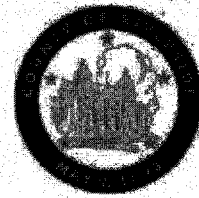


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
3.49
(ID # 7935)

MEETING DATE:

Tuesday, December 4, 2018

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: PALEN SOLAR PROJECT - Adoption of Resolution No. 2018-227 Certifying the Supplemental Environmental Impact Statement/Environmental Impact Report for the Palen Solar Project and Adopting CEQA Findings, Mitigation Monitoring Plan, and Statement of Overriding Considerations as the Lead Agency under the California Environmental Quality Act; Approval of Water Supply Agreement with Palen Solar Holdings, LLC; Approval of Agreement for Fire Protection Services with Palen Solar Holdings, LLC. Palen Solar Project Applicant: EDF Renewable Energy/Palen Solar Holdings, LLC – Location: Northerly of Interstate 10, easterly of Desert Center off of the Corn Springs Road exit, Fourth Supervisorial District. [Applicant Fees 100%.]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **ADOPT RESOLUTION NO. 2018-227** Certifying the Supplemental Environmental Impact Statement/Environmental Impact Report for the Palen Solar Project and Adopting CEQA Findings, Mitigation Monitoring Plan, and Statement of Overriding Considerations and approve the Alternative 1 version of the Project, as described in the resolution, as the Lead Agency under the California Environmental Quality Act.

ACTION: Policy

Charissa Leach, Assistant TLMA Director 11/26/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: December 4, 2018
xc: Planning, Co.Co., Recorder

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

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

RECOMMENDED MOTION: That the Board of Supervisors:

2. **APPROVE** the Water Supply Agreement between the County of Riverside and Palen Solar Holdings, LLC and authorize the Chairman of the Board to execute the agreement on behalf of the County.
3. **APPROVE** the Agreement for Fire Protection Services between the County of Riverside and Palen Solar Holdings, LLC and authorize the Chairman of the Board to execute the agreement on behalf of the County.
4. **DIRECT** the Clerk of the Board to file the Notice of Determination with the County Clerk within five (5) days of approval of the agreements listed above.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant fees 100%			Budget Adjustment: No	
			For Fiscal Year: 2018	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary:

EDF Renewable Energy proposes to construct, operate, maintain, and decommission the Palen Solar Project ("Project"), an approximately 3,036 acre, 500-megawatt photovoltaic solar power plant and 230-kV gen-tie line located entirely on federal public lands administered by the Bureau of Land Management (BLM). The gen-tie line will transmit the electricity generated at the solar power plant to the regional transmission system, through Southern California Edison's (SCE) Red Bluff Substation where the power from the proposed solar power plant would feed into SCE's Devers Palo Verde No. 1 500 kV interconnection line. The Project is located north of Interstate 10, approximately 10 miles east of Desert Center off of the Corn Springs Road exit. Since the Project is entirely on BLM land, the Project is not within the County's land use jurisdiction and the County will not be issuing any land use permits for the Project. Nor is the Project subject to the County's solar power plant program (Board of Supervisors Policy No. B-29).

Earlier Proposed Projects and Environmental Review

There were two earlier versions of solar energy projects proposed on the property. In December 2010, the California Energy Commission (CEC) approved a solar trough thermal proposal known as the Palen Solar Power Project. The environmental review for the original project determined that the solar trough project would have resulted in significant and unavoidable impacts to biological, cultural, land use (recreational), and visual resources. Construction on the solar trough project did not begin due to the applicant declaring bankruptcy. In 2013, a new applicant filed a petition to amend the CEC's decision to change the proposed technology from solar trough to solar power tower. In December 2013, the Presiding Member of the CEC committee issued a

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

proposed decision to deny the project amendment and thereby, essentially denying the solar tower project. In September 2014, after several meetings and workshops, the CEC Presiding Member issued a revised proposed decision approving the petition to amend, but with only one solar tower instead of two. However, the applicant withdrew the amendment before the full California Energy Commission could take final action on it. In 2015, EDF Renewable Energy acquired rights to develop a solar project on the subject property and began to process the project as a photovoltaic solar project.

Building on the earlier environmental review done by the CEC for the proposed solar trough project and the proposed solar tower project, BLM and the County prepared a Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/SEIR) pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). BLM is the lead agency under NEPA. The County is the lead agency under CEQA since the Project applicant proposes to purchase water from County Service Area 51 under a discretionary Water Supply Agreement, as discussed in greater detail below.

The SEIS/SEIR addressed the proposed change from thermal technology to photovoltaic technology as well as any changes in the Project's circumstances to evaluate if the Project may result in new or more intense significant impacts beyond those analyzed by the earlier environmental review done for the earlier versions of the Project. On October 29, 2018, the United States Department of Interior and BLM adopted a Record of Decision (ROD) approving Alternative 1 of the SEIS/SEIR. Alternative 1 is a reduced footprint alternative for the Project that would cover 3,036 acres compared with the originally proposed 3,381 acres. As explained in Resolution No. 2018-227, the SEIS/SEIR identified significant and unavoidable physical environmental impacts of Alternative 1 related to air resources, cultural resources, recreational resources, visual resources, and wildlife resources. Resolution No. 2018-227 contains findings required by CEQA, including mitigation measures for the Project, as well as a statement of overriding considerations for the significant and unavoidable environmental impacts. As set forth in the resolution, the County finds that the benefits of the Project are overriding considerations when weighed against the environmental impacts listed above.

Water Supply Agreement

County staff and Palen Solar Holdings, LLC (PSH) have come to agreement on the attached Water Supply Agreement whereby the County will sell water from County Service Area (CSA) 51 to PSH for construction and decommissioning purposes. Consideration and approval of this Water Supply Agreement is a discretionary action under CEQA for which the County is acting as CEQA lead agency for the Project. The Water Supply Agreement includes terms that PSH will pay for water at the rate the CSA sells other water, including a recognition of an escalator for increased prices in future years. Currently, the water is \$.01/gallon price for a price of \$3,258.51 per acre foot. PSH is proposing not to exceed up to 210 acre feet per year. The Water Supply Agreement also includes terms regarding the collection of sales and use taxes during construction of the Project consistent with Board of Supervisors Policy No. B-29 regarding solar power plants. Finally, the Water Supply Agreement includes terms regarding potential road impacts in and near the Lake Tamarisk Community – namely, PSH's water trucks can only use Interstate 10, Highway

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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177 (Rice Road) and Oasis Road and PSH must provide a Letter of Credit to the County to cover the cost of repairs to any roads in the Lake Tamarisk community that are damaged as a result of the water truck trips if PSH fails to pay for the road repairs itself.

The Planning Department, Transportation Department, and CSA Administration provided input on the final language of the Water Supply Agreement.

Fire Services Agreement

As part of BLM's conditioning on the Project, the applicant is required to enter into a fire services agreement with the County to address Project impacts on fire service needs, including "project related share of capital and operating costs to improve fire protection/emergency response infrastructure and provide appropriate equipment and training as mitigation of project-related impacts." See Mitigation Measure Worker Safety – 7. Such fire services impacts are not a physical impact to the environment and do not result in any land disturbance. Since this Project is on BLM land and not under the County's land use jurisdiction, the Project does not pay County development impact fees, such as the DIF for fire facilities. However, it is recognized by BLM and EDF Renewable Energy that the County will have emergency response and fire protection responsibilities related to the Project. While fire services impacts at photovoltaic solar projects are lower than at some other land uses, there are fire and medical emergency risks present during construction of the solar projects to which the County would need to respond. Therefore, County staff and PSH have agreed to the attached Agreement for Fire Protection Services. Under the agreement, PSH will pay the County a one-time sum of \$200,000 for fire protection services prior to issuance by BLM of a Notice to Proceed authorizing ground-clearing activities at the Project site. During the three years of construction, PSH will pay the County \$80,000 annually. After year 3 and until expiration or termination of BLM's right-of-way grant authorizing the Project, PSH will pay \$5,000 annually. Under the terms of the agreement, each of the above amounts (\$200,000, \$80,000, and \$5,000) and each subsequent annual payment will increase annually by 2% from and after the date of execution of the agreement, irrespective of when construction commences. Additionally, under the Agreement, Riverside County Fire Department retains discretion to use the funds received from PSH in a manner it determines to be most beneficial for its capital and operating expenses.

County Fire and the Executive Office provided input on the final language of the Agreement for Fire Protection Services.

Impact on Residents and Businesses

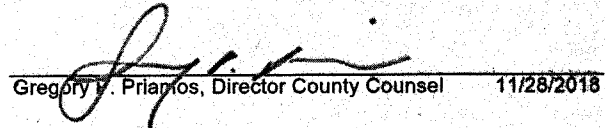
The impacts of the Project have been evaluated through the environmental review by Planning staff, Bureau of Land Management, and the Board of Supervisors. The Project will provide 500 megawatts of installed electrical capacity generating up to 1,598,683 MWh/year of clean renewable energy sufficient to power 100,000 California homes. Staff labor and expenses to process the Project have been paid directly through the applicant's deposit based fees.

ATTACHMENTS:

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

- A. Resolution No. 2018-227**
- B. CEQA Findings Exhibit A MMRP**
- C. CEQA Findings Exhibit B APMs**
- D. CEQA Findings Exhibit C Errata**
- E. Water Supply Agreement**
- F. Agreement for Fire Protection Services**
- G. Notice of Determination**


Scott Bruckner 11/28/2018


Gregory V. Priamos, Director County Counsel 11/28/2018

RESOLUTION NO. 2018-227

CERTIFYING SUPPLEMENTAL ENVIRONMENTAL IMPACT

STATEMENT/ENVIRONMENTAL IMPACT REPORT

FOR THE PALEN SOLAR PROJECT

AND

ADOPTING CEQA FINDINGS, MITIGATION MONITORING PLAN, AND STATEMENT OF

OVERRIDING CONSIDERATIONS

WHEREAS, on December 4, 2018, the Board of Supervisors of Riverside County ("Board") held a public meeting to consider approval of a water supply agreement between the County of Riverside ("County") and EDF Renewables ("Applicant") required for construction and decommissioning of the 500-megawatt ("MW") Palen Solar Project ("PSP") proposed by the Applicant on public lands administered by the Bureau of Land Management of the United States Department of Interior ("BLM"); and,

WHEREAS, Board approval of the water supply agreement is a discretionary action requiring prior California Environmental Quality Act ("CEQA") review (Public Resources Code § 21065(b), State CEQA Guidelines § 15378(a)(2)); and

WHEREAS, the activity of obtaining, transporting and using water pursuant to the water supply agreement is part of the whole action of PSP for purposes of CEQA (State CEQA Guidelines § 15378(a); *Riverwatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1204); and

WHEREAS, on December 15, 2010, the California Energy Commission ("CEC") approved on the PSP project site a reconfigured version of a solar trough proposal for the project known as the Palen Solar Power Project ("PSPP") after determining the original PSPP proposal would have resulted in significant and unavoidable impacts to biological, cultural, land use (recreational), and visual resources; and

WHEREAS, the CEC's December 15, 2010 regulatory process approving the PSPP, including the evidentiary record and associated analyses, is functionally equivalent to an EIR (the "PSPP CEQA Review") (Public Resources Code § 21080.5; State CEQA Guidelines § 15251(j)); and

FORM APPROVED COUNTY COUNSEL
BY: ARQ 11-26-18
DATE
AMON C. GETTIS

1 **WHEREAS**, the CEC prepared a Final Staff Assessment on September 23, 2013 and a Revised
2 Presiding Member's Proposed Decision on September 12, 2014 for a modification of the PSPP proposal to
3 a solar power tower proposal known as the Palen Solar Electric Generating System ("PSEGS"), but the
4 PSEGS application was withdrawn before the CEC rendered a decision to approve or deny PSEGS; and

5 **WHEREAS**, the CEC's regulatory process for the PSEGS proposal, including the evidentiary
6 record and associated analyses, is functionally equivalent to an uncertified EIR (the "PSEGS CEQA
7 Review"); and

8 **WHEREAS**, the SEIS/SEIR incorporates the PSEGS CEQA Review by reference; and

9 **WHEREAS**, any public agency other than the CEC that must make a decision subject to CEQA on
10 the same site or related facility must use the documents prepared by the CEC in the same manner as they
11 would use an EIR prepared by a lead agency, such that the County must rely on the PSPP CEQA Review
12 (Public Resources Code § 25519(c)); and

13 **WHEREAS**, State CEQA Guidelines § 15253 provides that, when an environmental analysis
14 document has been prepared for a project under a certified regulatory program such as the CEC's, that
15 document must be used by another agency granting a discretionary approval for the same project when the
16 following conditions have been met, and such conditions have in fact been met, as shown below:

17 A. The certified agency is the first agency to grant a discretionary approval for the project. Here,
18 the CEC was the first agency to grant a discretionary approval for the Palen project when it
19 approved the PSPP.

20 B. The certified agency consults with the responsible agencies, but the consultation need not
21 include the exchange of written notices. Here, the CEC was required by law to consult with
22 the County (See, e.g., Public Resources Code § 25519(f), (g), (h); 20 California Code of
23 Regulations §§ 1714, 1714.5, 1744)).

24 C. The environmental analysis document identifies the significant environmental effects within
25 the jurisdiction or special expertise of the responsible agency and alternatives or mitigation
26 measures that could avoid or reduce the severity of the significant environmental effects.
27 Here, the PSPP CEQA Review identified all significant environmental effects of the project,
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1 including those within the jurisdiction and expertise of the County, as well as alternatives
2 and mitigation measures that could avoid or reduce the severity of such effects.

3 D. Where written notices were not exchanged in the consultation process, the responsible
4 agency was still afforded an opportunity to participate in the CEC's review process. Not
5 applicable here, as the CEC provided written notice of its 2010 CEQA documents (See, e.g.,
6 Public Resources Code § 25519(f), (g), (h); 20 California Code of Regulations Sections
7 1714, 1714.5, 1744; CEC Docket No. 09-AFC-07, documents TN 58559, TN 58558)).

8 E. The certified agency established a consultation period with the responsible agency at least
9 as long as allowed for public review of the EIR substitute document. Here, the public review
10 period for the Draft Staff Assessment was from March 19, 2010 through April 22, 2010 and
11 the public review period for the 2010 Revised Staff Assessment for PSPP began on
12 September 20, 2010 (CEC Docket No. 09-AFC-07, document TN 58559), and closed with
13 the last evidentiary hearing held on October 27, 2010 (CEC Docket No. 09-AFC-07,
14 document TN 58734). The County was asked to participate no later than December 21, 2009
15 (CEC Docket No. 09-AFC-07, document TN 58558), and again invited to comment on the
16 CEC and BLM's joint Staff Assessment/Draft Environmental Impact Statement on March
17 23, 2010 (CEC Docket No. 09-AFC-07, document TN 56023).

18 F. The certified agency exercised the powers of a lead agency by considering all the significant
19 environmental effects of the project and making a finding under Section 15091 for each
20 significant effect. Here, the CEC considered and made findings on all the significant
21 environmental effects of the PSPP (CEC Docket No. 09-AFC-07, document TN 59350); and

22 **WHEREAS**, the Applicant has proposed changes to the project such that the PSP would install and
23 operate solar photovoltaic ("PV") technology instead of the solar trough technology approved by the CEC
24 for the PSPP; and

25 **WHEREAS**, BLM and the County prepared a supplemental EIS/EIR ("SEIS/SEIR") that
26 supplements the PSPP CEQA Review pursuant to Public Resources Code § 21166 and State CEQA
27 Guidelines §§ 15162 and 15163 because the Applicant's proposed conversion of the project from trough to
28

1 PV technology and changes in the project's circumstances since 2010 may result in new or more intense
2 significant impacts beyond those analyzed by the PSPP CEQA Review; and

3 **WHEREAS**, the United States Department of Interior and BLM adopted a Record of Decision
4 ("ROD") approving Alternative 1 of the SEIS/SEIR on October 29, 2018;

5 **WHEREAS**, a CEQA document is presumptively valid once it has been certified (*Friends of the*
6 *College of San Mateo Gardens v San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 956;
7 *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1130). Public
8 Resources Code § 21166 and State CEQA Guidelines §§ 15162 and 15163 therefore require the SEIS/SEIR
9 to abide by the significance conclusions of the PSPP CEQA review unless there is substantial evidence
10 demonstrating new or more intense significant impacts above and beyond those disclosed in the PSPP
11 CEQA review as a consequence of (i) a change in the project; or (ii) a change in the project's circumstances;
12 or (iii) new information which was not known and could not have been known with the exercise of
13 reasonable diligence at the time the CEC completed the PSPP CEQA Review; and

14 **WHEREAS**, the CEQA document originally prepared for a project may still be used if a
15 jurisdictional shift causes the identity of the lead agency to change (*Gentry v. City of Murrieta* (1995) 36
16 Cal. App. 4th 1359, 1384, *as modified on denial of rehearing* (Aug. 17, 1995)). Because the CEC does not
17 have jurisdiction over solar PV facilities it cannot act as the CEQA lead agency for the Applicant's PV
18 proposal. As an agency with general governmental powers, the County therefore acts as CEQA lead agency
19 for the SEIS/SEIR (State CEQA Guidelines § 15051(b)(1)). In addition, State CEQA Guidelines § 15052
20 recognizes that a responsible agency must assume the role of the lead agency when, as here, a supplemental
21 EIR is required, the original lead agency has granted a final approval for the project (here, the PSPP CEQA
22 Review), and the statute of limitations for challenging the original lead agency's CEQA decision has
23 expired; and

24 **WHEREAS**, all procedures of CEQA and County Rules to Implement CEQA have been followed,
25 and the SEIS/SEIR, prepared in connection with the proposed water supply agreement for PSP, is
26 sufficiently detailed so that, in conjunction with the PSPP CEQA Review, all of the potentially significant
27 effects of the project on the environment and measures necessary to avoid or substantially lessen such
28

1 effects have been evaluated in accordance with CEQA and the above-referenced County Rules; and,

2 **WHEREAS**, pursuant to State CEQA Guidelines § 15151, the evaluation of environmental effects
3 is to be completed in light of what is reasonably feasible; and,

4 **WHEREAS**, the Final SEIS/SEIR, ROD, PSPP CEQA Review and PSEGS CEQA Review are
5 incorporated herein by this reference in their entirety; and

6 **WHEREAS**, the Mitigation Monitoring and Reporting Plan (“MMRP”) required to be adopted by
7 this Board upon approval of the water supply agreement pursuant to State CEQA Guidelines § 15091(d) is
8 attached hereto as Exhibit “A” and incorporated herein by reference. The MMRP lists the potential
9 significant impacts of PSP, the Applicant measures and mitigation measures to be imposed on PSP, and the
10 agency or entity responsible for compliance or enforcement of said measures; and,

11 **WHEREAS**, the matter was discussed fully with testimony and documentation presented by the
12 public and affected government agencies;

13 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED BY**
14 **THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**
15 **IN REGULAR SESSION ASSEMBLED ON DECEMBER 4, 2018, AS FOLLOWS:**

16 **I. INTRODUCTION**

17 The Applicant proposes to construct, operate, maintain, and decommission the PSP, an
18 approximately 3,381-acre, 500-MW solar PV energy facility and 230-kV gen-tie line located on federal
19 public lands administered by the BLM.

20 BLM is the NEPA lead agency for the project. The County is the CEQA lead agency due to the
21 water supply agreement the Applicant seeks from the County as part of the project. After completing the
22 PSPP CEQA Review, the CEC approved a solar trough version of the project on December 15, 2010.
23 Because the PSP proposal seeks to convert the project from solar trough technology to solar PV technology,
24 the County prepared the SEIS/SEIR with the BLM to assess any impacts of the PSP PV conversion that
25 were not captured in the PSPP CEQA Review.

26 Pursuant to § 15091 of the State CEQA Guidelines and Public Resources Code § 21081, the County
27 may only approve or carry out a project for which an EIR has been completed that identifies any significant
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1 environmental effects if the County makes one or more of the following written finding(s) for each of those
2 significant effects, accompanied by a brief explanation of the rationale for each finding:

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

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

20 The Public Resources Code requires that lead agencies adopt feasible mitigation measures or
21 alternatives to substantially lessen or avoid significant environmental impacts. An agency need not,
22 however, adopt infeasible mitigation measures or alternatives (State CEQA Guidelines § 15091(a), (b)).
23 Public Resources Code § 21061.1 defines "feasible" to mean "capable of being accomplished in a successful
24 manner within a reasonable period of time, taking into account economic, environmental, social, and
25 technological factors." State CEQA Guidelines § 15091 adds "legal" considerations as another indicia of
26 feasibility (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565). Project
27 objectives also inform the determination of "feasibility" (*City of Del Mar v. City of San Diego* (1982) 133
28

1 Cal.App.3d401, 417). "[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability
2 is based on a reasonable balancing of the relevant economic, environmental, social, and technological
3 factors" (Id.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704,
4 715). Environmental impacts that are less than significant do not require the imposition of mitigation
5 measures (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1347).

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

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

21 This Resolution contains the findings and statement of overriding considerations based on the
22 SEIS/SEIR and administrative record for the approval of Alternative 1 to the PSP proposal considered in
23 the SEIS/SEIR and reflects the County's independent judgment and analysis.

24 **II. PROPOSED PROJECT**

25 The SEIS/SEIR analyzed the PSP proposal and alternatives to it. The PSP proposal consists of two
26 main components associated with generating and delivering electricity – a solar field and a gen-tie. The
27 solar field, where the power would be generated, would permanently disturb 3,341 acres of BLM-managed
28

1 public lands with a main generation area of PV arrays, inverters, collector lines, access roads, an operations
2 and maintenance facility, an on-site substation and switchgear, site security, fencing and lighting. The gen-
3 tie line would transmit the electricity generated at the proposed solar facility to the regional transmission
4 system, through Southern California Edison's ("SCE") Red Bluff Substation where the power from the
5 proposed solar facility would feed into SCE's Devers Palo Verde No. 1 500 kV interconnection line. The
6 gen-tie line would be 6.9 miles long, permanently disturbing 40 acres.

7 The objectives of the project are as follows:

8 The underlying purpose of the Project is to construct and operate an economically feasible,
9 commercially financeable 500 MW solar PV power plant.

10 The fundamental objectives of the Project are:

- 11 • To site the project on lands within a Solar Energy Zone ("SEZ") and Development Focus
12 Area ("DFA") designated by the Western Solar Plan and Desert Renewable Energy
13 Conservation Plan;
- 14 • To satisfy pre-existing obligations under the California Independent System Operator
15 ("CAISO") tariff and a Generator Interconnect Agreement requiring delivery of 500 MW of
16 installed nameplate electrical capacity to the California electrical grid by way of the Red
17 Bluff Substation in Riverside County, California; and
- 18 • To sell electricity at a competitive, low-cost price.

19 The secondary objectives of the project are:

- 20 • To minimize environmental impacts by:
 - 21 ○ Using a low-profile, non-thermal solar technology;
 - 22 ○ Siting the Project within a SEZ and DFA; and
 - 23 ○ Avoiding Desert Wildlife Management Areas, Areas of Critical Environmental
24 Concern and National Conservation Lands where feasible;
- 25 • To increase local short-term and long-term employment opportunities;
- 26 • To provide economic benefits to Riverside County;
- 27 • To further the purpose of Secretarial Order 3285A1, establishing the development of
28

1 environmentally responsible renewable energy as a priority for the Department of the
2 Interior;

- 3 • To assist California Investor-Owned utilities in meeting their obligations under California's
4 Renewable Portfolio Standard Program; and
- 5 • To assist California in meeting greenhouse gas emissions reduction goal by 2020 and 2030
6 as required by the California Global Warming Solutions Act (AB 32), as amended by Senate
7 Bill 32 in 2016.

8 **III. PUBLIC REVIEW PROCESS**

9 The CEQA public review process for the Palen project began in 2009 with the PSPP solar trough
10 proposal. The CEC received an Application for Certification ("AFC") for the PSPP on August 24, 2009;
11 deemed the AFC complete on November 18, 2009; issued a Notice of Informational Hearing and Site Visit
12 on January 11, 2010; issued a Scheduling Order on February 9, 2010; conducted publicly noticed Data
13 Response and Issue Resolution workshops on December 9, 2009, January 7, 2010, and April 28 and 29,
14 2010; issued a Staff Assessment/Draft Environmental Impact Statement ("EIS") for public comment on
15 from March 19, 2010 through April 22, 2010; issued Part I of a Revised Staff Assessment ("RSA") for
16 public comment on September 1, 2010 and issued Part II of the RSA for public comment on September 16,
17 2010; conducted a noticed Prehearing Conference on October 5, 2010; held noticed Evidentiary Hearings
18 on October 13 and 27, 2010; issued a Presiding Member's Proposed Decision for public comment on
19 November 12, 2010; held a Committee Conference on December 2, 2010; and approved the PSPP proposal
20 on December 15, 2010; and

21 The CEQA public review process for the Palen project recommenced on December 21, 2012, when
22 the CEC circulated a Notice of Receipt of a Petition to Amend the December 15, 2010 PSPP approval for
23 the PSEGS proposal. The CEC then held a noticed Public Informational Hearing and Site Visit on February
24 20, 2013; issued a Preliminary Staff Assessment for public comment on June 28, 2013; issued a Final Staff
25 Assessment on September 12, 2013; held a noticed Prehearing Conference on October 24, 2013; issued a
26 Presiding Members Proposed Decision on December 13, 2013; held noticed Evidentiary Hearings on
27 October 28 and 29, 2013 and November 22 and 25, 2013; held a noticed public hearing on January 7, 2014;

1 held evidentiary hearings on July 29 and 30, 2014; issued a Revised Presiding Member's Proposed Decision
2 on September 12, 2014; held a public hearing on October 6, 2014; issued a Revised Presiding Member's
3 Proposed Decision on September 15, 2014, and terminated the PSEGS proceedings on September 29, 2014.

4 In December of 2015, the Applicant filed a proposal with BLM to amend the project from solar
5 trough to solar PV. On June 15, 2016 the BLM circulated a Notice of Public Meeting for scoping of the
6 PSP proposal that requested comments before July 18, 2016. The notice was circulated pursuant to the
7 standards required for a Notice of Preparation ("NOP") by State CEQA Guidelines § 15082. The public
8 meeting was held in the City of Palm Springs on June 29, 2016. On June 15, 2016 the BLM circulated a
9 second Notice of Public Meeting for scoping of the PSP proposal that requested comments before
10 September 4, 2016. The County circulated the notice pursuant to the standards required for an NOP by State
11 CEQA Guidelines § 15082. The public meeting was held in the City of Palm Springs on August 4, 2016.
12 The Draft SEIS/SEIR was circulated on October 27, 2017 for a 45-day public review period pursuant to the
13 standards required for a Notice of Availability by State CEQA Guidelines § 15087. The BLM and the
14 County held a public meeting on the Draft SEIS/SEIR on November 14, 2017. The Final SEIS/SEIR was
15 published in the Federal Register and circulated to the project's mailing list and to all parties who
16 commented on the Draft SEIS/SEIR on May 18, 2018.

17 **IV. FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS**
18 **IDENTIFIED IN THE FINAL SEIS/SEIR**

19 **BE IT FURTHER RESOLVED** that after reviewing the public record, the Board hereby
20 incorporates all Applicant measures/design features, attached hereto as Exhibit B, as part of the PSP
21 proposal and makes the following findings regarding the significant effects of the Proposed Action, pursuant
22 to Public Resources Code § 21081 and State CEQA Guidelines § 15091:

23 **A. Air Resources**

24 **a. Impact AQ-2: Violate any air quality standard or contribute substantially to an**
25 **existing or projected air quality violation.**

26 **Finding:** This impact is significant. The mitigation measures listed below have been
27 adopted and will reduce this impact, but not to a less-than-significant level. This
28

1 impact is overridden by project benefits as set forth in the statement of overriding
2 considerations.

3 **Facts in Support of Finding:** Construction emissions of NOx, PM10, PM 2.5 and
4 CO for the Proposed Action would exceed the South Coast Air Quality Management
5 District (“SCAQMD”) thresholds even after implementing Mitigation Measures AQ-
6 SC-1 (Air Quality Construction Mitigation Manager), AQ-SC-2 (Air Quality
7 Construction Mitigation Plan), AQ-SC-3 (Construction Fugitive Dust Control), AQ-
8 SC4 (Dust Plume Response Requirement), AQ-SC-5 (Diesel-Fueled Engine
9 Control), AQ-SC-6 (Emission Standards Vehicles), AQ-SC-7 (Operation Dust
10 Control Plan) and AQ-SC-8 (BLM AO Copies of Documents).

11 **Mitigation Measures:** Mitigation Measures AQ-SC-1 through AQ-SC-8 as
12 described in Exhibit A attached hereto, are hereby incorporated by reference.

13 **Impact Significance:** Significant and unavoidable after mitigation.

14 **Impact Significance Relative to PSPP CEQA Review:** The project’s emissions
15 during construction would be substantially – approximately 80 percent – less than
16 those of the PSPP proposal analyzed by the PSPP CEQA Review. In the PSPP CEQA
17 Review, the CEC used California and national Ambient Air Quality Standards
18 (“AAQS”) as thresholds of significance rather than SCAQMD standards to conclude
19 air quality impacts during construction would be less than significant after
20 mitigation. If the same AAQS significance thresholds were applied to PSP, air
21 quality impacts during construction would be less than significant after mitigation.
22 Impacts of PSP would be less than PSPP. Although different thresholds are applied
23 in the SEIS/SEIR, this impact of PSP is within the scope of the PSPP CEQA Review.

24 b. **Impact AQ-4:** *Expose sensitive receptors to substantial pollutant concentrations.*

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

27 **Facts in Support of Finding:** Construction activities would result in locally
28

1 increased concentrations of construction-related emissions, including diesel
2 particulate matter and other toxic air contaminants, which would cause increased
3 health risk and hazards near the site. Mitigation Measures AQ-SC-1 (Air Quality
4 Construction Mitigation Manager), AQ-SC-2 (Air Quality Construction Mitigation
5 Plan), AQ-SC-3 (Construction Fugitive Dust Control), AQ-SC4 (Dust Plume
6 Response Requirement), AQ-SC-5 (Diesel-Fueled Engine Control), AQ-SC-6
7 (Emission Standards Vehicles), AQ-SC-7 (Operation Dust Control Plan) and AQ-
8 SC-8 (BLM AO Copies of Documents), would minimize and avoid impacts from
9 dust emissions and off-road equipment exhaust during construction so that emissions
10 would not expose any sensitive receptors to substantial concentrations.

11 **Mitigation Measures:** Mitigation Measures AQ-SC-1, AQ-SC-2, AQ-SC-3, AQ-
12 SC4, AQ-SC-5, AQ-SC-6, AQ-SC-7 and AQ-SC-8 as described in Exhibit A
13 attached hereto, are hereby incorporated by reference.

14 **Impact Significance:** Less than significant with mitigation.

15 **Impact Significance Relative to PSPP CEQA Review:** The project's emissions
16 during construction would be substantially less than those of the PSPP proposal
17 analyzed by the PSPP CEQA Review. In the PSPP CEQA Review, the CEC
18 concluded that the public health impacts of PSPP, which included air quality impacts
19 to sensitive receptors, would be less than significant. Impacts of PSP would be less
20 than PSPP. This impact of PSP is within the scope of the PSPP CEQA Review.

21 **B. Cultural Resources.**

- 22 a. **Impact CUL-1:** *Cause a substantial adverse change in the significance of a*
23 *historical resource.*

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

26 **Facts in Support of Finding:** One of the 77 resources recorded during cultural
27 resource surveys within the direct effects Area of Potential Effect ("APE") is eligible
28

1 for the California Register of Historic Resources ("CRHR") and is therefore
2 considered a historical resource. Direct impacts to this resource would be addressed
3 by Mitigation Measure CUL-8 (Flag and Avoid), which requires avoidance of the
4 resource. Indirect impacts to off-site historical resources would be addressed by
5 visual resource Mitigation Measures VIS-1 (Surface Treatment of Project Structures
6 and Buildings), VIS-2 (Revegetation of Disturbed Soil Areas) and VIS-4 (Project
7 Design). Direct and indirect impacts to unanticipated discoveries of historical
8 resources would be addressed by Mitigation Measures CUL-1 through CUL-12
9 (Cultural Resources Personnel, Project Documentation for Cultural Resources
10 Personnel, Monitoring and Discovery Plan, Cultural Resources Report,
11 Environmental Awareness Program, Construction Monitoring Program, Authority to
12 Halt Construction and Treatment of Discoveries, Flag and Avoid, Data Recovery for
13 Simple Prehistoric Sites, Data Recovery for Complex Prehistoric Sites, Data
14 Recovery for Historic-Period Refuse Scatters, Data Recovery for Historic-Period
15 Sites with Features) and Mitigation Measures CUL-16 through CUL-20
16 (Coordination with Interested Tribes, Avoidance, Preservation and Relocation,
17 Archaeological and Native American Tribal Monitoring, Monitoring Program for
18 Decommissioning, Native American Tribal Monitoring During Decommissioning).
19 **Mitigation Measures:** Mitigation Measures CUL-1 through CUL-12, CUL-16
20 through CUL-20 and VIS-1, VIS-2 and VIS-4 as described in Exhibit A attached
21 hereto, are hereby incorporated by reference.

22 **Impact Significance:** Less than significant with mitigation.

23 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
24 the CEC concluded that the cultural resources impacts of PSPP would be less than
25 significant after mitigation, even after assuming 49 directly impacted resources were
26 historical resources. The impacts of PSP would be less than assumed for PSPP
27 because formal eligibility determinations prepared for PSP determined that the
28

1 project would directly impact only one historical resource and that resource would
2 be avoided through implementation of Mitigation Measure CUL-8. Impacts of PSP
3 would be less than PSPP. This impact of PSP is within the scope of the PSPP CEQA
4 Review.

- 5 b. **Impact CUL-2:** *Cause a substantial adverse change in the significance of a unique*
6 *cultural resource.*

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

9 **Facts in Support of Finding:** Cultural resources surveys identified no unique
10 archaeological resources within the APE. Direct and indirect impacts to
11 unanticipated discoveries of unique archaeological resources would be addressed by
12 Mitigation Measures CUL-1 through CUL-12 (Cultural Resources Personnel, Project
13 Documentation for Cultural Resources Personnel, Monitoring and Discovery Plan,
14 Cultural Resources Report, Environmental Awareness Program, Construction
15 Monitoring Program, Authority to Halt Construction and Treatment of Discoveries,
16 Flag and Avoid, Data Recovery for Simple Prehistoric Sites, Data Recovery for
17 Complex Prehistoric Sites, Data Recovery for Historic-Period Refuse Scatters, Data
18 Recovery for Historic-Period Sites with Features) and Mitigation Measures CUL-16
19 through CUL-20 (Coordination with Interested Tribes, Avoidance, Preservation and
20 Relocation, Archaeological and Native American Tribal Monitoring, Monitoring
21 Program for Decommissioning, Native American Tribal Monitoring During
22 Decommissioning). Minor indirect impacts to off-site unique archaeological
23 resources would be addressed by visual resource Mitigation Measures VIS-1
24 (Surface Treatment of Project Structures and Buildings), VIS-2 (Revegetation of
25 Disturbed Soil Areas) and VIS-4 (Project Design).

26 **Mitigation Measures:** Mitigation Measures CUL-1 through CUL-12, CUL-16
27 through CUL-20 and VIS-1, VIS-2 and VIS-4 as described in Exhibit A attached
28

1 hereto, are hereby incorporated by reference.

2 **Impact Significance:** Less than significant with mitigation.

3 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
4 the CEC concluded that the cultural resources impacts of PSPP would be less than
5 significant after mitigation, even after assuming 49 directly impacted resources were
6 historical resources, an assumption which included all resources that could otherwise
7 have been unique archaeological resources. The impacts of PSP would be less than
8 assumed for PSPP because no unique archaeological resources were identified within
9 the APE. Impacts of PSP would be less than PSPP. This impact of PSP is within the
10 scope of the PSPP CEQA Review.

11 c. **Impact CUL-3:** *Disturb any human remains, including those interred outside of*
12 *dedicated cemeteries.*

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

15 **Facts in Support of Finding:** No human remains have been detected within the
16 APE, however, if human remains were inadvertently discovered during construction,
17 impacts would be addressed through implementation of Mitigation Measures CUL-
18 1 through CUL-12 (Cultural Resources Personnel, Project Documentation for
19 Cultural Resources Personnel, Monitoring and Discovery Plan, Cultural Resources
20 Report, Environmental Awareness Program, Construction Monitoring Program,
21 Authority to Halt Construction and Treatment of Discoveries, Flag and Avoid, Data
22 Recovery for Simple Prehistoric Sites, Data Recovery for Complex Prehistoric Sites,
23 Data Recovery for Historic-Period Refuse Scatters, Data Recovery for Historic-
24 Period Sites with Features) and Mitigation Measures CUL-16 through CUL-20
25 (Coordination with Interested Tribes, Avoidance, Preservation and Relocation,
26 Archaeological and Native American Tribal Monitoring, Monitoring Program for
27 Decommissioning, Native American Tribal Monitoring During Decommissioning)..
28

1 **Mitigation Measures:** Measures Mitigation Measures CUL-1 through CUL-12 and
2 Mitigation Measures CUL-16 through CUL-20 as described in Exhibit A attached
3 hereto, are hereby incorporated by reference.

4 **Impact Significance:** Less than significant with mitigation.

5 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
6 the CEC subsumed impacts relating to the discovery of human remains within its
7 analysis and mitigation of potential inadvertent discoveries of cultural resources
8 during construction, which it determined would be less than significant after
9 mitigation. The impacts of PSP would be the same as those of PSPP, but over a
10 smaller physical area. This impact of PSP is within the scope of the PSPP CEQA
11 Review.

- 12 d. **Impact TCR-1:** *Cause a substantial adverse change in the significance of a tribal*
13 *cultural resource determined by the lead agency, in its discretion and supported by*
14 *substantial evidence, to be significant pursuant to criteria set forth in subdivision (c)*
15 *of Public Resources Code Section 5024.1 and considering the significance of the*
16 *resource to a California Native American tribe.*

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

19 **Facts in Support of Finding:** Tribal cultural resources impacts are not anticipated
20 because no tribal cultural resources determined by the County have been found in
21 the project area or identified through tribal consultation. However, disturbance of
22 unanticipated tribal cultural resources could occur during construction, operation or
23 decommissioning. This would be a significant impact under criterion TCR-1. If tribal
24 cultural resources are discovered, implementation of MM CUL-1 through MM CUL-
25 12 (Cultural Resources Personnel, Project Documentation for Cultural Resources
26 Personnel, Monitoring and Discovery Plan, Cultural Resources Report,
27 Environmental Awareness Program, Construction Monitoring Program, Authority to
28

1 Halt Construction and Treatment of Discoveries, Flag and Avoid, Data Recovery for
2 Simple Prehistoric Sites, Data Recovery for Complex Prehistoric Sites, Data
3 Recovery for Historic-Period Refuse Scatters, Data Recovery for Historic-Period
4 Sites with Features) would reduce these impacts to less than significant levels.
5 Additional mitigation measures MM CUL-16 through MM CUL-20 (Coordination
6 with Interested Tribes, Avoidance, Preservation and Relocation, Archaeological and
7 Native American Tribal Monitoring, Monitoring Program for Decommissioning,
8 Native American Tribal Monitoring During Decommissioning), developed through
9 consultation between the County and tribes, outline procedures and communication
10 protocols between the Applicant, the County and tribes for monitoring and
11 inadvertent discoveries including potential TCRs.

12 **Mitigation Measures:** Measures Mitigation Measures CUL-1 through CUL-12 and
13 Mitigation Measures CUL-16 through CUL-20 as described in Exhibit A attached
14 hereto, are hereby incorporated by reference.

15 **Impact Significance:** Less than significant with mitigation.

16 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
17 the CEC subsumed impacts relating to tribal cultural resources within its analysis
18 and mitigation of potential inadvertent discoveries of cultural resources during
19 construction, which it determined would be less than significant after mitigation. The
20 impacts of PSP would be the same as those of PSPP, but over a smaller physical area.
21 This impact of PSP is within the scope of the PSPP CEQA Review.

- 22 e. **Impact TCR-2:** *Cause a substantial adverse change in the significance of a tribal*
23 *cultural resource listed in, or eligible for listing in the California Register of*
24 *Historical Resources, or in a local register of historical resources as described in*
25 *Public Resources Code section 5020.1(k).*

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

1 **Facts in Support of Finding:** No tribal cultural resources that are eligible or listed
2 on the California Register of Historical Resources or in a local register of historical
3 resources have been identified at the project site. However, disturbance of
4 unanticipated tribal cultural resources could occur during construction, operation or
5 decommissioning. This would be a significant impact under criterion TCR-2. If tribal
6 cultural resources are discovered, implementation of MM CUL-1 through MM CUL-
7 12 (Cultural Resources Personnel, Project Documentation for Cultural Resources
8 Personnel, Monitoring and Discovery Plan, Cultural Resources Report,
9 Environmental Awareness Program, Construction Monitoring Program, Authority to
10 Halt Construction and Treatment of Discoveries, Flag and Avoid, Data Recovery for
11 Simple Prehistoric Sites, Data Recovery for Complex Prehistoric Sites, Data
12 Recovery for Historic-Period Refuse Scatters, Data Recovery for Historic-Period
13 Sites with Features) would reduce these impacts to less than significant levels.
14 Additional mitigation measures MM CUL-16 through MM CUL-20 (Coordination
15 with Interested Tribes, Avoidance, Preservation and Relocation, Archaeological and
16 Native American Tribal Monitoring, Monitoring Program for Decommissioning,
17 Native American Tribal Monitoring During Decommissioning), developed through
18 consultation between the County and tribes, outline procedures and communication
19 protocols between the Applicant, the County and tribes for monitoring and
20 inadvertent discoveries including potential TCRs.

21 **Mitigation Measures:** Measures Mitigation Measures CUL-1 through CUL-12 and
22 Mitigation Measures CUL-16 through CUL-20 as described in Exhibit A attached
23 hereto, are hereby incorporated by reference.

24 **Impact Significance:** Less than significant with mitigation.

25 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
26 the CEC subsumed impacts relating to tribal cultural resources within its analysis
27 and mitigation of potential inadvertent discoveries of cultural resources during
28

1 construction, which it determined would be less than significant after mitigation. The
2 impacts of PSP would be the same as those of PSPP, but over a smaller physical area.
3 This impact of PSP is within the scope of the PSPP CEQA Review.

4 **C. Noise.**

- 5 a. **Impact NOI-1:** *Exposure of persons to or generation of noise levels in excess of*
6 *standards established in the local general plan or noise ordinance, or applicable*
7 *standards of other agencies.*

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

10 **Facts in Support of Finding:** Construction activities outside the schedule of the
11 County's Noise Ordinance would be a significant impact. Mitigation measures
12 NOISE-3 (Employee Noise Control Program); NOISE-4 (Noise Restrictions); and
13 NOISE-6 (Construction Restrictions) would reduce this effect to a less than
14 significant level, particularly through the implementation of mitigation measure
15 NOISE-6, which would restrict heavy equipment and noise construction activities
16 outside the schedule of the County Noise Ordinance.

17 **Mitigation Measures:** Mitigation Measures NOISE-3, NOISE-4, and NOISE-6, as
18 described in Exhibit A attached hereto, are hereby incorporated by reference.

19 **Impact Significance:** Less than significant with mitigation.

20 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
21 the CEC concluded that implementation of Condition of Certification NOISE-6
22 would prevent PSPP from generating noise levels in excess of the County Noise
23 Ordinance. Because the same mitigation applies to PSP and PSPP would involve a
24 shorter construction schedule, impacts of PSP would be less than PSPP. This impact
25 of PSP is within the scope of the PSPP CEQA Review.

- 26 b. **Impact NOI-3:** *A substantial permanent increase in ambient noise levels in the*
27 *project vicinity above levels existing without the project.*

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

3 **Facts in Support of Finding:** The increase in ambient noise levels caused by
4 operation of the project would not be sufficient to substantially change surrounding
5 day-night ambient noise levels. Additionally, mitigation measure NOISE-4 (Noise
6 Restrictions) would ensure that the project design and implementation would include
7 sufficient noise controls, and that these controls would be verified by an updated
8 noise survey if necessary, to a daytime goal of 42 dBA Leq, measured at or near the
9 nearest residence. As such, with implementation of mitigation measures NOISE-4,
10 operational noise generated by the project would be less than significant.

11 **Mitigation Measures:** Mitigation Measures NOISE-3, NOISE-4, and NOISE-6 as
12 described in Exhibit A attached hereto, are hereby incorporated by reference.

13 **Impact Significance:** Less than significant with mitigation.

14 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
15 the CEC concluded that implementation of Condition of Certification NOISE-4
16 would prevent PSPP from generating significant permanent ambient noise level
17 impacts. Because the same mitigation applies to PSP, and PSP would not involve a
18 heat transfer system or steam turbine, the impacts of PSP would less than PSPP. This
19 impact of PSP is within the scope of the PSPP CEQA Review.

20 c. **Impact NOI-4:** *A substantial temporary or periodic increase in ambient noise levels*
21 *in the project vicinity above levels existing without the project.*

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

24 **Facts in Support of Finding:** The project's 30-month construction period would
25 result in a readily perceptible, but temporary, increase in daytime environmental
26 noise. Because the development area spans between 0.5 and 4 miles and the number
27 of receptors in the vicinity is limited, the majority of construction activity would be
28

1 far from sensitive receptors and resulting noise levels due to construction would not
2 be substantial. To ensure construction noise levels will not be disruptive at the nearest
3 receptors, mitigation measure NOISE-6 (Construction Restrictions) would limit
4 construction activities outside of daytime hours to light-duty equipment and vehicles
5 while mitigation measures NOISE-1 (Public Notification Process) and NOISE-2
6 (Noise Complaint Process) would establish notification and complaint resolution
7 processes to ensure this impact would be less than significant.

8 **Mitigation Measures:** Mitigation Measures NOISE-1, NOISE-2 and NOISE-6, as
9 described in Exhibit A attached hereto, are hereby incorporated by reference.

10 **Impact Significance:** Less than significant with mitigation.

11 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
12 the CEC concluded that implementation of Conditions of Certification NOISE-1,
13 NOISE-2 and NOISE-6 would prevent PSPP from generating significant temporary
14 ambient noise level impacts. Because the same mitigation applies to PSP and PSP
15 would involve a shorter construction period, impacts of PSP would be less than
16 PSPP. This impact of PSP is within the scope of the PSPP CEQA Review.

17 **D. Paleontological Resources.**

- 18 a. **Impact P-1:** *Directly or indirectly destroy a unique paleontological resource or site*
19 *or unique geologic feature.*

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

22 **Facts in Support of Finding:** Project construction and decommissioning could
23 destroy a unique paleontological resource or site or unique geologic feature because
24 the project site consists of Class 4-High sensitivity sediments. Through the
25 implementation of mitigation measures PAL-1 (Paleontological Resources
26 Specialist); PAL-2 (Materials for PRS and BLM Project Manager); PAL-3
27 (Paleontological Resources Monitoring and Mitigation Plan); PAL-4 (Approved
28

1 Weekly Training Pertaining to Ground Disturbance); PAL-5 (Pedestrian
2 Paleontological Survey); PAL-6 (Paleontological Monitoring Activities); PAL-7
3 (Implementation of PRMMP); and PAL-8 (Paleontological Resources Report), the
4 potential for destruction of unique paleontological resources, sites or unique geologic
5 features would be less than significant.

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

8 **Impact Significance:** Less than significant with mitigation.

9 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
10 the CEC concluded that implementation of Conditions of Certification PAL-1
11 through PAL-7 would prevent PSPP from resulting in significant impacts to
12 paleontological and geological resources. Because the same mitigation applies to
13 PSP and PSP would include additional survey requirements for previously
14 unsurveyed areas (PAL-5), impacts of PSP would be the same or less than PSPP.
15 This impact of PSP is within the scope of the PSPP CEQA Review.

16 **E. Public Health and Safety.**

- 17 a. **Impact HAZ-1:** *Create a significant hazard to the public or the environment*
18 *through the routine transport, use, or disposal of hazardous materials.*

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

21 **Facts in Support of Finding:** The use, transport, and disposal of hazardous or
22 flammable materials during construction would result in a less than significant
23 impact with implementation of mitigation measures HAZ-1 through HAZ-4
24 (Hazardous Material Requirements, Hazardous Materials Management Plan, Safety
25 Management Plan, and Licensed Herbicide Applicator, respectively), WASTE-2
26 (Resume of Professional Engineer or Geologist), WASTE-3 (Inspection and
27 Reporting of Potentially Contaminated Soil) and WASTE-7 (Operation Waste
28

1 Management Plan) by ensuring proper storage, transport and disposal of hazardous
2 wastes utilized onsite, as well as develop spill prevention and cleanup protocols.

3 **Mitigation Measures:** Mitigation Measures HAZ-1 through HAZ-3 and WASTE-
4 2, WASTE-3 and WASTE-7, as described in Exhibit A attached hereto, are hereby
5 incorporated by reference.

6 **Impact Significance:** Less than significant with mitigation.

7 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
8 the CEC concluded that implementation of Conditions of Certification HAZ-1
9 through HAZ-3 and WASTE-2, WASTE-3 and WASTE-7 would prevent PSPP from
10 causing significant impacts as a consequence of the use, transport or disposal of
11 hazardous or flammable materials. Because the same mitigation applies to PSP and
12 PSP would not use heat transfer fluid or liquefied petroleum gas, impacts of PSP
13 would be less than PSPP. This impact of PSP is within the scope of the PSPP CEQA
14 Review.

- 15 b. **Impact HAZ-2:** *Create a significant hazard to the public or the environment*
16 *through reasonably foreseeable upset and accident conditions involving the release*
17 *of hazardous materials into the environment.*

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

20 **Facts in Support of Finding:** The use, transport, and disposal of hazardous or
21 flammable materials for the project could result in accidents or spills involving the
22 release of hazardous materials into the environment. Implementation of mitigation
23 measures HAZ-1 through HAZ-3 (Hazardous Material Requirements, Hazardous
24 Material Management Plan, and Safety Management Plan, respectively), WASTE-2
25 (Resume of Professional Engineer or Geologist), WASTE-3 (Inspection and
26 Reporting of Potentially Contaminated Soil) and WASTE-7 (Operation Waste
27 Management Plan) would result in a less than significant impact by ensuring proper
28

1 storage, transport and disposal of hazardous wastes utilized onsite, as well as develop
2 spill prevention and cleanup protocols.

3 **Mitigation Measures:** Mitigation Measures HAZ-1 through HAZ-3 and WASTE-
4 2, WASTE-3 and WASTE-7, as described in Exhibit A attached hereto, are hereby
5 incorporated by reference.

6 **Impact Significance:** Less than significant with mitigation.

7 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
8 the CEC concluded that implementation of Conditions of Certification HAZ-1
9 through HAZ-3 and WASTE-2, WASTE-3 and WASTE-7 would prevent PSPP from
10 generating accidents or spills involving the release of hazardous materials into the
11 environment. Because the same mitigation applies to PSP and PSP would not use
12 heat transfer fluid or liquefied petroleum gas, impacts of PSP would be less than
13 PSPP. This impact of PSP is within the scope of the PSPP CEQA Review.

14 c. **Impact HAZ-4:** *Be located on a site which is included on a list of hazardous*
15 *materials sites compiled pursuant to Government Code Section 65962.5 and, as a*
16 *result, would it create a significant hazard to the public or the environment.*

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

19 **Facts in Support of Finding:** The project site is not located on an identified
20 hazardous materials site pursuant to Government Code Section 65962.5. However,
21 the Project could pose hazards from disturbing naturally contaminated soils and
22 unexploded ordnance ("UXOs"). Mitigation Measures GEO-1 (Soils Engineering
23 Report), WASTE-1 (UXO Training and Reporting Plan); WASTE-2 (Resume of
24 Professional Engineer or Geologist), WASTE-3 (Inspection and Reporting of
25 Potentially Contaminated Soil), and WASTE-7 (Operation Waste Management Plan)
26 would ensure ground disturbance does not create a significant hazard to the public or
27 the environment. Implementation of these proposed mitigation measures would
28

1 reduce impacts to a less than significant level.

2 **Mitigation Measures:** Mitigation Measures GEO-1, WASTE-1, WASTE-2, and
3 WASTE-7, as described in Exhibit A attached hereto, are hereby incorporated by
4 reference.

5 **Impact Significance:** Less than significant with mitigation.

6 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
7 Review, the CEC concluded that implementation of Conditions of Certification
8 GEO-1, WASTE-1, WASTE-2, WASTE-3, and WASTE-7, would prevent PSPP
9 ground disturbance from creating a significant hazard to the public or the
10 environment. Because the same mitigation applies to PSP, the impacts of PSP would
11 the same as PSPP. This impact of PSP is within the scope of the PSPP CEQA
12 Review.

- 13 d. **Impact GS-1:** *Expose people or structures to potential substantial adverse effects,*
14 *including the risk of loss, injury or death involving rupture of a known earthquake*
15 *fault.*

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

18 **Facts in Support of Finding:** The effects of groundshaking, which could include
19 aesthetic damage and slight damage to structural connections, would be mitigated
20 through structural designs required by the California Building Code. Along with
21 Mitigation Measure GEO-1 (Soils Engineering Report), these measures will ensure
22 that people or structures are not exposed to potential substantial adverse effects. The
23 impact of Impact GS-1 would therefore be less than significant with mitigation.

24 **Mitigation Measures:** Mitigation Measures GEO-1, as described in Exhibit A
25 attached hereto, is hereby incorporated by reference.

26 **Impact Significance:** Less than significant with mitigation.

27 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
28

1 Review, the CEC concluded that implementation of Condition of Certification GEO-
2 1 would prevent rupture of a known earthquake fault from exposing people or
3 structures to the risk of loss, injury or death. Because substantively the same
4 mitigation – preparation of a Soils Engineering Report – applies to PSP, the impacts
5 of PSP would the same as PSPP. This impact of PSP is within the scope of the PSPP
6 CEQA Review.

- 7 e. **Impact GS-2:** *Expose people or structures to potential substantial adverse effects,*
8 *including the risk of loss, injury or death involving strong seismic shaking.*

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

11 **Facts in Support of Finding:** The effects of groundshaking, which could include
12 aesthetic damage and slight damage to structural connections, would be mitigated
13 through structural designs required by the California Building Code. Along with
14 Mitigation Measure GEO-1 (Soils Engineering Report), these measures will ensure
15 that people or structures are not exposed to potential substantial adverse effects. The
16 impact of Impact GS-2 would therefore be less than significant with mitigation.

17 **Mitigation Measures:** Mitigation Measure GEO-1, as described in Exhibit A
18 attached hereto, is hereby incorporated by reference.

19 **Impact Significance:** Less than significant with mitigation.

20 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
21 Review, the CEC concluded that implementation of Condition of Certification GEO-
22 1 would prevent strong seismic shaking from exposing people or structures to the
23 risk of loss, injury or death. Because substantively the same mitigation – preparation
24 of a Soils Engineering Report – applies to PSP, the impacts of PSP would the same
25 as PSPP. This impact of PSP is within the scope of the PSPP CEQA Review.

26 **F. Recreation.**

- 27 a. **Impact REC-1:** *Increase the use of existing neighborhood and regional parks or*
28

1 *other recreation facilities such that substantial physical deterioration of the facilities*
2 *would occur or be accelerated.*

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

5 **Facts in Support of Finding:** The SEIS/SEIR states that fencing of over 3,000 acres
6 of land currently open to recreation would prevent the use of some existing open
7 routes and could lead to higher user levels on adjacent public lands open for
8 recreation use, leading to the loss of some native vegetation, wildlife habitat
9 fragmentation or loss, elevated soil loss, increases in noise, and possible temporary
10 declines in air quality from more concentrated vehicle use in a smaller available area.

11 The SEIS/SEIR determined that the loss of open routes is a potentially significant
12 impact that requires mitigation, and that Mitigation Measures RC-1 (Prevent
13 Blockage of Open Route DC952) and RC-2 (Provide Interpretive and Informational
14 Signs) would reduce the severity of this lost recreational opportunity to less than
15 significant levels. The Visual Resources section of the SEIS/SEIR separately
16 addresses project-level impacts on surrounding wilderness and open space
17 recreational uses as a consequence of the project's visual effects.

18 **Mitigation Measures:** Mitigation Measure RC-1 and RC-2, as described in Exhibit
19 A attached hereto, are hereby incorporated by reference.

20 **Impact Significance:** Less than significant with mitigation.

21 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
22 the CEC concluded that PSPP would not increase the use of existing neighborhood
23 and regional parks or other recreational facilities resulting in a substantial physical
24 deterioration or accelerated deterioration of the facility because there are no
25 community, regional or state parks in the Chuckwalla Valley. Through development
26 of the Desert Renewable Energy Conservation Plan ("DRECP"), the BLM obtained
27 information regarding past and present rockhounding OHV use in the vicinity of the
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1 project site which was not known but could have been known with the exercise of
2 reasonable diligence at the time the CEC completed the PSPP CEQA Review. This
3 impact of PSP is therefore within the scope of the PSPP CEQA Review.

4 **G. Soil Resources.**

5 a. **Impact S-1: *Result in substantial soil erosion or the loss of topsoil.***

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

8 **Facts in Support of Finding:** Soils at the project site would be susceptible to
9 erosion, especially once soil crusts are disturbed. Implementation of Mitigation
10 Measure AQ-SC-3 (Construction Fugitive Dust Control) would increase soil
11 stabilization and minimize wind erosion/fugitive dust. Mitigation Measure WR-1
12 (Drainage Erosion and Sediment Control Plan) would ensure erosion reduction
13 techniques are incorporated and that erosion does not leave the site. Additional
14 mitigation measures that would reduce soil erosion effects include WR-4 (Project
15 Drainage Report and Plans), WR-5 (Drainage Maintenance Program), and WR-6
16 (Closure and Decommissioning Plan). With the implementation of these measures,
17 impacts related to soil erosion would be less than significant.

18 **Mitigation Measures:** Mitigation Measures AQ-SC-3, WR-1, WR-4, WR-5 and
19 WR-6, as described in Exhibit A attached hereto, are hereby incorporated by
20 reference.

21 **Impact Significance:** Less than significant with mitigation.

22 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
23 the CEC concluded that implementation of Conditions of Certification now re-
24 numbered as Mitigation Measures AQ-SC-3, WR-1, WR-4, WR-5 and WR-6, along
25 with other measures not applicable to PSP, would prevent PSPP from causing
26 substantial soil erosion or the loss of topsoil. Because PSP is a smaller proposal and
27 would be subject to substantively the same applicable mitigation measures, this
28

1 impact of PSP is within the scope of the PSPP CEQA Review.

2 **H. Transportation and Public Access.**

3 a. **Impact T-1:** *Conflict with an applicable plan, ordinance or policy establishing*
4 *measures of effectiveness for the performance of the circulation system, taking into*
5 *account all modes of transportation including mass transit and non-motorized travel*
6 *and relevant components of the circulation system, including but not limited to*
7 *intersections, streets, highways and freeways, pedestrian and bicycle paths, and*
8 *mass transit.*

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

11 **Facts in Support of Finding:** While maximum daily construction trips associated
12 with the Proposed Action would not cause a substantial increase in traffic in relation
13 to the existing traffic load and capacity of the street system (refer to Tables 4.16-1
14 and 4.16-2), Mitigation Measure TRA-1 (Construction Traffic Control Plan) would
15 minimize trips during peak travel hours. With the implementation of this measure,
16 project construction traffic would result in a less than significant impact.

17 **Mitigation Measures:** Mitigation Measure TRA-1, as described in Exhibit A
18 attached hereto, is hereby incorporated by reference.

19 **Impact Significance:** Less than significant with mitigation.

20 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
21 Review, the CEC concluded that implementation of Condition of Certification
22 TRANS-4, now re-numbered as Mitigation Measure TRA-1, would prevent PSPP
23 from conflicting with an applicable plan, ordinance or policy establishing measures
24 of effectiveness for the performance of the circulation system. Because PSP would
25 entail a shorter construction period and fewer vehicle trips and would be subject to
26 substantively the same mitigation measure, this impact of PSP is within the scope of
27 the PSPP CEQA Review.

1 **b. Impact T-3:** *Result in a change in air traffic patterns, including either an increase*
2 *in traffic levels or a change in location that results in substantial safety risks.*

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

5 **Facts in Support of Finding:** Based on the California Military Land Use
6 Compatibility Analyst database, the project site is located within special-use military
7 airspace or an area designated for low-level military flight paths and notification of
8 the project is required. It is the responsibility of local governments, solar developers,
9 and other stakeholders in the vicinity of an airport to check with the airport sponsor
10 and the FAA to ensure there are no potential safety or navigational problems with a
11 proposed solar facility, especially if it is a large facility. Mitigation Measure TRA-3
12 (FAA and Military Notification) would ensure the military and FAA are notified of
13 the project. With the implementation of this measure, the project would result in less
14 than significant impacts to aviation safety.

15 **Mitigation Measures:** Mitigation Measure TRA-3, as described in Exhibit A
16 attached hereto, is hereby incorporated by reference.

17 **Impact Significance:** Less than significant with mitigation.

18 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
19 Review, the CEC concluded that the PSPP was too far from an airport to trigger FAA
20 notification and therefore would not impact aviation safety. However, SB 1462,
21 passed in 2004, requires military notification anytime a project is within 1,000 feet
22 of a military installation; beneath a low-level flight path; or, within special use
23 airspace which is defined in § 21098 of the Public Resources Code as any below
24 1,500 feet about ground level. In addition, the California Military Land Use
25 Compatibility Analyst database was developed in 2010. The requirements of SB
26 1462 and use of the California Military Land Use Compatibility Analyst database,
27 while apparently not applied in the PSPP CEQA Review, could have been known by
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1 CEC with the exercise of reasonable diligence at the time it approved the PSPP
2 CEQA Review on December 15, 2010 (State CEQA Guidelines § 15162(a)(3)). As
3 such, the impact is not outside the scope of the PSPP CEQA Review.

4 c. **Impact T-4:** *Substantially increase hazards due to a design feature (e.g., sharp*
5 *curves or dangerous intersections) or incompatible uses (e.g., farm equipment).*

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

8 **Facts in Support of Finding:** Construction of the project would introduce large
9 vehicle ingress/egress, potential disruptions to travel lanes, and potential roadway
10 damage that could increase hazards to motorists. Additionally, depending on the type
11 of PV panels used, the project could introduce reflective glare to motorists along the
12 I-10. To reduce potential adverse impacts of construction activities increasing
13 hazards to the circulation system, Mitigation Measure TRA-1 (Construction Traffic
14 Control Plan) would require review and approval of a Construction Traffic Control
15 Plan by Caltrans, the BLM, and the County of Riverside. Mitigation Measure TRA-
16 2 (Panel Glare Reduction) would require the Applicant to include a toll-free line for
17 complaints and would address any complaint that is recorded. With the
18 implementation of these measures, the project would result in less than significant
19 impacts to motorist safety.

20 **Mitigation Measures:** Mitigation Measures TRA-1 and TRA-2, as described in
21 Exhibit A attached hereto, are hereby incorporated by reference.

22 **Impact Significance:** Less than significant with mitigation.

23 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
24 Review, the CEC concluded that implementation of Conditions of Certification now
25 re-numbered as Mitigation Measures TRA-1 and TRA-2 would prevent PSPP from
26 substantially increasing hazards due to a design feature or incompatible use such a
27 heavy and oversized load deliveries and potential glare from solar technologies used
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1 at the project site. Because PSP would entail a shorter construction period, fewer
2 heavy and oversized vehicle trips, would use absorbent PV technology rather than
3 reflective solar trough technology, and would be subject to substantively the same
4 mitigation measure, this impact of PSP is within the scope of the PSPP CEQA
5 Review.

6 *d. Impact T-5: Result in inadequate emergency access.*

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

9 **Facts in Support of Finding:** Construction of gen-tie infrastructure and oversize
10 vehicle trips associated with material delivery for the construction of the project may
11 require temporary lane disruptions that could restrict or impede vehicle flow. To
12 reduce potential adverse impacts of construction activities affecting traffic
13 circulation, Mitigation Measure TRA-1 (Construction Traffic Control Plan) would
14 require review and approval of a Construction Traffic Control Plan by Caltrans and
15 the County of Riverside. With the implementation of this measure, the project would
16 result in less than significant impacts to emergency vehicle access and movements.

17 **Mitigation Measures:** Mitigation Measure TRA-1, as described in Exhibit A
18 attached hereto, is hereby incorporated by reference.

19 **Impact Significance:** Less than significant with mitigation.

20 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
21 the CEC concluded that implementation of Condition of Certification now re-
22 numbered as Mitigation Measure TRA-1 would prevent PSPP from causing potential
23 adverse impacts as a result of construction activities affecting traffic circulation. This
24 in turn would prevent project traffic from impeding emergency vehicle access due.
25 Because PSP would entail a shorter construction period, fewer heavy and oversized
26 vehicle trips, and would be subject to substantively the same mitigation measure, this
27 impact of PSP is within the scope of the PSPP CEQA Review.
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1 **I. Vegetation Resources.**

2 **a. Impact VEG-1:** *Have a substantial adverse direct or indirect effect on any*
3 *candidate, sensitive, or special-status species identified by local, state, or federal*
4 *agencies.*

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

7 **Facts in Support of Finding:** The results of surveys conducted between 2009 and
8 2017 indicate that the project could impact several special status plant species,
9 including Harwood's eriastrum. Such impacts would be substantial, and therefore
10 significant, if a large portion of the local population, or habitat, is affected. Potential
11 direct impacts, if any, would be mitigated through implementation of Mitigation
12 Measure VEG-10 (Special-status Plant Avoidance and Minimization Measures).
13 Direct and indirect impacts would be mitigated through a series of measures covering
14 biological monitoring, worker training, avoidance and minimization, weed
15 management, and compensation, including the following:

16 VEG-1 through VEG-5 (Biological Monitoring) require qualified biologists, with
17 authority to implement mitigation measures necessary to prevent impacts to
18 biological resources, to be on site during all construction activities.

19 VEG-6 (Worker Environmental Awareness Program) requires training workers to
20 avoid impacts to sensitive biological resources.

21 VEG-7 (Biological Resources Mitigation Implementation and Monitoring Plan)
22 requires a plan that incorporates the mitigation and compliance measures required by
23 local, state, and federal agencies regarding biological resources.

24 VEG-8 (Impact Avoidance and Minimization Measures) describes Best
25 Management Practices and other impact avoidance and minimization measures.

26 VEG-9 (Weed Management Plan) requires management actions to monitor and
27 eradicate specified non-native, noxious, or invasive weed species.

1 VEG-10 (Special Status Plant Impact Avoidance and Minimization) provides Best
2 Management Practices to avoid indirect impacts to special status plants.

3 Measures WIL-10 (Sand Dune Community/Mojave Fringe-toed Lizard Mitigation)
4 would require compensatory mitigation for impacts to sand dune vegetation
5 community impacts.

6 VEG-11 (Mitigation for Impacts to State Waters) would require compensatory
7 mitigation for impacts to dunes and washes (habitat for many special status plants).

8 VEG-12 (Decommissioning and Reclamation Plan) would include revegetation
9 provisions.

10 VEG-13 (Revegetation of Temporarily Disturbed Areas) would reduce the indirect
11 effects of dust, invasive weeds, and soil erosion by establishing native plant cover on
12 temporarily disturbed sites within the project area.

13 VEG-14 (Groundwater-dependent Vegetation Monitoring) and VEG-15 (Remedial
14 Action and Compensation for Adverse Effects to Groundwater-dependent Biological
15 Resources) would reduce potential project-related adverse impacts to groundwater-
16 dependent ecosystems.

17 With implementation of the mitigation measures listed above, direct and indirect
18 impacts to special status plants would be mitigated to less than significant levels by
19 minimizing vegetation impacts to the extent practicable; avoiding special status plant
20 occurrences; controlling invasive weeds and preventing infestations by newly
21 introduced weeds; and providing for long-term conservation and management of
22 native vegetation and natural communities on compensation lands.

23 **Mitigation Measures:** Mitigation Measures VEG-1 through VEG-15, and WIL-10,
24 as described in Exhibit A attached hereto, are hereby incorporated by reference.

25 **Impact Significance:** Less than significant with mitigation.

26 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
27 the CEC concluded that implementation of Conditions of Certification now re-

1 numbered as Mitigation Measures VEG-1 through VEG-15 and WIL-10 would
2 prevent PSPP from having a substantial adverse direct or indirect effect on any
3 candidate, sensitive, or special-status vegetation species identified by local, state, or
4 federal agencies. Because PSP is a smaller proposal and would be subject to
5 substantively the same mitigation measures, this impact of PSP is within the scope
6 of the PSPP CEQA Review.

7 *b. Impact VEG-2: Have a substantial adverse effect on any riparian habitat or other*
8 *sensitive natural community identified by local, state or federal agencies.*

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

11 **Facts in Support of Finding:** The project would disturb several sensitive natural
12 communities, including desert dry wash woodland, unvegetated ephemeral dry wash,
13 and sand habitat, including stabilized and partially stabilized desert dunes. Direct
14 impacts would be mitigated through implementation of Mitigation Measures VEG-
15 11 (Mitigation for Impacts to State Waters) and WIL-10 (Sand Dune/Mojave Fringe-
16 toed Lizard Mitigation). Direct and indirect impacts, including downstream alluvial
17 and aeolian effects off-site, would be mitigated through a series of measures covering
18 biological monitoring, worker training, avoidance and minimization, weed
19 management, and compensation, including the following:

20 VEG-1 through VEG-5 (Biological Monitoring) require qualified biologists, with
21 authority to implement mitigation measures necessary to prevent impacts to
22 biological resources, to be on site during all construction activities.

23 VEG-6 (Worker Environmental Awareness Program) requires training workers to
24 avoid impacts to sensitive biological resources.

25 VEG-7 (Biological Resources Mitigation Implementation and Monitoring Plan)
26 requires a plan that incorporates the mitigation and compliance measures required by
27 local, state, and federal agencies regarding biological resources.
28

1 VEG-8 (Impact Avoidance and Minimization Measures) describes Best
2 Management Practices and other impact avoidance and minimization measures.

3 VEG-9 (Weed Management Plan) requires management actions to monitor and
4 eradicate specified non-native, noxious, or invasive weed species.

5 WIL-4 (Desert Tortoise Compensatory Mitigation) would require compensation for
6 loss of special status wildlife habitat.

7 VEG-13 (Revegetation of Temporarily Disturbed Areas) would reduce the indirect
8 effects of dust, invasive weeds, and soil erosion by establishing native plant cover on
9 temporarily disturbed sites within the project area.

10 WIL-10 (Sand Dune Community/Mojave Fringe-toed Lizard Mitigation) and VEG-
11 11 (Mitigation for Impacts to State Waters) would require compensatory mitigation
12 for impacts to dunes and washes.

13 With implementation of the mitigation measures listed above, impacts to ephemeral
14 dry wash and desert dry wash woodland, sand transport, and sand habitats under
15 Criterion VEG-2 would be less than significant.

16 **Mitigation Measures:** Mitigation Measures VEG-1 through VEG-6 through VEG-
17 9, VEG-13, WIL-4 and WIL-10, as described in Exhibit A attached hereto, are hereby
18 incorporated by reference.

19 **Impact Significance:** Less than significant with mitigation.

20 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
21 Review, the CEC concluded that implementation of Conditions of Certification now
22 re-numbered as Mitigation Measures VEG-1 through VEG-6 through VEG-9, VEG-
23 13, WIL-4 and WIL-10 would prevent PSPP from having a substantial adverse direct
24 or indirect effect on any riparian habitat or other sensitive natural community
25 identified by local, state, or federal agencies, except for sand dune habitat, which
26 effect would be significant and unavoidable unless Alternative 2 or Alternative 3, the
27 footprint upon which PSP is based, were adopted. Because PSP is a smaller, less
28

1 impactful proposal and would be subject to substantively the same mitigation
2 measures, this impact of PSP is within the scope of the PSPP CEQA Review.

3 **J. Visual Resources.**

4 a. **Impact VIS-1: *Have a substantial adverse effect on a scenic vista.***

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

9 **Facts in Support of Finding:** Although no designated scenic vistas were identified
10 in the study area, panoramic and highly scenic vistas are available to backcountry
11 recreationists that access the Joshua Tree Wilderness, Palen McCoy Wilderness, and
12 Chuckwalla Mountains Wilderness. As shown in Figure 3.18-6A of the SEIS/SEIR,
13 Key Observation Point ("KOP") 10 Palen McCoy Wilderness Existing View, and
14 Figure 4.18-6B, KOP Palen McCoy Wilderness Visual Simulation, the solar facility
15 would be prominently visible from elevated vantage points in the area. This effect
16 would be significant and unavoidable even after implementing Mitigation Measures
17 VIS-1 through VIS-4 (Surface Treatment of Project Structures and Buildings,
18 Revegetation of Disturbed Soil Areas, Temporary and Permanent Exterior Lighting,
19 and Project Design, respectively).

20 **Mitigation Measures:** Mitigation Measures VIS-1 through VIS-4, as described in
21 Exhibit A attached hereto, are hereby incorporated by reference.

22 **Impact Significance:** Significant and unavoidable.

23 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
24 Review, the CEC concluded that implementation of Conditions of Certification now
25 re-numbered as Mitigation Measures VIS-1 through VIS-4 would not prevent PSPP
26 from having a substantial adverse effect on a scenic vista, as illustrated by a
27 simulation taken from now re-numbered KOP10. PSP is a smaller proposal that also
28

1 lacks the overflow and expansion vessels, steam turbines, air cooled condensers,
2 water treatment facilities, power blocks, and 30-foot tall wind fencing required for
3 the PSPP project. In addition, the visual baseline has changed considerably since
4 2010 such that the presence of large-scale solar facilities like Desert Sunlight and
5 Genesis have increased the industrial character of the viewshed, including from
6 viewpoints such as KOP 10. Consequently, after mitigation, this impact of PSP is
7 less than and within the scope of the PSPP CEQA Review.

- 8 b. **Impact VIS-3:** *Substantially degrade the existing visual character or quality of the*
9 *site and its surroundings.*

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

14 **Facts in Support of Finding:** The project would cause a substantial degradation of
15 the existing visual character or quality of the site and its surrounding landscape when
16 viewed from KOPs 7, 8, 10, and 11. This effect would be significant and unavoidable
17 even after implementing Mitigation Measures VIS-1 through VIS-4 (Surface
18 Treatment of Project Structures and Buildings, Revegetation of Disturbed Soil Areas,
19 Temporary and Permanent Exterior Lighting, and Project Design, respectively).

20 **Mitigation Measures:** Mitigation Measures VIS-1 through VIS-4, as described in
21 Exhibit A attached hereto, are hereby incorporated by reference.

22 **Impact Significance:** Significant and unavoidable.

23 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA Review,
24 the CEC concluded that implementation of Conditions of Certification now re-
25 numbered as Mitigation Measures VIS-1 through VIS-4 would not prevent PSPP
26 from having a substantial degradation of the existing visual character or quality of
27 the site and its surrounding landscape. PSP is a smaller proposal that also lacks the
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1 overflow and expansion vessels, steam turbines, air cooled condensers, water
2 treatment facilities, power blocks, and 30-foot tall wind fencing required for the
3 PSPP project. In addition, the visual baseline has changed considerably since 2010
4 such that the presence of large-scale solar facilities like Desert Sunlight and Genesis
5 have increased the industrial character of the viewshed, including from viewpoints
6 such as KOP 10. Consequently, after mitigation, this impact of PSP is less than and
7 within the scope of the PSPP CEQA Review.

- 8 c. **Impact VIS-4:** *Create a new source of substantial light or glare which would*
9 *adversely affect day or nighttime views in the area.*

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

12 **Facts in Support of Finding:** The project has the potential to introduce a new source
13 of substantial light that would adversely affect nighttime views in the area. The
14 resulting visual impact would be significant, but it is mitigatable with strict and
15 effective implementation of Mitigation Measure VIS-3 (Temporary and Permanent
16 Exterior Lighting) and Mitigation Measure BLM-VIS-2 (Night Lighting), resulting
17 in a less than significant impact.

18 **Mitigation Measures:** Mitigation Measures VIS-3 and BLM-VIS-2, as described in
19 Exhibit A attached hereto, are hereby incorporated by reference.

20 **Impact Significance:** Less than significant with mitigation.

21 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
22 Review, the CEC concluded that implementation of Condition of Certification VIS-
23 3 would prevent PSPP from introducing a new source of substantial light that would
24 adversely affect nighttime views in the area. Because PSP is a smaller proposal and
25 would be subject Mitigation Measure BLM-VIS-2 in addition to Mitigation Measure
26 VIS-3, this impact of PSP is less than and within the scope of the PSPP CEQA
27 Review.

1 **K. Water Resources.**

2 a. **Impact WR-1:** *Violate any water quality standards or waste discharge*
3 *requirements.*

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

6 **Facts in Support of Finding:** The project could result in surface water quality
7 degradation but this impact will be less than significant through compliance with
8 existing regulations. Mitigation Measures WR-1 (Drainage Erosion and
9 Sedimentation Control Plan (DESCP)), WR-4 (Project Drainage Report and Plans),
10 WR-5 (Drainage Maintenance Program), and WR-10 (Groundwater Quality
11 Monitoring and Reporting Plan) are proposed to ensure any water quality standards
12 or waste discharge requirements are not violated by the Project or action alternatives.
13 Impacts related to Impact WR-1 would therefore be less than significant with
14 mitigation.

15 **Mitigation Measures:** Mitigation Measures WR-1, WR-4, WR-5 and WR-10, as
16 described in Exhibit A attached hereto, are hereby incorporated by reference.

17 **Impact Significance:** Less than significant with mitigation.

18 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
19 Review, the CEC concluded that implementation of Conditions of Certification now
20 renumbered as WR-1, WR-4, WR-5 and WR-10, among other measures inapplicable
21 to PSP, would prevent PSPP from violating any water quality standards or waste
22 discharge requirements. Because PSP is a smaller proposal, this impact of PSP is less
23 than and within the scope of the PSPP CEQA Review.

24 b. **Impact WR-2:** *Substantially deplete groundwater supplies or interfere substantially*
25 *with groundwater recharge such that there would be a net deficit in aquifer volume*
26 *or a lowering of the local groundwater table level (e.g., the production rate of pre-*
27 *existing nearby wells would drop to a level which would not support existing land*
28

1 *uses or planned uses for which permits have been granted).*

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

4 **Facts in Support of Finding:** The SEIS/SEIR analysis shows the Chuckwalla
5 Valley Groundwater Basin ("CVGB") has ample water to supply the project's needs,
6 unless groundwater inflow estimates are much lower than anticipated. Because
7 inflow estimates are uncertain, groundwater use could contribute to a significant
8 impact by slightly increasing an overdraft that may exist in the CVGB. Mitigation
9 Measures WR-2 (Construction and Operation Water Use), WR-3 (Groundwater
10 Level Monitoring, Mitigation, and Reporting), WR-7 (Mitigation of Impacts to the
11 Palo Verde Mesa Groundwater Basin), and WR-9 (Estimation of Impacts to
12 PVMGB) are proposed to ensure that groundwater supplies are not substantially
13 depleted and groundwater recharge is not interfered with substantially. Impacts
14 related to Impact WR-2 would therefore be less than significant with mitigation.

15 **Mitigation Measures:** Mitigation Measures WR-2, WR-3, WR-7, and WR-9, as
16 described in Exhibit A attached hereto, are hereby incorporated by reference.

17 **Impact Significance:** Less than significant with mitigation.

18 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
19 Review, the CEC concluded that implementation of Conditions of Certification now
20 renumbered as Mitigation Measures WR-2, WR-3, WR-7, and WR-9, among other
21 measures inapplicable to PSP, would prevent PSPP from substantially depleting
22 groundwater supplies or interfering substantially with groundwater recharge such
23 that there would be a net deficit in aquifer volume or a lowering of the local
24 groundwater table level. Because PSP requires less water during construction and
25 operations and is subject to mitigation measures WR-2, WR-3, WR-7, and WR-9,
26 this impact of PSP is less than and within the scope of the PSPP CEQA Review.

27 c. **Impact WR-3:** *Substantially alter the existing drainage pattern of the site or area,*
28

1 *including through the alteration of the course of a stream or river, in a manner which*
2 *would result in substantial erosion or siltation on- or off-site.*

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

5 **Facts in Support of Finding:** Although the project will leave drainage patterns
6 essentially in the existing condition, the potential for an impact resulting from
7 downstream erosion remains. Construction activities would loosen existing surface
8 soils and sediments, increasing the potential for erosion during storm events, along
9 with associated effects such as increased downstream sediment yields from on-site
10 disturbed areas, a potentially significant impact. Increased impervious areas could
11 also lead to erosion by increasing the rate and frequency of runoff. Mitigation
12 Measures WR-1 (Drainage Erosion and Sedimentation Control Plan) and WR-4
13 (Project Drainage Report and Plans) would reduce the impact to erosion from the
14 project to a less than significant level.

15 **Mitigation Measures:** Mitigation Measures WR-1 and WR-4, as described in
16 Exhibit A attached hereto, are hereby incorporated by reference.

17 **Impact Significance:** Less than significant with mitigation.

18 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
19 Review, the CEC concluded that implementation of Conditions of Certification now
20 renumbered as Mitigation Measures WR-1 and WR-4, among other measures
21 inapplicable to PSP, would prevent PSPP from substantially altering the existing
22 drainage pattern of the site or area, including through the alteration of the course of
23 a stream or river, in a manner which would result in substantial erosion or siltation
24 on- or off-site. Because PSP is a smaller proposal that will not require the substantial
25 berms (concrete drainage channels) proposed by PSPP and is subject to mitigation
26 measures WR-1 and WR-4, this impact of PSP is less than and within the scope of
27 the PSPP CEQA Review.
28

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

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

7 **Facts in Support of Finding:** The project will leave drainage patterns essentially in
8 the existing condition and will not substantially alter runoff rates. There is a potential
9 for the project to be subject to flood damage from flooding and to cause local
10 diversions of flood flows that could affect other property, such as the date palm farm
11 west of the project site, a potentially significant impact. Mitigation Measure WR-4
12 (Project Drainage Report and Plans) would reduce flooding impacts from the project.
13 Impacts related to Impact WR-4 would therefore be less than significant with
14 mitigation.

15 **Mitigation Measures:** Mitigation Measure WR-4, as described in Exhibit A
16 attached hereto, is hereby incorporated by reference.

17 **Impact Significance:** Less than significant with mitigation.

18 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
19 Review, the CEC concluded that implementation of Conditions of Certification now
20 renumbered as Mitigation Measure WR-4, among other measures inapplicable to
21 PSP, would prevent PSPP from substantially altering the existing drainage pattern of
22 the site or area, including through the alteration of the course of a stream or river, or
23 substantially increase the rate or amount of surface runoff in a manner which would
24 result in flooding on- or off-site. Because PSP is a smaller proposal that will not
25 require the substantial berms proposed by PSPP and is subject to mitigation measure
26 WR-4, this impact of PSP is less than and within the scope of the PSPP CEQA
27 Review.
28

1 e. **Impact WR-5:** *Create or contribute runoff water which would exceed the capacity*
2 *of existing or planned stormwater drainage systems or provide substantial additional*
3 *sources of polluted runoff.*

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

6 **Facts in Support of Finding:** All the drainage systems in the area are natural.
7 Construction of the project would require excavation and grading for the solar panels,
8 access roads, buildings, the substation, and other features. Disturbance of soil during
9 construction could result in soil erosion and lowered water quality through increased
10 turbidity and sediment deposition into local streams. Accidental spills or disposal of
11 harmful materials used during construction could wash into and pollute surface
12 waters or groundwater a potentially significant impact. Mitigation Measure WR-4
13 (Project Drainage Report and Plans) would reduce the impact from the project to
14 stormwater drainage systems. Impacts related to Impact WR-5 would therefore be
15 less than significant with mitigation.

16 **Mitigation Measures:** Mitigation Measure WR-4, as described in Exhibit A
17 attached hereto, is hereby incorporated by reference.

18 **Impact Significance:** Less than significant with mitigation.

19 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
20 Review, the CEC concluded that implementation of Condition of Certification now
21 renumbered as Mitigation Measure WR-4, among other measures inapplicable to
22 PSP, would prevent PSPP from creating or contributing runoff water which would
23 exceed the capacity of existing or planned stormwater drainage systems or provide
24 substantial additional sources of polluted runoff. Because PSP is a smaller proposal
25 that will not require the substantial berms proposed by PSPP and is subject to
26 mitigation measure WR-4, this impact of PSP is less than and within the scope of the
27 PSPP CEQA Review.
28

1 f. **Impact WR-6:** *Otherwise substantially degrade water quality.*

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

4 **Facts in Support of Finding:** Surface water quality degradation from the project
5 would be mitigated by compliance with existing regulations. Groundwater
6 degradation is unlikely. Mitigation Measures WR-1 (Drainage Erosion and
7 Sedimentation Control Plan (DESCP)), WR-4 (Project Drainage Report and Plans),
8 and WR-10 (Groundwater Quality Monitoring and Reporting Plan) would ensure that
9 the project would not substantially degrade water quality. Impacts related to Impact
10 WR-6 would therefore be less than significant with mitigation.

11 **Mitigation Measures:** Mitigation Measures WR-1, WR-4 and WR-10, as described
12 in Exhibit A attached hereto, are hereby incorporated by reference.

13 **Impact Significance:** Less than significant with mitigation.

14 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
15 Review, the CEC concluded that implementation of Conditions of Certification now
16 renumbered as Mitigation Measures WR-1, WR-4 and WR-10, among other
17 measures inapplicable to PSP, would prevent PSPP from substantially degrading
18 water quality. Because PSP is a smaller proposal that will not require the substantial
19 berms proposed by PSPP and is subject to mitigation measure WR-4, this impact of
20 PSP is less than and within the scope of the PSPP CEQA Review.

21 g. **Impact WR-8:** *Place within a 100-year flood hazard area structures which would*
22 *impede or redirect flood flows.*

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

25 **Facts in Support of Finding:** The project will leave drainage patterns essentially in
26 the existing condition and will not substantially alter runoff rates. There is a potential
27 for the project infrastructure itself to be subject to flood damage from flooding, and
28

1 to cause local diversions of flood flows that could affect other property such as the
2 date palm farm west of the project site, a potentially significant impact. Mitigation
3 Measure WR-4 (Project Drainage Report and Plans) would reduce the impact to
4 structures placed in flood hazard areas from the project. Impacts related to Impact
5 WR-8 would therefore be less than significant with mitigation.

6 **Mitigation Measures:** Mitigation Measure WR-4, as described in Exhibit A
7 attached hereto, is hereby incorporated by reference.

8 **Impact Significance:** Less than significant with mitigation.

9 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
10 Review, the CEC concluded that implementation of Condition of Certification now
11 renumbered as Mitigation Measures WR-4 would prevent PSPP from placing within
12 a 100-year flood hazard area structures which would impede or redirect flood flows.
13 Because PSP is a smaller proposal that will not require the substantial berms
14 proposed by PSPP and is subject to mitigation measure WR-4, this impact of PSP is
15 less than and within the scope of the PSPP CEQA Review.

16 **L. Wildland Fire Ecology.**

- 17 a. **Impact WF-1:** *Expose people or structures to a significant risk of loss, injury, or*
18 *death involving wild-land fires, including where wildlands are adjacent to urbanized*
19 *areas or where residences are intermixed with wildlands.*

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

22 **Facts in Support of Finding:** During construction, operation and maintenance, and
23 decommissioning of the project, the risk of wildfires would potentially be increased
24 by the combustion of native materials, smoking, and refueling and operating vehicles
25 and other equipment and hazardous materials off road. Construction, operation, and
26 decommissioning could also introduce non-native plants to the Project's landscape,
27 which tend to increase a landscape's susceptibility to wildfire. With the
28

1 implementation of Mitigation Measure WORKER SAFETY-7 (Fire
2 Protection/Response Infrastructure) – which, in conjunction with project design
3 features, establishes standards and practices that would minimize the risk of a
4 wildfire and, in the event of fire, provides for immediate suppression and notification
5 – the risk of loss, injury, or death to people or structures involving wild-land fires
6 would be less than significant.

7 **Mitigation Measures:** Mitigation Measure WORKER SAFETY-7, as described in
8 Exhibit A attached hereto, is hereby incorporated by reference.

9 **Impact Significance:** Less than significant with mitigation.

10 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
11 Review, the CEC concluded that implementation of Condition of Certification
12 WORKER SAFETY-7, which has been modified to be commensurate with the lesser
13 impacts of PSP, would prevent PSPP from exposing people or structures to a
14 significant risk of loss, injury, or death involving wildland fires, including where
15 wildlands are adjacent to urbanized areas or where residences are intermixed with
16 wildlands. Because PSP is a smaller proposal that presents significantly less fire risk
17 due to the lack of HTF and natural gas-fired boilers, this impact of PSP is less than
18 and within the scope of the PSPP CEQA Review.

19 **M. Wildlife Resources.**

- 20 a. **Impact WIL-1:** *Have a substantial adverse direct or indirect effect on any*
21 *candidate, sensitive, or special-status species identified by local, state, or federal*
22 *agencies.*

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

27 **Facts in Support of Finding:** The results of surveys conducted between 2009 and
28

1 2016 indicate that the project could impact several special status wildlife species. See
2 Section 3.21 (Wildlife Resources) and Table 3.21-1 of the SEIS/SEIR for a
3 discussion of each special status wildlife species that is present or potentially present
4 on or near the project site. Direct impacts to special status wildlife may include
5 mortality, injury, or displacement; loss or degradation of native habitat; interference
6 with movement or migration; and disturbance from noise and light. Indirect impacts
7 to wildlife habitat include erosion, sedimentation, and introduction of invasive
8 species that may cause habitat degradation. See Section 4.21.2 of the SEIS/SEIR for
9 a detailed discussion of direct and indirect impacts to special status wildlife species.
10 The direct and indirect impacts of project construction, O&M, and decommissioning
11 to wildlife resources, including wildlife habitat loss and potential take of special
12 status wildlife species including desert tortoise, Mojave fringe-toed lizard, and
13 special status birds, as described in Section 4.21.2 of the SEIS/SEIR, would be
14 significant under Criterion WIL-1. Mitigation Measures VEG-1 through VEG-15,
15 WIL-1 through WIL-6 and WIL-8 through WIL-12, which include avoidance,
16 minimization, and compensation to offset direct and indirect impacts to special status
17 wildlife and habitat, as described in Section 4.21.2 of the SEIS/SEIR, would mitigate
18 these impacts to less than significant levels by minimizing habitat impacts to the
19 extent practicable, mitigating direct impacts to special-status wildlife, avoiding
20 impacts to nesting and migratory birds, controlling potential subsidies for ravens or
21 other predators, providing for long-term conservation and management of native
22 habitat on compensation lands, and other actions. Adverse residual impacts would
23 remain but would be less than significant under CEQA.

24 Direct and indirect impacts to the sand transport system and MFTL habitat would be
25 significant under Criterion WIL-1. With implementation of Mitigation Measure
26 WIL-10 (Sand Dune Community/Mojave Fringe-toed Lizard Mitigation), direct and
27 indirect impacts would be mitigated to a less than significant level by providing for
28

1 long-term conservation and management of sand dune habitat on compensation
2 lands. With regard to avian and bat impacts, Mitigation Measure WIL-7 would
3 require a Bird and Bat Conservation Strategy to monitor the death and injury of birds;
4 resulting data would be used to inform an adaptive management program intended
5 to avoid and minimize project-related avian impacts. Mortality levels are not
6 anticipated to be high enough to result in long-term loss of population viability or a
7 trend toward State listing for common species. However, individual special status
8 bird or listed species may be affected. Mitigation Measure WIL-7 requires that the
9 project's Bird and Bat Conservation Strategy be consistent with guidance from the
10 USFWS and approved by the BLM, CDFW, and USFWS. With implementation of
11 Mitigation Measure WIL-7 and associated project design features including an
12 adaptive management program, most impacts of the project on special status birds
13 would be less than significant. However, the potential impacts of avian collision with
14 project facilities and potential impacts of the "lake effect" hypothesis cannot be fully
15 evaluated and would remain significant and unavoidable because the scale of the
16 potential impact is uncertain and the effects of adaptive management measures are
17 unknown.

18 **Mitigation Measures:** Mitigation Measures VEG-1 through VEG-15 and WIL-1
19 through WIL-12, as described in Exhibit A attached hereto, are hereby incorporated
20 by reference.

21 **Impact Significance:** Significant and unavoidable.

22 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
23 Review, the CEC concluded that implementation of Conditions of Certification now
24 renumbered as VEG-1 through VEG-15 and WIL-1 through WIL-12 would not
25 prevent PSPP from causing significant and unavoidable biological resources impacts
26 to sand dune habitat and Mojave fringe-toed lizards. The PSPP CEQA Review did
27 conclude, however, that adoption of Alternative 2 and Alternative 3, the footprint
28

1 upon which the PSP proposal is based, would reduce such impacts to less than
2 cumulatively considerable. New information in the form of a potential "lake effect"
3 developed since 2010 has identified a new potentially significant and unavoidable
4 impact to special status birds. Because of new information that was not known and
5 could not have been known with the exercise of reasonable diligence in 2010, this
6 specific avian impact of PSP is outside the scope of the PSPP CEQA Review and
7 therefore prompted preparation of the SEIS/SEIR; however, with regard to wildlife
8 resources impacts generally, significant and unavoidable biological resources
9 impacts were identified for both PSP and PSPP such that the impacts of PSP are
10 generally within the scope of the PSPP CEQA review.

- 11 b. **Impact WIL-2:** *Interfere substantially with the movement of any native resident or*
12 *migratory fish or wildlife species or with established native resident or migratory*
13 *wildlife corridors, or impede the use of native wildlife nursery sites.*

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

16 **Facts in Support of Finding:** Direct and indirect impacts could be significant under
17 Criterion WIL-2 because project facilities and fencing would interfere with the
18 movement of several wildlife species through the project area, and possibly would
19 interfere with access to large channel underpasses beneath Interstate-10, where
20 wildlife have safe north-south access across the freeway. To mitigate impacts to
21 wildlife habitat connectivity, Mitigation Measure WIL-1 (Desert Tortoise
22 Protection) would require construction of desert tortoise exclusion fencing on both
23 sides of I-10 or another locally-important area identified by BLM in coordination
24 with USFWS and CDFW to direct desert tortoise and other wildlife to safe passage
25 under the freeway. Mitigation Measure VEG-8 (Impact Avoidance and Minimization
26 Measures) would require designing all permanent project fencing to prevent potential
27 entanglement of deer and other wildlife. With implementation of these measures, the
28

1 impacts of the project under CEQA Criterion WIL-2 would be mitigated to less than
2 significant.

3 **Mitigation Measures:** Mitigation Measures WIL-1 and VEG-8, as described in
4 Exhibit A attached hereto, are hereby incorporated by reference.

5 **Impact Significance:** Less than significant with mitigation.

6 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
7 Review, the CEC concluded that implementation of Conditions of Certification now
8 renumbered as WIL-1 and VEG-8 would prevent PSPP from interfering substantially
9 with the movement of any native resident or migratory fish or wildlife species or
10 with established native resident or migratory wildlife corridors, or impede the use of
11 native wildlife nursery sites. Because PSP requires fewer acres to develop, this
12 impact of PSP is less than and within the scope of the PSPP CEQA Review.

13 c. **Impact WIL-4:** *Conflict with the provisions of an adopted Habitat Conservation*
14 *Plan, Natural Community Conservation Plan, or other approved local, regional, or*
15 *state conservation plan.*

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

18 **Facts in Support of Finding:** No habitat conservation plans, natural community
19 conservation plans, or other conservation plans apply to the project site. The project
20 site is within the area covered by the DRECP, but the project is exempt from the
21 provisions of the DRECP under the DRECP's own terms and therefore does not
22 conflict with it. Looking beyond this exemption, the SEIS/SEIR observes that the
23 project's design features, in combination with Mitigation Measures VEG-1 through
24 VEG-15 and WIL-1 through WIL-12, which include avoidance, minimization, and
25 compensation to offset direct and indirect impacts to special status wildlife and
26 habitat, as described in Section 4.21.2 of the SEIS/SEIR, cause the project to
27 substantially conform to most DRECP requirements. Nevertheless, the project does
28

1 not conform to certain DRECP requirements for Mojave fringe-toed lizard and wash
2 habitat avoidance. However, impacts to these resources would be less than
3 significant with incorporation of mitigation measures VEG-1 through VEG-15 and
4 WIL-1 through WIL-12.

5 **Mitigation Measures:** Mitigation Measures VEG-1 through VEG-15 and WIL-1
6 through WIL-12, as described in Exhibit A attached hereto, are hereby incorporated
7 by reference.

8 **Impact Significance:** Less than significant with mitigation.

9 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
10 Review, the CEC concluded that the project would not conflict with any applicable
11 habitat conservation plan or natural community conservation plan because none
12 applied to the project site. New information in the form the DRECP's detailed siting
13 requirements, adopted by BLM in 2016 was not known and could not have been
14 known with the exercise of reasonable diligence in 2010. However, because the
15 project is exempt from the DRECP, and because mitigation would reduce to less than
16 significant those aspects of the project that do not conform to the DRECP even if it
17 did apply, this impact of PSP is within the scope of the PSPP CEQA Review.

18 **N. Cumulative Impacts.**

19 **a. Air Resources.**

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

22 **Facts in Support of Finding:** Concurrent construction of other projects in close
23 proximity to the project site could result in increased local air quality impacts for the
24 limited duration of simultaneous construction activities. Construction-phase
25 emissions from each specific project site would vary but would occur within an air
26 basin that is a state nonattainment area for ozone and PM10. The effects of the
27 cumulative projects would combine with the construction emissions from the project
28

1 to result in a cumulative impact caused by short-term air emissions and contributing
2 to violations of the state ambient air quality standards for ozone and PM10. The
3 project's construction-related criteria air pollutant emissions would cease with
4 completion of the 30-month construction period, and after that time they would not
5 contribute to long-term nonattainment conditions. All cumulative projects and the
6 project would need to comply with local air district rules and regulations. This means
7 that each project would implement controls for new stationary sources and the
8 control strategies of each applicable air quality management plan, and additional
9 mitigation may be applied through environmental permitting by lead agencies. With
10 implementation of these controls and mitigation measures, the contribution of the
11 project to air quality impacts would not be cumulatively considerable under CEQA.

12 **Mitigation Measures:** Mitigation Measures AQ-SC-1 through AQ-SC-8, as
13 described in Exhibit A attached hereto, are hereby incorporated by reference.

14 **Impact Significance:** Not cumulatively considerable after mitigation.

15 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
16 Review, the CEC concluded that implementation of Conditions of Certification now
17 renumbered as AQ-SC-1 through AQ-SC-8, along with other measures not
18 applicable to PSP, would prevent PSPP from causing a cumulatively considerable
19 contribution to significant cumulative air quality impacts. Because PSP will generate
20 substantially fewer emissions than PSPP, this impact of PSP is less than and within
21 the scope of the PSPP CEQA Review.

22 b. **Cultural Resources.**

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

27 **Facts in Support of Finding:** The effects of the project, when combined with
28

1 impacts from past, present, and reasonably foreseeable projects, contribute to the
2 cumulatively considerable adverse impacts to two cultural landscapes/historic
3 district resources in eastern Riverside County. A total of 77 cultural resources are
4 present within the direct effects study area of the proposed project. Twenty-three of
5 the 77 resources are WWII-era historic resources and are contributors to the Desert
6 Training Center California-Arizona Maneuver Area Cultural Landscape (DTCCL).
7 While these resources are not individually eligible for listing on the CRHR, their
8 destruction as a result of the project contributes in a small but measureable way to
9 the destruction of the DTCCL as a whole. Cumulative impacts to the DTCCL would
10 be addressed through Mitigation Measure CUL-15 (Desert Training
11 Camp/California-Arizona Maneuver Area (DTC)). With implementation of
12 Mitigation Measure CUL-15, the Project would not result in a considerable
13 contribution to cumulative effects on these WWII-era resources. Seven prehistoric-
14 era resources are present within the direct effects study area and eight sensitive
15 archaeological resources are present in the indirect effects study area. They are all
16 contributors to the Prehistoric Trails Network Cultural Landscape (PTNCL). While
17 these resources are not individually eligible for listing on the CRHR, the destruction
18 of these resources as a result of the project contributes in a small but measurable way
19 to the destruction of the PTNCL as a whole. Cumulative impacts to the PTNCL
20 would be reduced through Mitigation Measure CUL-21 (Survey of Cultural
21 Resources within the Palen Dry Lake ACEC) and Mitigation Measure CUL-22
22 (Implement Protective Measures at Sensitive Areas). Mitigation Measure CUL-21
23 addresses the Palen Dry Lake ACEC, which is immediately adjacent to the project
24 site and is known to contain many sensitive prehistoric resources that are likely to be
25 contributors to the PTNCL. Mitigation Measure CUL-21 would support the
26 identification of these resources and their recording to modern standards.
27 Implementation of Mitigation Measure CUL-22 would provide Applicant funding
28

1 for protection of key contributors to the PTNCL. While the implementation of
2 Mitigation Measure CUL-21 and CUL-22 would reduce the project's contribution to
3 cumulative impacts, the impacts would remain cumulatively considerable because of
4 the large number of PTNCL contributing resources within the I-10 corridor and
5 Southern California that would be destroyed by cumulative projects. Mitigation can
6 reduce the impacts of this destruction but not to a less-than-significant level.

7 **Mitigation Measures:** Mitigation Measures CUL-15, CUL-21 and CUL-22, as
8 described in Exhibit A attached hereto, are hereby incorporated by reference.

9 **Impact Significance:** Cumulatively considerable after mitigation.

10 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
11 Review, the CEC concluded that implementation of Conditions of Certification
12 CUL-1 and CUL-2, which have since been replaced by PSP Mitigation Measures
13 CUL-15, CUL-21 and CUL-22, would not prevent PSPP from causing a
14 cumulatively considerable contribution to significant cumulative cultural resources
15 impacts to the DTCCL and PTNCL. Because PSP would result in the same
16 significant and unavoidable cumulative cultural resources impact, this impact of PSP
17 is within the scope of the PSPP CEQA Review.

18 c. **Paleontological Resources.**

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

21 **Facts in Support of Finding:** The effects of construction and operation of the project
22 would combine with impacts from past, present, and reasonably foreseeable projects
23 within eastern Riverside County to result in significant cumulative impacts to
24 paleontological resources. Without implementation of mitigation described in the
25 SEIS/SEIR, the incremental contribution of the project to the significant cumulative
26 impact would be cumulatively considerable. However, cumulative impacts to
27 paleontological resources from the project would be addressed through Mitigation
28

1 Measures PAL-1 through PAL-8 (Paleontological Resources Specialist (PRS),
2 Materials for PRS and BLM Project Manager, Paleontological Resources Monitoring
3 and Mitigation Plan, Approved Weekly Training Pertaining to Ground Disturbance,
4 Pedestrian Paleontological Survey, Paleontological Monitoring Activities,
5 Implementation of PRMMP, and Paleontological Resources Report). These
6 mitigation measures would put into place an effective monitoring program and
7 provide educational training to workers that would lower the frequency of
8 unauthorized fossil collection and promote rapid reporting of fossil finds to qualified
9 professionals. Mitigation measures would also successfully record important fossil-
10 bearing sediments and provide permanent curation of scientifically significant
11 fossils. This would make possible the future protection, avoidance, or studies of other
12 as-yet-unidentified paleontological resources. With implementation of the mitigation
13 measures, the contribution of the project to significant paleontological cumulative
14 impacts would be less than cumulatively considerable.

15 **Mitigation Measures:** Mitigation Measures PAL-1 through PAL-8, as described in
16 Exhibit A attached hereto, are hereby incorporated by reference.

17 **Impact Significance:** Not cumulatively considerable after mitigation.

18 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
19 Review, the CEC concluded that implementation of Conditions of Certification now
20 renumbered as PAL-1 through PAL-4 and PAL-6 through PAL-8 would prevent
21 PSPP from causing a cumulatively considerable contribution to significant
22 cumulative paleontological resource impacts. Because PSP is subject to substantively
23 the same mitigation measures as PSPP, as well as Mitigation Measure PAL-5, this
24 impact of PSP is within the scope of the PSPP CEQA Review.

25 d. **Public Health and Safety.**

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

1 **Facts in Support of Finding:** As explained in the SIES/SEIR, construction and
2 operation of the project would combine with the impacts from the construction and
3 operation of other projects in the cumulative analysis study area to result in a
4 significant cumulative impact with respect to hazards and hazardous materials.
5 Without the implementation of mitigation described in Section 4.11.4 of the
6 SEIS/SEIR, the incremental contribution of the project to the significant cumulative
7 impact would be cumulatively considerable. However, with implementation of the
8 mitigation measures, the contribution of the project to significant public health and
9 safety cumulative impacts would be less than significant.

10 **Mitigation Measures:** Mitigation Measures GEO-1, HAZ-1 through HAZ-4,
11 WASTE-1 through WASTE-4, WASTE-7, WASTE-9, WORKER SAFETY-3 and
12 WORKER SAFETY-7, as described in Exhibit A attached hereto, are hereby
13 incorporated by reference.

14 **Impact Significance:** Not cumulatively considerable after mitigation.

15 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
16 Review, the CEC concluded that implementation of Conditions of Certification now
17 renumbered as GEO-1, HAZ-1 through HAZ-4, WASTE-1 through WASTE-4,
18 WASTE-7, WASTE-9, WORKER SAFETY-3 and WORKER SAFETY-7, along
19 with other measures not applicable to PSP, would prevent PSPP from causing a
20 cumulatively considerable contribution to significant cumulative public health and
21 safety impacts. Because PSP is subject to substantively the same mitigation measures
22 as PSPP to the extent they are applicable to PSP, this impact of PSP is within the
23 scope of the PSPP CEQA Review.

24 e. **Social and Economic Impacts.**

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

27 **Facts in Support of Finding:** The future construction and operation of energy
28

1 projects in eastern Riverside County would increase the demand placed on
2 emergency services, such as police and fire. The DRECP Land Use Plan Amendment
3 (“LUPA”) and DRECP Final EIS concluded that this increased demand could
4 potentially overwhelm emergency response providers if two emergencies occur at
5 the same time. Given the anticipated long-term operation of these cumulative
6 projects, construction and operation of the project may contribute to a potentially
7 significant cumulative impact on emergency services. Mitigation Measure
8 WORKER SAFETY-7 (Fire Protection/Response Infrastructure) would reduce the
9 cumulative contribution of the project to less than considerable by providing a
10 mechanism for funding the project’s share of fire protection services commensurate
11 with the project’s impact.

12 **Mitigation Measures:** Mitigation Measure WORKER SAFETY-7, as described in
13 Exhibit A attached hereto, is hereby incorporated by reference.

14 **Impact Significance:** Not cumulatively considerable after mitigation.

15 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
16 Review, the CEC concluded that implementation of Condition of Certification
17 WORKER SAFETY-7 would prevent PSPP from causing a cumulatively
18 considerable contribution to significant cumulative public services by providing a
19 mechanism for funding the project’s fair share of fire protection services. Because
20 PSP is subject to substantively the same mitigation measure as PSPP, but modified
21 to be commensurate with PSP’s substantially reduced impacts on fire protection
22 services due to the lack of HTF and gas pipelines and boiler infrastructure, this
23 impact of PSP is within the scope of the PSPP CEQA Review.

24 f. **Transportation and Public Access.**

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

27 **Facts in Support of Finding:** Cumulative traffic impacts would occur on the
28

1 roadways and other transportation facilities that would be affected by the project and
2 cumulative projects if construction activities were to be implemented
3 simultaneously. Cumulative traffic impacts would be mitigated by implementing
4 Mitigation Measure TRA-1 (Construction Traffic Control Plan). With the
5 implementation of this mitigation, the impact from the project, combined with
6 impacts of related cumulative projects within the geographic extent area, would be
7 less than significant. With respect to motorist safety, a number of renewable projects
8 along the I-10 could result in reflective glare that could cumulatively affect
9 motorists' vision and safety for a long stretch from Desert Center to the site of the
10 project. Mitigation Measure TRA-2 (Panel Glare Reduction) would require the
11 Applicant to take any reflective glare complaints and resolve them. This mitigation
12 measure would reduce the contribution of the project to less than cumulatively
13 significant. Mitigation Measure TRA-3 (FAA and Military Notification) would
14 prevent significant impacts to aviation safety by ensuring the military and FAA are
15 notified of the project.

16 **Mitigation Measures:** Mitigation Measures TRA-1, TRA-2, and TRA-3 as
17 described in Exhibit A attached hereto, is hereby incorporated by reference.

18 **Impact Significance:** Not cumulatively considerable after mitigation.

19 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
20 Review, the CEC concluded that implementation of Conditions of Certification now
21 renumbered as Mitigation Measures TRA-1 and TRA-2, among other measures not
22 applicable to PSP, would prevent PSPP from causing a cumulatively considerable
23 contribution to significant cumulative transportation and public access impacts.
24 Because PSP is subject to substantively the same mitigation measures to the extent
25 applicable to PSP, as well as Mitigation Measure TRA-3 and would entail a shorter
26 construction period, fewer heavy and oversized vehicle trips, would use absorbent
27 PV technology rather than reflective solar trough technology, and would be subject
28

1 to substantively the same mitigation measure, this impact of PSP is within the scope
2 of the PSPP CEQA Review. See the finding for Impact T-3, above, regarding why
3 the addition of Mitigation Measure TRA-3 to PSP does not change this conclusion.

4 g. **Vegetation Resources.**

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

7 **Facts in Support of Finding:** The direct and indirect impacts of project
8 construction, O&M, and decommissioning to special-status plant taxa (if present)
9 could combine with the effects of foreseeable projects that could result in a
10 cumulatively significant impact to special status plants. With implementation of the
11 VEG mitigation measures of the SEIS/SEIR referenced in the findings for Impacts
12 VEG-1 and VEG-2, above, this impact would be less than significant and the project
13 would not contribute considerably to cumulative impacts. Direct and indirect impacts
14 of project construction, O&M, and decommissioning to sensitive natural
15 communities could combine with the effects of foreseeable projects to result in a
16 cumulatively significant impact to sensitive natural communities. With
17 implementation of the VEG mitigation measures of the SEIS/SEIR referenced in the
18 findings for Impacts VEG-1 and VEG-2, above, impacts to desert dry wash
19 woodland, unvegetated ephemeral dry wash, aeolian sand habitats, sand transport,
20 and groundwater-dependent vegetation would not contribute considerably to
21 cumulative impacts.

22 **Mitigation Measures:** Mitigation Measures VEG-1 through VEG-15, WIL-4 and
23 WIL-10, as described in Exhibit A attached hereto, are hereby incorporated by
24 reference.

25 **Impact Significance:** Not cumulatively considerable after mitigation.

26 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
27 Review, the CEC concluded that implementation of applicable Conditions of
28

1 Certification would prevent PSPP from causing a cumulatively considerable
2 contribution to significant cumulative effects on riparian habitat or other sensitive
3 natural community identified by local, state, or federal agencies, except for sand dune
4 habitat, which effect would be cumulatively considerable unless Alternative 2 or
5 Alternative 3, the footprint upon which PSP is based, were adopted. Because PSP is
6 subject to substantively the same mitigation measures and is a substantially smaller,
7 less impactful project, this impact of PSP is within the scope of the PSPP CEQA
8 Review.

9 h. **Visual Resources.**

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

14 **Facts in Support of Finding:** The project in combination with cumulative projects
15 would result in visual effects created from airborne dust generation, nighttime
16 construction lighting, staging area disturbances, and batch plant operations. These
17 impacts would range from Significant and Unmitigable to Less than Significant
18 depending on the number of construction projects concurrently visible and the
19 viewing circumstances (long-term static views or mobile, brief, and temporary
20 views). The Significant and Unmitigable cumulative construction impacts would
21 occur where long-term visual effects would be visible to sensitive viewing
22 populations. Effective implementation of Mitigation Measures VIS-3 (Temporary
23 and Permanent Exterior Lighting), BLM-VIS-2 (Night Lighting), AQ-SC-3
24 (Construction Fugitive Dust Control), AQ-SC-4 (Dust Plume Response
25 Requirement), and BIO-8 (Impact Avoidance and Minimization Measures) would
26 reduce the severity of the cumulative construction visual effects, though the
27 significant and unmitigable visual effects would not be reduced to levels that would
28

1 be less than significant. However, the cumulative impact from airborne dust
2 generation, nighttime construction lighting, staging area disturbances, and batch
3 plant operations would remain significant and unavoidable. The project also has the
4 potential to result in significant cumulative operational visual impacts when viewed
5 by sensitive viewing populations along I-10 and in the surrounding mountains and
6 wilderness. Impacts would result from the introduction of substantial visual contrast
7 associated with discordant geometric patterns in the landscape; large-scale, built
8 facilities with prominent industrial character; un-natural lines of demarcation in the
9 valley floor landscape; and inconsistent color contrasts. Implementation of
10 Mitigation Measures VIS-1 (Surface Treatment of Project Structures and Buildings),
11 VIS-2 (Revegetation of Disturbed Soil Areas), VIS-4 (Project Design), and VEG-8
12 (Impact Avoidance and Minimization Measures) would reduce the severity of the
13 cumulative operational visual effects, though the significant and unmitigable visual
14 effects would not be reduced to levels that would be less than significant. The
15 cumulative impact to sensitive viewing populations along I-10 and in the surrounding
16 mountains and wilderness would also remain significant and unavoidable. The
17 project has the potential to result in significant cumulative night lighting impacts on
18 night sky visibility in the Chuckwalla Valley and for users of nearby designated
19 wilderness and JTNP. Implementation of Mitigation Measures VIS-3 (Temporary
20 and Permanent Exterior Lighting) and BLM-VIS-2 (Night Lighting) would reduce
21 the severity of the cumulative night lighting effects, though the significant and
22 unmitigable visual effects would not be reduced to levels that would be less than
23 significant. The cumulative impact to night sky visibility in the Chuckwalla Valley
24 and for users of nearby designated wilderness and JTNP would remain significant
25 and unavoidable.

26 **Mitigation Measures:** Mitigation Measures VIS-1 through VIS-4, BLM-VIS-2,
27 AQ-SC-3, AQ-SC-4, VEG-8 and VEG-12 as described in Exhibit A attached hereto,
28

1 are hereby incorporated by reference.

2 **Impact Significance:** Cumulatively considerable after mitigation.

3 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
4 Review, the CEC concluded that implementation of Conditions of Certification
5 would not prevent PSPP from causing a cumulatively considerable contribution to
6 significant visual resources impacts. PSP is a smaller proposal that also lacks the
7 overflow and expansion vessels, steam turbines, air cooled condensers, water
8 treatment facilities, power blocks, and 30-foot tall wind fencing required for the
9 PSPP project. In addition, the visual baseline has changed considerably since 2010
10 such that the presence of large-scale solar facilities like Desert Sunlight and Genesis
11 have increased the industrial character of the viewshed, including from viewpoints
12 such as KOP 10. Consequently, after mitigation, this impact of PSP is less than and
13 within the scope of the PSPP CEQA Review.

14 i. **Wildland Fire Ecology.**

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

17 **Facts in Support of Finding:** The effects of the project, when considered with
18 existing and proposed projects in the area, could present a cumulatively considerable
19 impact on wildland fire ecology. The effects of surrounding projects on emergency
20 response to fire could be cumulatively substantial. The likelihood of simultaneous
21 fires at more than one project site is low, but such a circumstance could strain local
22 emergency response capacity. With implementation of Mitigation Measure
23 WORKER SAFETY-7, potential impacts from wildland fire would be less than
24 significant.

25 **Mitigation Measures:** Mitigation Measure WORKER SAFETY-7, as described in
26 Exhibit A attached hereto, is hereby incorporated by reference.

27 **Impact Significance:** Not cumulatively considerable after mitigation.
28

1 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
2 Review, the CEC concluded that implementation of Condition of Certification
3 WORKER SAFETY-7, which has been modified to be commensurate with the lesser
4 impacts of PSP, would prevent PSPP from exposing people or structures to a
5 significant risk of loss, injury, or death involving wildland fires, including where
6 wildlands are adjacent to urbanized areas or where residences are intermixed with
7 wildlands. Because PSP is a smaller proposal that presents significantly less fire risk
8 due to the lack of HTF and natural gas-fired boilers, this impact of PSP is less than
9 and within the scope of the PSPP CEQA Review.

10 j. **Wildlife Resources.**

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

15 **Facts in Support of Finding:** A number of potentially significant cumulative
16 impacts to biological resources were identified in the SEIS/SEIR. The project could
17 contribute to cumulative effects to special status wildlife species, their habitat, and
18 their movement among habitat areas. With implementation of the project-specific
19 mitigation measures identified in the SEIS/SEIR, the contribution to cumulative
20 impacts to special status wildlife and habitat, including listed threatened or
21 endangered species from the project would not be considerable, except the project
22 could contribute considerably to cumulative loss of special-status and migratory
23 birds, depending on avian collision and lake effect, and this effect is considered
24 significant and unavoidable even with implementation of Mitigation Measure WIL-
25 7 (Bird and Bat Conservation Strategy). The project, in combination with past,
26 present, and foreseeable future projects, could cumulatively impact wildlife
27 movement in the Chuckwalla Valley and, more broadly, throughout the Cadiz Valley
28

1 and Chocolate Mountains Ecoregion Subarea. These effects could be cumulatively
2 significant. Mitigation Measures WIL-1 (Desert Tortoise Protection) and VEG-8
3 (Impact Avoidance and Minimization Measures) would minimize the project's
4 impacts to wildlife movement and connectivity to a less than cumulatively
5 considerable level. There would be no significant impacts of the project
6 cumulatively, through a conflict with local policies or ordinances that protect
7 biological resources because the Proposed Action would not conflict with applicable
8 local policies or ordinances. The project site is within the area covered by the
9 DRECP, but the project is exempt from the provisions of the DRECP under the
10 DRECP's own terms and therefore does not conflict with it at a cumulative (or
11 project) level. Looking beyond this exemption, the SEIS/SEIR observes that the
12 project's design features, in combination with Mitigation Measures VEG-1 through
13 VEG-15 and WIL-1 through WIL-12, cause the project to substantially conform to
14 most DRECP requirements. Nevertheless, the SEIS/SEIR observes that the project
15 could cumulatively conflict with the DRECP in combination with past, present and
16 foreseeable future projects because it does not conform to certain DRECP
17 requirements for Mojave fringe-toed lizard and wash habitat avoidance. However,
18 even if the project were not exempt from the DRECP, impacts to these resources
19 would not be cumulatively considerable after incorporation of mitigation measures
20 VEG-1 through VEG-15 and WIL-1 through WIL-12.

21 **Mitigation Measures:** Mitigation Measures VEG-1 through VEG-15 and WIL-1
22 through WIL-12, as described in Exhibit A attached hereto, are hereby incorporated
23 by reference.

24 **Impact Significance:** Cumulatively considerable after mitigation.

25 **Impact Significance Relative to PSPP CEQA Review:** In the PSPP CEQA
26 Review, the CEC concluded that implementation of Conditions of Certification now
27 renumbered as VEG-1 through VEG-15 and WIL-1 through WIL-12 would not
28

1 prevent PSPP from contributing in a cumulatively considerable manner to significant
2 cumulative biological resources impacts to sand dune habitat and Mojave fringe-toed
3 lizards. The PSPP CEQA Review did conclude, however, that adoption of
4 Alternative 2 or Alternative 3, the footprint upon which the PSP proposal is based,
5 would reduce such impacts to less than cumulatively considerable. New information
6 in the form of a potential "lake effect" developed since 2010 has identified a new
7 potentially significant and unavoidable cumulative impact to special status birds.
8 Because of new information that was not known and could not have been known
9 with the exercise of reasonable diligence in 2010, this specific avian impact of PSP
10 is outside the scope of the PSPP CEQA Review and therefore prompted preparation
11 of the SEIS/SEIR; however, with regard to wildlife resources impacts generally,
12 cumulatively considerable and unavoidable impacts were identified for both PSP and
13 PSPP such that the impacts of PSP are generally within the scope of the PSPP CEQA
14 review.

15 **V. FINDINGS FOR ALTERNATIVES EVALUATED IN THE FINAL SEIS/SEIR**

16 State CEQA Guidelines § 15126.6 requires EIRs to consider and discuss a reasonable range
17 of alternatives to a project, or to the location of the project, which would feasibly attain most of the basic
18 objectives of the project but would avoid or substantially lessen any of the significant effects of the project,
19 and to evaluate the comparative merits of the alternatives. However, an EIR "need not consider every
20 conceivable alternative to a project" and need not consider "alternatives that are infeasible" (State CEQA
21 Guidelines, § 15126.6(a)). Instead, an EIR must only "consider a reasonable range of potentially
22 feasible alternatives that will foster informed decision-making and public participation" (Id). The
23 consideration of alternatives is to be judged against a "rule of reason" (State CEQA Guidelines, §
24 15126.6(f)).

25 CEQA also requires that the EIR identify the environmentally superior alternative of a project other
26 than the No Project Alternative (State CEQA Guidelines § 15126.6(e)(2)). The lead agency is not required
27 to choose the "environmentally superior" alternative identified in the EIR if specific, legal, social,
28

1 economic, technological or other considerations make the alternative infeasible (Pub. Res. Code, §
2 21080(a)(3); State CEQA Guidelines § 15091(a)(3)).

3 **BE IT FURTHER RESOLVED** by the Board that after reviewing the public record, the Board
4 hereby makes the following findings regarding alternatives to the PSP proposal evaluated in the SEIS/SEIR.

5 **A. Alternatives Considered but Not Analyzed in Detail in the PSPP CEQA Review and in**
6 **the SEIS/SEIR.**

7 The PSPP CEQA review developed and evaluated 24 alternatives to the PSPP proposal, of which
8 19 were not carried forward for analysis.

9 **Alternative technologies.** Of the 19 rejected alternatives, 15 involved alternate technologies,
10 consisting of stirling dish technology, solar power tower technology, linear Fresnel technology, utility-scale
11 solar PV technology, distributed solar technology, wind energy, geothermal energy, biomass energy, tidal
12 energy, wave energy, natural gas, coal, and nuclear energy, as well as conservation and demand-side
13 management. The County concurs with the CEC's infeasibility rationale and conclusions regarding each of
14 the 19 rejected alternatives except for the utility-scale solar PV technology alternative (PSPP Commission
15 Decision, December 15, 2010, Section II, pp. 24 – 28; summarized and supplemented in SEIS/SEIR, p. 2-
16 48).

17 **Alternative project sites.** The PSPP CEQA Review evaluated and rejected without analyzing in
18 detail four potential alternate project sites in Cibola, the Palen Pass, Desert Center, and the Palo Verde
19 Mesa. The County concurs with the CEC's infeasibility rationale and conclusions regarding each of the 4
20 rejected alternative project sites (PSPP Commission Decision, December 15, 2010, Section II, pp. 28 – 39;
21 summarized in SEIS/SEIR, pp. 2-48 through 2-51).

22 While the PSPP CEQA Review did consider off-site alternatives, it need not have done so. Although
23 CEQA requires that an EIR identify alternatives to a project, it does not expressly require a discussion
24 of alternative project locations. Here, because a land use plan – the California Desert Conservation Area
25 (CDCA) plan, as amended – already allows solar development on the site proposed for
26 the project, reconsideration of the land use policies of the CDCA by exploring an alternate site is not
27 necessary. Moreover, while exempt from BLM's Western Solar Program and DRECP as a "pending
28

1 project”, the proposed action is still consistent with the landscape-scale decisions of the Western Solar
2 Program and DRECP because, in addition to being exempted under the express terms of both plans, the
3 project is located within one of their respective SEZs and DFAs that specifically designate the site as well-
4 suited for utility-scale solar development. The public had ample opportunity to review and comment on the
5 use of the project site for solar development during consideration of the CDCA and its relevant
6 amendments, and during consideration of the Solar Programmatic EIS and the DRECP. The public also had
7 ample opportunity to review and comment on the “pending project” exemption both in general and as
8 applied to the project. Because the project is consistent with the CDCA, Western Solar Plan and the
9 DRECP, both as an exempt project and in its location within a SEZ and DFA, there is no need to reconsider
10 BLM’s planning policies by considering a different project site. As the California Supreme Court stated
11 in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d. 553, 573:

12 [R]econsideration of local and regional land use policies in the context of a
13 development application is the "antithesis" of the comprehensive, long-range
14 planning mandated by state law; preparation of an EIR for a proposed development
15 should ordinarily not provide occasion for reexamination of those policies.

16 The court in *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App. 4th 477,
17 adopted this reasoning by holding that an EIR for a development consistent with applicable land use policies
18 did not need to examine alternate sites for the project because a development proposal that implements
19 existing planning policies should not prompt reconsideration of those policies which themselves have
20 already undergone environmental review. Exercise of the project’s exemption from the Western Solar Plan
21 and the DRECP is itself implementation of them, as they expressly built the pending project exemption into
22 their own planning policies. Alternate site analysis is therefore not required.

23 **B. Alternatives Considered but Not Analyzed in Detail in the SEIS/SEIR.**

24 The previously analyzed PSPP solar trough and PSEGS solar power tower projects that were the
25 subject of the PSPP CEQA Review and PSEGS CEQA Review were rejected and not carried forward in
26 the SEIS/SEIR. The County has eliminated these technologies from consideration because the solar thermal
27 technologies have the potential for more severe impacts than the solar PV technology. These impacts
28

1 include more dramatic degradation of visual resources (due to use of mirrors and power towers), more
2 extensive industrial construction for turbines and power blocks, and use of potentially hazardous heat
3 transfer fluids. The greater visibility of the solar thermal technologies also created more severe concern
4 from Native American tribes due to the value of the landscapes in the region.

5 **C. Alternatives Analyzed in Detail in the PSPP CEQA Review.**

6 The PSPP CEQA Review analyzed four alternatives in detail, separate from the No Project
7 Alternative and the PSPP proposed project. The CEC evaluated but rejected as infeasible and speculative
8 the North of Desert Center Alternative, a site alternative, based on the number of private land owners whose
9 agreement would be required and because it would have substantially similar effects to nearby natural
10 resources as the PSPP site (PSPP Commission Decision, December 15, 2010, Section II, pp. 18 – 23;
11 summarized in SEIS/SEIR, p. 2-48). As stated above, consideration of a site alternative is unnecessary
12 because the project is consistent with the Western Solar Plan and DRECP as a “pending project”. The CEC
13 also evaluated a Reconfigured Alternative that would have removed the northeastern quarter of the PSPP
14 proposal and relocated it to the southeast to avoid sand dune habitat. The CEC rejected the Reconfigured
15 Alternative because it would not reduce or eliminate the PSPP proposal’s significant and unavoidable
16 impacts and was more impactful than other alternatives carried forward for analysis (PSPP Commission
17 Decision, December 15, 2010, Section II, p. 8). The CEC also rejected a Reduced Acreage Alternative
18 approximately 25 percent smaller than the PSPP proposal because it would reduce project output from 500
19 MW to 375 MW while other alternatives carried forward for analysis would similarly reduce impacts while
20 maintaining project output at 500 MW. Those alternatives were Reconfigured Alternative 2, which would
21 disturb 4,365 acres, and Reconfigured Alternative 3, which would disturb 4,330 acres. Both alternatives
22 would have produced 500 MW while reducing biological resources impacts to below a level of significance
23 by avoiding the sand transport corridor to the northeast (PSPP Commission Decision, December 15, 2010,
24 Section II, pp. 13, 17). The CEC approved both Reconfigured Alternative 2 and Reconfigured Alternative
25 3 because they avoided the PSPP proposal’s significant unavoidable impacts to biological resources (PSPP
26 Commission Decision, December 15, 2010, Section II, p. 41).

27 The County hereby concurs in the CEC’s rejection of the North of Desert Center Alternative and
28

1 Reduced Alternative footprint for the same reasons as the CEC. It also concurs in the CEC's the rejection
2 of the Reconfigured Alternative 2 footprint as infeasible.

3 The footprint of the PSP proposal builds from the results of the PSPP CEQA Review's alternatives
4 analysis by fitting within the footprint of the larger PSPP Reconfigured Alternative 3 without the use of
5 private lands. As a consequence, the PSP proposal by design already incorporates design features that make
6 significant progress towards achieving an optimal balance between project objectives and environmental
7 protection. This approach does not eliminate the need to analyze alternatives in the SEIS/SEIR in detail.
8 However, by building from the exhaustive alternatives analysis of the PSPP CEQA Review, it does
9 necessarily narrow the range of available alternatives offering potential environmental advantages in
10 comparison with the PSP proposal (See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119
11 Cal.App.4th 477).

12 **D. Alternatives Analyzed in Detail in the SEIS/SEIR.**

13 The SEIS/SEIR evaluated the proposed project and three alternatives to the proposed project. A
14 description and a finding for each alternative are presented below. For the reasons stated below, it is the
15 finding of the County that Alternative 1 is a feasible environmentally superior alternative to the PSP
16 proposal.

17 **Alternative 1: Reduced Footprint Alternative.**

18 **Description:** Under Alternative 1, the project would be constructed within the same project
19 boundaries as the PSP proposal, but it would eliminate use of the central desert wash and microphyll
20 woodland that crosses the project site from southwest to northeast. The Reduced Footprint Alternative
21 would remain a 500 MW project, but its permanent disturbance would cover 3,036 acres compared with
22 3,381 acres of disturbance of the proposed project.

23 **Finding: *Feasible.***

24 Based on the whole record, the County finds that Alternative 1 would result in fewer environmental
25 impacts than the proposed project while meeting the project's objectives. Relative to the rest of the project
26 site, the central wash avoided by Alternative 1 is a disproportionately valuable biological resource.
27 Alternative 1 would result in a substantial reduction of direct impacts to native trees (primarily palo verde
28

1 and ironwood trees). It would also avoid the majority of the special plant locations on the project site. The
2 alternative would allow the project to substantially achieve the goal of the DRECP Conservation and
3 Management Action LUPA-BIO-RIPWET-1 to avoid riparian and wetland vegetation types. These reduced
4 impacts to important habitat areas would lead to reduced direct impacts to birds and mammals using the dry
5 wash woodland habitat, including Mojave fringe-toed lizard which is found in the windblown sand habitat
6 along the wash. Alternative 1 would also result in a substantial reduction of impacts to wildlife movement
7 by providing a wide movement corridor along the main wash that bisects the project site. While the high
8 ground coverage ratio of the more compressed footprint of Alternative 1 would cause shading inefficiencies
9 resulting in the loss of approximately one year of solar generation out of the project's 30-year life as
10 compared to the Applicant's original PSP proposal, the County deems this tradeoff in favor of
11 environmental values to be worthwhile.

12 **Alternative 2: Avoidance Alternative.**

13 **Description:** Under Alternative 2, the project would be constructed within the same project
14 boundaries as the PSP proposal, but development would be limited to a much smaller area, based primarily
15 on three desert dry wash woodland and sand habitat avoidance requirements of the DRECP that the BLM
16 has determined the PSP proposal and Alternative 1 do not meet, out of a total of approximately 380
17 conditions of the DRECP (See SEIS/SEIR, Appendix H, which compares the proposed project to the
18 DRECP conditions). The Reduced Footprint Alternative would cover 1,620 acres compared with 3,381
19 acres of disturbance of the proposed project.

20 **Finding: *Infeasible.***

21 Alternative 2 is environmentally superior to the proposed project and Alternative 1 because it would
22 avoid all desert dry wash woodlands plus a 200-foot setback, and eliminate development on all sand
23 transport corridors, including 1,622 acres of the proposed project. However, as explained in Exhibit C,
24 attached hereto, Alternative 2 is infeasible because it would render the project economically infeasible by
25 increasing the price of power to a point that it would be unmarketable, fail to achieve the fundamental
26 objectives of the project by rendering the project uncompetitive and by abrogating pre-existing contractual
27 obligations, cause unreasonable delay by requiring amendments to the project's interconnection and power
28

1 purchase agreements, and conflict with BLM policies contained in the DRECP LUPA. It also fails to
2 substantially improve the environmental effects of the proposed project.

3 **No Project Alternative.**

4 **Description:** Under the No Project Alternative, the ROW application CACA-48810 would be
5 denied, the ROW grant authorization would not be issued, and the CDCA Plan amendment would not be
6 approved. The County would not approve the water supply agreement requested by the Applicant. The
7 BLM would continue to manage the land under the existing land use plan as amended by the DRECP. The
8 DRECP designated this area as a DFA, and the area would remain available for solar energy development.

9 **Finding: *Infeasible.***

10 Based on the whole record, the County finds that the No Project Alternative is the environmentally
11 superior alternative because it would not result any of the impacts of the PSP proposal if no other project
12 were developed on the project site. However, the County also finds that the No Project Alternative is
13 infeasible because it would not meet any of the project objectives.

14 **VI. FINDINGS REGARDING ENERGY CONSUMPTION**

15 In order to ensure that energy implications are considered in project decisions, CEQA requires that
16 EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on
17 avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy (see Public Resources
18 Code section 21100(b)(3)). According to Appendix F of the State CEQA Guidelines, the goal of conserving
19 energy implies the wise and efficient use of energy including: (1) decreasing overall per capita energy
20 consumption, (2) decreasing reliance on fossil fuels, and (3) increasing reliance on renewable energy
21 sources.

22 The project would help achieve this goal because it would develop a renewable source of power,
23 helping to offset the use of nonrenewable resources and contribute to an overall reduction of nonrenewable
24 resources currently used to generate electricity. In addition, Section 4.3 (Climate Change) of the SEIS/SEIR
25 describes effects on climate change/greenhouse gas emissions that would be caused by the implementation
26 of the project, including a discussion its effects on energy resources. Sections 4.2 (Air Resources) and 4.16
27 (Transportation and Public Access) of the SEIS/SEIR also discuss energy consuming equipment and vehicle
28

1 trips required by the project and alternatives.

2 In the absence of the project, other power plants, both renewable and nonrenewable, may have to be
3 constructed to serve the demand for electricity and to meet the California Renewables Portfolio Standard
4 (“RPS”). Existing gas-fired plants may operate longer in order to meet the demand for energy. The impacts
5 of these other facilities may be similar to those of the project because they require land areas comparable
6 in size and impose environmental impacts comparable in degree to those required for the project, whether
7 for energy production or fuel extraction. Additionally, the environmental impacts of developing
8 transmission capacity for such other power plants may be greater, especially where no transmission capacity
9 exists or where energy production cannot be geographically concentrated to minimize the number of new
10 transmission lines needed.

11 If the project were not built, California utilities would not receive the 500 MW contribution to the
12 renewable state-mandated energy portfolio. The project is expected to generate approximately 1,598,683
13 MWh of renewable energy annually over its lifetime, a small but significant portion of the necessary new
14 generation required to meet the goals of the RPS. In addition to contributing to renewable energy generation,
15 specific mitigation measures and design features included by the Applicant in the Plan of Development that
16 would conserve energy include:

- 17 • Preparation and implementation of a transportation plan describing how equipment and
18 building materials would travel to the project site and how to encourage worker carpooling
19 and alternative forms of transportation (MM TRANS-4); and
- 20 • Commitment to recycling components from the solar facility after decommissioning (Palen
21 Solar Project Revised Plan of Development, Site Closure and Reclamation).

22 Specific requirements in project mitigation measures that would conserve energy and minimize
23 inefficient and unnecessary consumption of energy include:

- 24 • Mitigation measure to control on-site diesel-fueled engine emissions (MM AQ-SC-5);
- 25 • Mitigation measure requiring the project owner develop a Construction Waste Management
26 Plan (MM WASTE-4) and an Operation Waste Management Plan (MM WASTE-7) to
27 increase recycling/reuse and minimize waste during construction and operation of the solar
28

1 facility; and

- 2 • Mitigation measure requiring the project owner develop Groundwater Quality Monitoring
3 and Reporting Plan (MM SOIL&WATER-18).

4 Finally, unlike the PSPP proposal, the PSP proposal would not rely on natural gas for its operations.

5 Compliance with the applicant measures and mitigation measures identified in this SEIS/SEIR
6 would ensure that the project and alternatives would not involve wasteful, inefficient, or unnecessary
7 consumption of energy and therefore would not create significant adverse direct, indirect or cumulative
8 effects upon energy supplies or resources, require additional sources of energy supply, or consume energy
9 in a wasteful or inefficient manner.

10 In the PSPP CEQA Review, the CEC stated that because solar power plants occupy vast tracts of
11 land, so the focus for analyzing the efficiency of these types of facilities must shift from fuel efficiency to
12 land use efficiency. Here, PSP would generate the same number of MWs as the PSPP proposal over a
13 smaller geographic area, and therefore would make more efficient and less significant use of land than
14 PSPP.

15 **VII. FINDINGS REGARDING GROWTH-INDUCING IMPACTS**

16 Section 15126.2(d) of the State CEQA Guidelines provides the following guidance on growth-
17 inducing impacts: a project is identified as growth inducing if it “could foster economic or population
18 growth, or the construction of additional housing, either directly or indirectly, in the surrounding
19 environment.”

20 Potential growth-inducing components of the project addressed in this section relate to the
21 relationships between employment and potential local population growth and increased power generation
22 and potential regional population growth.

23 **Employment and Population Growth.**

24 **Construction Workforce.** The Project would require an average construction workforce of 175
25 workers per day during construction, with a peak number of workers estimated at 700 workers. Workers
26 are expected to be hired primarily from the surrounding communities in Riverside County and San
27 Bernardino County in California and La Paz County in Arizona. Some non-local specialty trade workers
28

1 supporting proprietary plant equipment and components and construction processes may also be employed
2 on a short-term basis during construction. The on-site workforce would consist of laborers, crafts people,
3 and supervisory, support, supply, and construction management personnel.

4 The vacancy rate and the availability of temporary accommodation in the project study area indicate
5 that the area has the capacity to temporarily house this workforce. Because the project area has sufficient
6 available hotel and housing vacancies, temporary direct and indirect population growth impacts would not
7 result from worker relocation.

8 As discussed in Section 3.13.2 (Existing Social Conditions) of the SEIS/SEIR, Riverside County
9 and San Bernardino County have a combined construction labor force of 67,610 workers as of 2010. A
10 maximum of 700 workers hired from within these counties would represent 1 percent of the total
11 construction labor force of both counties combined. While a single project utilizing 1 percent of the total
12 construction labor force of the project study area would be considered a substantial demand, considering
13 the high unemployment rate in the area, this would be a beneficial impact in the project study area. As a
14 temporary component, the construction phase would not trigger additional population growth in the area.
15 No County-level construction employment data for La Paz County are available.

16 **Operational Workforce.** Operation of the Project would require overall plant management; plant
17 operations and maintenance; and human resources, accounting, and administration staff and anticipates up
18 to 12 permanent workers. Between one and three security staff will work on-site and the operations and
19 maintenance building will house security staff 24-hours per day. Considering the less-than-two-hour drive
20 between Desert Center and Palm Springs, Indio, and Blythe, it is anticipated that few workers would
21 relocate to the area permanently and even if all 15 workers moved from outside the County with their
22 households, a population increase of 15 households (approximately 45 individuals) would represent a
23 negligible increase in Riverside County's population.

24 **Increased Power Generation.**

25 While the project would contribute to energy supply, which indirectly supports population growth,
26 development of the project is a response to the State's need for renewable energy to meet its RPS. Unlike a
27 gas-fired power plant, the project is not being developed as a source of base-load power that would typically
28

1 be developed to support a growth in demand for electricity. The power generated would be added to the
2 State's electricity grid, with the intent that it would displace fossil fuel fired power plants and their
3 associated greenhouse gas emissions.

4 Riverside County planning documents permit and anticipate a certain level of growth, along with
5 attendant growth in energy demand. The County General Plan Land Use Element addresses county growth
6 and states that future growth in Riverside County should be directed to areas that are well served by public
7 facilities and services and preserve significant environmental features, such as drainage ways, lands subject
8 to extreme natural hazards, or lands that offer scenic beauty. Moreover, the BLM has specifically designated
9 the lands of the project site as an area for the development of utility-scale solar facilities under a SEZ
10 designation of the Western Solar Plan and a DFA designation under the DRECP.

11 Ongoing energy planning efforts at the state level by CAISO, the California Public Utilities
12 Commission, and CEC, combined with procurement programs by the electric utilities, ensure that power
13 generation is constantly augmented to meet projected growth in demand, before it occurs, and that
14 improvements to the transmission grid are in place when needed to convey power from the generation
15 facilities to the electricity users. As such, the statewide electrical infrastructure is constantly planned and
16 improved to ensure that electric power supplies remain adequate to serve growth that is approved by others
17 in accordance with local land use regulations and approval procedures. The project would supply energy to
18 accommodate and support existing demand and projected growth, but it would not foster any new growth,
19 because (1) the additional energy would be used to ease the burdens of meeting existing statewide energy
20 demands within and beyond the area of the project; (2) the energy would be used to support already-
21 projected growth; and (3) the factors affecting growth are so diverse that any potential connection between
22 additional energy production and growth would necessarily be too speculative and tenuous to merit
23 extensive analysis.

24 Finally, the project's gen-tie line would include only enough transmission capacity to convey power
25 from the PSP solar facility to the Red Bluff Substation. It would not include any surplus transmission
26 capacity to serve other solar PV projects in the area, and co-location of a third party's gen-tie on the same
27 poles would cause unacceptable risk to one party if the other party was subject to bankruptcy proceedings.
28

1 Thus, the gen-tie would not be growth-inducing.

2 The project's growth-inducing impacts would be less than significant for the reasons stated above.

3 **VIII. FINDINGS REGARDING WATER SUPPLY ASSESSMENT**

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

10 **IX. STATEMENT OF OVERRIDING CONSIDERATIONS**

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

13 The County has elected to approve Alternative 1 because it best minimizes environmental impacts
14 by preventing development of the most environmentally sensitive area of the proposed project – the central
15 wash passing through the project site – while also maximizing the renewable energy production potential
16 of the project site and meeting the project's core objectives.

17 Pursuant to State CEQA Guidelines § 15093, the County has balanced the benefits of Alternative 1
18 against its potentially significant and unavoidable environmental impacts in determining whether to approve
19 Alternative 1. Pursuant to the State CEQA Guidelines, if the benefits of the project outweigh the
20 unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

21 This statement of overriding considerations presents the County's determination that the substantial
22 benefits of Alternative 1 outweigh its anticipated significant and unavoidable environmental impacts, as
23 identified in these CEQA Findings and the PSPP CEQA Review as modified by the SEIS/SEIR.

24 **1. Significant and Unavoidable Environmental Impacts of Alternative 1.**

25 The CEQA Findings and the Palen PSPP Review as modified by the SEIS/SEIR identify the
26 following significant and unavoidable impacts of Alternative 1:

- 27 • Air Resources – Temporary project-level emission impacts during construction. The
28

1 significant and unavoidable air quality impacts of Alternative 1 are short-term and common
2 to most, if not all, large, utility-scale solar facilities in Southern California. Those short-term
3 unavoidable effects are attenuated by the relative isolation of the site and outweighed by the
4 project's offsetting of the substantial air quality impacts fossil-fuel generation facilities
5 would otherwise produce. Further, large, utility-scale solar facilities like Alternative 1 are
6 essential to achievement of long-term state and federal renewable energy and greenhouse
7 gas reduction goals. Those goals outweigh Alternative 1's temporary air-quality impacts.

- 8 • Cultural Resources – Cumulatively considerable indirect impacts to the PTNCL in
9 conjunction with other projects. The unavoidable, cumulatively considerable contribution to
10 significant cumulative visual effects of Alternative 1 are not unique to the project site;
11 similarly considerable effects are common to most, if not all, large, utility-scale solar
12 facilities in the County Generally and in the Riverside East SEZ and DFA, which has been
13 designated by BLM as one of the most suitable areas in the state for the generation of utility-
14 scale solar energy. Utility-scale solar facilities are essential to achievement of long-term
15 state and federal renewable energy and greenhouse gas reduction goals. Those goals
16 outweigh the cumulative indirect cultural impacts of Alternative 1.
- 17 • Visual Resources – Project-level and cumulative impacts to views within the Chuckwalla
18 Valley, including a diminished wilderness experience in proximal locations within the
19 McCoy mountains. The unavoidable, cumulatively considerable contribution to significant
20 cumulative visual effects of Alternative 1 are not unique to the project site; similarly
21 considerable effects are common to most, if not all, large, utility-scale solar facilities in the
22 County. All large, utility-scale solar facilities in the Riverside East SEZ and DFA, which has
23 been designated by BLM as one of the most suitable areas in the state for the generation of
24 utility-scale solar energy, will have similar effects. Such facilities are essential to
25 achievement of long-term state and federal renewable energy and greenhouse gas reduction
26 goals. Those goals outweigh the visual impacts of Alternative 1.
- 27 • Wildlife Resources – Potential project-level and cumulative impacts to special-status avian
28

1 species. The significant and unavoidable avian and bat impacts of Alternative 1 are common
2 to all large, utility-scale solar facilities in Southern California. Those impacts could
3 eventually be quantified, and, if necessary, remedied by solutions derived from aggregated
4 monitoring results. Large, utility-scale solar facilities are essential to achievement of state
5 and federal renewable energy and greenhouse gas reduction goals. Those goals outweigh the
6 potential avian impacts of Alternative 1.

7 **2. Required Statement of Overriding Considerations.**

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

10 The County has examined reasonable project alternatives, including the PSP proposal. The PSP
11 proposal and each of the action alternatives have the same significant and unavoidable impacts. The County
12 has determined that the No Project Alternative and Alternative 2 would not achieve the core project
13 objectives, are infeasible, and/or would not significantly reduce the significant and unavoidable impacts
14 identified for Alternative 1. Each alternative has been discussed above.

15 The County has determined to approve Alternative 1. In preparing this statement of overriding
16 considerations the County has balanced the benefits of Alternative 1 against its unavoidable environmental
17 impacts. While implementation of Alternative 1 would result in significant and unavoidable impacts related
18 to air resources, cultural resources, recreational resources, visual resources, and wildlife resources, the
19 County finds that the benefits of the project are overriding considerations when weighed against the
20 environmental impacts listed above. Alternative 1 would provide the following benefits, which the County
21 finds outweigh the environmental risks of Alternative 1:

- 22 • Provide 500 MW of installed electrical capacity generating up to 1,598,683 MWh/year of
23 clean renewable energy sufficient to power 100,000 California homes;
- 24 • Displace up to 604,000 metric tons of carbon dioxide equivalents per year (MTC02e/year)
25 that may otherwise be emitted by power plants currently generating electricity for the
26 California system; this displacement of fossil fuel use would occur if the intermittent solar
27 energy produced by the project were fully integrated into the region-wide electrical grid and
28

1 used to offset generation from higher polluting power plants;

- 2 • Assist the state in meeting its RPS and GHG emissions reduction targets, including the
3 requirements set forth in Senate Bill 350 (Clean Energy and Pollution Reduction Act of
4 2015, requiring public utilities to procure at least 33 percent renewable power by 2020 and
5 at least 50 percent renewable power by 2030), Assembly Bill 32 (California Global Warming
6 Solutions Act of 2006, establishing a statewide GHG emissions reduction goal of 1990 levels
7 by 2020), Executive Order B-30-15 (establishing an interim statewide GHG emissions
8 reduction goal of 40 percent below 1990 levels by 2030), and Executive Order S-3-05
9 (establishing a statewide GHG emissions reduction goal of 80 percent below 1990 levels by
10 2050);
- 11 • Use a reliable and proven solar technology (PV) with minimal disturbance to or depletion of
12 natural resources as compared to other types of development. Once operational, PV panels
13 use no fuel source other than the energy from the sun, as opposed to natural gas or coal;
- 14 • Generate electricity in an arid environment with minimal water use;
- 15 • During the construction period, the project is estimated to spend approximately \$202.6
16 million on construction labor and related services in the County and generate approximately
17 1,400 full-time equivalent job-years on site;
- 18 • On-site construction jobs will include project management staff and unionized building
19 trades; these workers are estimated to earn a total of approximately \$169 million in wages
20 and benefits;
- 21 • Operation of the project is expected to employ the equivalent of approximately 12 full-time
22 employees each year or 360 job-years over 30 years, earning a total of roughly \$18.7 million
23 (including benefits);
- 24 • In addition to direct employment and related spending, the project will purchase materials
25 and equipment for installation, and will stimulate additional impacts through multiplier
26 effects. Multiplier effects include indirect impacts that result from additional rounds of
27 spending by businesses in the project's supply chain and induced impacts from household
28

1 spending by new project-related employees. Employees at the project and at related
2 businesses affected by the project will spend their incomes on housing, transportation,
3 medical services, and a variety of household goods and services such as food and clothing
4 in the County. In total, the project's multiplier effects in the County's economy are expected
5 to result in a total of \$318.4 million of economic output, supporting 1,200 job-years and
6 \$125.9 million of employee compensation (including benefits) over the construction and
7 operations periods; and

- 8 • The project is estimated to yield up to \$5.3 million of local sales and use taxes to the County
9 through an agreed-on point-of-sale arrangement with the County.

10 The Board hereby declares that the foregoing benefits provided to the public through the approval
11 and implementation of the project outweigh the identified significant adverse environmental impacts of the
12 Project that cannot be mitigated. The Board finds that each of the project benefits separately and
13 individually outweighs all of the unavoidable adverse environmental effects identified in the EIR and
14 therefore finds those impacts to be acceptable.

15 **X. ADOPTION OF MITIGATION MONITORING AND REPORTING PLAN**

16 Pursuant to Public Resources Code Section 21081, the County hereby adopts the Mitigation
17 Monitoring and Reporting Plan attached to this Resolution as Exhibit A. Implementation of the mitigation
18 measures contained in the Mitigation Monitoring and Reporting Plan is hereby made a condition of approval
19 of the project's water supply agreement. In the event of any inconsistencies between the mitigation
20 measures as set forth herein and the Mitigation Monitoring and Reporting Plan, the Mitigation Monitoring
21 and Reporting Plan shall control.

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

26 **BE IT FURTHER RESOLVED** by the Board that it has determined that there are no mitigation
27 measures or alternatives that would avoid or lessen significant impacts and that are within the jurisdiction
28

1 of the County other than those rejected herein and described in the Mitigation Monitoring and Reporting
2 Plan.

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

5 **XI. GENERAL PLAN CONSISTENCY**

6 The project site is located entirely on federal public lands governed by BLM land use regulations.
7 The County General Plan does not apply to the project because the County lacks planning jurisdiction over
8 the project site.

9 **XII. FINDINGS DEMONSTRATING WHY RECIRCULATION IS NOT REQUIRED**

10 **BE IT FURTHER RESOLVED**, by the Board that the information provided in the staff report, in
11 the responses to comments received after circulation of the Draft SEIS/SEIR, and in the evidence presented
12 in writing and through oral testimony presented prior to and at public meetings, does not constitute new
13 information requiring recirculation of the SEIS/SEIR. None of the information presented to the Board after
14 circulation of the Draft SEIS/SEIR has deprived the public of a meaningful opportunity to comment upon
15 a substantial environmental impact of the project or a feasible mitigation measure or alternative that the
16 County has declined to implement.

17 The ROD, which is incorporated by reference herein in its entirety with its appendices, made certain
18 modifications to the SEIS/SEIR and explained why such modifications do not require recirculation of the
19 SEIS/SEIR. The County hereby adopts such modifications and explanations contained in the ROD and
20 attached hereto as Exhibit C, as well as the additional explanations in Exhibit D, attached hereto, which
21 further substantiate why such modifications do not result in new or more intense significant impacts
22 requiring recirculation under Public Resources Code § 21092.1.

23 In June 2014, one-and-a-half years before the Applicant acquired the Palen project in December
24 2015, the County separately approved the 150 MW Desert Harvest solar project proposed by EDF
25 approximately 6 miles north of Desert Center. The Desert Harvest project is approximately 10 miles north-
26 northwest of and entirely separate from the Palen project with its own approved solar field, ancillary
27 supporting infrastructure, and gen-tie line to the Red Bluff Substation. Similarly, all parts of the Palen
28

1 project are independent of the Desert Harvest project. Each project is owned by a different operating
2 company. Because neither of the projects are an integral part of the other, and each project can operate
3 without the other, the County was correct in including Desert Harvest in the cumulative impacts analysis of
4 the SEIS/SEIR but not in the Palen project-level analysis. Recirculation of the SEIS/SEIR to analyze the
5 Desert Harvest and Palen projects as a single project is unwarranted because the Desert Harvest project has
6 independent utility separate from the Palen project, and vice versa.

7 The Board declares that no new significant information as defined by State CEQA Guidelines §
8 15162 has been received since publication of the Draft SEIS/SEIR that would require recirculation.

9 **XIII. CERTIFICATION OF SEIS/SEIR**

10 The County finds that it has reviewed and considered the PSPP CEQA Review and the SEIS/SEIR
11 in evaluating the proposed project, that the SEIS/SEIR is an accurate and objective statement that fully
12 complies with the Public Resources Code and the State CEQA Guidelines and that the SEIS/SEIR reflects
13 the independent judgment and analysis of the Board.

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

- 16 1. The board has reviewed and considered the PSPP CEQA Review and the SEIS/SEIR, as
17 well as the PSEGS CEQA Review, all public testimony, relevant exhibits and
18 recommendations of staff, and the MMRP before taking any action to approve the water
19 supply agreement for the proposed project;
- 20 2. The Board concurs in the CEC's certification of the PSPP CEQA Review;
- 21 3. The SEIS/SEIR is an accurate and objective statement that fully complies with the Public
22 Resources Code and the State CEQA Guidelines;
- 23 4. The SEIS/SEIR reflects the County's independent judgment and analysis;
- 24 5. All significant environmental impacts of the project have been identified in the PSPP CEQA
25 Review as revised by the SEIS/SEIR and, with implementation of the identified mitigation
26 measures, impacts will be mitigated to a less than significant level, except for the impacts
27 listed in Section III of this Resolution;
- 28

1 6. Environmental, economic, social and other considerations and benefits derived from the
2 project override and make infeasible mitigation measures beyond those incorporated into the
3 project; and

4 7. Other reasonable alternatives to the project that could feasibly achieve the basic goals and
5 objectives of the proposed project have been considered and Alternative 1 has been
6 considered and approved instead of the proposed project while the other alternatives and the
7 proposed project have been rejected.

8 **XIV. APPROVAL**

9 Based upon the entire administrative record before the Board, including the above findings and all
10 written and oral evidence presented during the administrative process, the Board hereby approves the
11 Alternative 1 version of the Palen Solar Project for implementation of the Palen Water Supply Agreement.

12 **XV. CUSTODIAN OF RECORD**

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

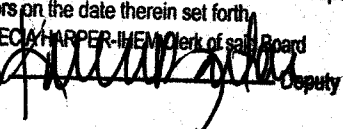
17
18 **XVI. STAFF DIRECTION**

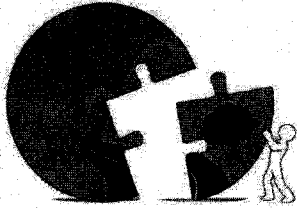
19 The Board hereby directs staff to prepare, execute, and file a Notice of Determination with the
20 Riverside County Clerk's Office and the Office of Planning and Research within five (5) working days of
21 adoption of this Resolution.

22 **PASSED, APPROVED, AND ADOPTED** at a regular meeting of the Board of Supervisors held
23 on the 4th day of December, 2018.

24 ROLL CALL:

25 Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
26 Nays: None
27 Absent: None

28
The foregoing is certified to be a true copy of a
resolution duly adopted by said Board of Super-
visors on the date therein set forth.
KECIA HARPER-HEM, Clerk of said Board
By  Deputy



RIVERSIDE COUNTY PLANNING DEPARTMENT

Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

via planning

Charissa Leach, P.E.
Assistant TLMA Director

TO: Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor
P. O. Box 1409
Riverside, CA 92502-1409

77588 El Duna Ct Ste. H
Palm Desert, California 92211

Date

Initial

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the California Public Resources Code.

PALEN SOLAR PROJ (PAR01497)

Project Title/Case Numbers

Jay Olivas, Project Planner
County Contact Person

(760) 863-8277
Phone Number

N/A

State Clearinghouse Number (if submitted to the State Clearinghouse)

EDF Renewable Energy
Project Applicant

505 14th Street, Suite 1150 Oakland, CA 94612
Address

Northerly of Interstate 10, easterly of Desert Center off of the Corn Springs Road exit, Fourth Supervisorial District.
Project Location

Adoption of Resolution No. 2018-227 Certifying the Supplemental Environmental Impact Statement/Environmental Impact Report for the Palen Solar Project and Adopting CEQA Findings, Mitigation Monitoring Plan, and Statement of Overriding Considerations as the Lead Agency under the California Environmental Quality Act; Approval of Water Supply Agreement with Palen Solar Holdings, LLC; Approval of Agreement for Fire Protection Services with Palen Solar Holdings, LLC.
Palen Solar Project Applicant: EDF Renewable Energy/Palen Solar Holdings, LLC
Project Description

This is to advise that the Riverside County Board of Supervisors, as the lead agency, has approved the above-referenced project on December 4, 2018, and has made the following determinations regarding that project:

1. The project WILL have a significant effect on the environment.
2. Mitigation measures WERE made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS adopted.
5. A statement of Overriding Considerations WAS adopted
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Environmental Impact Statement / Environmental Impact Report for the Palen Solar Project, with comments, responses, and record of project approval is available to the general public at: Riverside County Planning Department, 77588 El Duna Ct, Palm Desert, CA 92211.

Signature Project Planner Title Date

Date Received for Filing and Posting at OPR: _____

Revised: 08/01/2018

Y:\Planning Case Files-Riverside office\PAR01497\Form 11\NOD.docx

Please charge deposit fee case#: ZCFW

FOR COUNTY CLERK'S USE ONLY

AGREEMENT FOR FIRE PROTECTION SERVICES

BETWEEN

THE COUNTY OF RIVERSIDE AND

AND

PALEN SOLAR HOLDINGS, LLC

This agreement for Fire Protection Services ("Agreement") is entered into this 4th day of December, 2018 between the County of Riverside ("COUNTY", a political subdivision of the State of California, on behalf of the Riverside County Fire Department ("RCFD") and Palen Solar Holdings, LLC, a Delaware limited liability company ("PALEN") (individually "Party, collectively referred to as "Parties").

RECITALS

1. WHEREAS, PALEN seeks to construct, operate and decommission the Palen Solar Power project, a 500-megawatt solar photovoltaic electric generation facility ("Project") proposed on approximately 3,000 acres federal public lands administered by the Bureau of Land Management ("BLM") approximately 10 miles east of Desert Center in Riverside County, California.
2. WHEREAS, Mitigation Measure WORKER SAFETY-7 of a Supplemental Environmental Impact Statement/Environmental Impact Report ("SEIS/SEIR") certified by the Board of Supervisors of the County of Riverside on December 4, 2018 by Resolution No. 2018-227 requires PALEN to reach an agreement with RCFD regarding funding of the Project's share of capital and operating costs to build fire protection and response infrastructure and services.
3. WHEREAS, Mitigation Measure WORKER SAFETY - 7 states that to address Project impacts, the Agreement shall address each of the following:
 - a. Project related share of capital and operating costs to improve fire protection/emergency response infrastructure and provide appropriate equipment and training as mitigation of Project-related impacts on fire protection/emergency response services within the jurisdiction in an amount to be negotiated between the Parties;
 - b. At least 90 days prior to the start of construction, PALEN shall submit for review a copy of the Project Construction Safety Plan, Fire Protection Plan, Transportation Plan and a Hazardous Materials Business/Emergency Plan.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing promises and the mutual covenants contained herein and subject to the terms and conditions set forth below, COUNTY, on behalf of RCFD, and PALEN agree as follows:

- A. PALEN will pay RCFD a one-time sum of two hundred thousand dollars (\$200,000) for fire protections services prior to issuance by BLM of a Notice to Proceed authorizing ground-clearing activities (i.e., grubbing, grading) at the Project site.
- B. PALEN will pay RCFD for fire protection services in the amount of eighty thousand dollars (\$80,000) each year for three years (the "Construction Fee"). The first payment of the Construction Fee shall be due prior to issuance by BLM of a Notice to Proceed authorizing ground-clearing activities at the Project site. The second and third payments of the Construction Fee shall be respectively due

DEC 04 2018 3.49

once each year on the first and second anniversary of the first payment of the Construction Fee or such other date mutually agreed to in writing by PALEN and County.

- C. On the third anniversary of the first payment of the Construction Fee, and annually thereafter until expiration or termination of the BLM right-of-way grant authorizing the Project, PALEN will pay RCFD for fire protection services to the sum of five thousand dollars (\$5,000) once each year. Each payment subsequent to the first payment shall be due on each anniversary of the first payment or such other date mutually agreed to in writing by PALEN and County.
- D. Each of the above funding amounts (\$200,000, \$80,000, and \$5,000) and each subsequent annual payment shall increase annually by two percent from and after the date of execution of this Agreement by the Parties, irrespective of when construction commences.
- E. RCFD retains discretion to use the funds received from PALEN in a manner it determines to be most beneficial for its capital and operating expenses.
- F. This Agreement takes effect upon issuance by BLM of a Notice to Proceed issued by BLM authorizing ground-clearing activities (i.e., grubbing, grading) at the Project site ("Effective Date").
- G. This Agreement will terminate on the earlier to occur of (i) a termination of this Agreement pursuant to Paragraph H hereof or (ii) the date of expiration or termination of the BLM right-of-way grant.
- H. Either Party may terminate this agreement with sixty (60) days written notice in accordance with Paragraph J.e. below.
- I. The undersigned warrant and certify that the signatories to this Agreement are each fully authorized to execute this Agreement on behalf of and respectively bind COUNTY and its officers, directors, and employees and PALEN and its officers, directors, and employees.
- J. General Provisions.
 - a. No Third-Party Beneficiaries. This Agreement is made solely for the benefit of the Parties hereto, and no other person or entity is intended to or shall have any rights or benefits hereunder, whether as a third-party beneficiary or otherwise.
 - b. Modification. No provision of this Agreement may be amended, modified or waived other than by an instrument in writing signed by an authorized representative of COUNTY and PALEN. Such modifications may require approval from the County Board of Supervisors. Any agreed-upon alternate payment date under Paragraphs B or C of this Agreement does not require modification of this Agreement.
 - c. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with regard to fire protection services, and supersedes any prior or contemporaneous discussions, representations or agreements, whether written or oral. In the event of any conflict between the provisions of this Agreement and any other agreement between PALEN and COUNTY for fire protection services, the terms of this Agreement shall control.
 - d. Severability. In the event any provision(s) of this Agreement is held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if the invalid, illegal or unenforceable provision(s) had never been contained herein. In the event any provision of this Agreement is determined by a court of

competent jurisdiction to be invalid, illegal or unenforceable because such provision is excessively broad as to duration, geographical scope, activity or subject, then such provision shall be construed as being limited to the duration, geographical scope, activity or subject that the court deems allowable under the applicable law.

- e. Notices. All notices to a Party pursuant to this Agreement must be in writing and shall be sent only by personal delivery, an overnight courier service which keeps records of deliveries, or electronic mail transmission. A Party may change its address or electronic mail address at any time by giving written notice of such change to the other Party in the manner provided herein. Notices sent by personal delivery or courier service shall be deemed given on the date of delivery or refusal to accept delivery. Notices sent by electronic mail transmission shall be deemed given when confirmed by a return electronic mail transmission from the recipient. For purposes of giving notice hereunder, the addresses and electronic mail addresses of the Parties are as set forth below:

RCFD: Riverside County Fire Department
c/o Riverside County Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501
Telephone: (951) 955-6300
Fax: (951) 955-6363

Riverside County Service Fire Department
Attn: Shawn C. Newman, Fire Chief
210 W. San Jacinto
Perris, CA 92570
Telephone: (951) 940-6900
Fax: (951) 940-6373

Grantee: Palen Solar Holdings, LLC
c/o EDF Renewables Development, Inc.
Attn: Corporate Land and Title
15445 Innovation Drive
San Diego, CA 92128
E-mail: CorporateLandTitle@edf-re.com
Telephone: (858) 521-3300
Fax: (858) 521-3333

- f. Successors and Assigns. These covenants and agreements set forth in this Agreement shall run with the land and shall be binding on, and shall inure to the benefit of, all Parties and their respective successors and assigns. PALEN may assign this Agreement to an affiliate or a new owner or lessee of all or a portion of the Project, provided that PALEN shall provide written notice of such assignment to COUNTY.
- g. No Partnership. Neither this Agreement nor any acts of the Parties shall be deemed or construed by the Parties, or by any third person, to create the relationship of principal and agent, or of partnership, or of joint venture, or of any association between any of the Parties.

- h. Governing Law: Waiver of Jury Trial. This Agreement and the obligations of the Parties hereunder shall be interpreted, construed, governed and enforced in accordance with the laws of the State of California, without regard to any conflict of laws rules or principles that may refer the interpretation, construction, governance or enforcement of the laws of any other jurisdiction. Venue shall be the County of Riverside. **To the maximum extent permitted by law, the Parties hereby irrevocably waive their right to trial by jury in connection with any proceeding arising out, or otherwise relating in any way to, this Agreement or the subject matter hereof.**
- i. Rule of Construction. No provision of this Agreement shall be interpreted or construed against any Party because such Party or its counsel was the sole or principal drafter of it. When the context requires, the plural shall include the singular and the singular the plural.
- j. Counterparts. This Agreement may be executed in any number of counterparts and is effective vis-à-vis each Party as of the Effective Date. Additional parties may be added by mutual consent of the Parties.

IN WITNESS WHEREOF, COUNTY and PALEN have caused this Agreement to be executed and delivered by their duly authorized representatives as of the Effective Date.

COUNTY:

COUNTY OF RIVERSIDE

By: Chuck Wolf
 Chairman, BOARD OF SUPERVISORS
 Date: December 4, 2018

ATTEST:
 KEVA HARRER-HEM, Clerk
 BY: [Signature]
 DEPUTY

PALEN:

PALEN SOLAR HOLDINGS, LLC

BY: MAVERICK SOLAR, LLC, ITS MANAGER

BY: EDF RENEWABLES DEVELOPMENT, INC., ITS MANAGER

By: [Signature]
 Name: TRISTAN GRIMBERT
 Title: PRESIDENT & CEO
 Date: _____, 2018

FORM APPROVED COUNTY COUNSEL
 BY: [Signature] 11/26/13
 TIRFANY N. NORTH DATE