Project include Conditional Use Permit No. 3682 and Development Agreement No. 77.

10. EVERY. 2

USE - HOLD HARMLESS

RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PUBLIC USE PERMIT; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the PUBLIC USE PERMIT, including, but not limited to, decisions made in response to California Public Records Act requests.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10. EVERY. 2 USE - HOLD HARMLESS (cont.)

RECOMMND

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

10. EVERY. 3 USE - DEFINITIONS

RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Public Use Permit No. 911 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Public Use Permit No. 911, Exhibit A, Amended No. 1, dated December 24, 2013.

The words or any combination thereof identified in the following list that appear in the attached conditions of Public Use Permit No. 911 shall be considered equivalent and are identified as follows:

Applicant/Permitee, Permit Holder/Permitee, Applicant, Permit Holder, Permit Holder's, Developer.

10. EVERY. 4 USE - 90 DAYS TO PROTEST

RECOMMND

The project developer has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10. EVERY. 5 USE - BOS B-29 POLICY RECOMMND

In order to secure public health, safety, and welfare, this Project (the McCoy Solar Energy Project) shall be subject to the requirements of Board of Supervisors Policy Number B-29 regarding solar power plants. The applicant has proposed entering into a Development Agreement (DA No. 77) with the County. Board of Supervisors Policy No. B-29 states, "[N]o approval required by Ordinance Nos. 348 or 460 shall be given for a solar power plant unless the Board first approves a development agreement with the solar power plant owner and the development agreement is effective." County staff has reached an agreement with the applicant on the provisions of the development agreement that are consistent with Board of Supervisor Policy No. B-29. In the event it is determined that the provisions of DA No. 77 are inconsistent with Board of Supervisors Policy No. B-29, the provisions of DA No. 77 shall control.

10. EVERY. 6 USE - DEVELOPMENT AGREEMENT RECOMMND

Consistent with Board of Supervisors Policy No. B-29, the use approved under Public Use Permit No. 911 shall not be effective until Development Agreement No. 77 is effective. All use of Public Use Permit No. 911 shall be done in strict compliance with the provisions of Development Agreement No. 77 and these conditions of approval.

BS GRADE DEPARTMENT

10.BS GRADE. 1 USE - GENERAL INTRODUCTION RECOMMND

Improvements such as grading, filling, over excavation and recompaction, and base or paving which require a grading permit are subject to the included Building and Safety Department Grading Division conditions of approval.

10.BS GRADE. 3 USE - OBEY ALL GDG REGS RECOMMND

All grading shall conform to the California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in Riverside County and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building and Safety Department.

03/06/14
13:58

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 4

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.BS GRADE. 4 USE - DISTURBS NEED G/PMT RECOMMND

Ordinance 457 requires a grading permit prior to clearing, grubbing, or any top soil disturbances related to construction grading.

10.BS GRADE. 5 USE - BMP'S RECOMMND

Construction activities including clearing, stockpiling, grading or excavation of land which disturbs less than 1 acre and requires a grading permit or construction Building permit shall provide for effective control of erosion, sediment and all other pollutants year-round. The permit holder shall be responsible for the installation and monitoring of effective erosion and sediment controls. Such controls will be evaluated by the Department of Building and Safety periodically and prior to permit Final to verify compliance with industry recognized erosion control measures.

Year-round, Best Management Practices (BMP's) shall be maintained and be in place for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Stabilized Construction Entrances and project perimeter linear barriers are required year round. Removal BMP's (those BMP's which must be temporarily removed during construction activities) shall be in place at the end of each working day.

BS PLNCK DEPARTMENT

10.BS PLNCK. 1 USE - BUILD & SAFETY PLNCK RECOMMND

Where any portion of the project falls within the Riverside County jurisdiction, building permits are required prior to the construction or placement of any building, structure or equipment on the property(s).

All Riverside County building Department plan check submittal and fee requirements shall apply. All building plans shall comply with all current adopted California Building Codes and Riverside County ordinances in effect at the time of the building plan submittal and fee payment to the building department. (Modified 2-25-14.)

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

E HEALTH DEPARTMENT

10.E HEALTH. 1 GENERAL COMMENTS

RECOMMND

Public Use Permit#911 is proposing to install a gen tie line which will connect the solar site to the proposed Southern California Edison Colorado River Substation. No buildings with plumbing or restroom facilities are proposed for this project.

EPD DEPARTMENT

10.EPD. 1 EPD-NOTIFICATION REPORT

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-2c 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. General Biological Reports: Submit a monthly Biological Monitoring Report to the Environmental Programs Division (EPD) of the Riverside County Planning Department. The monthly report should contain summaries of each day's biological monitoring activities; which includes any compliance violations by the Applicant and any deaths or

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.EPD. 1 EPD-NOTIFICATION REPORT (cont.) RECOMMND

injuries to wildlife. Report should also contain a summary on the following month's expected biological monitoring activities.

10.EPD. 3 EPD-DT MITIGATION RECOMMND

As stated by McCoy Solar Project Revised DEIR Mitigation Measure 4.4-3d 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 by MM 4.43-d. Applicant may also 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, as stated in Mitigation Measure 4.4-3e.

FLOOD RI DEPARTMENT

10.FLOOD RI. 1 USE FLOOD HAZARD RPT 11/29/11 RECOMMND

Public Use Permit No. 911 is a proposal to cross a thin (approximately 20 foot wide) County owned parcel (APN 818-210-014) where a decommissioned water pipeline is located. Crossing of the County owned parcel requires the applicant to obtain a Public Use Permit (PUP911) from the County. The transmission lines will cross over APN 818-210-014 up to an approximate height of 80 feet or less, no utility poles will be placed within the County owned parcel. The site is located in the Blythe area, north of Interstate 10, south of McCoy Wash, east of McCoy Mountains, and west of Blythe Airport. This case is being processed concurrently with Conditional Use Permit No.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.FLOOD RI. 1 USE FLOOD HAZARD RPT 11/29/11 (cont.) RECOMMND
3671.

The entire site lies within the floodplain as stated in the Country's Floodplain Management Ordinance 458. The site is located on a broad alluvial plain. Stormwater flows from the McCoy Mountains and McCoy Wash impact the site. The site's topography shows that runoff flows in a broad braided and distributary nature typical of desert washes.

Since the proposal is to cross above the parcel with overhead transmission lines and no poles will be placed, no physical impacts are anticipated. The District has no objections with the public use plan as shown on the exhibit.

PLANNING DEPARTMENT

10.PLANNING. 3 USE - LOW PALEO RECOMMND

According to the County's General Plan, this site has been mapped as having a "Low Potential" for paleontological resources. This category encompasses lands for which previous field surveys and documentation demonstrates a low potential for containing significant paleontological resources subject to adverse impacts. As such, this project is not anticipated to require any direct mitigation for paleontological resources. However, should fossil remains be encountered during site development:

- 1.All site earthmoving shall be ceased in the area of where the fossil remains are encountered. Earthmoving activities may be diverted to other areas of the site.
- 2.The owner of the property shall be immediately notified of the fossil discovery who will in turn immediately notify the County Geologist of the discovery.
- 3.The applicant shall retain a qualified paleontologist approved by the County of Riverside.
- 4.The paleontologist shall determine the significance of the encountered fossil remains.
- 5.Paleontological monitoring of earthmoving activities will continue thereafter on an as-needed basis by the paleontologist during all earthmoving activities that may

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.PLANNING. 3

USE - LOW PALEO (cont.)

RECOMMND

expose sensitive strata. Earthmoving activities in areas of the project area where previously undisturbed strata will be buried but not otherwise disturbed will not be monitored. The supervising paleontologist will have the authority to reduce monitoring once he/she determines the probability of encountering any additional fossils has dropped below an acceptable level.

6.If fossil remains are encountered by earthmoving activities when the paleontologist is not onsite, these activities will be diverted around the fossil site and the paleontologist called to the site immediately to recover the remains.

7.Any recovered fossil remains will be prepared to the point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains then will be curated (assigned and labeled with museum* repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; places in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued, an associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized data bases) at the museum repository by a laboratory technician. The remains will then be accessioned into the museum repository fossil collection, where they will be permanently stored, maintained, and, along with associated specimen and site data, made available for future study by qualified scientific investigators. * Per the County of Riverside "SABER Policy", paleontological fossils found in the County of Riverside should, by preference, be directed to the Western Science Center in the City of Hemet.

8.The property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the County that such funding has been paid to the institution.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.PLANNING. 4 REN ENG - UTILITY COORDINATION RECOMMND

The developer/permit holder shall ensure all distribution lines, electrical substations and other interconnection facilities are constructed to the specifications of the utility purveyor and/or building codes. Interconnection shall conform to the procedures and standards established by the Public Utilities Commission or as applicable.

10.PLANNING. 5 REN ENG - FUTURE INTERFERENCE RECOMMND

If the operation of this facility generates electronic interference with or otherwise impairs the operation of any communication facilities, the developer/permit holder shall take immediate action and consult with County Information Technology staff to develop and implement measures acceptable to the Department of Information Technology.

10.PLANNING. 6 REN ENG - REPLACE OR MODIFY RECOMMND

The developer/permit holder shall give written notice to the Planning Director and Building and Safety Director prior to the replacement or modification of any portion of the project as shown on the APPROVED EXHIBITS except for routine maintenance. Any changes, refinements or amendments to the existing development approvals granted under Public Use Permit No. 911 shall be processed in accordance with the terms of Section 3.5 of Development Agreement No. 77.

10.PLANNING. 10 USE - COMPLY WITH ORD./CODES RECOMMND

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10.PLANNING. 11 USE - FEES FOR REVIEW RECOMMND

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.PLANNING. 11 USE - FEES FOR REVIEW (cont.) RECOMMND

accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

10.PLANNING. 12 USE - LIGHTING HOODED/DIRECTED RECOMMND

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way.

10.PLANNING. 30 USE - CAUSES FOR REVOCATION RECOMMND

In the event the use hereby permitted under this permit,
a) is found to be in violation of the terms and conditions of this permit,
b) is found to have been obtained by fraud or perjured testimony, or
c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

10.PLANNING. 31 USE - CEASED OPERATIONS RECOMMND

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

10.PLANNING. 38 USE - BUSINESS LICENSING RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org.buslic.

10.PLANNING. 40 USE - IF HUMAN REMAINS FOUND RECOMMND

The developer/permit holder or any successor in interest shall comply with the following codes:

Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to Public

03/06/14
13:58

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 11

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.PLANNING. 40

USE - IF HUMAN REMAINS FOUND (cont.)

RECOMMND

Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted by the Coroner within the period specified by law (24 hours) . Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant". The Most Likely Descendant shall then make recommendations and engage in consultation with the property owner and the County Archaeologist concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation between appropriate representatives from that group and the County Archaeologist.

10.PLANNING. 41

USE - UNANTICIPATED RESOURCES

RECOMMND

If during ground disturbance activities, cultural resources are discovered that were not assessed by the archaeological reports and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. A cultural resources site is defined, for this condition, as being four or more artifacts within five meters of one another exhibiting a clear horizontal spatial or stratigraphic relationship, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance. Isolated finds consist of single, or occasionally multiple, prehistoric or historical artifacts. Isolates have been found on a variety of surfaces, including desert pavement, gravel beds, and washes because alluvial and aeolian actions are known to have redistributed archaeological materials in the area from their primary depositional locations into secondary contexts lacking archaeological integrity. Similarly, secondary deposits of non-diagnostic historic-era metal cans or glass will not be recorded as "sites" or "features." Such deposits will be noted by field monitors, photographed, and recorded with a sub-meter Global Positioning System (GPS) equipment to map the distribution and extent of such materials across the Project area.

Unanticipated Discovery

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10. PLANNING. 41

USE - UNANTICIPATED RESOURCES (cont.)

RECOMMND

The protocol for treating unanticipated effect and post-review discoveries at the MSEP involves seven steps, which may or may not all apply to any individual unanticipated effect or post-review discovery. These steps are summarized below.

1. Discovery. When a field monitor observes a non-isolate or bone that cannot definitively be identified as faunal or is suspected to be human, the field monitor will divert all earth-disturbing work from the find location. The field monitor, and Native American consultant if present, will then immediately establish and clearly mark the boundaries of a temporary exclusion zone (TEZ) to protect the find during subsequent investigation. The boundary may be marked with lath and surveyor's ribbon, plastic fencing, or other suitable material. The TEZ typically will extend not more than 10 meters (33 feet) from the nearest edge of the find, although a greater or lesser distance in any direction may be warranted if indicated by visible archaeological evidence at the discretion of the Project Archaeologist. Except as provided below, no earth-disturbing activity will be permitted within the TEZ. If the find has Native American associations, a Native American consultant shall be notified if not already present at the find location.

2. Preliminary Inspection. As soon as the TEZ boundary has been defined and marked, the field monitor, assisted by additional qualified personnel as needed and a Native American consultant if applicable, will promptly inspect the find. The purpose of the inspection is limited to exposing the find sufficiently using customary archaeological techniques so that its nature and extent can be reliably determined and documented. For example, if bones that cannot definitively be identified as faunal or are suspected to be human are observed, the inspection will aim to determine (a) whether the bones are human or faunal and, if the former, (b) whether a burial, cremation, or other mortuary feature is present. The preliminary inspection will be completed within one to two business days following the discovery, unless schedule delays outside of the control of McCoy Solar and their cultural resources consultant prevent completion of the inspection.

3. Determine Course of Action.

3.1. If the discovery is not on federal land, and if it

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.PLANNING. 41 USE - UNANTICIPATED RESOURCES (cont.) (cont.) RECOMMND

consists of human remains regulated under California Health and Safety Code Section 7050.5 et seq. and Public Resources Code Section 5097.98, with or without associated grave goods, then the procedures required by the California (H&SC) Code Section 7050.5 et seq. and PRC Section 5097.98 will be implemented.

3.2.All non-isolate archaeological resources not covered by 3.1 above that are discovered will be treated in accordance with the remaining steps.

4.Assume CRHR Eligibility. Any new non-isolate archaeological features, site component(s), or site(s) discovered during construction will be assumed a priori to be eligible for the California Register of Historical Resources (CRHR).

5.Assess Feasibility of Avoidance. If the results of the preliminary inspection confirm the presence of a historical resource, McCoy Solar will consider the discovery location relative to Project construction plans in order to determine whether avoidance is feasible. If complete avoidance is infeasible, McCoy Solar will ascertain whether partial avoidance is feasible so as to minimize further disturbance of the find. As soon as practicable, but typically not more than five working days following the preliminary inspection, McCoy Solar will advise the County Archaeologist whether (a) the find can be avoided, or (b) partial avoidance is feasible, or (c) the find cannot be avoided by Project construction.

5.1.If the discovered historical resource can be avoided, it will not be investigated beyond the Preliminary Inspection (above), and it will be reburied in place and an Environmentally Sensitive Area (ESA) established, and no Project-related ground disturbance will take place in the ESA. The find may also be protected from future disturbance by additional measures, as needed. Such measures will be proposed by the Project Archaeologist and approved by County, in consultation with the Tribes if the resource has Native American association, and then implemented.

5.2.If the discovered historical resource can be partly avoided, that portion of the find that can be avoided will be treated in accordance with Item 5.1 above. The remainder

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10. PLANNING. 41 USE - UNANTICIPATED RESOURCES (cont.) (cont.) RECOMMND

of the find will be treated as prescribed in Item 6 below.

6. Perform Treatment for Historical Resources Assumed Eligible under CRHR Criterion 4. If all or part of the discovered historical resource cannot be avoided by Project construction, and if the resource is assumed eligible under CRHR Criterion 4 because of its potential to yield information important in prehistory or history, then an adequate sample of information will be gathered using archaeological data recovery methods. For data recovery purposes, sample size and collection techniques will be determined at the discretion of the Project Archaeologist on the basis of the find's perceived data potentials relative to the archaeological research design and sampling strategy for the MSEP. Data recovery excavations will begin immediately following the completion of the actions required above, and will be finished as expeditiously as possible. Following field work, the recovered specimens and data will be processed, analyzed, and reported according to current best practices as well as the guidelines and standards issued variously by the California Office of Historic Preservation (OHP).

7. Perform Treatment for Historical Resources Eligible under CRHR Criteria 1, 2, or 3. If new adverse effects to previously identified historical resources that are eligible for the CRHR Criteria 1, 2, or 3, are identified during construction, then: (a) the Project Archaeologist will, within five working days, prepare and submit to County Archaeologist a brief draft property-specific treatment plan and proposed work schedule; (b) if the property is associated with Native Americans, the County Archaeologist will then review and comment on the draft plan within 10 working days following receipt; (c) the County will consult with the Tribes if the property is prehistoric during that same 10 working days; (d) following County Archaeologist's and tribal review, the Project Archaeologist will revise the plan, if requested, within three working days following receipt of the County Archaeologist's comments on the draft, and produce a final version for approval; and (e) the County will then approve the final plan within five working days following receipt. Upon the final plan's approval, the Project Archaeologist will begin to implement the agreed-upon treatment measures expeditiously and in keeping with the approved schedule.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

10. GENERAL CONDITIONS

10.PLANNING. 41 USE - UNANTICIPATED RESOURCES (cont.) (cont.)RECOMMND

8.Resume Construction.

(MODIFIED 2-25-14)

TRANS DEPARTMENT

10.TRANS. 10 USE - ENCROACHMENT PERMIT RECOMMND

An encroachment permit must be obtained from the Transportation Department prior to the commencement of any work within the County road right-of-way.

10.TRANS. 11 USE - ENVIRONMENTAL CLEARANCES RECOMMND

It shall be the responsibility of the permit holder to comply with the applicable Federal, State and County environmental laws, and receive any necessary environmental clearance and/or permits required for construction of the Gen-Tie Line prior to commencing any work as authorized by the encroachment permit. If the permittee fails to comply with the required environmental laws, the encroachment permit shall be subject to the County's revocation procedures.

10.TRANS. 14 USE - ENCROACHMNT PERMIT/FINAL RECOMMND

A cash security deposit will be required by Transportation Department to ensure performance of the conditions of the permit and the replacement or restoration of the highway, including pavement surfaces, ground surfaces, and sub-surfaces within highway rights-of-way, and survey monuments or other improvements that may have been disturbed. Also, the above mentioned deposit will ensure any reports or documentations due by the applicant and/or developer to any department of Riverside County be performed and completed, and that the final reports be submitted to each individual department. The security deposit will not be released until the applicant or developer provides a letter of completion from each department stating that they are satisfied with the project, and that they recommend the project to be finalized.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1 USE - LIFE OF THE PERMIT

RECOMMND

The life of Public Use Permit No. 911 shall be effective the date that Development Agreement No. 77 is effective and shall continue for a period of thirty years thereafter, approximately April 1, 2044. This permit shall thereafter be null and void and of no effect whatsoever unless the permit and Development Agreement have been extended pursuant to the provisions of Development Agreement No. 77 and the "Existing Land Use Regulations" referenced in Development Agreement No. 77.

20.PLANNING. 2 USE - EXPIRATION DATE-CUP/PUP

RECOMMND

This approval shall be used within two (2) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within two (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time in which to begin substantial construction or use of this permit. Should the one year extension be obtained and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, shall become, null and void.

20.PLANNING. 3 USE - MMRP

RECOMMND

The mitigation measures set forth in the Mitigation Monitoring and Reporting Program ("MMRP") that are not otherwise included in these Conditions of Approval are hereby incorporated into these Conditions of Approval and shall be enforced by the agency or agencies listed in the MMRP. These Conditions of Approval, including the MMRP, establish the timing of compliance with all conditions of approval and all mitigation measures applicable to this permit. The County shall enforce compliance with these Conditions of Approval as otherwise permitted by law pursuant to Condition No. 10.Planning.30 and as required by the procedures set forth in County Ordinance No. 348.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

20. PRIOR TO A CERTAIN DATE

TRANS DEPARTMENT

20.TRANS. 1 USE - ENVIRONMENTAL CLEARANCES RECOMMND

It shall be the responsibility of the permit holder to comply with the applicable Federal, State and County environmental laws, and receive any necessary environmental clearance and/or permits required for construction of the Gen-Tie Line prior to commencing any work as authorized by the encroachment permit. If the permittee fails to comply with the required environmental laws, the encroachment permit shall be subject to the County's revocation procedures.

20.TRANS. 3 USE - EXISTING MAINTAINED RECOMMND

Prior to start of any construction traffic related to solar field grading, Black Rock Road shall be improved with 32-feet of AC pavement, 7-feet of graded shoulder on the north side and 8-feet of graded shoulder on the south side as determined by the Transportation Department within the existing right-of-way in accordance with County Standard No. 106, Section "B". (Modified)

(MODIFIED 2-25-14)

60. PRIOR TO GRADING PRMT ISSUANCE

BS GRADE DEPARTMENT

60.BS GRADE. 1 USE - PVT RD GDG PMT RECOMMND

The applicant/developer shall obtain a grading permit prior to constructing a private road under County jurisdiction.

EPD DEPARTMENT

60.EPD. 1 EPD-NESTING BIRD SURVEY RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-6, Birds and their nests are protected by the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Game (CDFG) Codes. Since the project supports suitable nesting bird habitat, removal of vegetation or any other potential nesting bird habitat disturbances shall be conducted outside of the avian nesting season (February 1st through July 31st). If habitat must be cleared during the nesting season, a preconstruction nesting bird survey shall

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 1

EPD-NESTING BIRD SURVEY (cont.)

RECOMMND

be conducted. The preconstruction nesting bird survey must be conducted by a Biological Consulting Firm who holds a current MOU with the County of Riverside. 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). 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. The biologist shall prepare and submit a report, documenting the results of the survey, to the Environmental Programs Division (EPD) of the Riverside County Planning Department for review and approval. If nesting activity is observed, appropriate avoidance measures shall be adopted to avoid any potential impacts to nesting birds. Measures are to be the following: 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 Environmental Programs Division (EPD) of the Riverside County Planning Department; and 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.

60.EPD. 2

EPD-BIO MONITOR TEAM

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1a, prior to beginning construction 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 Environmental Programs Division (EPD) of the Riverside County Planning Department for approval in consultation with CDFW and USFWS. The Designated Biologist shall meet the following minimum qualifications (or in lieu of the requirements resume shall demonstrate appropriate background/training to

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 2

EPD-BIO MONITOR TEAM (cont.)

RECOMMND

effectively implement mitigation measures):

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 qualification criteria, demonstrate familiarity with protocols and guidelines for the desert tortoise, and be approved by the USFWS
5. Possess a CESA Memorandum of Understanding pursuant to 2081(a) for desert tortoise.

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1b, Prior to the issuance of a grading permit, the Designated Biologist shall submit a signed statement to the Environmental Programs Division (EPD) of the Riverside County Planning Department stating that they understand the following duties.

The Designated Biologist shall perform 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 remains the contact for the Applicant and the Environmental Programs Division (EPD) of the Riverside County Planning Department. 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

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 2

EPD-BIO MONITOR TEAM (cont.) (cont.)

RECOMMND

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 Riverside Environmental Programs Department of any non-compliance with any biological resources mitigation measure

7. Respond directly to inquiries of the County of Riverside Environmental Programs Department 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

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

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1c and 1d, prior to the issuance of a grading permit the Designated Biologist shall submit the resume, at least three references, and contact information of the proposed Biological Monitors to the Environmental Programs Division (EPD) of the Riverside County Planning Department. The resume shall demonstrate, to the satisfaction of EPD, the appropriate education and experience to accomplish the assigned biological resource tasks. 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. 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

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 3

EPD-BRMIMP (cont.)

RECOMMND

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 of Riverside Environmental Programs Department and appropriate agencies for review and approval
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 CNDDDB per CDFW requirements.

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-2c 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. General Biological Reports: Submit a monthly Biological Monitoring Report to the Environmental Programs Division

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 3 EPD-BRMIMP (cont.) (cont.)

RECOMMND

(EPD) of the Riverside County Planning Department. The monthly report should contain summaries of each day's biological monitoring activities; which includes any compliance violations by the Applicant and any deaths or injuries to wildlife. Report should also contain a summary on the following month's expected biological monitoring activities.

60.EPD. 4 EPD*-PHASING

RECOMMND

Prior to initiating each phase of construction the Applicant shall submit, to Environmental Programs Division (EPD) of the Riverside County Planning Department Environmental Programs Division (EPD), 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.

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.

60.EPD. 5 EPD-DT AVOIDANCE

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-2a 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

03/06/14
13:58

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 24

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 5

EPD-DT AVOIDANCE (cont.)

RECOMMND

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. Installation of Desert Tortoise Exclusion Fence (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)

2. 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.

3. 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).

60.EPD. 6

EPD-DT TRANSLOCATION

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-2b the 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 Environmental Programs Division (EPD) of the Riverside County Planning Department. The Plan shall include guidance during different phases of Project construction and shall include measures to minimize the potential for repeated translocations of individual

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 6 EPD-DT TRANSLOCATION (cont.) RECOMMND

desert tortoises. The final Plan shall include all revisions deemed necessary by EPD , USFWS, and CDFW.

60.EPD. 7 EPD-WEED MANAGEMENT PLAN RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-3a prior to beginning construction on the Project, the Applicant will prepare, circulate to the Environmental Programs Division (EPD) of the Riverside County Planning Department for comment and approval, and then implement an Invasive Weed Management Plan that meets Environmental Programs Division (EPD) of the Riverside County Planning Department 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 will address these topics: preventative during construction-equipment cleaning, containment and control measures, monitoring, reporting and success criteria.

60.EPD. 9 EPD-BBCS REVIEW RECOMMND

Prior to the start of construction, the Bird and Bat Conservation Strategy (BBCS) shall be submitted to the Environmental Programs Division (EPD) of the Riverside County Planning Department of Riverside Environmental Programs Department in consultation with CDFW for review and approval. EPD will review and comment on only the sections and components of the BBCS that pertain to grading commencement and operation.

60.EPD. 10 EPD-BUOW SURVEY RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-8 the applicant shall implement a pre-construction survey for burrowing owl s. The Designated Biologist or Biological Monitor shall conduct

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 10

EPD-BUOW SURVEY (cont.)

RECOMMND

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). If construction begins after the 30 day period, the survey will be considered null and void. As a result another Burrowing Owl survey will need to be completed. If active burrow is detected within 500ft from project disturbance area a non-disturbance buffer will be established that includes fencing at a 250ft radius from occupied burrow and no entry signs posted in both English and Spanish. 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.

60.EPD. 11

EPD-BUOW MITIGATION

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-8 to be 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 Environmental Programs Division (EPD) of the Riverside County Planning Department, 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. MITIGATION PLAN
As stated in McCoy Solar Energy Revised DEIR Mitigation

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 11

EPD-BUOW MITIGATION (cont.)

RECOMMND

Measure 4.4-8 the Applicant shall prepare and implement a final Burrowing Owl Mitigation Plan. The Plan shall be approved by the Environmental Programs Division (EPD) of the Riverside County Planning Department 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.

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 11

EPD-BUOW MITIGATION (cont.) (cont.)

RECOMMND

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.

60.EPD. 12

EPD-DKF MANAGEMENT PLAN

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-9 the Applicant shall prepare and implement a Desert Kit Fox Management Plan. The Applicant shall submit the management plan for approval to the Environmental Programs Division (EPD) of the Riverside County Planning

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 12

EPD-DKF MANAGEMENT PLAN (cont.)

RECOMMND

Department of Riverside Environmental Program Division at least 45 days prior to beginning of construction. The plan shall include all components described in MM 4.4-9 measure 1:

- 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
- 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 Solar Energy Project site). The contents and requirements of the Plan shall be subject to review and approval by the County and CDFW.

60.EPD. 13

EPD-DKF AND AB SURVEYS

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-9 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. 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. 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. If no tracks are observed in the tracking medium or no photos of the target species are captured after three

03/06/14
13:58

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 30

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 13

EPD-DKF AND AB SURVEYS (cont.)

RECOMMND

nights, the den shall be excavated and backfilled by hand. 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. If an active natal den (a den with pups) is detected on the site, the Environmental Programs Division (EPD) of the Riverside County Planning Department 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.

60.EPD. 14

EPD-WEAP PROGRAM

RECOMMND

As stated in McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-17 the Applicant shall develop and implement a Project-specific Worker Environmental Awareness Program (WEAP) and shall secure approval for the WEAP from the Environmental Programs Division (EPD) of the Riverside County Planning Department prior to commencement of construction. 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 include all components described below:

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

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 14 EPD-WEAP PROGRAM (cont.) RECOMMND

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 Environmental Programs Division (EPD) of the Riverside County Planning Department

60.EPD. 15 EPD-SPECIAL STATUS PLANTS RECOMMND

As stated in the McCoy Solar Energy Revised DEIR Mitigation Measure 4.4-1g 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 of Riverside Environmental Programs Department; 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.

60.EPD. 16 EPD-BBCS RECOMMND

1. The Project owner will survey and monitor onsite avian use prior to commencing construction to document species composition. The Project owner will submit all data gathered onsite to the Environmental Programs Division (EPD) of the Riverside County Planning Department in consultation with CDFW, and also will make consulting

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 16

EPD-BBCS (cont.)

RECOMMND

biologists available to answer inquiries.

2. The Project owner will implement a statistically robust avian and bat mortality and injury monitoring program to identify the extent of potential avian or bat mortality or injury from collisions with facility structures, including assessing levels of collision-related mortality and injury with PV panels.

3. The Project owner will implement an adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results.

4. The Project owner will identify specific conservation measures and/or programs to avoid, minimize, reduce, or eliminate avian and bat injury or mortality over time and will evaluate the effectiveness of those measures.

The BBCS shall include the following components:

1. A description and summary of the baseline survey methods, raw data, and results.

2. Avian and bat mortality and injury monitoring that includes:

a) Onsite monitoring that will systematically survey representative locations within the facility, at a level that will produce statistically robust data; account for potential spatial bias; and allow for the extrapolation of survey results to non-surveyed areas within the solar plant site boundary and the survey interval based on scavenger and searcher efficiency trials and detection rates.

b) Low-visibility and high-wind weather event reporting to document potential weather-related collision risks that may be associated increased risk of avian or bat collisions with project features, including foggy, highly overcast, or rainy night-time weather typically associated with an advancing frontal system, and high wind events (40 miles per hour winds) that are sustained for period of greater than 4 hours.

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

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

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 16

EPD-BBCS (cont.) (cont.)

RECOMMND

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

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

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

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

4. Applicant shall prepare and implement a Monitoring and Adaptive Management Plan for Golden Eagle if an occupied nest is detected within 1 mile of the project boundaries. Adaptive Mitigation: The Environmental Programs Division (EPD) of the Riverside County Planning Department in consultation with CDFW may require the Project owner to implement adaptive mitigation for ecologically significant onsite injury or mortality of birds and bats. The costs for such mitigation shall not exceed \$100,000. Such measures shall be approved by the County of Riverside Environmental Programs Department and CDFW and may include, but not be limited to: (i) restoration of degraded habitat with native vegetation; (ii) restoration of agricultural fields to bird habitat; (iii) management of agricultural fields to enhance bird populations; (iv) invasive plant species and artificial food or water source management; (v) control and cleanup of potential avian hazards, such as lead or microtrash; (vi) retrofitting of buildings to minimize collisions; (vii) retrofitting of conductors and above ground cables to minimize collisions; (viii) animal control programs; (ix) support for avian and bat research and/or

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 16

EPD-BBCS (cont.) (cont.) (cont.)

RECOMMND

management efforts conducted by entities approved by the County of Riverside Environmental Programs Department and CDFW within the Project's mitigation lands or other approved locations; (x) funding efforts to address avian diseases or depredation due to the expansion of predators in response to anthropomorphic subsidies that may adversely affect birds that use the mitigation lands or other approved locations; and (xi) contribute to the Migratory Bird Conservation Fund managed by the Migratory Bird Conservation Commission. Adaptive mitigation will be discussed and evaluated in survey reports.

5. Monitor the death and injury of birds and bats from collisions with PV panels. The monitoring data shall be used to inform an adaptive management program that would avoid and minimize Project-related avian and bat impacts. The study design shall be approved by the Environmental Programs Division (EPD) of the Riverside County Planning Department and CDFW. The monitoring shall include detailed specifications on data and carcass collection protocol and a rationale justifying the proposed schedule of carcass searches. The program also shall include seasonal trials to assess bias from carcass removal by scavengers as well as searcher bias.

The results of onsite injury and mortality monitoring will be reported monthly. The reports will include all monitoring data required as part of the monitoring program. The reports shall also assess any adaptive management measure implemented during the prior year as approved by the Environmental Programs Division (EPD) of the Riverside County Planning Department in consultation with CDFW. The Environmental Programs Division (EPD) of the Riverside County Planning Department in consultation with CDFW shall determine if additional monitoring is warranted based on data quality and sufficiency of analysis, or if needed, to document efficacy of any adaptive management measures undertaken by the Project owner.

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

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 16 EPD-BBCS (cont.) (cont.) (cont.) (cont.) RECOMMND

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

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

Impacts to Golden Eagles

As stated by McCoy Solar Project Revised DEIR Mitigation Measure 4.4-7 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 using methods described in described in the Interim Golden Eagle Inventory and Monitoring Protocols and Other Recommendations (Pagel et al., 2010)
2. Inventory data gathered during surveys
3. Determination of unoccupied territory status
4. Applicant shall prepare and implement a Monitoring and Adaptive Management Plan for Golden Eagle if an occupied nest is detected within 1 mile of the Project boundaries.

(MODIFIED 2-25-14)

PLANNING DEPARTMENT

60.PLANNING. 13 USE - FEE STATUS RECOMMND

Prior to the issuance of grading permits for Public Use Permit No. 911, the Planning Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

60.PLANNING. 16 USE - REQD APPLICATIONS (1) RECOMMND

No grading permits shall be issued until Development Agreement No. 77 has been approved and adopted by the Board of Supervisors and has been made effective.

03/06/14
13:58

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 36

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 17

USE - CULTURAL RESOURCE PROF

RECOMMND

As a result of information contained in archaeological report PDA-4719, prepared by AECOM, dated July 2011, including Geoarchaeological Report for the McCoy Solar Energy Project, Riverside County, California, prepared by SWCA Environmental Consultants, dated March 2011, the sensitivities for both prehistoric cultural resources and historic period cultural resources have been demonstrated by the number of archaeological sites and isolated finds identified during the cultural resources survey. Prior to the issuance of grading permits, the developer/permit holder shall retain and enter into a monitoring and mitigation service contract with a qualified County-certified archaeologist working with a professionally qualified geoarchaeologist for monitoring and mitigation services. The professional shall be known as the "Project Archaeologist". The Project Archaeologist shall be included in the pre-construction meetings to provide cultural/historical sensitivity training including the establishment of set guidelines for ground disturbance in sensitive areas with the grading contractors and any required tribal or special interest monitors. The Project Archaeologist shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site as recommended in the geoarchaeological report, including clearing, grubbing, tree removals, grading, trenching, stock[piling of ,materials, rock crushing, structure demolition and etc. These areas specifically include (1) geoarchaeological monitoring for geotechnical investigations and other preconstruction activities for unit 6 (Qa6), Qw and Qs deposits; (2) geoarchaeological ground disturbing preconstruction activities to a depth of one meter for Unit 3 (Qa3), Qpv, QTmw deposits; and (3) deposits as depicted on Figure 3 of the Geoarchaeological report, where applicable within the boundaries of the Permit. If after a reasonable amount of monitoring in the locations stipulated above, no buried cultural resources have been found, the Project Archaeologist may recommend to the County Archaeologist for concurrence that monitoring be reduced or eliminated in a specific area. The Project Archaeologists shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required tribal; or special interest monitors. The developer/permit holder shall submit a fully executed

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 17 USE - CULTURAL RESOURCE PROF (cont.) RECOMMND

copy of the contract to the Riverside County Planning Department to ensure compliance with this condition of approval. Upon verification, the Planning Department shall clear this condition.

NOTE:

- 1) The Project Archaeologist is responsible for implementing mitigation using standard professional practices for cultural resources archaeology. The Project Archaeologist shall consult with the county, developer/permit holder and any required tribal; or special interest monitor throughout the process.
- 2) This agreement shall not modify any approved condition of approval or mitigation measure.

(MODIFIED 2-25-14)

60.PLANNING. 18 USE - SPECIAL INTEREST MONITOR RECOMMND

As a result of archaeological report PDA 4719, numerous sites and isolated finds associated with the World War II DTC/CAMA training facilities were identified within the project.

Prior to issuance of grading permits, the developer/ permit holder shall enter into contract and retain a monitor designated by the General Patton Memorial Museum, in Chiriaco Summit, California. This group shall be known as the Special Interest Monitor (SI Monitor) for this project. The SI Monitor requirement may be met by a Project archeological monitor knowledgeable about World War II-era artifacts. The contract shall address the treatment and ultimate disposition of cultural resources which may include curation at the Patton Museum.

The SI Monitors shall be allowed on-site during all initial ground disturbing activities and excavation of each portion of the project site as recommended in the geoarchaeological report, including clearing, grubbing, tree removals, grading, trenching, stockpiling of, materials, rock crushing, structure demolition and etc. The SI Monitor shall provide interpretive consultation services to assist the project Archaeologists with cultural materials related to World War II military facilities and resources within the project boundaries.

The developer/permit holder shall submit a fully executed copy of the Special Monitor contract to Riverside County Planning Department to ensure compliance with the condition of approval. Upon verification, the Planning Department

03/06/14
13:58

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 38

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 18

USE - SPECIAL INTEREST MONITOR (cont.)

RECOMMND

shall clear this condition.

NOTE:

- 1)The Project Archaeologists are responsible for implementing CEQA based mitigation using current standard professional practices for cultural resources archaeology. The Project Archaeologist shall consult with the county, developer/permit holder and special interest monitor throughout the process.
- 2)Special interest monitoring does not replace any required Cultural Resources Archaeological monitoring but rather serves as a supplement for consultation and advisory purposes for public interests only.
- 3)This agreement shall not modify any approved condition of approval or mitigation measure.
- 4)The developer/permit holder shall contact the Planning Director for consideration of this condition after forty-five days, if an agreement with the special interest group has not been met.
- 5)Should curation at another facility be necessary, it shall not occur until after the Phase IV monitoring report has been submitted to the Riverside County Planning Department. The developer/permit holder is responsible for all curation costs.

(MODIFIED 2-25-14)

60.PLANNING. 19

USE - NATIVE AMERICAN MONITOR

RECOMMND

Prior to the issuance of grading permits, the developer/permit applicant shall enter into a contract with a Tribal monitor(s) from the appropriate Native American Tribe(s) who shall be required on-site during all construction related activities. The developer shall submit a copy of a signed contract between the appropriate Tribe and the developer/permit holder for the monitoring of the project. The Project Archaeologist shall include in the report any concerns or comments that the monitor has regarding the project and shall include as an appendix any written correspondence or reports prepared by the monitor.

(MODIFIED 2-25-14)

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

70. PRIOR TO GRADING FINAL INSPECT

EPD DEPARTMENT

70.EPD. 1 EPD-BBCS FINAL REVIEW

RECOMMND

Prior to the grading permit final inspection, the Bird and Bat Conservation Strategy (BBCS) shall be submitted to the Environmental Programs Division (EPD) of the Riverside County Planning Department of Riverside Environmental Programs Department in consultation with CDFW for complete review and approval.

PLANNING DEPARTMENT

70.PLANNING. 3 USE - CULTURAL RESOURCES RPT

RECOMMND

Prior to final inspection of grading, the developer/permit holder shall prompt the Project Cultural Resources Professional to submit two copies of a Cultural Resources Monitoring Report that complies with the Riverside County Planning Department's requirements for such reports. The report shall include evidence of the required cultural/historical sensitivity training for construction staff held during the pre-grade meeting. The Planning Department shall review the report to determine adequate mitigation compliance. Provided the report is adequate, the Planning Department shall clear this condition.

(MODIFIED 2-25-14)

80. PRIOR TO BLDG PRMT ISSUANCE

EPD DEPARTMENT

80.EPD. 1 MAP-EPD CONDITION

RECOMMND

All relevant Environmental Programs Division Prior to Grading conditions, must be satisfied prior to the issuance of a building permit.

PLANNING DEPARTMENT

80.PLANNING. 2 REN ENG - REMEDIATION BONDING

RECOMMND

Prior to the issuance of building permits, the developer/permit holder shall bond or provide another appropriate and sufficient security in a form acceptable to the County in the County's sole discretion to cover the costs of all foreign material removal and site restoration

03/06/14
13:58

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 40

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 2 REN ENG - REMEDIATION BONDING (cont.)

RECOMMND

including but not limited to removal of foundations, towers, transformers, inverters and cables. The amount shall be as specified and agreed upon in as engineering estimate prepared by a California Registered Engineer and that has been reviewed and approved by the County.

The bond shall be held for life of the permit, but may be released sooner by the Board of Supervisors upon approval of a final demolition and site restoration inspection by the Department of Building and Safety. Thereafter, and with no interruption in the bonding security of the project, bonds shall be renewed in five (5) year increments to include the expiration date of the permit(s) granted, as referenced herein.

If the Planning Director determines, at any time during the term of the bond or other security, that the amount of the bond or other security has become insufficient, the permit holder shall increase the amount of the bond or other security within thirty (30) days after being notified that the amount is insufficient, but the required increase shall not exceed the increase in the U.S. Department of Labor Consumer Price Index for the Los Angeles-Long Beach Metropolitan Area.

80.PLANNING. 21 USE - REQD APPLICATIONS (2)

RECOMMND

No building permits shall be issued until Development Agreement No. 77 has been approved and adopted by the Board of Supervisors and has been made effective.

80.PLANNING. 27 USE - FEE STATUS

RECOMMND

Prior to issuance of building permits for Public Use Permit No. 911, the Planning Department shall determine the status of the deposit based fees for project. If the case fees are in a negative state, the permit holder shall pay the outstanding balance.

90. PRIOR TO BLDG FINAL INSPECTION

03/06/14
13:58

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 41

PUBLIC USE PERMIT Case #: PUP00911

Parcel: 818-210-014

90. PRIOR TO BLDG FINAL INSPECTION

PLANNING DEPARTMENT

90.PLANNING. 4 REN ENG - CLEAR CONST. AREA RECOMMND

Prior to scheduling and final inspection, the developer/permit holder shall ensure the entire site and construction staging area has been cleared from all construction related materials including, but not limited to, trash, fencing, trailers and etc.

The Planning Department shall verify this condition as part of the final inspection, and shall clear this condition upon determination of compliance.

90.PLANNING. 15 USE - LIGHTING PLAN COMPLY RECOMMND

All street lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.

90.PLANNING. 30 USE - CONDITION COMPLIANCE RECOMMND

The Department of Building and Safety shall verify that the Development Standards of this approval and all other preceding conditions have been complied with prior to any use allowed by this permit.

90.PLANNING. 35 USE - FEE STATUS RECOMMND

Prior to final building inspection for Public Use Permit No. 911, the Planning Department shall determine the status of the deposit based fees. If there are fees owed to the County, the permit holder shall pay the outstanding balance.