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

**ITEM**
21.1
(ID # 9987)

**FROM :** TLMA-PLANNING:

**MEETING DATE:**
Tuesday, June 18, 2019

**SUBJECT:** TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: CONDITIONAL USE PERMIT NO. 180001 (CUP180001), VARIANCE NO. 190001 (VAR190001), PUBLIC USE PERMIT NO. 180001 (PUP180001), DEVELOPMENT AGREEMENT NO. 1900001 (DA1900001), ORDINANCE NO. 664.61, TENTATIVE PARCEL MAP No.(s): 37700, 37701, 37702, 37703, 37704, and 37705, RESOLUTION NO. 2019-137 – Intent to Certify an Environmental Impact Report (EIR) – CEQ1800007 (EIR) – Applicant: IP Athos, LLC – Engineer/Representative: Aspen Environmental Group – Fourth Supervisorial District – Chuckwalla District – Desert Center Area Plan – Agriculture: Agriculture (AG:AG), Open Space: Rural, Community Development: Public Facilities (CD:PF) – Location: East and west of Rice Road approximately 4 miles north of Interstate 10. South and west of Desert Center Airport – 3,600 gross acres – Zoning: Light Agriculture - 20 Acre Minimum (A-1-20), Controlled Development Areas-10 acre minimum (W-2-10), Natural Assets (N-A), Manufacturing-Heavy (M-H) – REQUEST: CUP180001 – To allow the construction, maintenance, and operation of a 500-megawatt (MW) commercial solar photovoltaic (PV) electrical power plant (solar facility) in the Desert Center area of unincorporated Riverside County. The proposed project is located on approximately 3,440 acres across seven groups of non-contagious parcels (Parcel Groups A to G). VAR190001 – To allow the generation tie (gen-tie) support structures to exceed the maximum height allowed within the Natural Assets (N-A) zone and also in the Controlled Development Area (W-2) zone. PUP180001 – To allow approximately four miles of 220 kilovolt (kV) gen-tie transmission lines to traverse County/private properties (non-BLM regulated/owned property). Tentative Parcel Map No.(s): 37700, 37701, 37702, 37703, 37704, and 37705: Schedule "I" subdivisions to consolidate and assemble approximately 3,440 acres into six, non-contiguous mapped areas, to support a commercial solar facility. District 4. [Applicant fees 100%]

**STAFF RECOMMENDATIONS: Continued on page 2**

**ACTION:Set for Hearing, Policy**

Charissa Leach, Assistant TLMA Director 6/10/2019

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Ordinance 664.61 is approved as introduced with waiver of the reading.

| | |
|---|---|
| Ayes: | Jeffries, Spiegel, Washington, Perez and Hewitt |
| Nays: | None |
| Absent: | None |
| Date: | June 18, 2018 |
| xc: | Planning, COB |

Kecia Harper-Ihem
Clerk of the Board
By: Deputy

**STAFF RECOMMENDATIONS:**

**THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:**

1. **ADOPT Resolution No. 2019-137 TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE ATHOS SOLAR PROJECT (CEQ180007)**, adopting environmental findings pursuant to the California Environmental Quality Act, and adopting a Mitigation Monitoring and Reporting Program;

2. **APPROVE CONDITIONAL USE PERMIT NO. 180001,** subject to the attached conditions of approval and advisory notification document and based upon the findings and conclusions incorporated in the staff report and in Resolution No. **2019-137**;

3. **APPROVE PUBLIC USE PERMIT NO. 180001,** subject to the attached conditions of approval and advisory notification document and based upon the findings and conclusions incorporated in the staff report and in Resolution No. **2019-137**;

4. **APPROVE VARIANCE NO. 190001** to allow for the gen-tie support structures to exceed the maximum height restrictions in the Natural Assets (N-A) and the Controlled Development Area (W-2) zones by being up to 120 feet high based upon the findings and conclusions incorporated in the staff report and in Resolution No. **2019-137**;

5. **APPROVE TENTATIVE PARCEL MAP NOs. 37700, 37701, 37702, 37703, 37704,** and **37705,** subject to the attached conditions of approval, advisory notification document and based upon the findings and conclusions incorporated in the staff report and in Resolution No. **2019-137**; and

6. **INTRODUCE, READ TITLE and WAIVE FURTHER READING OF, and ADOPT** on successive weeks **ORDINANCE NO. 664.61**, an Ordinance of the County of Riverside Approving Development Agreement No. **1900001**, based upon the findings and conclusions incorporated in the staff report and in Resolution No. **2019-137.**

| 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: | N/A |

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

**BACKGROUND:**

**Summary**

The requested entitlements below are considered the "Project." The project is commonly referred to as the Athos Renewable Energy Project (Athos or Project).

**Conditional Use Permit No. 180001 (CUP180001):** To allow the construction, maintenance, and operation of a 500 megawatt (MW) commercial solar photovoltaic (PV) electrical power plant (solar facility) in the Desert Center area of unincorporated Riverside County. The solar facility consists of seven solar array fields (Parcel Groups) utilizing single-axis solar PV trackers and panels with a combined maximum height of 12 feet. Supporting facilities on-site would include up to four electrical substations (approximately 30,000 square feet each), one 3,000 square foot operation/maintenance (O&M) building, inverters, transformers, battery/flywheel storage system capable of storing up to 500 MW of electricity, and several interior access roads or improved existing access roads connecting the project area to Rice Road 177 (SR177). The proposed project is located on approximately 3,440 acres across seven groups of non-contiguous parcels (Parcel Groups A to G).

**Public Use Permit No. 180001 (PUP180001):** To allow approximately four miles of 220 kilovolt (kV) generation tie (gen-tie) transmission lines to traverse County/private properties (non-Bureau of Land Management [BLM] regulated/owned property). The gen-tie lines are proposed to interconnect with the Southern California Edison (SCE) Red Bluff substation, an existing substation located south of Interstate 10 (I-10). The gen-tie lines would be placed within a 100 foot-wide right-of-way (ROW). Portions of the gen-tie lines could be underground for segments to cross existing public and private ROWs.

**Variance No. 190001:** To allow the gen-tie support structures to exceed the maximum height allowed within the Natural Assets (N-A) zone and also in the Controlled Development Area (W-2) zone. The maximum height allowed for structures within the N-A zone is 20 feet in height. The maximum height allowed for structures within the W-2 zone is 105 feet in height. The gen-tie support structures would be constructed with either monopoles, lattice steel structures, or wood H-frame poles with an average height of 90 feet from ground level, minimum height of approximately 30 feet from ground level, and a maximum height of 120 feet from ground level.

**Tentative Parcel Map No.(s): 37700, 37701, 37702, 37703, 37704,** and **37705:** Schedule "I" subdivisions to consolidate and assemble approximately 3,440 acres into six, non-contiguous mapped areas, to support a commercial solar facility. The consolidation would include the request to vacate public easements and rights-of-ways. **TPM37700** (Parcel Group E) is proposing to consolidate 473.43 acres into one parcel; **TPM37701** (Parcel Group G) is proposing to consolidate 301.60 acres into one parcel; **TPM37702** (Parcel Group A) is proposing to consolidate 643.96 acres into one parcel; **TPM37703** (Parcel Group D) is proposing to consolidate 109.24 acres into one parcel; **TPM37704** (Parcel Group C) is proposing to consolidate 797.85 acres into one parcel; and **TPM37705** (Parcel Group B) is proposing to consolidate 166.96 acres into one parcel. (Parcel Group F, APN: 811-190-001 is currently one parcel).

Seven miles of 220 kV gen-tie transmission lines are outside of the solar facility on federal land managed by the BLM Palm Springs-South Coast Field Office. This area is part of the proposed project, however under the jurisdiction of BLM and reviewed in compliance with the National Environmental Policy Act (NEPA).

**Development Agreement No. 1900001:** The applicant has proposed entering into a development agreement (DA No. 1900001) with the County for the Project that is consistent with the County's solar power plant program. Board of Supervisors Policy No. B-29 regarding solar power plants states, "[N]o approval required by Ordinance No. 348 shall be given for a solar power plant unless the Board first approves a development agreement with the solar power plant owner and the development agreement is effective." The County has reached an agreement with the applicant on the provisions of the DA. The DA has a term of 30 years and will grant the applicant vesting rights to develop the Project in accordance with the terms of the agreement. DA No. 1900001 contains terms consistent with Board of Supervisors Policy No. B-29, including terms regarding public benefit payments and increases (Section 4.2 of DA No. 1900001) and terms requiring the applicant to take actions to ensure allocation directly to the County of the sales and use taxes payable in connection with the construction of the solar power plant, to the maximum extent possible under the law (Section 4.3 of DA No 1900001). The DA also contains an agreement between the parties with regard to the computation of development impact fees in the amount of $2,421,300 and an Additional Community Benefit Fee of $1,100,000 (Section 4.4 of DA No. 1900001). Approval and use of Conditional Use Permit No. 180001 and Public Use Permit No. 180001 are conditioned upon DA No. 1900001 being entered into and effective. Per state law, a development agreement is a legislative act that must be approved by ordinance. Proposed Ordinance No. 664.61, an Ordinance of the County of Riverside Approving Development Agreement No. 1900001, incorporates by reference DA No. 1900001 consistent with Government Code section 65867.5.

The Athos Project is located north of I-10 predominately along Rice Road (SR177), approximately four miles east and northeast of Desert Center in unincorporated Riverside County. Given the scale and acreage of the proposed project, the applicant has separated the project area into seven non-contiguous parcel groups (See Figure 1). The general location of each parcel group is described below:

- **Parcel Group A** – Is located approximately 4,000 feet north of Rice Road (SR177), west of Loma Verde Road, east of Buffalo Run Road, and south of Kiowa Road. Parcel A Group is approximately 643.96 acres. Parcel Group A was previously used for agriculture and is currently fallow. It is located 0.5 miles east of the existing Desert Sunlight Solar Farm and 0.5 miles east of the approved Desert Harvest Solar Project site. It is primarily surrounded by undeveloped desert on BLM-administered public lands. Parcel Group A is also adjacent to (south of) BLM-administered land designated for conservation (i.e., designated as an Area of Critical Environmental Concern and National Lands Conservation System land). Parcels to the south of Parcel Group A are a right-of-way owned in fee by the Metropolitan Water District (MWD). To the southeast and east are private lands currently used for agriculture. Rural residences and a date palm farm are located approximately 100 feet east and 1,500 feet west of Parcel Group A.

- **Parcel Group B** – Is located south of Rice Road (SR177), directly north of the Desert Center Airport (Chuckwalla Raceway). Parcel Group B is approximately 166.96 acres. A portion of Parcel Group B was previously used for agriculture but is currently fallow. Other portions include undeveloped desert area. It is located south of the MWD right-of-way and private land used for agriculture and north of the Chuckwalla Valley Raceway. It is located east of BLM land and west of undeveloped private land.

- **Parcel Group C** – Is located directly adjacent to Rice Road (SR177) to the south and north of Comanche Trail. Parcel Group C is approximately 797.85 acres. Parcel Group C was previously used for agriculture and is currently fallow. It is located south and east of the State Route 177, rural residences, and the Green Acres Mobile Park with 27 mobile home spaces. It is located north and west of BLM land, and west of the Chuckwalla Valley Raceway's access road. Scattered rural residences are located near Parcel Group C, specifically along State Route 177 and near the Lake Tamarisk community.

- **Parcel Group D** – Is located directly to the southwest of Parcel Group C, south of Comanche Trail. Parcel Group D is approximately 109.24 acres. Parcel Group D is undeveloped desert located south, east, and north of undeveloped BLM land. It is located west of an undeveloped private parcel.

- **Parcel Group E** – Is generally located south of the Desert Center Airport (Chuckwalla Raceway). Parcel Group E is approximately 473.43 acres. Parcel Group E was previously used for agriculture and is currently fallow. It is located south of the Chuckwalla Valley Raceway and surrounds an undeveloped parcel of State-owned land under the jurisdiction of the California State Lands Commission. There is another parcel of State-owned land that is within the southwestern area of Parcel Group E and would be crossed by the Project gen-tie line and roadway. Parcel Group E is adjacent to some BLM land to the east, west and south. Additional lands to the east and west are undeveloped private land.

- **Parcel Group F** – Is currently one parcel and located approximately 3,800 feet north of I-10. Parcel Group F is approximately 280 acres. Parcel Group F is the only Parcel Group that does not have an associated Tentative Parcel Map. Parcel Group F is undeveloped desert and is surrounded almost entirely by BLM land. A parcel of private land, located southeast of Parcel Group F.

- **Parcel Group G** – Is located approximately 9,000 feet north of the I-10/Chuckwalla Valley Road intersection. Parcel Group G is approximately 301.60 acres. Parcel Group G is a date farm and is surrounded almost entirely by BLM land. A parcel of private land is located southwest of Parcel Group G that is used as a date farm.

**Gen-Tie Transmission Lines**

The 220 kV gen-tie lines would traverse mainly BLM administered public lands. A portion of the gen-tie lines north and south of the I-10 corridor would also be sited within the Section 368 Federal Energy Corridor as established by the Westwide Energy Corridor Final Programmatic Environmental Impact Statement (PEIS) and Record of Decision. Gen-tie Segment #4 would cross the Chuckwalla ACEC south of the I-10, paralleling an existing overhead transmission corridor and within an existing BLM utility corridor.

- Gen-tie Segment #1 crosses BLM land and two private parcels that are not part of the proposed solar facility. The private parcels are designated as Open Space Rural in the General Plan and zoned as W-2-10 and N-A. One parcel is a right-of-way owned in fee by the MWD.

- Gen-tie Segments #2, #3, and #4 are either located on the proposed solar facility or undeveloped BLM land. Portions of Gen-tie Segment #2 would parallel the existing Desert Sunlight Solar Farm gen-tie line, and Gen-tie Segment #3 would parallel the proposed Palen Solar Project gen-tie line either overhead or underground in the access road. Gen-tie Segment #4 would parallel both Desert Sunlight and the Palen gen-tie lines and would be located partially within an existing BLM utility corridor.

**Environmental Impact Report (California Environmental Quality Act)**

An Environmental Impact Report (EIR) has been prepared for this project (CEQ180007) in accordance with the California Environmental Quality Act (CEQA). The EIR represents the independent judgement of Riverside County. It was determined as part of the EIR analysis that the Project would result in direct and cumulative significant impacts related to aesthetics and cultural resources that cannot be fully mitigated (unavoidable) and will be only partially avoided or lessened by compliance with existing regulations (for greater detail see attached Draft EIR and Resolution No. 2019-137). All other impacts have been addressed through project design or incorporated mitigation measures in both the MMRP and Conditions of Approval.

The Draft EIR was circulated for 45-days, from March 9, 2019 to April 24, 2019. During this review period the EIR received nine (9) comment letters, and one (1) comment letter was received following the close of the review period. These comments were reviewed and detailed responses to each comment were prepared and included in the Final EIR, which was posted on May 16, 2019. E-mailed notifications to the commenters were sent on May 16, 2019 which noted the availability of the Final EIR.

Due to the potentially significant impacts of the project, if the Board of Supervisors approve the project, it will be required to adopt Findings with a Statement of Overriding Considerations consistent with State CEQA Guidelines sections 15093, 15216(b), and 15126.2(b) and discussed in the Final EIR Section 15132 is required (Resolution No. 2019-137). The Statement of Overriding Considerations would clarify what benefits the project is providing that the Board of Supervisors could determine outweigh the potentially significant environmental impacts of the project. Benefits of the project would include, but are not limited to: renewable energy, local employment, economic opportunities, and utilization of underutilized areas to promote efficient use of land while still providing natural open space.

**Impact on Residents and Businesses**

All potential project impacts have been studied under CEQA and noticed to the public pursuant to the requirements of the County. As stated above, the Project would help the State achieve its renewable energy goals and mandates. The production of renewable energy has the added benefit of reducing air quality impacts and greenhouse gas emissions that would be produced by fossil-fuel based generation facilities. The Project would also provide other important benefits to the local and regional economy from the purchase of equipment and supplies and sales tax revenue as agreed upon in the terms of DA No. 1900001.

**Additional Fiscal Information**

As stated above, the applicant and County staff have reached an agreement on the provisions of DA No. 1900001. Under DA No. 1900001, the applicant will submit annual public benefit payments of $150 per acre, increased annually by 2% from and after 2013 (currently $169 per acre in 2019), based on the solar power plant net acre amount of 3,200 acres at full build-out. The total "solar power plant net acreage" agreed upon by the applicant, was calculated using the definition in Board of Supervisors' Policy No. B-29. The project is scheduled to be built in two phases and the initial annual public benefit payments will be based on the solar power plant net acreage included in each phase until complete build-out (Section 3.4 of DA No. 1900001). It is anticipated that Phase 1 of the Project will encompass development of 51.5% of the Project acreage and Phase 2 will encompass the remaining 48.5% of the acreage. Construction is anticipated to occur over 24 to 48 months, regardless of whether it is phased. If the development of the Solar Power Plant occurs in phases, the Annual Public Benefits Payments called for in Section 4.2 shall be based on the Solar Power Plant Net Acreage of each defined phase. The applicant will also take agreed upon actions to ensure that local sales and use taxes are directly allocated to the County to the maximum extent possible under the law. Additionally, the applicant will submit an agreed upon adjusted Development Impact Fee (DIF) payment of $2,421,300. In addition, the applicant has agreed to pay an Additional Community Benefit Fee of $1,100,000. The timing of the DIF payment and Additional Community Benefit Fee are set forth in Section 4.4 of DA No. 1900001.

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

A. Board of Supervisors Staff Report/Conditions of Approval/Advisory Notification Document
B. Athos Solar Site Plan
C. Draft Environmental Impact Report
D. Final Environmental Impact Report
E. Resolution No. 2019-137
F. Ordinance No. 664.61
G. Development Agreement No. 1900001
H. CUP180001 Conditions of Approval
I. CUP180001 Advisory Notification Document
J. PUP180001 Advisory Notification Document
K. TPM37700-TPM37705 Advisory Notification Document
L. TPM37700 Conditions of Approval
M. TPM37701 Conditions of Approval
N. TPM37702 Conditions of Approval
O. TPM37703 Conditions of Approval
P. TPM37704 Conditions of Approval
Q. TPM37705 Conditions of Approval

Jason Farin, Senior Management Analyst 6/11/2019

Gregory P. Priamos, Director County Counsel 6/10/2019

**Board of Supervisors** **County of Riverside**

**RESOLUTION NO. 2019-137**

**ENVIRONMENTAL IMPACT REPORT NO. CEQ180007 (EIR)**

**CONDITION USE PERMIT NO. 180001 (CUP180001), PUBLIC USE PERMIT NO. 180001 (PUP180001), VARIANCE NO. 190003, TENTATIVE PARCEL MAP NO. 37700 (TPM37701), TENTATIVE PARCEL MAP NO. 37702 (TPM37702), TENTATIVE PARCEL MAP NO. 37703 (TPM37703), TENTATIVE PARCEL MAP NO. 37704 (TPM37704), TENTATIVE PARCEL MAP NO. 37705 (TPM37705)**

**WHEREAS,** pursuant to the provisions of Government Code Section 65350 et. seq., public hearings were held before the Riverside County Board of Supervisors in Riverside, California on June 18, 2019 to consider Condition Use Permit No. 180001 (CUP180001), Public Use Permit No. 180001 (PUP180001), Variance No. 190003, Tentative Parcel Map No. 37700 (TPM37701), Tentative Parcel Map No. 37702 (TPM37702), Tentative Parcel Map No. 37703 (TPM37703), Tentative Parcel Map No. 37704 (TPM37704), Tentative Parcel Map No. 37705 (TPM37705), CEQ180007 (EIR); and,

**WHEREAS,** all procedures of the California Environmental Quality Act (CEQA) and Riverside County Rules to Implement CEQA have been followed, and Environmental Impact Report No. CEQ180007 (CEQ180007), prepared in connection consider Condition Use Permit No. 180001 (CUP180001), Public Use Permit No. 180001 (PUP180001), Variance No. 190003, Tentative Parcel Map No. 37700 (TPM37701), Tentative Parcel Map No. 37702 (TPM37702), Tentative Parcel Map No. 37703 (TPM37703), Tentative Parcel Map No. 37704 (TPM37704), Tentative Parcel Map No. 37705 (TPM37705) and related cases (referred to alternatively herein as "the Project"), is sufficiently detailed so that all of the potentially significant effects of the Project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with CEQA and the above-referenced Rules; and,

**WHEREAS,** pursuant to State CEQA Guidelines section 15151, the evaluation of environmental effect is to be completed in light of what is reasonably feasible; and,

**WHEREAS,** the Mitigation Monitoring and Reporting Plan ("MMRP") required to be adopted by

FORM APPROVED COUNTY COUNSEL
BY: AARON C. GETTIS DATE 6-7-19

this Board upon approval of the Project pursuant to State CEQA Guidelines § 15091(d) is attached hereto as Exhibit "A" and incorporated herein by reference. The MMRP lists the potential significant impacts of the Project, the Applicant-proposed measures and mitigation measures to be imposed on the Athos Renewable Energy Project, and the agency or entity responsible for compliance or enforcement of said measures; and,

**WHEREAS,** the Riverside County Planning Department first circulated a Notice of Preparation ("NOP") for a 30-day public review period commencing May 11, 2018 to June 11, 2018 and held one public scoping meeting on June 4, 2018. The County prepared a Draft EIR No. CEQ180007 (State Clearinghouse No. 2018051021) to address the consider Condition Use Permit No. 180001 (CUP180001), Public Use Permit No. 180001 (PUP180001), Variance No. 190003, Tentative Parcel Map No. 37700 (TPM37701), Tentative Parcel Map No. 37702 (TPM37702), Tentative Parcel Map No. 37703 (TPM37703), Tentative Parcel Map No. 37704 (TPM37704), Tentative Parcel Map No. 37705 (TPM37705). The Draft EIR No. CEQ180007 ("EIR") was circulated for public review and comment as specified in the State CEQA Guidelines for a 45-day period (March 8, 2019 through April 22, 2019). Public comments were received by the County and have been responded to by the County in accordance with CEQA requirements. The Project Final EIR Responses to Comments document was published May 16, 2019 (the "Responses"),

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

**BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of Supervisors of the County of Riverside, in regular session assembled on June 18, 2019, that:

A. The Project includes Condition Use Permit No. 180001 (CUP180001), Public Use Permit No. 180001 (PUP180001), Variance No. 190003, Tentative Parcel Map No. 37700 (TPM37701), Tentative Parcel Map No. 37702 (TPM37702), Tentative Parcel Map No. 37703 (TPM37703), Tentative Parcel Map No. 37704 (TPM37704), Tentative Parcel Map No. 37705 (TPM37705), which were all considered concurrently at the public hearings before the Board of Supervisors.

**BE IT FURTHER RESOLVED** by the Board of Supervisors that the following environmental impacts associated with EIR No. CEQ180007 are determined to have no environmental impacts in

consideration of existing regulations and Project Design Features, with no need for mitigation.

**A. Land Use and Planning**

***Impact:*** *Land Use Consistency*

***Threshold:*** *The Project would not cause a significant environmental impact due to conflict with applicable land use plans, policies, or regulations; result in an alteration of the present or planned land use of an area; or be inconsistent or incompatible with the site's existing, proposed or surrounding zoning or land uses.*

Findings of Fact, No Impact:

The Project would be a conditionally permitted use within the land use designation Open Space Rural (OS-RUR), Public Facilities, and Agriculture and zoning Natural Assets (N-A), Manufacturing-Heavy (M-H) and Agriculture (A-1-20) with approval of a CUP and completion of an environmental review. Table 3.11-1 of the Final EIR describes how the Project would be consistent with the Land Use and Multi-Purpose Open Space Elements.

The applicant is also seeking to vacate interior roadways and merge contiguous Project parcels. Roads along the Project perimeter on the solar facility lands would remain dedicated public access. This merger would be consistent with LU 26.4, encourage parcel consolidation, and because the perimeter roads would remain open to the public, it would not result in a loss of access.

The existing and planned land uses surrounding the Project are similar in nature to those identified for the Project, primarily Open Space Rural and Public Facilities but with some areas of Agriculture, Low Density Residential and Commercial Retail along Highway 177 adjacent to or near the Project. The parcels closest to the solar facility are zoned N-A, W-2-10, A-1-20 (Light Agriculture [20-acre minimum]), C-P-S (Scenic Highway Commercial), M-H (Manufacturing Heavy), all of which allows solar power development with a conditional use permit on a lot 10 acres or larger.

The Project would be consistent with all applicable General Plan policies and goals. The Project is subject to Policy B-29, and the developer would need to enter into a development agreement with the County following the guidelines noted in the regulatory setting. Once

the agreement is enacted, the Project would comply with this policy. **(EIR pp. 3.11-7 to 3.11-11).**

**B. Energy**

***Impact:*** *Energy Efficiency*

***Threshold:*** *The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.*

Findings of Fact, No Impact:

The proposed solar facility would generate up to 500 MW of renewable energy. Critical objectives and purpose and need of the proposed Project are to assist with achieving renewable energy generation goals under Senate Bills 100 and 350, as well as greenhouse gas (GHG) emissions reduction goals of the California Global Warming Solutions Act (AB 32). Additionally, the proposed Project would make the highest and best use of primarily disturbed retired agricultural land in and around a federal "Solar Energy Zone" and "Renewable Energy Development Focus Area" to generate, store, and transmit affordable, wholesale renewable solar electricity. Therefore, the proposed Project would directly support federal, State, and local plans for renewable energy development. Beneficial impacts related to state or local plans for renewable energy or energy efficiency would occur. **(EIR p. 3.18-3).**

**BE IT FURTHER RESOLVED** by the Board of Supervisors that the following environmental impacts associated with EIR No. CEQ180007 are determined to be less than significant in consideration of existing regulations and Project Design Features, with no need for mitigation.

**A. Agriculture and Forestry Resources**

***Impact:*** *Converting Farmland to Non-Agriculture use*

***Threshold:*** *The Project would conflict with existing zoning for agricultural use, a Williamson Act contract, or land within an agricultural preserve.*

Findings of Fact, Less Than Significant:

The proposed Project would be constructed on previously disturbed, private land designated by Riverside County Open Space Rural (OS-RUR), Agriculture, and Public Facilities. None

of the lands affected by the proposed Project are under Williamson Act contracts or are a part of a Riverside County Agricultural Preserve. The Project would include land zoned for agricultural uses be converted to non-agricultural uses. However, this would be less than 10 acres and the uses under the proposed Project are allowed as a conditional use in Agricultural zones. These affected lands would be covered by solar panels and therefore relatively undisturbed and available for reversion to agricultural uses at the end of the Project's life. With the issuance of a conditional use permit, the proposed uses would be consistent with zoning and other local policies, including the Riverside County General Plan. Therefore, the Project will not conflict with existing zoning for agricultural use, a Williamson Act contract, or land within an agricultural preserve. **(EIR pp. 3.3-6 to 3.3-7)**.

***Impact:*** *Conflict with existing agricultural uses or preserves*

***Threshold:*** *The Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use.*

Findings of Fact, Less Than Significant:

The proposed Project would not introduce a non-agricultural use that is sensitive to or incompatible with agricultural operations that would occur nearby. The construction and operation of the proposed Project would not cause substantial changes to the existing environment such as changes to air quality, water supply, drainage, shading of adjacent lands, increased heat or other resources. **(EIR pp. 3.3-7 to 3.3-8)**.

***Impact:*** *Development of non-agricultural use*

***Threshold:*** *The Project would not result in an impact due to development of non-agricultural uses within 300 feet of agriculturally zoned property (Ordinance No. 625, "Right-to-Farm").*

Findings of Fact, Less Than Significant:

The proposed Project would cause development of non-agricultural uses within 300 feet of

agriculturally zoned property, but would not create significant impacts due to the location of non-agricultural use in proximity to agricultural use. The construction and operation of the proposed Project would not cause substantial changes to the existing environment such as changes to air quality, water supply, drainage, shading of adjacent lands, increased heat or other resources that could impact adjacent agriculture uses or lands. **(EIR p. 3.3-9)**.

**B. Air Quality**

***Impact:*** *Air Quality Standards*

***Threshold:*** *The proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.*

Findings of Facts, Less Than Significant:

Regional air quality plans anticipate a baseline level of construction activity and some permanent population growth, and air quality attainment planning anticipates growth that includes the construction of some new infrastructure, such as the solar facility. Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality plan. **(EIR p. 3.4-9)**.

***Impact:*** *Point Source Emissions*

***Threshold:*** *The proposed Project would not expose sensitive receptors to substantial point source emissions.*

Findings of Fact, Less Than Significant:

Construction-phase ambient air quality impacts of PM10 and PM2.5 from on-site activities would not cause localized ground level concentrations at the ambient boundary in excess of the SCAQMD thresholds. As a result, construction-phase emissions of PM10 and PM2.5 would not expose sensitive receptors to substantial pollutant concentrations, and the localized impact to ambient air quality would be less than significant. The diesel particulate matter (DPM) concentrations at the nearest sensitive receptors would not result in an excessive incremental cancer risk, because the AQTR shows the potential incremental

cancer risk associated with DPM at the worst-case residential receptor would be 5.0 in 1 million, which is within the SCAQMD threshold of significance of 10 in 1 million cancer cases for the Maximum Incremental Cancer Risk (MICR). As a result, the proposed level of DPM emissions would not expose sensitive receptors to substantial pollutant concentrations. Mandatory dust controls would avoid exposing construction workers and the off-site population to substantial concentrations of dust. Project operational and maintenance activities would minimally disturb on-site soils and would not create a risk of causing Valley Fever fungal spores to become airborne. As such, the impact of potential exposure to Valley Fever would be less than significant. During Project operations and maintenance, emissions would occur in limited quantities from the use of equipment and vehicles for routine maintenance, repair, and inspection. No new stationary sources of emissions would be included with the Project, except one standby or backup generator engine, if required. Mandatory regulatory controls would minimize and avoid impacts from dust emissions and off-road equipment exhaust so that O&M emissions would not result in substantial concentrations of any air pollutants. As a result, O&M would not expose sensitive receptors to substantial concentrations of air pollutants. **(EIR pp. 3.4-15 to 3.4-16)**.

***Impact:*** *Odors*

***Threshold:*** *The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.*

Findings of Facts, Less Than Significant:

The proposed solar facility and gen-tie lines would not include any notable source of odors or other emissions that could adversely affect people, except for very small quantities of coatings that may include odorous organic compounds. Construction odors would be minimal because of the mandatory use of ultra-low sulfur diesel fuel, and odors would not negatively affect a substantial number of people. **(EIR p. 3.4-17)**.

C. **Geology, Soils, and Mineral Resources**

***Impact:*** *Geologic Hazards*

***Threshold:*** *The Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death, involving geologic hazards.*

Findings of Fact, Less Than Significant:

The Project site is not located within an Alquist-Priolo Special Study Zone or a fault zone based on the County of Riverside studies so the risk of a rupture of a known fault at the site and any resulting adverse effects is low. The Project would be required to follow regulatory requirements regarding building the structures and would follow the recommendations of a geotechnical expert. The regulatory requirements put in place prior to final Project design and construction would minimize any potential impacts related to seismic effects. The Geotechnical Report concludes that the potential for liquefaction at the site is considered low. The solar facility site is located within an area with gentle slope and landslide hazard risk is considered low. **(EIR p. 3.7-7).**

***Impact:*** *Geologic Hazards*

***Threshold:*** *The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.*

Findings of Fact, Less Than Significant:

The Project area has a low to moderate risk of becoming unstable and resulting in geologic impacts. Engineering of the Project would take into consideration the results and recommendations provided in the Geotechnical Report including for any seismic concerns, and as noted in the report, a geotechnical engineering firm should review the final design plans and specification to provide comments. Because of the existing regulatory requirements and with implementation of the existing geotechnical recommendations, the impact would be less than significant. **(EIR pp. 3.7-9 to 3.7-10).**

***Impact:*** *Geologic Hazards*

***Threshold:*** *The Project would not be located on expansive soils creating direct or indirect risks to life and property.*

Findings of Fact, Less Than Significant:

Onsite soils are not considered expansive due to their non-plastic nature. The Project would have low direct or indirect risk to life and property due to expansive soils and the impact would be less than significant. **(EIR p. 3.7-10)**.

***Impact:*** *Soil Resources*

***Threshold:*** *The Project would not have soils that are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater or result in grading that affects or negates subsurface sewage disposal systems.*

Findings of Fact, Less Than Significant:

The proposed Project may use one of the homes that currently exists on the solar facility site as an O&M facility or may use an existing homes' septic system to treat domestic wastewater from a new O&M building located within the solar facility site. The existing septic system would have a septic system permit from the Riverside County Department of Environmental Health Services and would be placed in soils capable of adequately supporting the septic system. The grading required for the Project would be relatively minor and consist largely of grubbing and light grading. Construction activities would not adversely affect the ability of soils to adequately support the proposed septic system as demonstrated by the permit requirements. **(EIR p. 3.7-10)**.

***Impact:*** *Mineral Resources*

***Threshold:*** *The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.*

Findings of Fact, Less Than Significant:

The Project site is not delineated as a locally important mineral resource recovery site and it is not used for mineral production or under a claim, lease, or permit for the production of locatable, leasable, or saleable mineral or mineral materials. The site is located within MRZ-4, where there is not enough information available to determine the presence or absence of mineral deposits. Furthermore, use of the site as a solar PV energy facility would not appreciably reduce or restrict the availability of sand and gravel resources from outside the Project area and any potential on-site sand and gravel resources would become available again following decommissioning of the Project. **(EIR p. 3.7-11).**

**D. Greenhouse Gas Emissions**

***Impact:*** *Greenhouse Gas Emissions*

***Threshold:*** *The Project would not generate greenhouse gas emissions that may have a significant impact on the environment.*

Findings of Fact, Less Than Significant:

Construction, operations, and eventual decommissioning activities would cause greenhouse gases (GHG) emissions as a result of fossil-fuel combustion in the engines of construction equipment and the vehicles carrying construction materials and workers to and from the site. Diesel fuel or gasoline is used in mobilizing the heavy-duty construction equipment, site development and preparation, facility construction, and roadway construction, and eventual decommissioning. However, the production of renewable power would displace power produced by carbon-based fuels that would otherwise be used to meet electricity demand. The power displaced is incremental power provided by generators elsewhere on the grid, typically from natural gas power plants. The combined direct and indirect effects of offsetting emissions from conventional power generation sources by implementing the proposed solar energy facility indicates that a net GHG reduction in the region would occur with the proposed Project. **(EIR pp. 3.8-4 to 3.8-6).**

***Impact:*** *Greenhouse Gas Emissions*

***Threshold:*** *The Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.*

Findings of Fact, Less Than Significant:

Electricity from the solar facility would be used to serve the needs of customers and would facilitate compliance with the renewable portfolio standards (RPS), as set forth by Senate Bill (SB) 350 and SB 100. The GHG emissions avoided by producing electricity would be consistent with and would not conflict with the California's GHG emissions reduction targets, as set forth by Assembly Bill (AB) 32, SB 32, and the Climate Change Scoping Plan. Overall, the electricity produced by the Project would contribute to the continued reduction of GHG emissions in California's power supply. As the total GHG emissions generated by construction and operation of the proposed Project would be considerably less than the GHG emissions avoided, the solar facility would lead to a net reduction in GHG emissions across the State's electricity system, which would contribute to meeting the State's GHG reduction goals under AB 32 and subsequent targets for 2030 and beyond. The proposed Project would not conflict with any applicable GHG management plan, policy, or regulation. **(EIR pp. 3.8-6 and 3.8-7).**

## E. Hazards and Hazardous Materials

***Impact:*** *Aviation Hazards*

***Threshold:*** *The Project is not located within 2 miles of a public use airport and would result in a safety hazard or excessive noise for people residing or working in the Project area.*

Findings of Fact, Less Than Significant:

About half of the proposed Project's PV panel structures (i.e., Parcel Groups B, C, D, and E) would be located within 5,000 feet of Desert Center Airport, which is considered Compatibility Zone E for an airport within the Riverside County Airport Land Use Compatibility Plan (RCALUCP). Compatibility Zone E is defined as the area wherein 10 to 15 percent of near-airport accidents occur and where concern for risks applies to uses for

which potential consequences are severe (e.g. very-high-intensity activities in a confined area). For uses in Compatibility Zone E, Riverside County Airport Land Use Commission review is required for objects greater than 100 feet tall. Because the Desert Center Airport is no longer part of the General Plan and does not have an influence area this review is not required. A glare study was completed to determine if glare would be visible from the landing approach of the runway used at the Desert Center Airport. According to the model results, no flight path receptors would be impacted by glare from the solar panels. The noise analysis includes mitigation measures to ensure the noise from construction and operation of the Project is below County applicable standards. The Project would not result in excessive noise for people residing or working in the Project area. **(EIR pp. 3.9-12 and 3.9-13).**

***Impact:*** *Emergency Response*

***Threshold:*** *The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*

Findings of Fact, Less Than Significant:

Construction of the solar facility is not expected to require any temporary lane closures that could restrict the movements of emergency vehicles. The Project site would have controlled access points for ingress and egress into the parcel groups. These access points would allow for emergency vehicle access into and through the site. Once constructed, maintenance activities would occur as needed at the solar facility but are not expected to require any temporary travel lane closures that could restrict emergency vehicle movements. **(EIR p. 3.9-14).**

**F. Noise**

***Impact:*** *Vibration*

***Threshold:*** *The Project would not result in excessive groundborne vibration or groundborne noise levels.*

Findings of Fact, Less Than Significant:

Residential structures near the Project boundaries could be near enough to pile driving activity to experience potentially annoying levels of construction vibration. This impact would be limited to the duration of installing PV panel structural posts, if necessary, in the immediate vicinity of the residences. Other routine construction would be sufficiently far from the nearest residences to avoid causing a vibration annoyance. Project-related vibrations would not cause adverse physical effects to structures because no structures susceptible to damage are known to be nearby. When vibration levels are low enough to avoid causing an annoyance, they would be unlikely to cause structural damage. Impacts from vibration would be localized and temporary (i.e., infrequently recurring during the limited duration of construction near residences), and therefore, would not be excessive, resulting in a less than significant impact. **(EIR pp. 3.129-15 and 3.12-16).**

**G. Population and Housing**

***Impact:*** *Population Growth*

***Threshold:*** *The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).*

Findings of Fact, Less Than Significant:

During the 30-month construction period of the proposed Project, the on-site workforce is expected to reach peak of approximately 530 individuals with an average construction-related on-site workforce of 320 individuals. The construction workforce would largely be recruited from within Riverside and San Bernardino Counties. Riverside County has the largest concentration of construction workers close to the Project area. It is anticipated that many workers are likely to engage in weekly commuting or otherwise temporarily relocate to the Desert Center region while working at the Project area. There are sufficient vacant housing units within the local communities to support the number of construction workers to the extent that they are not drawn from local communities. During operation of the proposed Project, up to 10 permanent staff could be on the site at any one time for ongoing

facility maintenance and repairs. The permanent staff are not anticipated to increase the local population and vacancy rates within the study area offer ample available housing to operational employees wishing to relocate within the local study area. **(EIR pp. 3.14-3 and 3.14-4)**.

**H. Public Services and Utilities**

***Impact:*** *Public Service Levels*

***Threshold:*** *The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; and/or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public services.*

Findings of Fact, Less Than Significant:

During construction, there is the potential for both small fires and major structural fires. Electrical sparks, combustion of fuel oil, hydraulic fluid, mineral oil, or insulating fluid at substations, or flammable liquids, explosions, and over-heated equipment may cause small fires. However, this would be temporary and the proposed Project would not result in a permanent increase in demand for fire protection services over existing levels during construction. During construction, on-site security would include trained, uniformed, and unarmed personnel whose primary responsibility would be to control ingress and egress of personnel and vehicles, perform fire and security watch during off hours, and perform security badge administration, all of which would minimize the potential need for assistance from the Riverside County Sheriff's Department. The proposed Project would not cause population growth sufficient to generate a need for new or expanded public service facilities, such as schools, parks, or other public facilities. **(EIR pp. 3.15-5 to 3.15-8)**.

***Impact:*** *Utility Service Levels*

***Threshold:*** *The Project would not require or result in the relocation or construction of new*

*or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, which could cause significant environmental effects.*

Findings of Fact, Less Than Significant:

The proposed Project would not cause population growth sufficient to generate a need for new or expanded utilities. Most of the original grades and natural drainage features at the Project area would be maintained and no added storm drainage control would be required. **(EIR pp. 3.15-8 and 3.15-9).**

***Impact:*** *Water Supply*

***Threshold:*** *The Project would not have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.*

Findings of Fact, Less Than Significant:

Water for construction and operations would be obtained from several potential sources, including an on-site or off-site groundwater well or trucked from an offsite water purveyor, all of which would tap into the Chuckwalla Valley Groundwater Basin. The estimated volumes of water use would be nominal in comparison to the estimated Groundwater Basin surplus. Construction and operation along with future foreseeable development water use would not significantly impact water supply availability in the area. **(EIR p. 3.15-9).**

***Impact:*** *Solid Waste*

***Threshold:*** *The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.*

Findings of Fact, Less Than Significant:

Construction materials would be sorted on-site throughout construction and transported to appropriate waste management facilities. Recyclable materials would be separated from non-recyclable items and stored until they could be transported to a designated recycling

facility. All contractors and workers would be educated about waste sorting, appropriate recycling storage areas, and how to reduce landfill waste. Non-hazardous waste generated during Project operations would be limited to office uses associated with the proposed O&M building and include paper, aluminum, food, and plastic and would be managed similarly to during construction with non-hazardous items being recycled where possible or otherwise disposed of at the municipal-county landfills. The Project would comply with applicable federal, State, and local regulations related to solid waste and sufficient capacity is anticipated at the three nearest waste disposal sites. **(EIR p. 3.15-10).**

I. **Recreation**

***Impact:*** *Recreational Facilities*

***Threshold:*** *The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.*

Findings of Fact, Less Than Significant:

The proposed Project would not cause population growth sufficient to generate a need for new or expanded recreational facilities. The visual change at the site could affect visitors seeking experiences in a natural setting. Night lighting for the solar PV project is expected to be minimal, so little detrimental effect to night skies and star gazing would be anticipated. Overall, these impacts could affect users' perception of solitude, naturalness and unconfined recreation. While the Project would result in indirect impacts to recreation, it is not anticipated that the Project would result in a significant change in use of the nearby recreation facilities that would increase the use of other regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The impact would be less than significant. **(EIR pp. 3.16-8 and 3.16-9).**

**BE IT FURTHER RESOLVED** by the Board of Supervisors that the following environmental impacts associated with the EIR No. CEQ180007 are potentially significant unless otherwise indicated, but

each of these impacts will be avoided or substantially lessened to a level of less than significant through existing regulations, Project Design Features, and/or mitigation measures specified in Attachment A (Mitigation Monitoring and Reporting Program) which is incorporated herein by this reference. Accordingly, the County makes the following findings as to each of the following impacts pursuant to State CEQA Guidelines section 15091(a): "Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR."

**A. Aesthetics**

***Impact:*** *Visual Quality*

***Threshold****. Project construction activities and associated industrial character would not cause short-term aesthetic effects resulting from increased visual contrast with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Areas of ground surface disturbance and vegetation removal (characterized by high color, line, and texture contrasts) could remain visible from various vantage points for an extended period after the conclusion of construction activities because revegetation of areas in the desert region where the Project would be located is difficult and generally of limited success. However, the vast majority of the areas of ground disturbance will be occupied by permanent facilities, and since most foreground/middleground views of the disturbed areas would be at similar elevations (at grade), much of the contrast associated with unnatural vegetative patterns and/or lines would be screened from view by intervening vegetation. This longer-term visual contrast could appear prominent from some viewing locations and cause moderate to high levels of visual change. The Project's visible contrast can be reduced to levels that would be less than significant through the implementation of Biological Resources Mitigation Measure BIO-5 (Vegetation Resources Management Plan), Air Quality Mitigation Measure AQ-1 (Fugitive Dust Control Plan), and Mitigation Measure AES-1 (Night Lighting Management Plan). **(EIR pp. 3.3-13 through 3.2-14).**

**Mitigation Measures:**

**MM BIO-5 (Vegetation Resources Management Plan)** [full text provided under Biological Resources]

**MM AQ-1 (Fugitive Dust Control Plan)** [full text provided under Air Quality]

**MM AES-1 Night Lighting Management Plan.** To the extent feasible, consistent with safety and security considerations, the Project owner shall design and install all permanent exterior lighting and all temporary construction lighting such that (a) lamps and reflectors are not visible from beyond the Project site, including any off-site security buffer areas; (b) lighting does not cause excessive reflected glare; (c) direct lighting does not illuminate the nighttime sky, except for required FAA aircraft safety lighting (which should be an on-demand, audio-visual warning system that is triggered by radar technology); (d) illumination of the Project and its immediate area is minimized, and (e) the plan complies with local policies and ordinances.

The Project owner shall also consult with the NPS Night Sky Program Manager in the development of the Night Lighting Management Plan and comply with stricter standards for light intensity. All permanent light sources shall be below 3,500 Kelvin color temperature (warm white) and shall have cutoff angles not to exceed 45 degrees of nadir. The use of LED lighting with a Correlated Color Temperature (CCT) above 2,700 would introduce blue light into the environment that would have negative impacts on the night skies and wildlife of that area. If LED light bulbs are used, they will have a CCT of 2,700 or less. A CCT above 2,700 would increase blue light into the environment that would impact wildlife and visors and increase light pollution. All lights, temporary and permanent, are to be fully shielded such that the emission of light above the horizontal will be prevented. Prior to construction, the Applicant shall submit to Riverside County, BLM and NPS JTNP for review, and for approval by Riverside County, a Night Lighting Management Plan that includes the following:

A. Location and direction of light fixtures shall take the lighting mitigation requirements into account;

B. Lighting design shall consider setbacks of Project features from the site boundary to

aid in satisfying the lighting mitigation requirements;

C. Lighting shall incorporate fixture hoods/shielding, with light directed downward or toward the area to be illuminated;

D. Light fixtures that are visible from beyond the Project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the Project boundary, except where necessary for security;

E. All lighting shall be of minimum necessary brightness consistent with operational safety and security;

F. Lights in high illumination areas not occupied on a continuous basis (such as maintenance platforms) shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied;

G. Specification that LPS or amber LED lighting will be emphasized, and that white lighting (metal halide) would (a) only be used when necessitated by specific work tasks, (b) not be used for dusk-to-dawn lighting, and (c) would be less thaN-3500 Kelvin color temperature;

H. Specification and map of all lamp locations, orientations, and intensities, including security, roadway, and task lighting;

I. Specification of each light fixture and each light shield;

J. Total estimated outdoor lighting footprint expressed as lumens or lumens per acre;

K. Definition of the threshold for substantial contribution to light pollution in JTNP, in coordination with the Night Sky Program Manager (see below);

L. Specifications on the use of portable truck-mounted lighting;

M. Specification of motion sensors and other controls to be used, especially for security lighting;

N. Surface treatment specification that will be employed to minimize glare and skyglow;

O. Results of a Lumen Analysis (based on final lighting plans), in consultation with the NPS Night Sky Program Manager, in order to determine the extent of night lighting

exposures in the surrounding NPS lands. If the lighting exposure on NPS lands exceeds the allowable threshold (which is to be determined in consultation with the NPS Night Sky Program Manager), additional control measures will be instituted to reduce the lighting exposures to levels below the action threshold; and

P. Documentation that the necessary coordination with the NPS Night Sky Program Manager has occurred.

If the County does not respond to submittal of the draft Plan within 60 days, the Project owner may consider this a waiver of the County's authority to comment and the Plan may be considered approved.

***Impact:*** *Visual Quality*

***Threshold:*** *The Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The Project's visible contrast associated with visually discordant structural features and industrial character can be reduced through the implementation of Mitigation Measure AES-2 (Surface Treatment of Project Structures and Buildings), which would ensure that the color of structures and buildings minimize visual intrusion and contrast by blending with the existing landscape colors. Mitigation Measure AES-3 (Project Design) would help to reduce this impact by minimizing the visual contrast associated with structure visibility and land disturbance. Mitigation Measure AES-4 (Retention of Roadside Vegetation) would also help to reduce this impact by retaining the visual screening provided by the SR-177 roadside vegetation, thereby limiting the visibility of the Project features. **(EIR pp. 3.2-15 to 3.2-27).**

**Mitigation Measures:**

**MM AES-2 Surface Treatment of Project Structures and Buildings**. To the extent commercially feasible, the Project owner shall treat the surfaces of all non-temporary large Project structures and buildings (O&M building, inverters, electrical enclosures, gen-tie

poles and conductors) visible to the public such that (a) their colors minimize visual intrusion and contrast by blending with (matching) the existing characteristic landscape colors; (b) their colors and finishes do not create excessive glare; and (c) their colors and finishes are consistent with local policies and ordinances. The transmission line conductors shall be non-specular and non-reflective, and the insulators shall be non-reflective and non-refractive. Following consultation with the Riverside County Visual Resources specialist (for solar and gen-tie facilities on non-BLM lands) and the BLM Visual Resources specialist (for gen-tie facilities on BLM lands) and other representatives as deemed necessary, the Project owner shall submit for the County's (for solar and gen-tie facilities on non-BLM lands) and BLM's (for gen-tie facilities on BLM lands) review and approval, a specific Surface Treatment Plan that will satisfy these requirements. The consultation would be in-field at the agencies' election, or desktop review if preferred by the agencies. The treatment plan shall include:

A. A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finishes based on the characteristic landscape. Colors will be fielded tested using the actual distances from the KOPs to the proposed structures, using the proposed colors painted on representative surfaces;

B. A list of each major Project structure, building, tank, pipe, and wall; the transmission line towers and/or poles; and fencing, specifying the color(s) and finish proposed for each. Colors must be identified by vendor, name, and pantone number; or according to a universal designation system;

C. One set of color brochures or color chips showing each proposed color and finish;

D. A specific schedule for completion of the treatment; and

E. A procedure to ensure proper treatment maintenance for the life of the Project. The Project owner shall not specify to the vendors the treatment of any buildings or structures treated during manufacture or perform the final treatment on any buildings or structures treated in the field, until the Project owner receives notification of approval of the treatment plan by Riverside County and the BLM (gen-tie only). Subsequent modifications to the treatment plan are prohibited without the County's

and BLM's approval for components under their respective authorities; however, the project owner may consider the agencies' failure to respond to a request for review within 60 days an acceptance of the proposal.

**MM AES-3 Project Design**. To the extent possible, the Project owner will use proper design fundamentals to reduce the visual contrast to the characteristic landscape. These include proper siting and location; reduction of visibility; repetition of form, line, color and texture of the landscape; and reduction of unnecessary disturbance. Design strategies to address these fundamentals will be based on the following factors:

1. *Vegetation Manipulation*: Retain as much of the existing vegetation as possible. Use existing vegetation to screen the development from public viewing. Use scalloped, irregular cleared edges to reduce line contrast. Use irregular clearing shapes to reduce form contrast. Feather and thin the edges of cleared areas and retain a representative mix of plant species and sizes.
2. *Structures*: Minimize the number of structures and combine different activities in one structure. Use natural, self-weathering materials and chemical treatments on surfaces to reduce color contrast. Bury all or part of structures to the extent practical. Use natural appearing forms to complement the characteristic landscape. Screen the structure from view by using natural land forms and vegetation. Reduce the line contrast created by straight edges.
3. *Linear Alignments*: Use existing topography to hide induced changes associated with roads, lines, and other linear features. Select alignments that follow landscape contours. Avoid fall-line cuts. Hug vegetation lines.
4. *Reclamation and Restoration*: Reduce the amount of disturbed area and blend the disturbed areas into the characteristic landscape. Where feasible, replace soil, brush, rocks, and natural debris over disturbed area. Newly introduced plant species should be of a form, color, and texture that blends with the landscape.

**MM AES-4 Retention of Roadside Vegetation**. Retain SR-177 roadside vegetation along both directions of travel. Specifically, maintain a minimum 50 foot natural vegetation

buffer as measured from the outer edge of the road shoulder along both northbound and southbound lanes for the purpose of providing visual screening of Project facilities and reducing visible contrast.

***Impact:*** *Light and Glare*

***Threshold:*** *The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Because permanent lighting would not be required for the arrays of photovoltaic panels, operational lighting would be confined to a small portion of the Project site that contains O&M facilities and the switchyard and is unlikely to be totally out of character with other existing lighting sources found scattered throughout the Chuckwalla Valley. Further, Mitigation Measure AES-1 (Night Lighting Management Plan) includes standards that light intensity must be the minimum necessary to ensure worker safety and facility security, that direct lighting not illuminate the nighttime sky, and that Project night lighting does not adversely affect the dark sky viewing program at JTNP because it requires review and approval of the Project Lighting Mitigation Plan prepared under Mitigation Measure AES-1 by the NPS Night Sky Program Manager. This review would ensure that the Project meets the stricter night lighting specifications of the NPS Night Sky Viewing Program and that lighting exposure levels (based on a Lumen Analysis) do not exceed the action threshold for NPS lands nor adversely affect JTNP's Night Sky Viewing Program. **(EIR pp. 3.2-27 and 3.2-28)**.

Given the relatively limited potential for occurrence and duration of daytime glare from solar panels, the likely low level of visual change would be low. The Project's visible contrast associated with daytime structural glare can be reduced through the implementation of Aesthetics Mitigation Measure AES-2 (Surface Treatment of Project Structures and Buildings), which would require the treatment of structure surfaces to prevent excessive

glare and the use of non-specular and non-reflective transmission line conductors and non-reflective and non-refractive transmission line insulators. Mitigation Measure AES-4 (Retention of Roadside Vegetation) would also help to reduce the visible contrast associated with daytime structural glare because the retention of the roadside vegetation (along SR-177) would limit the visibility of Project features, and thus, the associated structural glare. **(EIR pp. 3.2-28 and 3.2-29).**

**Mitigation Measures:**

**MM AES-1 (Night Lighting Management Plan)**

**MM AES-2 (Surface Treatment of Project Structures and Buildings)**

**MM AES-4 (Retention of Roadside Vegetation)**

***Impact:*** *Visual Quality*

***Threshold:*** *The Project would not result in the creation of an aesthetically offensive site open to public view with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Construction of the Project would cause temporary visual impacts due to the presence of equipment, materials, and workers. Construction would also cause ground disturbance and loss of vegetation, though much of these disturbed areas would ultimately be occupied by Project facilities. Ground disturbance and grading would also result in temporary fugitive dust emissions, and temporary night lighting may also be required during the construction period. These short-term impacts would occur throughout the Project sites and along the gen-tie right-of-way over the course of construction. All of these temporary impacts could cause the Project sites to appear aesthetically offensive when viewed from public vantage points. However, Mitigation Measures BIO-5 (Vegetation Resources Management Plan), AQ-1 (Fugitive Dust Control Plan), AES-1 (Night Lighting Management Plan), and AES-4 (Retention of Roadside Vegetation) would reduce the severity of the short-term construction-related visual impacts. **(EIR p. 3.2-29).**

Operation of the Project would cause a change in the existing visual character of the site

from a predominantly natural desert setting to that of a solar energy facility with considerable industrial character. Also, the use of facility night lighting would be visible from nearby public vantage points. Both of these long-term impacts could cause the Project sites to appear aesthetically offensive to the public. Although Mitigation Measures AES-1 (Night Lighting Management Plan), AES-2 (Surface Treatment of Project Structures and Buildings), AES-3 (Project Design), and AES-4 (Retention of Roadside Vegetation) would reduce the severity of the long-term operation-related visible contrast associated with the change in visual character. These impacts would be less than significant, with the exception of the area along SR-177 that is located in the immediate vicinity of the gen-tie span of SR-177 and immediately adjacent to Parcel Group C (which would be significant even with implementation of mitigation). **(EIR p. 3.2-30).**

**Mitigation Measures:**

**MM BIO-5 (Vegetation Resources Management Plan)**

**MM AQ-1 (Fugitive Dust Control Plan)**

**MM AES-1 (Night Lighting Management Plan)**

**MM AES-2 (Surface Treatment of Project Structures and Buildings)**

**MM AES-3 (Project Design)**

**MM AES-4 (Retention of Roadside Vegetation)**

***Impact:*** *Light and Glare*

***Threshold:*** *The Project would not expose residential property to unacceptable light levels with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Construction and operation of the Project would use minimal lighting and would be designed to provide the minimum illumination needed to achieve safety and security objectives. All construction lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light spillage onto adjacent property. Lenses and bulbs shall not extend below the shields. Also, the types of equipment used, and activities required for

decommissioning would be similar to those of construction; therefore, night lighting impacts from decommissioning of the Project would be similar to those of construction. The resulting night lighting impacts would be adverse but less than significant. With effective implementation of Mitigation Measure AES-1 (Night Lighting Management Plan), the night lighting impacts would be further reduced, and the Project would not expose residential properties to unacceptable light levels. **(EIR p. 3.2-31)**

**Mitigation Measures:**

**MM AES-1 (Night Lighting Management Plan)**

***Impact:*** *Policy Consistency*

***Threshold:*** *The Project would not result in an inconsistency with regulatory plans, policies, and standards applicable to the protection of aesthetic with implementation of mitigation measures. .*

Findings of Fact, Less Than Significant with Mitigation Measures:

The Project's visible contrast associated with night lighting during construction and operation would be reduced with the implementation of Mitigation Measure AES-1 (Night Lighting Management Plan), which would include the use of downward-directed, fully shielded lights that would prevent the emission of light above the horizontal. AES-1 would also require measures to prevent the visibility of lamps and reflectors from beyond the Project site, eliminate excessive reflective glare, prevent illumination of the nighttime sky, and minimize the illumination of the Project and its immediate area. The Project's visible contrast associated with daytime structural glare would be reduced with the implementation of Mitigation Measure AES-2 (Surface Treatment of Project Structures and Buildings), which would require the treatment of structure surfaces to prevent excessive glare, use of non-specular and non-reflective transmission line conductors, and use of non-reflective and non-refractive transmission line insulators. Mitigation Measure AES-4 (Retention of Roadside Vegetation) would require the retention of the visual screening provided by the SR-177 roadside vegetation, thereby limiting the visibility of the Project features and

associated glare and night lighting. **(EIR pp. 3.2-31 to 3.2-35)**

**Mitigation Measures:**

**MM AES-1 (Night Lighting Management Plan)**

**MM AES-2 (Surface Treatment of Project Structures and Buildings)**

**MM AES-4 (Retention of Roadside Vegetation)**

***Impact:*** *Visual Quality*

***Threshold:*** *Project decommissioning activities and associated industrial character would not cause short-term and/or and long-term aesthetic effects resulting from increased visual contrast with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

After the end of the solar facility's useful life, it would require decommissioning with the intent of returning the Project sites to pre-project conditions. However, as of the date of this visual analysis, no Decommissioning Plan has been approved. Short-term, deconstruction activities would result in visual impacts similar to construction with the visible intrusion of equipment, materials, deconstruction activities, and increased road traffic. The reader is referred to the discussion of construction impacts above. Longer-term, the complete removal of the facility would leave a very prominent visual effect over the sites due to the strong color and line contrast created between graded, disturbed soil areas and undisturbed soil and vegetated areas absent such unnatural lines of demarcation and color contrasts. In addition, revegetation in this desert region is difficult and generally of limited success. Therefore, visual recovery from land disturbance associated with closure and decommissioning activities would likely occur only over a long period of time. **(EIR p. 3.2-35).**

**Mitigation Measures:**

**MM BIO-5 (Vegetation Resources Management Plan)**

**MM AQ-1 (Fugitive Dust Control Plan)**

**MM AES-1 (Night Lighting Management Plan)**

**B. Air Quality**

***Impact:*** *Emission Compliance*

***Threshold:*** *The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Construction-phase maximum daily emissions would be above the SCAQMD regional thresholds of significance for NOx, PM10, and PM2.5 if no Project-specific mitigation measures are implemented. Because construction emissions without mitigation would be below the thresholds for CO and SO2, the proposed Project would not be likely to violate any air quality standard or contribute substantially to an existing or projected air quality violation for these pollutants. Concurrent construction of other projects in close proximity to the proposed site could result in increased local air quality impacts for the limited duration of simultaneous construction activities. Construction-phase emissions from each specific Project site would vary, but would occur within an air basin that is a state nonattainment area for ozone and PM10. The effects of the cumulative projects would combine with the short-term construction emissions from the proposed Project and would contribute to violations of the state ambient air quality standards for ozone and PM10, resulting in a cumulative impact. Taking together the effects of implementing Mitigation Measures AQ-1 (Fugitive Dust Control Plan), AQ-2 (Control On-Site Off-Road Equipment Emissions), AQ-3 (Require Newer Vehicles for On-Road Vendor and Hauling Trucks), and AQ-4 (Construction Activity Management Plan) would avoid creating a cumulatively considerable net emissions increase of construction-related NOx, PM10, and PM2.5. Additionally, after considering the feasible mitigation, the Project-related NOx emissions levels as an ozone precursor pollutant would not contribute substantially to existing violations of the California ambient air quality standard for ozone, and this impact during construction would be less than significant. (**EIR pp. 3.4-10 to 3.4-13**).

Emissions during O&M would be minor and would not exceed the SCAQMD thresholds.

With minimal direct emissions during operation, operation of the Project would not result in a cumulatively considerable net increase of any criteria pollutant, and this impact of air pollutant emissions during Project operations would be less than significant. **(EIR p. 3.4-13)**.

**Mitigation Measures:**

**MM AQ-1 Fugitive Dust Control Plan**. The Project owner would prepare and implement a Fugitive Dust Control Plan to address fugitive dust emissions during Project construction, operation, maintenance, and decommissioning. The plan would include measures to minimize fugitive dust emissions from development of laydown and staging areas, site grading, vegetation management, and installing all Project facilities through post-construction cleanup. The Project owner would take every reasonable precaution to prevent all airborne fugitive dust plumes from leaving the Project site and to prevent visible particulate matter from being deposited upon public roadways. The plan would be subject to review and approval by the SCAQMD (Rule 403).

The following measures would be included within the plan:

A. During construction, all unpaved roads, disturbed areas (e.g., areas of scraping, excavation, backfilling, grading, and compacting), and loose materials generated during construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent or watered two times daily or as frequently as necessary to minimize fugitive dust generation. Non-water-based soil stabilizers shall be as efficient as or more efficient for fugitive dust control than ARB-approved soil stabilizers and shall not increase any other environmental impacts, including loss of vegetation, adverse odors, or emissions of ozone precursor reactive organic gases (ROG) or volatile organic compounds (VOC).

B. The main access roads through the site shall be either paved or stabilized using soil binders, or equivalent methods, to provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to initiating

construction. Delivery, laydown, and staging areas for construction or O&M supplies shall be paved or treated prior to taking initial deliveries.

C. Grading and earthwork activities, including vegetation removal, cut and fill movement, and soil compacting, shall be phased across the site to minimize the amount of exposed or disturbed area on any single day.

D. No vehicle shall exceed 15 miles per hour on unpaved areas within the construction site, with the exception that vehicles may travel up to 25 miles per hour on stabilized unpaved roads as long as such speeds do not create visible dust emissions.

E. Visible speed limit signs shall be posted at the construction site entrances.

F. All construction equipment vehicle tires shall be inspected and washed as necessary to be cleaned free of dirt prior to entering paved roadways.

G. All unpaved exits from the construction site shall be graveled or treated to prevent track-out onto public roadways.

H. All paved roads within the construction site shall be swept daily or as needed (less during periods of precipitation) on days when construction activity occurs to prevent the accumulation of dirt and debris.

I. At least the first 500 feet of any paved public roadway exiting the construction site or exiting other unpaved roads to access the construction site or staging areas shall be swept as needed when dirt or runoff resulting from the construction activities is visible on the paved public roadway.

**MM AQ-2 Control On-Site Off-Road Equipment Emissions**. The Project owner, when entering into construction contracts or when procuring off-road equipment or vehicles for on-site construction or O&M activities, shall ensure that only new model year equipment or vehicles are obtained. The following measures would be included with contract or procurement specifications:

- All construction diesel engines not registered under California Air Resources Board's Statewide Portable Equipment Registration Program, with a rating of 50 hp or higher shall meet the Tier 4 California Emission Standards for Off-Road

Compression-Ignition Engines, as specified in California Code of Regulations, Title 13, section 2423(b)(1), unless a good faith effort demonstrates that such engine is not available for a particular item of equipment. In the event that a Tier 4 engine is not available for any off-road equipment larger than 100 hp, a Tier 3 engine shall be used or that equipment shall be equipped with retrofit controls to reduce exhaust emissions of nitrogen oxides (NOx) and diesel particulate matter (DPM) to no more than Tier 3 levels unless certified by the engine manufacturers that the use of such devices is not practical for specific engine types.

- All diesel-fueled engines used in the construction of the facility shall have clearly visible tags showing that the engine meets the standards of this measure.
- All equipment and trucks used in the construction or O&M of the facility shall be properly maintained and the engines tuned to the engine manufacturer's specifications.
- All diesel heavy construction equipment shall not idle for more than five minutes. Vehicles that need to idle as part of their normal operation (such as concrete trucks) are exempted from this requirement.

**MM AQ-3 Require Newer Vehicles for On-Road Vendor and Hauling Trucks.** The Project owner, when entering into construction contracts or when selecting vendors, shall specify that vendors and haulers use model year 2010 and newer diesel haul trucks (e.g., for material delivery trucks, water trucks, and other hauling trucks). If 2010 model year or newer diesel trucks cannot be obtained, the Project owner shall specify that vendors and haulers use trucks that meet EPA 2007 model year NOx emissions control requirements.

**MM AQ-4 Construction Activity Management Plan**. The Project owner shall prepare and implement a construction activity or phasing plan that requires construction contractors to schedule the overlapping activities of on-road motor vehicles and off-road equipment to avoid excessive daily emissions. The activity management plan shall reflect the ultimate design of the solar facility and gen-tie line development timing, and shall reflect the anticipated make-up of the construction equipment fleet and workforce. The plan would need

to reflect dust control practices (Mitigation Measure AQ-1), off-road equipment engine standards (Mitigation Measure AQ-2), and use of newer vehicles for vendor and hauling trucks (Mitigation Measure AQ-3). The plan shall be submitted to the County and accepted by the County prior to the County issuing final permits.

**C. Biological Resources**

***Impact:*** *Habitat and Species*

***Threshold:*** *The Project would not cause substantial adverse effect, either directly or through habitat modifications, to rare, threatened, endangered, or other special-status species; substantially reduce the number or restrict the range of an endangered, rare, or threatened species with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Impacts to natural habitat would be minimized by Mitigation Measures BIO-1 through BIO-6, listed below. Mitigation Measure BIO-1 (Biological Monitoring) would require monitoring and reporting to ensure compliance with all biological resource measures, including avoidance and minimization of habitat impacts. BIO-2 (Worker Environmental Awareness Training) would require training of on-site workers to require avoidance of and minimization of impacts to special-status species and their habitat. BIO-3 Minimization of Vegetation and Habitat Impacts) would require clear demarcation of work areas and limitation of activities within those areas, to minimize adverse effects to habitat. BIO-4 (Integrated Weed Management Plan) would require an Integrated Weed Management Plan (IWMP) to prevent introductions or infestations of invasive weeds, and control or eradicate any infestations that may occur. BIO-5 (Vegetation Resources Management Plan) would require revegetation of temporarily disturbed areas to minimize dust and erosion, to minimize their effects to habitat. BIO-6 (Compensation for Natural Habitat Impacts) would require permanent protection of off-site natural habitat to offset the Project's impacts to natural habitats on the Project site. Together, this series of mitigation measures would minimize adverse impacts to native vegetation and offset the permanent loss through off-site

habitat compensation.

Emory's crucifixion thorn occurs at two locations within Parcel Group D. There are several other occurrences in the surrounding area, including occurrences that may be affected by other projects. Without mitigation, the Project's impacts to Emory's crucifixion thorn could be locally significant. Mitigation Measure BIO-7 (Emory's Crucifixion Thorn Mitigation) would mitigate this potential impact by either avoiding the plants or horticultural propagation and off-site introduction. Because salvage appears to be a feasible mitigation strategy for Emory's crucifixion thorn and has been implemented for a nearby project, the measure includes the possibility of contracting a qualified institution to translocate them off site.

Most of the solar facility site is marginally suitable as desert tortoise habitat. The Applicant may seek this authorization or may opt to avoid any potential desert tortoise take as specified in Mitigation Measures BIO-8 (Wildlife Protection) and BIO-9 (Desert Tortoise Protection). If incidental take authorization is obtained, then desert tortoises may be handled or translocated according to a Wildlife Relocation Plan, to be prepared as specified in APM B-1 (Wildlife Relocation).

Mitigation Measures BIO-8 (Wildlife Protection) and BIO-10 (Desert Kit Fox and American Badger Relocation) would prevent or minimize potential injury to desert kit fox and American badger.

Mitigation Measure BIO-11 (Wildlife Water Source) would offset potential impacts to burro deer from the loss of an irrigation water source through access improvement to existing sources, removal of invasive tamarisk (or saltcedar) to improve surface flow or provide an alternative water source as a replacement or supplement to existing sources.

Mitigation Measure BIO-12 (Bird and Bat Conservation Strategy) would minimize potential effects to nesting birds by identifying and avoiding active nests. Together these measures would effectively minimize adverse impacts to native birds. Mitigation Measure BIO-13 (Burrowing Owl Avoidance and Relocation) would prevent or minimize potential injury to burrowing owl by identifying occupied burrows and safely excluding the owls through

passive relocation. This measure is expected to effectively avoid take of burrowing owls by excluding them from the Project area or if active nests are present, by avoiding disturbance in surrounding buffer areas. Mitigation Measure BIO-14 (Gen-tie lines) would require design and construction of the gen-tie lines to avoid potential for electrocution and minimize potential for roosting on the structures or colliding with them. These measures would effectively minimize or mitigate adverse effects of collision or electrocution to the extent feasible. **(EIR pp. 3.5-19 to 3.5-29).**

**Mitigation Measures:**

**MM BIO-1 Biological Monitoring**. The Applicant will assign a Lead Biologist as the primary point of contact for the lead and resource agencies regarding biological resources mitigation and compliance. For desert tortoise protection measures (BIO-9, below), the Lead Biologist will serve as the Field Contact Representative (FCR). The Applicant will provide the resume of the proposed Lead Biologist to the County (as appropriate) for concurrence prior to onset of ground-disturbing activities. The Lead Biologist will have demonstrated expertise with the biological resources within the Project area. The Lead Biologist duties will vary during the construction, O&M, and decommissioning phases. In general, the duties will include, but will not be limited to those listed below:

A. Regular, direct communication with representatives of Riverside County, and other agencies, as appropriate.

B. Train and supervise additional Biological Monitors to ensure that all biological monitoring activities are completed properly and according to schedules. Monitoring will include inspections of any area or activity that may impact biological resources to ensure compliance with all mitigation measures for biological resources.

C. Conduct or oversee Worker Environmental Awareness Program (WEAP) training (Mitigation Measure BIO-2).

D. Conduct or oversee clearance surveys and monitoring duties as defined in all adopted mitigation measures.

E. Halt any activities in any area if it is determined that the activity, if continued, would

cause an unauthorized adverse impact to biological resources.

F. Clearly mark sensitive biological resource areas during construction, O&M, and decommissioning, and inspect these areas at appropriate intervals for compliance with regulatory terms and conditions.

G. Conduct or oversee bi-weekly compliance inspections during ground disturbing construction activities. Inspections will include delineating limits of disturbance, fence construction activities, pre-construction clearance surveys; and initial clearing, grubbing, and grading.

H. Inspect or oversee daily inspection of active construction or O&M activity areas where animals may have become trapped. At the end of each work day, either inspect installation of structures that prevent entrapment or allow escape during periods of construction inactivity. Periodically inspect areas with high vehicle activity (e.g., parking lots) for animals in harm's way and relocate them if necessary.

I. During the operations phase of the Project, conduct quarterly compliance inspections (fencing condition, trash management, wildlife mortality logs, etc.); conduct weed monitoring and control (according to the Integrated Weed Management Plan).

J. Immediately notify the Applicant, County, and resource agencies (as applicable) in writing of dead or injured special-status species, or of any non-compliance with biological mitigation measures or permit conditions.

K. During construction, provide weekly verbal or written updates to Riverside County, and, for any information pertinent to state or federal permits, to the BLM or resource agencies.

L. During construction and O&M, prepare and submit monthly and annual compliance reports, respectively.

**MM BIO-2 Worker Environmental Awareness Training**. The Lead Biologist will prepare and implement a Worker Environmental Awareness Program (WEAP). The Applicant will be responsible for ensuring that all workers at the site receive WEAP training prior to beginning work on the Project and throughout construction and operations. The

WEAP will be available in English and Spanish. The Applicant will submit the WEAP to Riverside County for approval prior to implementation. If the County does not respond to submittal of the draft Plan within 60 days, the Project owner may consider this a waiver of the County's authority to comment and the Plan may be considered approved. The WEAP will:

- Be developed by or in consultation with the Designated Biologist and consist of an on-site or training center presentation with supporting written material and electronic media, including photographs of protected species, available to all participants.
- Provide an explanation of the function of flagging that designates authorized work areas; specify the prohibition of soil disturbance or vehicle travel outside designated areas.
- Discuss general safety protocols such as vehicle speed limits, hazardous substance spill prevention and containment measures, and fire prevention and protection measures.
- Review mitigation and biological permit requirements.
- Explain the sensitivity of the vegetation and habitat within and adjacent to work areas, and proper identification of these resources.
- Discuss the federal and State Endangered Species Acts, Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act and the consequences of non-compliance with these acts.
- Discuss the locations and types of sensitive biological resources on the Project site and adjacent areas and explain the reasons for protecting these resources.
- Inform participants that no snakes, other reptiles, birds, bats, or any other wildlife will be harmed or harassed.
- Place special emphasis on species that may occur on the Project site and/or gen-tie lines, including special-status plants, desert tortoise, Mojave fringe-toed lizard, burrowing owl, golden eagle, nesting birds, desert kit fox, American badger, and burro deer.

- Specify guidelines for avoiding rattlesnakes and reporting rattlesnake observations to ensure worker safety and avoid killing or injuring rattlesnakes. Wherever feasible, rattlesnakes should be safely removed from the work area using appropriate snake handling equipment, including a secure storage container for transport.
- Describe workers' responsibilities for avoiding the introduction of invasive weeds onto the Project site and surrounding areas, describe the Integrated Weed Management Plan.
- Provide contact information for the Lead Biologist and instructions for notification of any vehicle-wildlife collisions or dead or injured wildlife species encountered during Project-related activities;
- Include a training acknowledgment form to be signed by each worker indicating that they received training and will abide by the guidelines.

**MM BIO-3 Minimization of Vegetation and Habitat Impacts**. Prior to ground-disturbing activities, work areas (including, but not limited to, staging areas, access roads, and sites for temporary placement of construction materials and spoils) will be delineated with construction fencing (e.g., the common orange vinyl material) or staking to clearly identify the limits of work and will be verified by the Lead Biologist. No paint or permanent discoloring agents shall be applied to rocks or vegetation (to indicate surveyor construction activity limits or for any other purpose). Fencing/staking will remain in place for the duration of construction. Spoils will be stockpiled in disturbed areas. All disturbances, vehicles, and equipment will be confined to the fenced/flagged areas.

When feasible, construction activities will minimize soil and vegetation disturbance to minimize impacts to soil and root systems. Upon completion of construction activities in any given area, all unused materials, equipment, staking and flagging, and refuse shall be removed and properly disposed of, including wrapping material, cables, cords, wire, boxes, rope, broken equipment parts, twine, strapping, buckets, and metal or plastic containers. Any unused or leftover hazardous products shall be properly disposed of offsite.

Hazardous materials will be handled and spills or leaks will be promptly corrected and

cleaned up according to applicable requirements. Vehicles will be properly maintained to prevent spills or leaks. Hazardous materials, including motor oil, fuel, antifreeze, hydraulic fluid, grease, will not be allowed to enter drainage channels.

**MM BIO-4 Integrated Weed Management Plan**. The Applicant will prepare and implement an Integrated Weed Management Plan (IWMP) to minimize or prevent invasive weeds from infesting the site or spreading into surrounding habitat. Riverside County and the BLM (for gen-tie segments on BLM lands) must approve the plan. If the County does not respond to submittal of the draft IWMP within 60 days, the Project owner may consider this a waiver of the County's authority to comment and the Plan may be considered approved. The IWMP will identify weed species occurring or potentially occurring in the Project area, means to prevent their introduction or spread (e.g., vehicle cleaning and inspections), monitoring methods to identify infestations, and timely implementation of manual or chemical (as appropriate) suppression and containment measures to control or eradicate invasive weeds. The IWMP will identify herbicides that may be used for control or eradication, and avoid herbicide use in or around any environmentally sensitive areas. The IWMP will also include a reporting schedule, to be implemented by the Lead Biologist.

**MM BIO-5 Vegetation Resources Management Plan**. The Applicant will prepare and implement a Vegetation Resources Management Plan, to be reviewed and approved by Riverside County. If the County does not respond to submittal of the draft Plan within 60 days, the Project owner may consider this a waiver of the County's authority to comment and the Plan may be considered approved. The goal will be to prevent further degradation of areas that may be temporarily disturbed by Project activities, but not to restore pre-disturbance habitat values (those impacts are mitigated through off-site compensation). The Vegetation Resources Management Plan will detail the methods to revegetate temporarily impacted sites; salvage cacti from the Project footprint; and long-term vegetation management within the solar facility during its operations.

- *Revegetation of temporarily impacted sites*. The Plan will specify methods to prevent or minimize further site degradation; stabilize soils; maximize the likelihood of

vegetation recovery over time (for areas supporting native vegetation); and minimize soil erosion, dust generation, and weed invasions. The nature of revegetation will differ according to each site, its pre-disturbance condition, and the nature of the construction disturbance (e.g., drive and crush, vs. blading). The Plan will include: (a) soil preparation measures, including locations of recontouring, decompacting, imprinting, or other treatments; (b) details for topsoil storage, as applicable; (c) plant material collection and acquisition guidelines, including guidelines for salvaging, storing, and handling plants from the Project site, as well as obtaining replacement plants from outside the Project area (plant materials will be limited to locally occurring native species from local sources); (d) a plan drawing or schematic depicting the temporary disturbance areas (drawing of "typical" gen-tie structure sites will be appropriate); (e) time of year that the planting or seeding will occur and the methodology of the planting; (f) a description of the irrigation, if used; (g) success criteria; and (h) a monitoring program to measure the success criteria, commensurate with the Plan's goals, (i) contingency measures for failed revegetation efforts not meeting success criteria. For temporary disturbance on BLM lands, any specific BLM requirements would supersede this measure.

- *Cactus Salvage*. In conformance with BLM policy, the Applicant will include salvaged or nursery stock yuccas (all species), and cacti (excluding cholla species, genus Cylindropuntia), in revegetation plans and implementation affecting BLM lands. The Plan will include methods to salvage and replant cacti and yucca, species found on the site; season for salvaging the plants; methods for salvage, storage, and re-planting them; locations for re-planting; and appropriate monitoring and success criteria for the salvage work.
- *Operations Phase On-Site Vegetation Management*: The Plan will include methods and scheduling for on-site vegetation management throughout the operations phase, describing mowing or other vegetation treatments to be implemented, disposal of mown material, and incorporating all applicable components of the Integrated Weed

Management Plan, including any proposed herbicide usage.

**MM BIO-6 Compensation for Natural Habitat Impacts on County-administered Land.** The Applicant will acquire and protect, in perpetuity, compensation habitat to offset loss of natural habitat on County-administered lands on the Project site. No compensation would be required for impacts to anthropogenic land use or recovering areas. The acreages and ratios will be based upon final calculation of impacted acreage and thus would be less for the Reduced Project Alternative than the proposed Project. Acreages will be adjusted as appropriate for other alternatives or future modifications during implementation. To the extent that Sonoran creosote bush scrub may substantially recover from drive and crush site preparation, total impact acreage will be reduced.

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

- Desert dry wash woodland: 3:1
- Sonoran creosote bush scrub: 0.5:1

Criteria for the acquisition, initial protection and habitat improvement, and long-term maintenance and management of compensation lands will include all the following: Provide habitat value that is comparable to the habitat impacted, taking into consideration soils, vegetation, topography, human-related disturbance, invasive species, wildlife movement opportunity, proximity to other protected lands, management feasibility, and other habitat values. The primary focus area for acquiring parcels to maintain/improve connectivity will be along the I-10 corridor between Desert Center and Cactus City with a priority on parcels that connect conserved lands on either side of the I-10 through large culverts or bridges. Mitigation may be "nested" or "layered," to the extent that it meets habitat requirements for multiple species that will or may be impacted by the Project.

The Applicant shall provide funding or bonding for the acquisition in fee title or in easement, initial habitat improvements and long-term maintenance and management of the compensation lands prior to construction activities on native habitat. Within 18 months of completing construction, the Applicant or an approved third party will prepare a

Compensation Plan, identifying the proposed compensation lands, and specifying the land ownership, conservation easement terms, long-term management, and responsibility for funding or endowment. The Compensation Plan will be submitted for review and approval to Riverside County. The County will consult with CDFW or another land manager in its review of the Compensation Plan to ensure that the mitigation will support any permits and authorizations to be issued by CDFW.

**MM BIO-7 Emory's Crucifixion Thorn Mitigation**. The Applicant will mitigate impacts to Emory's crucifixion thorn (CRPR 2) through one or a combination of the following strategies.

- *Avoidance*. Project design will avoid at minimum 75 percent of the Emory's crucifixion thorn occurrences within the Project boundaries or other work areas, including the gen-tie line, as identified in the BRTR and recorded in accompanying GPS data and will provide a minimum 100 foot buffer area surrounding each avoided occurrence, where no Project activities will take place.
- *Off-site compensation.* The Applicant will provide compensation lands consisting of occupied Emory's crucifixion thorn habitat at a 1:1 ratio for any occupied habitat affected by the Project, according to the terms described in MM BIO-6 (Compensation for Natural Habitat Impacts). Occupied habitat will be calculated on the Project site and on the compensation lands as including each special status plant occurrence and a surrounding 100 foot buffer area. Off-site compensation will be incorporated into the Project's Habitat Compensation Plan, for review and approval by Riverside County. Mitigation may be "nested" or "layered," to the extent that it meets habitat requirements for multiple species that will or may be impacted by the Project.
- *Salvage*. The Applicant will consult with Rancho Santa Ana Botanic Garden (RSABG) regarding the success of salvage efforts for this species at the Desert Sunlight Solar Farm Project site. If the strategy has been shown to be feasible, then the Applicant will prepare and implement an Emory's Crucifixion Thorn Salvage

and Relocation Plan, to be reviewed and approved by Riverside County prior to disturbance of any occupied Emory's crucifixion thorn habitat. Emory's crucifixion thorn on private lands may also be subject to the provisions of the California Desert Native Plants Act. The Applicant will contract with RSABG or another entity with comparable experience and qualifications, to salvage at minimum 75 percent of Emory's crucifixion thorn individuals from the proposed Project site and transfer them to a suitable off-site location.

- *Horticultural propagation and off-site introduction.* If salvage and relocation is not believed to be feasible for Emory's crucifixion thorn, then the Applicant will consult with RSABG or another qualified entity, to develop and implement an appropriate experimental propagation and relocation strategy.

**MM BIO-8 Wildlife Protection.** The Applicant shall undertake the following measures during construction and O&M to avoid or minimize impacts to wildlife. Implementation of all measures shall be subject to review and approval by Riverside County.

- *Wildlife avoidance*. Wherever feasible, Project activities will avoid interference with wildlife (include ground-dwelling species, birds, bats) by allowing animals to escape from a work site prior to disturbance; conducting pre-construction surveys and exclusion measures for certain species as specified in other measures; checking existing structures (homes, trailers, etc.) for animals such as bats, barn owls, skunks, or snakes that may be present, and safely excluding them prior to removing the structures.
- *Minimize traffic impacts*. The Applicant will specify and enforce maximum vehicle speed limits as specified in the Traffic Control Plan, to minimize risk of wildlife collisions and fugitive dust.
- *Minimize lighting impacts*. Night lighting, when in use, shall be designed, installed, and maintained to prevent side casting of light towards surrounding fish or wildlife habitat.
- *Avoid use of toxic substances*. Soil bonding and weighting agents used for dust

suppression on unpaved surfaces shall be non-toxic to wildlife and plants.

- *Minimize noise and vibration impacts*. The Applicant will conform to noise requirements specified in the noise analysis of this EIR to minimize noise to offsite habitat.
- *Water*. Potable and non-potable water sources such as tanks, ponds, and pipes shall be covered or otherwise secured to prevent animals (including birds) from entering. Prevention methods may include storing water within closed tanks or covering open tanks with 2 centimeter netting. Dust abatement will use the minimum amount of water on dirt roads and construction areas to meet safety and air quality standards. Water sources (e.g., hydrants, tanks, etc.) shall be checked periodically by biological monitors to ensure they do not create puddles.
- *Trash*. All trash and food-related waste shall be contained in vehicles or covered trash containers inaccessible to ravens, coyotes, or other wildlife and removed from the site regularly.
- *Workers*. Workers shall not feed wildlife or bring pets to the Project site. Except for law enforcement personnel, no workers or visitors to the site shall bring firearms or weapons.
- *Wildlife netting or exclusion fencing.* The Applicant may install temporary or permanent netting or fencing around equipment, work areas, or Project facilities to prevent wildlife exposure to hazards such as toxic materials or vehicle strikes, or prevent birds from nesting on equipment or facilities. Bird deterrent netting will be maintained free of holes and will be deployed and secured on the equipment in a manner that, insofar as possible, prevents wildlife from becoming trapped inside the netted area or within the excess netting. The biological monitor will inspect netting (if installed) twice daily, at the beginning and close of each work day. The biological monitor will inspect exclusion fence (if installed) weekly.
- *Wildlife entrapment.* Project-related excavations shall be secured to prevent wildlife entry and entrapment. Holes and trenches shall be backfilled, securely covered, or

fenced. Excavations that cannot be fully secured shall incorporate wildlife ramp or other means to allow trapped animals to escape. At the end of each work day, a biological monitor shall ensure that excavations have been secured or provided with appropriate means for wildlife escape.

- *All pipes or other construction materials or supplies* will be covered or capped in storage or laydown areas. No pipes or tubing will be left open either temporarily or permanently, except during use or installation. Any construction pipe, culvert, or other hollow materials will be inspected for wildlife before it is moved, buried, or capped.
- *Dead or injured wildlife* will be reported to CDFW or the local animal control agency, as appropriate (special-status species must be reported to CDFW). A biological monitor shall safely move the carcass out of the road or work area if needed and dispose of the animal as directed by the agency. If an animal is entrapped, a biological monitor shall free the animal if feasible, or work with construction crews to free it, in compliance with safety requirements, or work with animal control or CDFW to resolve the situation.
- *Pest control.* No anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), may be used within the project site, on off-site project facilities and activities, or in support of any other project activities.

**MM BIO-9 Desert Tortoise Protection.** No desert tortoise may be handled or relocated without authorization from USFWS and CDFW. The Applicant may seek incidental take authorization from both agencies to handle or translocate desert tortoise. If incidental take authorization is obtained, then desert tortoises would be handled or translocated according to a Wildlife Relocation Plan, to be prepared as specified in APM B-1 (Wildlife Relocation), pending approval by both agencies. If incidental take authorization is not obtained, desert tortoises would not be handled or translocated.

The Applicant will employ a biologist who is qualified to conduct desert tortoise clearance surveys (qualified biologist), who will be on-site during all construction. Additionally, the

Applicant will designate a Lead Biologist as the Field Contact Representative (FCR) for purposes of the desert tortoise protection measures identified below.

The qualified biologists may be the Project's Lead Biologist, a biological monitor, or another individual. The qualified biologist's qualifications will be subject to review and approval by Riverside County. Qualifications may include work as a compliance monitor on a project in desert tortoise habitat, work on desert tortoise trend plot or transect surveys, conducting surveys for desert tortoise, or other research or field work on desert tortoise. Attendance at a training course endorsed by the agencies (e.g., Desert Tortoise Council tortoise training workshop) is a supporting qualification.

The qualified biologist shall conduct pre-construction clearance surveys for each work area, watch for tortoises wandering into the construction areas, check under vehicles, and examine excavations and other potential pitfalls for entrapped animals. The qualified biologist will be responsible for overseeing compliance with desert tortoise protective measures and for coordination with the Project's Lead Biologist/FCR (described below). The qualified biologist shall have the authority to halt all Project activities that are in violation of these measures or that may result in take of a desert tortoise. The qualified biologist will not handle or relocate desert tortoises unless specifically authorized by the USFWS and CDFW. Any incident that is considered by the qualified biologist to be in non-compliance with these measures will be documented immediately by the qualified biologist.

The FCR will be responsible for overseeing compliance with desert tortoise protective measures and for coordination with resource agencies. The FCR will have the authority to halt any Project activities that may risk take of a desert tortoise or that may be inconsistent with adopted mitigation measures or permit conditions. Neither the FCR nor any other Project employee may bar or limit any communications between any Natural Resource Agency or The County of Riverside Environmental Programs Division and any Project biologist, biological monitor or contracted biologist. Upon notification by the qualified biologist or another biological monitor of any noncompliance the FCR will ensure that appropriate corrective action is taken. Corrective actions will be documented by the qualified

biologist. The following incidents will require immediate cessation of any Project activities that could harm a desert tortoise: (1) location of a desert tortoise within a work area; (2) imminent threat of injury or death to a desert tortoise; (3) unauthorized handling of a desert tortoise, regardless of intent; (4) operation of construction equipment or vehicles outside a Project area cleared of desert tortoise, except on designated roads; and (5) conducting any construction activity without a biological monitor where one is required.

The Applicant will be responsible for implementing the following requirements, under direction by the qualified biologist and FCR where appropriate.

- *Preconstruction Clearance Survey*. Transects will be spaced 15 feet apart. Clearance will be considered complete after two successive 100 percent coverage surveys have been conducted without finding any desert tortoises. Clearance surveys must be conducted during the active season for desert tortoises (April through May or September through October). If a tortoise or an occupied tortoise burrow is located during clearance surveys, work activities will only proceed at the site and within a suitable buffer area after the tortoise has either moved away of its own accord, or if it has been translocated off the site under authorization by the USFWS and CDFW.
- *Worker Training*: The following specifications will be incorporated into the WEAP training, identified in Mitigation Measure BIO-2. Prior to the onset of construction activities, a desert tortoise education program will be presented by the FCR or qualified biologist to all personnel who will be present on Project work areas. Following the onset of construction, any new employee will be required to formally complete the tortoise education program prior to working on-site. At a minimum, the tortoise education program will cover the following topics:
  - A detailed description of the desert tortoise, including color photographs;
  - The distribution and general behavior of the desert tortoise;
  - Sensitivity of the species to human activities;

- The protection the desert tortoise receives under the state and federal Endangered Species Acts, including prohibitions and penalties incurred for violation;
- The protective measures being implemented to conserve the desert tortoise during construction activities; and
- Procedures and a point of contact if a desert tortoise is observed on-site.

- *Construction phase tortoise exclusion fencing.* Prior to construction of solar facilities, temporary or permanent desert tortoise exclusion fencing will be installed around the work areas. The fence will adhere to USFWS design guidelines, where applicable. The qualified biologist will conduct a clearance survey before the tortoise fence is enclosed to ensure no tortoises are in the work area. Any potentially occupied burrows will be avoided until monitoring or field observations (e.g., with a motion-activated camera or fiber-optic mounted video camera) determines absence. If live tortoises or an occupied tortoise burrow are identified in the work area, tortoises shall be relocated under authorization by USFWS and CDFW or allowed to leave on their own accord before enclosing the fence. The fence shall be either continuously monitored prior to closure, or clearance surveys shall be repeated prior to closure after tortoises are removed. Once installed, exclusion fencing will be inspected at least monthly and following all rain events, and corrective action taken if needed to maintain it. Fencing around each work area will include a "cattle guard" or desert tortoise exclusion gate at each entry point. This gate will remain closed at all times, except when vehicles are entering or leaving the Project area. If it is deemed necessary to leave the gate open for extended periods of time (e.g., during high traffic periods), the gate may be left open as long as a qualified biologist is present to monitor for tortoise activity in the vicinity.
- *Unfenced work areas.* As an alternative to exclusion fencing, any work conducted in

an area that is not fenced to exclude desert tortoises must be monitored by a qualified biologist who will stop work if a tortoise enters the work area. Work activities will only proceed at the site and within a suitable buffer area after the tortoise has either moved away of its own accord, or if it has been translocated off the site under authorization by the USFWS and CDFW. Work sites with potential hazards to desert tortoise (e.g., auger holes, steep-sided depressions) that are outside of the desert tortoise exclusion fencing will be fenced by installing exclusionary fencing, or not left unfilled overnight.

- *Operation phase tortoise monitoring or exclusion*. At the Applicant's discretion, and in consultation with resource agencies, permanent desert tortoise exclusion fencing may be installed around each solar facility site, or the Applicant may prepare and implement a monitoring and avoidance program to ensure no take of desert tortoise during O&M, while allowing wildlife (possibly including desert tortoise) to move through the facilities uninjured.
- *Tortoises under vehicles*. The ground beneath vehicles parked outside of desert tortoise exclusion fencing will be inspected immediately prior to the vehicle being moved. If a tortoise is found beneath a vehicle, the vehicle will not be moved until the desert tortoise leaves of its own accord.
- *Tortoises on roads*. If a tortoise is observed on or near the road accessing a work area, vehicles will stop to allow the tortoise to move off the road on its own.
- *Tortoise Observations*. Any time a tortoise is observed within or near a work site, Project work activities will only proceed at the site and within a suitable buffer area after the tortoise has either moved away of its own accord, or if it has been translocated off the site under authorization by the USFWS and CDFW. If a tortoise is observed outside of exclusion fencing, construction will stop and the tortoise shall be allowed to move out of the area on its own. If a tortoise or tortoise burrow is observed within the exclusion fencing, construction in the vicinity will stop, pending translocation of the tortoise or other action as authorized by USFWS and CDFW.

- *Dead or Injured Specimens*. Upon locating a dead or injured tortoise, the Applicant or its agent will immediately notify the Palm Springs Fish and Wildlife Office by telephone within three days of the finding. Written notification must be made within five days of the finding, both to the appropriate USFWS field office and to the USFWS's Division of Law Enforcement. The information provided must include the date and time of the finding or incident (if known), location of the carcass or injured animal, a photograph, cause of death, if known, and other pertinent information.

**MM BIO-10 Desert Kit Fox and American Badger Relocation**. This measure supplements APM B-1 (Wildlife Relocation) by specifying further detail regarding desert kit fox and American badger avoidance and passive relocation. Under direction of the Lead Biologist, biological monitors shall conduct pre-construction surveys for desert kit fox and American badger no more than 30 days prior to initiation of construction activities. Surveys shall also consider the potential presence of dens within 100 feet of the Project boundary (including utility corridors and access roads) and shall be performed for each phase of construction. If dens are detected each den shall then be further classified as inactive, potentially active, or definitely active. Inactive dens directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse. Potentially active dens directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium such as diatomaceous medium or fire clay and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, dens shall be fitted with the one-way trap doors to encourage animals to move off-site. After 48 hours post installation, the den shall be excavated by hand and collapsed. Dens shall be collapsed prior to construction of the perimeter fence, to allow animals the opportunity to move off-site without impediment. If an active natal den is detected on the site, the CDFW shall be contacted within 24 hours. The course of action would depend on the age of the pups, location of the den site, status of the perimeter fence, and the pending construction activities proposed near

the den. A 500 foot no disturbance buffer shall be maintained around all active dens. Alternatively, a designated biologist authorized by CDFW shall trap and remove animals from occupied dens and move them off-site into appropriate habitat. Additionally, the following measures are required to minimize the likelihood of distemper transmission:

- Any kit fox hazing activities that include the use of animal repellents such as coyote urine must be cleared through the CDFW prior to use; and
- Any documented kit fox mortality shall be reported to the CDFW within 24 hours of identification. If a dead kit fox is observed, it shall be retained and protected from scavengers until the CDFW determines if the collection of necropsy samples is justified.

**MM BIO-11 Wildlife Water Source.** The Applicant will coordinate with the County, BLM, CDFW, and USFWS to offset potential Project impacts to burro deer and other wildlife resulting from loss of existing irrigation water supplies at Parcel Group G. In coordination with the agencies, the Applicant will support replacement, repairs, maintenance, or monitoring of existing wildlife water sources in the Project vicinity; support access improvements to existing sources; support removal of invasive tamarisk (or saltcedar) from natural water sources (to improve surface flow); or provide an alternative water source as a replacement or supplement to existing sources.

**MM BIO-12 Bird and Bat Conservation Strategy (BBCS).** The Applicant will prepare and implement a Bird and Bat Conservation Strategy to avoid or minimize take of migratory birds that may nest on the site or may be vulnerable to collision with Project components. The BBCS will identify potential hazards to birds during construction and O&M phases of the Project and specify measures to recognize, minimize, or avoid those hazards. The BBCS will articulate the Applicant's commitment to reduce risk to birds and bats. Over the course of construction and O&M, progress and challenges that are encountered may necessitate review or revision of the BBCS, on mutual agreement among the Applicant and County. The initial goals of the BBCS are to:

- Provide an organized and cost-effective framework for compliance with State and

federal laws protecting birds

- Specify record keeping, reporting, and communication procedures to document compliance with the terms of the BBCS
- Foster a sense of stewardship with the Applicant and on-site staff

**Construction.** Pre-construction surveys for active nests will be conducted by one or more qualified biologists at the direction of the Project Lead Biologist. The biologists' qualifications will be subject to review and approval by Riverside County. Nest surveys will be conducted for all Project activities throughout the nesting season, identified here as beginning January 1 for raptors and hummingbirds and February 1 for other species, and continuing through August 15. Nest surveys will be completed at each work site no more than 7 days prior to initiation of site preparation or construction activities. Nest surveys will cover all work sites, including the solar facility and gen-tie, and adjacent off-site habitat areas of 1,200 feet for raptors and 250 feet for other species. If adjacent properties are not accessible to the field biologists, the off-site nest surveys may be conducted with binoculars. At each active nest, the qualified biologist will establish and mark a buffer area surrounding the nest where construction activities that could disrupt nesting behavior will be excluded. The BBCS may identify species-specific buffer distances or variable distances, depending on activity levels (e.g., driving past the nest to access work sites may be less disruptive than foundation construction). Alternately, buffer distances will be 1,200 feet for raptor nests and 250 feet for other species. The extent of nest protection will be based on proposed construction activities, species, human activities already underway when the nest is initiated (e.g., a house finch nest built in the eaves of an occupied structure would warrant less avoidance or protection than a loggerhead shrike nest build in native shrubland), topography, vegetation cover, and other factors. The avoidance and protection measures will remain in effect until the nest is no longer active.

If for any reason a bird nest must be removed during the nesting season, the Applicant or its agent will notify the CDFW and USFWS and retain written documentation of the correspondence. Nests would be removed only if they are inactive, or if an active nest

presents a hazard.

**Operation and Maintenance**. The BBCS will specify monitoring and conservation measures to be implemented by the Applicant to document bird mortality that may result from bird injury or mortality caused by collision with Project components, including gen-tie line collisions. The BBCS will include:

- A statement of the Applicant's understanding of the importance of bird and bat safety and management's commitment to remain in compliance with relevant laws
- Documentation of conservation measures to be implemented through design and operations to minimize bird and bat fatalities at the solar facilities and gen-tie line
- Consistent, practical and up-to-date direction to O&M staff on how to avoid, reduce, and monitor bird and bat fatalities
- A 3-year O&M monitoring and reporting program for potential bird and bat fatalities
- Identification of fatality thresholds that, if surpassed, would trigger adaptive management measures such as changes to Project O&M
- An adaptive management framework to be applied if thresholds are surpassed.

**MM BIO-13 Burrowing Owl Avoidance and Relocation**: This measure supplements APM B-1 (Wildlife Relocation) by specifying further detail regarding burrowing owl. Burrowing owl protection and relocation will incorporate the following requirements:

- Pre-construction surveys for burrowing owls, possible burrows, and sign of owls (e.g., pellets, feathers, white wash) will be conducted throughout each work area no more than 14 days prior to construction.
- Should any of the pre-construction surveys identify burrowing owl or active burrows within the solar facility, the Lead Biologist will coordinate with the Construction Con-tractor to implement avoidance and set-back distances. Disturbance of owls or occupied burrows during the breeding season (February 1 through August 31) will not be permitted.
- Any unoccupied suitable burrows within the solar facility footprint will be excavated and filled in under the supervision of the Lead Biologist prior to site preparation.

- The Plan will specify detailed methods for passive relocation of burrowing owls if needed and monitoring and management of the passive relocation including a three-year monitoring program.

**MM BIO-14 Gen-tie lines**. Gen-tie line support structures and other facility structures shall be designed in compliance with current standards and practices to discourage their use by raptors for perching or nesting (e.g., by use of anti-perching devices). This design would also reduce the potential for increased predation of special-status species, such as the desert tortoise. Mechanisms to visually warn birds (permanent markers or bird flight diverters) shall be placed on gen-tie lines at regular intervals to prevent birds from colliding with the lines (APLIC, 2006). To the extent practicable, the use of guy wires shall be avoided because they pose a collision hazard for birds and bats. Necessary guy wires shall be clearly marked with bird flight diverters to reduce the probability of collision. Shield wires shall be marked with devices that have been scientifically tested and found to significantly reduce the potential for bird collisions. Gen-tie lines shall maintain sufficient distance between all conductors and grounded components to prevent potential for electrocution of the largest birds that may occur in the area (e.g., golden eagle and turkey vulture). They shall utilize non-specular conductors and non-reflective coatings on insulators.

***Impact:*** *Riparian Habitat*

***Threshold:*** *The Project would not cause substantial adverse effect, on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Construction of the solar facility would eliminate approximately 92.4 acres of desert dry wash woodland. This habitat provides greater food, nesting, and cover, and its wildlife diversity is generally greater than in the surrounding desert. Examples of special-status species that depend in part on desert microphyll woodlands include black-tailed gnatcatcher and burro deer. In addition, many of the species occupying the surrounding upland desert

shrublands are found in greater numbers in microphyll woodlands.

Impacts to desert dry wash woodland would be minimized by Mitigation Measures BIO-1 through BIO-6, described under Impact BIO-1. Notably, Mitigation Measure BIO-6 (Compensation for Natural Habitat Impacts) identifies the compensation ratio for desert dry wash woodland habitat is 3:1, due to its regional significance, productivity, and importance to wildlife. Together, this series of mitigation measures would minimize adverse impacts to desert dry wash woodland and offset the permanent loss through off-site habitat compensation. **(EIR pp. 3.5-29 and 3.5-30).**

**Mitigation Measures:**

**MM BIO-1 (Biological Monitoring)**

**MM BIO-2 (Worker Environmental Awareness Training)**

**MM BIO-3 (Minimization of Vegetation and Habitat Impacts)**

**MM BIO-4 (Integrated Weed Management Plan)**

**MM BIO-5 (Vegetation Resources Management Plan)**

**MM BIO-6 (Compensation for Natural Habitat Impacts)**

***Impact:*** *Wetlands and Jurisdictional Areas*

***Threshold:*** *The Project would not cause substantial adverse effect on federally protected wetlands or State-protected jurisdictional areas with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The proposed Project does not include diversion channels, detention basins, or other substantial alterations to the existing surface hydrology. Water and sediment would be conveyed downslope, across the site, by sheet flow or within channels after site preparation and Project construction. However, surface flow patterns, velocities, and sediment loads may be altered throughout the site by solar panel foundations, access roads, and other Project features. Potential impacts to the unvegetated washes could include increased siltation caused by Project activities, fluvial transport of silts or pollutants off-site via the ephemeral

channels, or altered flows causing downstream erosion or eliminating natural transport of sands and water to downstream habitat areas. Total impacts to jurisdictional areas are calculated as the sum of mapped desert dry wash woodlands plus the acreage of jurisdictional streambeds mapped outside those woodlands (146 acres), or 237 acres total. Impacts to state-jurisdictional streambeds would require the Applicant to obtain a Lake and Streambed Alteration Agreement from the CDFW.

These impacts would be offset by Mitigation Measures BIO-1 through BIO-6. In addition, Mitigation Measure BIO-15 (Streambed and Watershed Protection) would require a series of Best Management Practices (BMPs) to prevent or minimize adverse effects to streambed function and off-site habitats, and would require the Applicant obtain a Lake and Streambed Authorization Agreement from the CDFW prior to initiating construction in jurisdictional waters of the State. In combination, these measures are expected to minimize or prevent adverse effects to waters of the State. **(EIR pp. 3.5-30 and 3.5-31).**

**Mitigation Measures:**

**MM BIO-1 (Biological Monitoring)**

**MM BIO-2 (Worker Environmental Awareness Training)**

**MM BIO-3 (Minimization of Vegetation and Habitat Impacts)**

**MM BIO-4 (Integrated Weed Management Plan)**

**MM BIO-5 (Vegetation Resources Management Plan)**

**MM BIO-6 (Compensation for Natural Habitat Impacts)**

**MM BIO-15 (Streambed and Watershed Protection)**. Prior to ground-disturbing activities in jurisdictional waters of the state, the Applicant will obtain a Streambed Alteration Agreement from the CDFW and applicable authorization (if any) from the Regional Water Quality Control Board. The Applicant will implement Best Management Practices (BMPs) identified below to minimize adverse impacts to streambeds and watersheds.

A. Vehicles and equipment will not be operated in ponded or flowing water except as specified by resource agencies.

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

C. The Applicant will prevent water containing mud, silt, or other pollutants from grading or other activities from entering ephemeral drainages or being placed in locations that may be subjected to high storm flows.

D. Spoil sites will not be located within 30 feet from the boundaries of drainages or in locations that may be subjected to high storm flows, where spoils might be washed back into drainages.

E. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from Project-related activities, will be prevented from contaminating the soil and/or entering ephemeral drainages. The Applicant shall ensure that safety precautions specified by this measure, as well as all other safety requirements of other measures and permit conditions are followed during all phases of the Project.

F. When operations are completed, any excess materials or debris will be removed from the work area. No rubbish will be deposited within 150 feet of the high-water mark of any drainage during construction, operation, and decommissioning the Project.

G. No equipment maintenance will occur within 150 feet of any category 3, 4, or 5 streambed or any streambed greater than 10 feet wide and no petroleum products or other pollutants from the equipment will be allowed to enter these areas or enter any off-site state-jurisdictional waters under any flow.

H. With the exception of the drainage control system installed for the Project, the installation of bridges, culverts, or other structures will be such that water flow (velocity and low flow channel width) is not impaired. Bottoms of temporary culverts will be placed at or below stream channel grade.

I. No broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or other organic or earthen material from any construction or associated activity of whatever

nature will be allowed to enter into, or be placed where it may be washed by rainfall or runoff into, off-site state-jurisdictional waters.

J. Stationary equipment such as motors, pumps, generators, and welders located within or adjacent to a drainage will be positioned over drip pans. Stationary heavy equipment will have suitable containment to handle a catastrophic spill/leak. Clean up equipment such as brooms, absorbent pads, and skimmers will be on site prior to the start of construction.

K. The cleanup of all spills will begin immediately. Riverside County will be notified immediately by the Applicant of any spills and will be consulted regarding clean-up procedures.

***Impact:*** *Wildlife Corridors*

***Threshold:*** *The Project would not interfere substantially with the movement of fish or wildlife, wildlife corridors, or impede the use of native wildlife nursery sites with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The eastern portion of Parcel Group F is within a potential multiple-species linkage route and conversion of that area to a solar facility would largely prevent movement across it for many species, including desert tortoise and burro deer. The USFWS identifies conservation of the smaller-scale habitat accessibility within the I-10 corridor between Cactus City and Desert Center as essential, including conservation of culverts and bridges beneath I-10 and loss of desert tortoise habitat connections to these crossings. The USFWS targets compensation land acquisition for connectivity along the I-10 corridor between Cactus City and Desert Center. Mitigation Measure BIO-6 (Compensation for Natural Habitat Impacts) would require acquisition and management of off-site vegetation and habitat in perpetuity to offset the permanent loss of natural vegetation and habitat on the Project site and incorporates the USFWS focus area between Desert Center and Cactus City. This measure would offset the proposed Project's impacts to wildlife movement habitat. Wildlife "nursery

sites" such as bird nests or suitable breeding habit for other species may be found throughout the Project site, particularly on the native habitat parcels. Mitigation Measures BIO-1 through BIO-6 would minimize and offset habitat impacts for common wildlife and special-status species, and Mitigation Measures BIO-8 through BIO-13 would prevent or offset adverse effects to special-status wildlife nesting or breeding sites by requiring specific pre-construction surveys, passive translocation of certain species away from the area, avoidance of buffer areas while bird nests are active, and other related requirements. Mitigation Measure BIO-14 (Gen-tie Lines) would require mechanisms to visually warn birds such as permanent markers or bird flight diverters; avoid or minimize use of guy wires; and maintain sufficient distance between all conductors and grounded components to prevent electrocution. **(EIR pp. 3.5-31 to 3.5-32).**

**Mitigation Measures:**

**MM BIO-1 (Biological Monitoring)**

**MM BIO-2 (Worker Environmental Awareness Training)**

**MM BIO-3 (Minimization of Vegetation and Habitat Impacts)**

**MM BIO-4 (Integrated Weed Management Plan)**

**MM BIO-5 (Vegetation Resources Management Plan)**

**MM BIO-6 (Compensation for Natural Habitat Impacts)**

**MM BIO-8 (Wildlife Protection)**

**MM BIO-9 (Desert Tortoise Protection)**

**MM BIO-10 (Desert Kit Fox and American Badger Relocation)**

**MM BIO-11 (Wildlife Water Source)**

**MM BIO-12 (Bird and Bat Conservation Strategy)**

**MM BIO-13 (Burrowing Owl Avoidance and Relocation)**

**MM BIO-14 (Gen-tie Lines)**

***Impact:*** *Biological Resources Policy Compliance*

***Threshold:*** *The proposed project would not conflict with any local policies or ordinances*

*protecting biological resources with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Applicable Riverside County policies and ordinances protecting biological resources direct permanent preservation of important open space lands, compliance with the Multipurpose Open Space Element of the General Plan, protection of environmental resources, cooperation with resource agencies for the voluntary protection or restoration of significant habitats, and preservation of multi-species habitat resources. The solar facility would impact biological resources protected by the General Plan provisions, including special-status plants and animals, sensitive habitats, and waters of the State. Without mitigation, these impacts could result in significant impacts to biological resources. Mitigation Measures BIO-1 through BIO-15 would assure consistency with local policies. **(EIR pp. 3.5-32 to 3.5-33).**

**Mitigation Measures:**

**MM BIO-1 (Biological Monitoring)**

**MM BIO-2 (Worker Environmental Awareness Training)**

**MM BIO-3 (Minimization of Vegetation and Habitat Impacts)**

**MM BIO-4 (Integrated Weed Management Plan)**

**MM BIO-5 (Vegetation Resources Management Plan)**

**MM BIO-6 (Compensation for Natural Habitat Impacts)**

**MM BIO-8 (Wildlife Protection)**

**MM BIO-9 (Desert Tortoise Protection)**

**MM BIO-10 (Desert Kit Fox and American Badger Relocation)**

**MM BIO-11 (Wildlife Water Source)**

**MM BIO-12 (Bird and Bat Conservation Strategy)**

**MM BIO-13 (Burrowing Owl Avoidance and Relocation)**

**MM BIO-14 (Gen-tie Lines)**

**MM BIO-15 (Streambed and Watershed Protection)**

***Impact:*** *Habitat and Wildlife Population*

***Threshold:*** *The proposed project would not substantially reduce the habitat of a wildlife species; cause a wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The proposed Project would reduce habitat availability for a number of special-status wildlife species. Similarly, the Project would reduce habitat availability for common species. Project activities could cause mortality or injury to common species, or could eliminate reduce availability of natural habitats or communities. The loss of largely disturbed habitat would not, however, substantially reduce the habitat of a wildlife species, cause a wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community. Indeed, the Project is not expected to take any desert tortoise, although this analysis recognizes the possibility. Take of other wildlife species would similarly be limited. In addition, the mitigation measures outlined above would minimize or offset these adverse effects.

Most of the solar facility site consists of anthropogenically disturbed land. Loss of these disturbed lands would not substantially affect common or special-status wildlife species. Impacts to native habitats would be minimized or offset through Mitigation Measures BIO-1 through BIO-6. Additionally, Mitigation Measure BIO-15 (Streambed and Watershed Protection) would minimize adverse effects to on-site and downstream waters of the State. As a result, habitat reductions for both common and special-status wildlife species would not be substantial.

General wildlife protection and avoidance measures are identified in Mitigation Measures BIO-8 (Wildlife Protection), BIO-11 (Wildlife Water Source), and BIO-12 (Bird and Bat Conservation Strategy), and their implementation would minimize impacts to common and special-status wildlife, including breeding activities and long-term population sustainability. Additionally, Mitigation Measures BIO-9 (Desert Tortoise Protection), BIO-10 (Desert Kit Fox and American Badger Relocation), and BIO-13 (Burrowing Owl Avoidance and

Relocation) are identified to protect special-status wildlife species, including their breeding activities and long-term population sustainability. Mitigation Measure BIO-14 (Gen-tie Lines) would require mechanisms to visually warn birds such as permanent markers or bird flight diverters; avoid or minimize use of guy wires; and maintain sufficient distance between all conductors and grounded components to prevent electrocution. **(EIR p. 3.5-33).**

**Mitigation Measures:**

**MM BIO-1 (Biological Monitoring)**

**MM BIO-2 (Worker Environmental Awareness Training)**

**MM BIO-3 (Minimization of Vegetation and Habitat Impacts)**

**MM BIO-4 (Integrated Weed Management Plan)**

**MM BIO-5 (Vegetation Resources Management Plan)**

**MM BIO-6 (Compensation for Natural Habitat Impacts)**

**MM BIO-8 (Wildlife Protection)**

**MM BIO-9 (Desert Tortoise Protection)**

**MM BIO-10 (Desert Kit Fox and American Badger Relocation)**

**MM BIO-11 (Wildlife Water Source)**

**MM BIO-12 (Bird and Bat Conservation Strategy)**

**MM BIO-13 (Burrowing Owl Avoidance and Relocation)**

**MM BIO-14 (Gen-tie Lines)**

**MM BIO-15 (Streambed and Watershed Protection)**

**D. Cultural Resources and Tribal Cultural Resources**

***Impact:*** *Historical or Archaeological Sites*

***Threshold:*** *The proposed project would not alter or destroy an historical site or archaeological site or cause adverse change in significance of historical resource pursuant to California Code of Regulations, Section 15064.5, with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

**Direct Effects**. Four resources eligible for the CRHR and therefore considered historical resources under CEQA, are potentially subject to direct effects from the solar facility. One of these is a historic road segment and artifact scatter AE 3752 106H. Direct impacts to this resource would be addressed by Mitigation Measure CUL-10 (Journal Article) which would ensure that interested stakeholders will learn about this historical resource.

Three of these resources are eligible in their own right and are contributors to the Desert Training Center Cultural Landscape/Historic District (DTCCL): AE 3752 059H, AE 3752 064H, and AE-3752 200H. Direct impacts to these three resources would be addressed by Mitigation Measure CUL-11 which would ensure that these resources were documented in detail and incorporated into a summary report and map presenting the results of archaeological evidence of DTC/C-AMA-related activities in the Chuckwalla Valley to date.

Six WWII-era archaeological sites are potentially subject to direct effects from the solar facility: AE 3752 063H, AE 3752 065H, P 33 019434/ CA-RIV 9873H, P 33 018787, P 33 019471/ CA-RIV 9910H, and P 33 006836/ CA-RIV 10759H. These resources are not eligible for the CRHR in their own right under any Criteria, so are not subject to direct impacts. However, the six WWII-era resources are contributors to the DTCCL.

Direct effects to newly identified resources would be addressed by the implementation of Mitigation Measures CUL-1 through CUL-13 which would reduce these impacts to less than significant levels.

**Indirect Effects**. Three sensitive archaeological resources are present in the indirect effects study area: the North Chuckwalla Petroglyph National Register District (CA-RIV 1383), Coco-Maricopa Trail (CA RIV 53T) segments (c) and (d), and CA-RIV 1515. All of these resources are eligible for the CRHR and are contributors to the Prehistoric Trails Network Cultural Landscape/Historic District (PTNCL).

A visual simulation was prepared to allow assessment of the changes to views for these locations. The proposed Project appears as a dark gray streak along the distant valley floor, partially obscured by intervening utility facilities. Therefore, because the Proposed Project would be distant within the viewshed of the resources, the proposed Project would not create

a substantial visual intrusion upon the setting of each resource, a defining characteristic. Visual changes would be in kind with the current nature and scale of existing visible developments. Minor visual impacts to the setting would be addressed by the following measures: Mitigation Measures AES-1 through AES-4, which would employ design elements that reduce the visual contrast to characteristics of the landscape. Therefore, the proposed Project would not compromise the integrity of the resources. As such these resources are not subject to indirect effects from the construction of the solar facilities. **(EIR pp. 3.6-31 and 3.6-32).**

**Mitigation Measures:**

**MM AES-1 (Night Lighting Management Plan)**

**MM AES-2 (Surface Treatment of Project Structures and Buildings)**

**MM AES-3 (Project Design)**

**MM AES-4 (Retention of Roadside Vegetation)**

**MM CUL-1 Project Archaeologist.** Prior to issuance of grading permits: The applicant/developer shall provide evidence to the County of Riverside Planning Department that a County certified professional archaeologist (Project Archaeologist) has been contracted to implement a Cultural Resource Monitoring Program.

**MM CUL-2 Cultural Resource Monitoring Plan.** Prior to issuance of grading permits: The applicant/developer shall provide evidence to the County of Riverside Planning Department that a Cultural Resource Monitoring Plan has been developed with input from the consulting tribes that addresses the details of all activities and provides procedures that must be followed in order to reduce the impacts to cultural and historic resources to a level that is less than significant (except for the Project's contribution to a significant cumulative impact to the PTNCL, which would remain significant after mitigation) as well as address potential impacts to undiscovered buried archaeological resources associated with this project. A fully executed copy of the contract and a wet-signed or DocuSigned (e-signature) copy of the Monitoring Plan shall be provided to the County Archaeologist to ensure

compliance with this condition of approval.

Working directly under the Project Archaeologist, an adequate number of qualified Archaeological Monitors shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored including off-site improvements. Inspections shall vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections shall be determined by the Project Archaeologist.

**MM CUL-3 Archaeological Monitor.** Prior to issuance of grading permits: The applicant/developer shall provide evidence to the County of Riverside Planning Department that an adequate number of qualified archaeological monitors shall be onsite to ensure all earth moving activities are observed for areas being monitored. This includes all grubbing, grading and trenching onsite and for all offsite improvements. Inspections shall vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections shall be determined and directed by the Project Archaeologist.

**MM CUL-4 Native American Monitor.** Prior to the issuance of grading permits, the developer/permit applicant shall enter into an agreement with the consulting tribe(s) for at least one Native American Monitor. The Native American Monitor(s) shall be on-site during all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, grading and trenching. In conjunction with the Archaeological Monitor(s), the Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. The developer/permit applicant shall submit a fully executed copy of the agreement to the County Archaeologist to ensure compliance with this condition of approval. Upon verification, the Archaeologist shall clear this condition. This agreement shall not modify any condition of approval or mitigation measure.

**MM CUL-5 Tribal Cultural Sensitivity Training.** Prior to ground disturbance, the

developer/permit applicant shall enter into an agreement with the consulting tribe(s) to provide Cultural Sensitivity Training. A representative designated by the consulting Tribe(s) shall provide Cultural Sensitivity Training for all construction personnel. Training shall include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the protocols that apply in the event unanticipated cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. This is a mandatory training and all construction personnel must attend prior to beginning work on the project site. A copy of the agreement and a copy of the sign in sheet shall be submitted to the County Archaeologist to ensure compliance with this condition of approval. A record of attendance shall be available to the consulting tribes upon request.

**MM CUL-6 Discovery of Unanticipated Resources.** In the event that previously unidentified potentially significant cultural resources are discovered, the Archaeological and/or Tribal Monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Project Archaeologist, in consultation with the Tribal monitor, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities shall be allowed to resume in the affected area. Further, before construction activities are allowed to resume in the affected area, the artifacts shall be recovered or if feasible, preserved in place if requested by the tribe(s), and features recorded using professional archaeological methods. The Project Archaeologist shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.

**MM CUL-7 Artifact Disposition.** Prior to Grading Permit Final Inspection, the landowner(s) shall relinquish ownership of all cultural resources that are unearthed on the Project property during any ground-disturbing activities, including previous investigations

and/or Phase III data recovery. The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.

*Historic Resources* – all historic archaeological materials recovered during the archaeological investigations (this includes collections made during an earlier project, such as testing of archaeological sites that took place years ago), shall be curated at the Western Science Center, a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines

*Prehistoric Resources* – One of the following treatments shall be applied:

a. **Reburial of the resources on the Project property.** The measures for reburial shall include, at least, the following: Measures to protect the reburial area from any future impacts. Reburial shall not occur until all required cataloguing, analysis and studies have been completed on the cultural resources, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial processes shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV Report shall be filed with the County under a confidential cover and not subject to a Public Records Request.

b. **Curate the resources on the Project property.** If reburial is not agreed upon by the Consulting Tribes then the resources shall be curated at a culturally appropriate manner at the Western Science Center, a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid,

shall be provided by the landowner to the County. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains.

**MM CUL-8 Monitoring Report.** Prior to Grading Permit Final Inspection, a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the TLMA website. The report shall include results of any feature relocation or residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting and evidence that any artifacts have been treated in accordance to procedures stipulated in the Cultural Resources Management Plan. Consulting tribes shall have 30 days to review and comment on the draft Monitoring Report, upon request.

**MM CUL-9 Temporary Fencing.** Temporary fencing shall be required for the protection of cultural site(s) AE 3752 066H, P 33 018393/ CA-RIV 9481H and P 33 025150/ CA-RIV 12372H during any construction activities along the Gen-Tie lines. Prior to commencement of construction activities, the project archaeologist shall confirm the site boundaries and determine an adequate buffer for protection of the site(s). The applicant shall direct the installation of fencing under the supervision of the project archaeologist and Native American Monitor. The fencing shall be regularly checked to ensure that it remains in place and intact. The fencing can be removed only after construction activities have been completed.

**MM CUL-10 Journal Article.** Prior to Grading Permit Final Inspection, the Project owner shall retain a cultural resources specialist to prepare and submit for publication a journal article summarizing the results of research on AE 3752 066H (historic refuse dump), AE 3752 106H (historic road segment), and P 33 025150/ CA-RIV 12372H (SR-177/Rice Road segment). The County Archaeologist shall review and approve the article prior to submission. The article shall be submitted to a local historical journal such as the Journal of

the Riverside Historical Society.

**MM CUL-11 Desert Center DTC/C-AMA Summary Report and District DPR Form.** In order to address direct impacts to all DTC/C-AMA resources eligible for the CRHR as well as cumulative impacts to the DTCCL and any contributor to the district, prior to ground disturbance the Project owner shall retain cultural resources specialists with previous knowledge of the DTC/C-AMA. These specialists shall review and synthesize the information contained in DPR forms for DTC/C-AMA-associated resources in the Chuckwalla Valley. The results shall be summarized in a report and district DPR form, if appropriate, for the Desert Center vicinity. Some of the key resources shall include the Chuckwalla Valley Maneuver Area, the Desert Center Army Airfield, Desert Center Observer's Camp, 18th Ordnance Battalion Campsite, the Desert Center Small Arms Range, the Desert Center Supply Depot, and the Desert Center Evacuation Hospital. The report and DPR forms shall be submitted to the County for review prior to Grading Permit Final Inspection. After review and approval, the report and DPR forms shall be submitted to the California Historical Resources Information System Eastern Information Center within 30 days.

**MM CUL-12 Prehistoric Trails Summary Report**. In order to address cumulative and indirect impacts to the Prehistoric Trails Network Cultural Landscape/Historic District (PTNCL) prior to ground disturbance, the Project owner shall retain cultural resources specialists with prior experience working with prehistoric resources in the Blythe and/or Desert Center vicinity. These specialists shall review and synthesize the information contained in DPR forms and previously prepared reports regarding prehistoric trails and associated artifacts and features in the Chuckwalla Valley. Ethnographic documentation and reports describing local landscapes will also be reviewed to provide interpretive context. The results shall be summarized in a report and district DPR form, if appropriate, for the Desert Center vicinity. The report and DPR forms shall be submitted to the County for review prior to Grading Permit Final Inspection. Within 30 days after County review and approval, the report and DPR forms shall be submitted to the California Historical Resources Information

System Eastern Information Center.

**MM CUL-13 Archival and Field Studies for Historic-Era Resources**. Prior to grading, the consultant shall conduct archival research to determine context and association with major historical themes for AE 3752 064H, which has been identified as a historical resource for purposes of CEQA, and for CA-RIV 9854H, 9857H, and 20572, which will be avoided by the Project but are still of interest to the County.

***Impact:*** *Archaeological Resources*

***Threshold:*** *The proposed project would not cause an adverse change in significance of a unique archaeological resource pursuant to California Code of Regulations, Section 15064.5, with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The direct and indirect impacts of solar facility and gen-tie construction, operation, and decommissioning, to unique archaeological resources could create significant impacts. Adverse impacts are not anticipated because no unique archaeological resources have been identified to date; however, mitigation may be required should they be identified. **(EIR p. 3.6-34).**

**Mitigation Measures:**

**AES-1 (Night Lighting Management Plan)**

**AES-2 (Surface Treatment of Project Structures and Buildings)**

**AES-3 (Project Design)**

**AES-4 (Retention of Roadside Vegetation)**

**CUL-1 (Project Archaeologist)**

**CUL-2 (Cultural Resources Monitoring Plan)**

**CUL-3 (Archaeological Monitor)**

**CUL-4 (Native American Monitor).**

**CUL-5 (Tribal Cultural Sensitivity Training)**

**CUL-6 (Discovery of Unanticipated Resources)**

**CUL-7 (Artifact Disposition)**

**CUL-8 (Monitoring Report)**

**CUL-9 (Temporary Fencing)**

**CUL-10 (Journal Article)**

**CUL-11 (Desert Center DTC/C-AMA Summary Report and District DPR Form)**

**CUL-12 (Prehistoric Trails Summary Report)**

**CUL-13 (Archival and Field Studies for Historic-Era Resources).**

***Impact:*** *Human Remains*

***Threshold:*** *The proposed project would not disturb any human remains including those interred outside of formal cemeteries with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The direct and indirect impacts of solar field and gen-tie construction, operation, and decommissioning, could cause disturbance or damage to human remains. This would be a significant impact under criterion CUL-3 (disturbance of human remains). Adverse impacts are not anticipated because no human remains have been found in the Project area; however, mitigation may be required should they be identified. **(EIR p. 3.6-34).**

**Mitigation Measures:**

**AES-1 (Night Lighting Management Plan)**

**AES-2 (Surface Treatment of Project Structures and Buildings)**

**AES-3 (Project Design)**

**AES-4 (Retention of Roadside Vegetation)**

**CUL-1 (Project Archaeologist)**

**CUL-2 (Cultural Resources Monitoring Plan)**

**CUL-3 (Archaeological Monitor)**

**CUL-4 (Native American Monitor).**

**CUL-5 (Tribal Cultural Sensitivity Training)**

**CUL-6 (Discovery of Unanticipated Resources)**

**CUL-7 (Artifact Disposition)**

**CUL-8 (Monitoring Report)**

**CUL-9 (Temporary Fencing)**

**CUL-12 (Prehistoric Trails Summary Report)**

***Impact:*** *Sacred Uses*

***Threshold:*** *The proposed project would not restrict existing religious or sacred uses within the potential impact area with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The direct and indirect impacts of solar field and gen-tie construction, operation, and decommissioning, could restrict existing religious or sacred uses within the potential impact area. This would be a significant impact. Adverse impacts are not anticipated because no existing religious or sacred uses have been identified in the Project area; however, mitigation may be required should they be identified. **(EIR p. 3.6-34).**

**Mitigation Measures:**

**AES-1 (Night Lighting Management Plan)**

**AES-2 (Surface Treatment of Project Structures and Buildings)**

**AES-3 (Project Design)**

**AES-4 (Retention of Roadside Vegetation)**

**CUL-1 (Project Archaeologist)**

**CUL-2 (Cultural Resources Monitoring Plan)**

**CUL-3 (Archaeological Monitor)**

**CUL-4 (Native American Monitor).**

**CUL-5 (Tribal Cultural Sensitivity Training)**

**CUL-6 (Discovery of Unanticipated Resources)**

**CUL-7 (Artifact Disposition)**

**CUL-8 (Monitoring Report)**

**CUL-9 (Temporary Fencing)**

**CUL-12 (Prehistoric Trails Summary Report)**

***Impact:*** *Tribal Cultural Resources*

***Threshold:*** *The proposed project would not cause adverse change in the significance of a Tribal Cultural Resource determined by the Lead Agency with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The direct and indirect impacts of solar field and gen-tie construction, operation, and decommissioning, could cause disturbance or damage to tribal cultural resources. This would be a significant impact under criterion TCR 1 (adverse change in the significance of a tribal cultural resources identified through tribal consultation). However, impacts are not anticipated because no tribal cultural resources determined by the County have been found in the Project area or identified through tribal consultation. Regardless, the project included the following mitigation to ensure impacts would remain less than significant. **(EIR p. 3.6-35).**

**Mitigation Measures:**

**AES-1 (Night Lighting Management Plan)**

**AES-2 (Surface Treatment of Project Structures and Buildings)**

**AES-3 (Project Design)**

**AES-4 (Retention of Roadside Vegetation)**

**CUL-1 (Project Archaeologist)**

**CUL-2 (Cultural Resources Monitoring Plan)**

**CUL-3 (Archaeological Monitor)**

**CUL-4 (Native American Monitor).**

**CUL-5 (Tribal Cultural Sensitivity Training)**

**CUL-6 (Discovery of Unanticipated Resources)**

**CUL-7 (Artifact Disposition)**

**CUL-8 (Monitoring Report)**

**CUL-9 (Temporary Fencing)**

**CUL-12 (Prehistoric Trails Summary Report)**

***Impact:*** *Tribal Cultural Resources*

***Threshold:*** *The proposed project would not adverse change in the significance of a Tribal Cultural Resource eligible for or listed on the CRHR or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k), with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The direct and indirect impacts of solar field and gen-tie construction, operation, and decommissioning, could cause disturbance or damage to tribal cultural resources. This would be a significant impact under criterion TCR 2 (adverse change in the significance of a tribal cultural resources eligible or listed on the CRHR). However, they are not anticipated because no tribal cultural resources that are eligible or listed on the CRHR have been identified. Regardless, the project included the following mitigation to ensure impacts would remain less than significant. **(EIR p. 3.6-35).**

**Mitigation Measures:**

**AES-1 (Night Lighting Management Plan)**

**AES-2 (Surface Treatment of Project Structures and Buildings)**

**AES-3 (Project Design)**

**AES-4 (Retention of Roadside Vegetation)**

**CUL-1 (Project Archaeologist)**

**CUL-2 (Cultural Resources Monitoring Plan)**

**CUL-3 (Archaeological Monitor)**

**CUL-4 (Native American Monitor).**

**CUL-5 (Tribal Cultural Sensitivity Training)**

**CUL-6 (Discovery of Unanticipated Resources)**

**CUL-7 (Artifact Disposition)**

**CUL-8 (Monitoring Report)**

**CUL-9 (Temporary Fencing)**

**CUL-12 (Prehistoric Trails Summary Report)**

**E. Geology, Soils and Mineral Resources**

***Impact:*** *Soil Erosion*

***Threshold:*** *The proposed project would not change topography or ground surface or result in an increase in deposition, siltation, or wind and water erosion which could result in substantial soil erosion or loss of topsoil with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Construction would require ground disturbance for solar panel installation, substations, the O&M building if an existing building is not used, associated septic system, construction of access roads, and other features. These activities would expose soil and increase the potential for wind and water erosion. Disturbed soils accelerate erosion and increase sediment in storm water runoff to receiving waters, causing increased turbidity and sedimentation. Portions of the site (Parcel Groups A and G) are mapped for surficial deposits of Dune sands and would be expected to be especially vulnerable to wind erosion. The increase in erosion would result in a significant impact without mitigation. Mitigation Measure AQ-1 (Fugitive Dust Control Plan) would require a fugitive dust abatement plan that would mitigate the dust emissions during construction by implementing a suite of effective dust control practices, such as using soil stabilizers or watering exposed areas. Mitigation Measure HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP]) would ensure proper protection of water quality and soil resources, address exposed soil treatments in the solar fields for both road and non-road surfaces, and identify all monitoring and maintenance activities. Mitigation Measure HWQ-4 (Project Drainage Plan) would require hydrologic assessment of flood discharges and would show how they would be conveyed through or around the site and ensure that erosion does not leave the site and impact adjacent landowners or nearby water features. With implementation of the mitigation measures, impacts related to soil erosion would be

less than significant. In addition, the Storm Water Pollution Prevention Plan (SWPPP) would also include best management practices (BMPs) that would reduce potential erosion. **(EIR p. 3.7-8).**

**Mitigation Measures:**

**MM AQ-1 (Fugitive Dust Control Plan)**

**MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP])** [full text under Hydrology and Water Quality]

**MM HWQ-4 (Project Drainage Report and Plans)** [full text under Hydrology and Water Quality]

**F. Hazards and Hazardous Materials**

***Impact:*** *Hazardous Materials*

***Threshold:*** *The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Throughout construction, materials would be sorted on-site and transported to appropriate waste management facilities. Hazardous waste and electronic waste would not be placed in a landfill, but would be transported to a hazardous waste handling facility (e.g., electronic-waste recycling). All contractors and workers would be educated about waste sorting, appropriate recycling storage areas, and how to reduce landfill waste. Compliance with applicable state and federal regulations would minimize the risk of damage or injury from these potential hazards to less than significant levels.

During construction, herbicides may be applied to control weed growth. Use of herbicides would occur in accordance with all recommended application procedures as identified on product labels as well as under the direct supervision of a licensed Certified Pesticide Applicator. The proposed Project would not contain a residential or commercial component that would expose people to potential pesticides or herbicides; as a result, application of

herbicides during construction would have a less than significant impact.

The Phase I Environmental Site Assessment identified a number of potential environmental contaminants including munitions and explosives of concern and unexploded ordnance, former and current agriculture use areas, secondary containment sump and drum/oil stained areas, potential underground storage tanks, a leaking aboveground storage tank, and potential lead-based paint and asbestos containing materials.

Because of the potential for environmental contaminants above regulatory thresholds resulting from agriculture, the secondary containment sump and oil stained areas, the potential underground storage tanks, and the leaking aboveground storage tank, construction of the Project could result in impacts to workers, future workers, or visitors. The implementation of Mitigation Measures HAZ-1 (Soil Investigation) and HAZ-2 (Worker Environmental Awareness Program [WEAP]) would ensure that the potential impacts associated with residual pesticides or agricultural chemicals would be less than significant.

The Project site is nearby to the Palen Pass maneuvering area and the historic World War II training camps. Therefore, during construction, maintenance, and closure and decommissioning activities associated with the proposed Project, land disturbance activities could unearth unexploded World War II-era and more recent vintage munitions, including conventional and unconventional land mines, personnel mines, and bullets, the detonation of which would pose a safety risk to the construction workers. For example, surface and shallow sub-surface unexploded ordnance (UXO) could be disturbed by vehicles, walkers, and excavation using shovels or similar hand tools, and deeper sub-surface UXO could be disturbed by the earth movement and excavation processes that would be required for development of the Project. Implementation of proposed Mitigation Measure HAZ-3 (UXO Training and Reporting Plan), would formalize UXO training, investigation, removal, and disposal to ensure that potential UXO impacts would be less than significant.

As noted in the Phase I ESA, a number of structures and debris may contain lead-based paint and/or asbestos. Both these contaminants have the potential to result in impacts to workers, future workers, or visitors if not addressed appropriately. Mitigation Measure HAZ-4 (Pre-

demolition Surveys and Appropriate Hazardous Materials Removal) would require surveys for lead based paint and asbestos prior to demolition of structures and appropriate removal in accordance with all applicable regulations and would reduce the impact to less than significant. **(EIR pp. 3.3-9 to 3.9-11)**.

**Mitigation Measures:**

**MM HAZ-1 Soil Investigation.** Prior to issuance of a grading permit, a Phase II soil investigation shall be prepared by a qualified environmental consultant to evaluate the potential presence of residual contaminants as recommended in the Phase I report (see Appendix K). Any soils found to contain residual contaminants in exceedance of regulatory action levels that are determined by the consultant to represent a potential hazard to construction workers or future workers and visitors shall be removed from the site in accordance with Riverside County Department of Environmental Health oversight.

**MM HAZ-2 Worker Environmental Awareness Program.** The Worker Environmental Awareness Program (WEAP) shall include a personal protective equipment (PPE) program, an Emergency Action Plan (EAP), and an Injury and Illness Prevention Program (IIPP) to address health and safety issues associated with normal and unusual (emergency) conditions. It will be reviewed by the County and BLM for their respective jurisdictions. Construction-related safety programs and procedures shall include a respiratory protection program, among other things. Construction would be undertaken sequentially in accordance with a Construction Plan that shall include the final design documents, work plan, health and safety plans, permits, Project schedule, and operation and maintenance manuals. Construction Plan documents shall relate at least to the following:

- Environmental health and safety training (including, but not limited, to training on the hazards of Valley Fever, including the symptoms, proper work procedures, how to use PPE, and informing supervisor of suspected symptoms of work-related Valley Fever)
- Site security measures
- Site first aid training

- Construction testing (non-destructive examination, hydro, etc.) requirements
- Site fire protection and extinguisher maintenance, guidance, and documentation
- Furnishing and servicing of sanitary facilities records
- Trash collection and disposal schedule/records
- Disposal of hazardous materials and waste guidance in accordance with local, state, and federal regulations

**MM HAZ-3 UXO Identification, Training and Reporting Plan.** Where ground disturbance work is involved, contractor(s) should be OSHA HAZWOPER-trained in accordance with standard 29CFR1910.120 and hold a current certification. The Applicant shall prepare a UXO Identification, Training and Reporting Plan to properly train all site workers in the recognition, avoidance and reporting of military waste debris and ordnance. The Applicant shall submit the plan to the County and BLM for review and approval for their respective jurisdictions prior to the start of construction. The plan shall contain, at a minimum, the following:

- A description of the training program outline and materials, and the qualifications of the trainers;
- Identification of available trained experts that will respond to notification of discovery of any ordnance (unexploded or not); and
- Work plan to recover and remove discovered ordnance, and complete additional field screening, possibly including geophysical surveys to investigate adjacent areas for surface, near surface or buried ordnance in all proposed land disturbance areas.

**MM HAZ-4 Pre-demolition surveys and appropriate hazardous materials removal.** Prior to the removal of any structures, perform a survey for lead based paint and asbestos containing materials. If found, all lead based paint must be removed from the property prior to construction/demolition activities with the potential to disturb painted surfaces and disposed of in accordance with all applicable laws. If the activities would not disturb painted surfaces, the entire structure with lead base paint must be disposed of in accordance with all applicable laws. If found, all asbestos containing materials must be disposed of in accordance

with all applicable laws.

***Impact:*** *Hazardous Materials and Risk of Upset*

***Threshold:*** *The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The use of hazardous materials, such as fuels and greases to fuel and service construction equipment, could result in the accidental release of these materials if not managed appropriately. As there would be regulated hazardous materials onsite, storage procedures would be dictated by a Hazardous Materials Management Plan that would be developed prior to construction and spill prevention measures and secondary containment would be implemented as part of the Project where warranted. A Storm water Pollution Prevention Plan (SWPPP) or SWPPP equivalent document would be prepared by a qualified engineer or erosion control specialist and would be implemented before and during construction. The SWPPP would be designed to reduce potential impacts related to erosion and surface water quality during construction activities and throughout the life of the Project. It would include Project information and best management practices (BMP). The BMPs would include storm water runoff quality control measures, concrete waste management, storm water detention, watering for dust control, and construction of perimeter silt fences, as needed. The implementation of Mitigation Measure HAZ-2 (WEAP) would further ensure that any impact from accidental releases of hazardous materials into the environment would be less than significant by ensuring that workers would be trained on site-specific spill prevention, emergency response, and safe material handling. **(EIR pp. 3.9-11).**

**Mitigation Measures:**

**MM HAZ-2 (Worker Environmental Awareness Program)**

***Impact:*** *Hazardous Materials Sites*

***Threshold:*** *The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The Project area was not identified specifically on the California Department of Toxic Substances and Control (DTSC) database. However, according to the Phase I report, there are a number of potentially toxic substances located on the site that could result in impacts to workers, nearby residents or visitors. Mitigation Measures HAZ-1 through HAZ-4 would reduce this impact to less than significant by requiring appropriate studies and surveys to further understand and remediate the potential environmental hazard. **(EIR p. 3.9-12).**

**Mitigation Measures:**

**MM HAZ-1 (Soil Investigation)**

**MM HAZ-2 (Worker Environmental Awareness Program)**

**MM HAZ-3 (UXO Identification, Training and Reporting Plan)**

**MM HAZ-4 (Pre-demolition surveys and appropriate hazardous materials removal)**

***Impact:*** *Fire Hazards*

***Threshold:*** *The proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The Project area is not located within an area of high/very high fire hazard, as determined by CAL FIRE. The proposed Project area is designated as a Local Responsibility Area according to the CAL FIRE Fire Hazard Severity Zones Map and the fire severity level of the area is unzoned. The Project area consists of active and fallow agricultural land and some open space, with minimal native or ruderal vegetation. The solar facility would be designed

and constructed to industry safety design standards (i.e., Institute of Electrical and Electronic Engineers, National Electric Code) and Riverside County Building and Safety Department requirements to reduce the risk of electrical fires at the site. Solar arrays are fire-resistant, as they are constructed largely out of steel, glass, aluminum, or components housed within steel enclosures. Substation equipment and inverters would be sited on concrete foundations and inverters would be housed in steel and concrete equipment enclosures, minimizing the risk of electrical sparks that could ignite during equipment failure. In the event of a fire or accident, the complete facility alternating current (AC) power system could be shut down, and each power block could be isolated and shut down individually. The inverters automatically shut down when they no longer sense voltage from the grid.

Overall, the construction, operation, and maintenance of the proposed Project would result in a minimal increased risk of wildfires in the Project area. The proposed Project would comply with all applicable wildland fire management plans and policies established by CAL FIRE and the Riverside County Fire Department. Implementation of a WEAP, as required under Mitigation Measure HAZ-2, would further reduce wildfire risks to less than significant levels. Accordingly, the proposed Project is not expected to expose people or structures, directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Therefore, impacts would be less than significant with mitigation. **(EIR p. 3.9-15).**

**Mitigation Measures:**

**MM HAZ-2 (Worker Environmental Awareness Program)**

**G. <u>Hydrology and Water Quality</u>**

***Impact:*** *Water Quality Standards and Plans*

***Threshold:*** *The proposed project would not violate water quality standard or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, or conflict with the implementation of a water quality control plan with implementation of mitigation measures.*

<u>Findings of Fact, Less Than Significant with Mitigation Measures</u>:

Development and adherence to a Stormwater Pollution Prevention Plan (SWPPP) in conformance with the California General Construction Storm Water Permit will require best management practices to prevent and control erosion and siltation during construction, prevent, contain and mitigate accidental spills during construction, and prevent violation of water quality objectives or damaging beneficial uses identified in the water quality control plan. Compliance with Sections 401 and 404 of the Clean Water Act will also minimize this impact.

Construction of the gen-tie line would involve excavation for tower foundations and grading of access roads. Equipment used would be similar to the equipment used for the solar array and would result in similar potential impacts to water quality through ground disturbance and potential spills. Adherence to the SWPPP, and Mitigation Measure HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP]) would mitigate these construction impacts. Operations impacts would be minimal. The gen-tie line would be situated on towers well above the ground surface and would require minimal maintenance. With Mitigation Measure HWQ-1 in place, this impact would be less than significant.

The Project would produce sanitary wastewater from the O&M building, treated and disposed at the site using an existing septic disposal system. It is not known whether the existing system is idle or in use, nor whether the proposed use would exceed the level of previous use. The federal government (U.S. EPA), state and local (Riverside County Department of Environmental Health) have requirements for septic system design, including requirements for percolation, vertical distance from the groundwater table, and setback from the nearest groundwater well. The use and application of septic fields is an established practice as a method of wastewater treatment. A continued use of an existing septic system that is currently in use would not be an impact unless the new use exceeds the capacity of the system. A renewed use of a permitted septic system is not expected to result in substantial degradation of the groundwater underlying the Project site, but Mitigation Measure HWQ-2 (Septic System Rehabilitation) would allow the County to ensure that it is in line with County and EPA regulations and protective of water quality. With Mitigation Measure

HWQ-2 in place, the water quality impact to groundwater is less than significant. **(EIR pp. 3.10-13 and 3.10-14)**.

**Mitigation Measures:**

**MM HWQ-1 Drainage Erosion and Sedimentation Control Plan (DESCP).** Prior to site mobilization, the Applicant shall submit to the County of Riverside a Drainage Erosion and Sedimentation Control Plan (DESCP) for managing storm water during Project construction and operations. The DESCP must ensure proper protection of water quality and soil resources, address exposed soil treatments in the solar fields for both road and non-road surfaces, and identify all monitoring and maintenance activities. The plan must also cover all linear Project features such as the proposed gen-tie line for which the plan must also be reviewed by the BLM. The DESCP shall contain, at minimum, the elements presented below that outline site management activities and erosion and sediment-control Best Management Practices (BMPs) to be implemented during site mobilization, excavation, construction, and post construction (operating) activities.

A. *Vicinity Map* – A map(s), at a minimum scale 1 inch to 500 feet, shall be provided indicating the location of all Project elements with depictions of all significant geographic features including swales, storm drains, drainage concentration points and sensitive areas.

B. *Site Delineation* – All areas subject to soil disturbance for the proposed Project shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures and drainage facilities.

C. *Clearing and Grading Plans* – The DESCP shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extent of all proposed grading as shown by contours, cross sections, or other means. The locations of any disposal areas, fills, or other special features shall also be shown. Existing and pro-posed topography shall be illustrated by tying in proposed contours with existing topography.

D. *Clearing and Grading Narrative* – The DESCP shall include a table with the estimated quantities of material excavated or filled for the site and all Project elements, whether such excavation or fill is temporary or permanent, and the amount of such material to be imported or exported.

E. *Erosion Control* – The plan shall address exposed soil treatments to be used during construction and operation including specifically identifying all chemical-based dust palliatives, soil bonding, and weighting agents appropriate for use that would not cause adverse effects to vegetation. BMPs shall include measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use.

F. *Best Management Practices Plan* – The DESCP shall identify on the topographic site map(s) the location of the site specific BMPs to be employed during each phase of construction (initial grading, Project element excavation and construction, and final grading/stabilization). BMPs shall include measures designed to control dust, stabilize construction access roads and entrances, and control storm water runoff and sediment transport.

G. *Best Management Practices Narrative* – The DESCP shall show the location, timing, and maintenance schedule of all erosion- and sediment-control BMPs to be used prior to initial grading, during excavations and construction, final grading/stabilization, and operation. Separate BMP implementation schedules shall be provided for each Project element for each phase of construction. The maintenance schedule shall include post-construction maintenance of structural-control BMPs, or a statement provided about when such information would be available.

The DESCP shall be prepared, stamped and sealed by a professional engineer or erosion control specialist. The DESCP shall include copies of recommendations, conditions, and provisions from the County of Riverside and/or BLM.

**MM HWQ-2 Septic System Rehabilitation.** Before the start of construction, the Applicant shall submit to the County an evaluation of the existing septic system to ensure that the

proposed use of the system is consistent with the existing use, and if necessary shall make modifications to the system to ensure that it would have capacity for any increased use without creating additional impacts to groundwater.

***Impact:*** *Groundwater*

***Threshold:*** *The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

A Water Supply Assessment (WSA) concluded the Athos Project's use of water, which would be 200 acre-feet per year (afy) during construction and 40 afy during operations, would be well below the estimated CVGB surplus of 2,390 afy. The Project alone would therefore not cause nor contribute to a groundwater deficit nor impact the sustainable groundwater management of the basin. However, as described in the WSA, there is substantial uncertainty regarding the baseline groundwater budget. Using the NPS estimates of baseline recharge, the CVGB is already in overdraft. Assuming NPS estimates, the Athos Project operations would contribute about 1 percent to the groundwater overdraft. This would not be a substantial increase in groundwater use.

Project-related groundwater use could affect the adjacent Palo Verde Mesa Groundwater Basin (PVMGB) by inducing flows from the Colorado River into that basin. Any resulting use of Colorado River water without an entitlement would be illegal. However, given the distance of the Project from the Colorado River, and the pumping elevation, the Project would not likely result in direct impacts to the PVMGB, and wells drawing groundwater for Project use would not induce flow from the Colorado River. Nonetheless, because uncertainty regarding an induced flow from the Colorado River, Mitigation Measure HWQ-3 (Mitigation of Impacts to the Palo Verde Mesa (PVMGB) Groundwater Basin) is required to reduce the possibility of impacts related to Colorado River water. **(EIR p. 3.10-15).**

**Mitigation Measures:**

**MM HWQ-3 Mitigation of Impacts to the Palo Verde Mesa (PVMGB) Groundwater Basin.** If water for the Project is to be obtained from onsite wells, the Applicant shall develop a Colorado River Water Supply Plan (Plan) to monitor groundwater extractions and prevent, replace or mitigate Project impacts that deplete the PVMGB groundwater budget. The amount of PVMGB depletion requiring mitigation shall be equal to the amount of withdrawals from below the Colorado River Accounting Surface. The Plan shall identify measures that will be taken to replace water on an acre-foot to acre-foot basis, if the Project results in consumption of any water from within or below the Colorado River Accounting Surface, towards the purpose of ensuring that no allocated water from the Colorado River is consumed without entitlement to that water.

The Plan shall be submitted to the United States Bureau of Reclamation for review and approval prior to the initiation of construction and is required to be implemented at any time during the lift of the Project that groundwater withdrawals reach the Accounting Surface. No pumping of groundwater below the accounting surface shall occur without compensatory mitigation according to the approved plan. A copy of the Plan shall also be submitted to the Metropolitan Water District for review and comment.

***Impact:*** *Drainage*

***Threshold:*** *The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Because of the proposed plan of minimal grading, alteration of the existing drainage pattern, and any associated erosion or siltation, should be minimal. However, the final site plans are not yet complete, and there remains a potential for alteration of drainage patterns and the potential for erosion. Drainage alterations could occur through diversions by the proposed

security fences, placement of structures in drainage areas, or grading to control high flow concentrations.

Erosion protection management measures would be required by adherence to a SWPPP in compliance with the Clean Water Act and the California General Construction Permit. Riverside County requires natural drainage to be maintained to the maximum extent possible and prohibits obstructing fences perpendicular to existing drainage patterns. Fences must allow runoff to pass unencumbered. Compliance with these measures is generally sufficient to reduce erosion impacts to a minimum. A Drainage Erosion and Sedimentation Control Plan (DESCP) is proposed in Mitigation Measure HWQ-1 to further address potential Project-related water erosion impacts. This plan would include applicable measures, such as best management practices (BMPs), to reduce erosion and siltation impacts. **(EIR p. 3.10-16).**

**Mitigation Measures:**

**MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP]).**

***Impact:*** *Drainage*

***Threshold:*** *The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Alteration of the existing drainage pattern should be minimal because of the minimal grading proposed. Some alterations could occur through diversions by the proposed security fences, which could become barriers to flow by the accumulation of debris, in which case substantial diversions of offsite sheet flow could occur. Structures placed in drainage areas, or grading to control high flow concentrations, could also lead to flow diversions which could adversely affect the flood potential within or outside the property. Some of these potential diversions

may already occur as part of the baseline conditions due to existing berms. Riverside County requires natural drainage to be maintained to the maximum extent possible and prohibits obstructing fences perpendicular to existing drainage patterns. Fences must allow runoff to pass unencumbered.

Although minimal alteration of drainage patterns is expected, the final site plans are not yet complete, and there remains a potential for the Project to cause flooding either of adjacent property or within the site itself. Mitigation Measure HWQ-1 requires the development of a DESCP which would address erosion-related impacts. The Westwood study has a broad assessment of the flood potential on the site. As the site design is completed, additional drainage information would be required to ensure that the design addresses drainage and flooding conditions on each parcel. Mitigation Measure HWQ-4 requires a project drainage report and plans to address onsite flooding and the potential for the Project to induce flooding on adjacent property. **(EIR pp. 3.10-17 and 3.10-18)**.

**Mitigation Measures:**

**MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP]).**

**MM HWQ-4 Project Drainage Plan.** The Project owner shall provide Riverside County with a drainage plan, for review and approval prior to construction, which includes the following information:

A. Hydrologic assessment of flood discharges affecting each parcel.

B. A detailed onsite hydraulic analysis utilizing FLO 2D or similar two-dimensional hydraulic model acceptable to the Riverside County which models pre- and post-development flood conditions for the 10- and 100 year storm events. The post-development model must include all proposed Project features, contours, and drainage improvements. Graphical output must include depth and velocity mapping as well as mapping which graphically shows the changes in both parameters between the pre- and post-development conditions.

C. The Drainage Plan shall show the location of all watercourses, drainage concentration points and drainage ditches as they enter, cross and exit the site. It shall

include pre-development and post-development peak flow estimates. It shall include hydraulic calculations to determine flood conditions, floodplain limits, flood depths and velocities. It shall show the relationship of drainage and flood features to the features of the proposed Project, including buildings, fences, substations, access roads, culverts, linear features and panel supports, demonstrating adequate design to protect from flooding, erosion and scour, and to do so without adversely affecting adjacent property, inducing erosion or concentrating or diverting flows.

D. The Plan shall show how drainage will be conveyed through the site without adversely affecting other property, either through increased flood hazard or increased potential for scour and erosion. No flow obstructing fences (chain link, block wall, etc.) shall be constructed perpendicular to existing drainage patterns. Proposed fencing shall allow runoff to traverse the project site unencumbered.

E. The Plan shall include an assessment of existing diversion berms and channels around parcel perimeters and the magnitude and frequency of flood that would be diverted by these existing features, and the probable integrity of these features to withstand flows. It shall show how those that are on the Project site will be affected by Project grading. It shall include an assessment of flows approaching proposed perimeter fences, whether or not adjacent to existing berms, and make design recommendations to avoid diversion of flows by these fences. Design recommendations may include creating fence openings large enough to allow the passage of debris-laden flows without the potential for diversions to other property.

F. The Plan shall have detailed design of flood retention features necessary to avoid any increase in downstream flood peak flow rates.

G. Drainage of Project Site Narrative – The Plan shall include a narrative of the measures necessary to protect the site and Project features from flooding, erosion and sedimentation, and measures taken to prevent Project-induced erosion and flooding of adjacent property.

***Impact:*** *Drainage*

***Threshold:*** *The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

There are no existing or planned storm water drainage systems at or downstream of the property. Drainage in the area and downstream of the Project consists of natural desert with natural watercourses. Some increase in runoff potential is possible due to increased impervious area and compacted roadway surfaces, but a large increase is not anticipated due to the small amount of new impervious areas and compacted roadways. Any increase in runoff would be addressed in the DESCP and Riverside County detention regulations. Regardless, MM HWQ-1 and HWQ-4 would further ensure this impact remains less than significant. **(EIR p. 3.10-18).**

**Mitigation Measures:**

**MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP])**

**MM HWQ-4 (Project Drainage Plan)**

***Impact:*** *Drainage*

***Threshold:*** *The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

The Project will include perimeter fencing which, if clogged with debris normally carried by natural flood flows in the desert, could divert flood flows and substantially increase the

flood potential on other property. Mitigation Measure HWQ-4 (Project Drainage Plan) is proposed to ensure that fence-related diversions of flow be less than significant by being addressed in the DESCP and by creating fence openings sufficient to allow pass-through flow in places where there are no demonstrable existing flood diversions. Much of the Project would be subject to flooding with depths up to 6 feet. Any structures placed in those areas would be subject to flood damage. The internal power lines would be protected from flooding by burying or being installed on poles, but if on poles could be subject to flood-related scour. The substations, O&M building and other features could be subject to flood damage. Mitigation Measures HWQ-1 (Drainage Erosion and Sedimentation Control Plan (DESCP)) and HWQ-4 (Project Drainage Plan) would ensure that the site design include consideration of flood flows. Mitigation Measure HWQ-5 (Flood Protection) is proposed to ensure that all Project structures be protected from flooding and flood-related scour. **(EIR pp. 3.10-19 and 3.10-20).**

**Mitigation Measures:**

**MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP])**

**MM HWQ-4 (Project Drainage Plan)**

**MM HWQ-5 Flood Protection.** Substations, the O&M Building, energy storage system, and all other Project buildings shall either be situated outside of the 100 year floodplain or sufficiently protected against dislodgement by flooding where placement outside the floodplain is not practical. Flood protection shall consist of elevating the structures on fill to at least the highest anticipated adjacent flood level per County requirements. Solar panels shall be situated at least one foot above the highest anticipated local flood level per County requirements. All structures using posts or poles for foundations, including transmission poles or towers, shall be designed to protect against substantial scour from the 100 year flood event. The Project must comply with Riverside County Ordinance No. 458 for projects within a Special Flood Hazard Area or floodplain: electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities must be designed or located to prevent water from entering or accumulating within the components during flooding.

## H. Noise

***Impact:*** *Noise*

***Threshold:*** *The proposed project would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of established standards with implementation of mitigation measures.*

Findings of Fact, Less Than Significant with Mitigation Measures:

Construction activities would create both intermittent and continuous noises. Intermittent noise would be caused by periodic, short-term equipment operation. For example, site preparation would involve light grading, and following that, PV panel structures would require pile installation using a pile driver, similar to a hydraulic rock hammer attachment on the boom of a rubber-tired backhoe or excavator. Underground cables would require ordinary trenching and backfilling techniques. These activities would gradually move as they proceed within the site. Other equipment such as a concrete batch plant, would remain at one location for much of the duration. While most equipment would be used intermittently, continuous noise would emanate from some equipment over longer periods, such as power generators or trucks applying water or moving material within the site. Mitigation Measure N-1 (Construction Restrictions) is required to ensure that any construction activities outside of the schedule of the Noise Ordinance would be limited to light-duty equipment and vehicles. Mitigation Measures N-2 (Public Notification Process) and N-3 (Noise Complaint Process) are also required to ensure that nearby residents are provided advance notification of potentially adverse noise conditions and to ensure that complaints are resolved. With the provided mitigation measures, construction would not result in a substantial increase in noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies, and this impact with mitigation would be less than significant.

Once operational, the dominant stationary source of noise could be air conditioning units, if necessary for the optional battery system. These units would be subject to the 45 dBA Lmax standard of the Noise Ordinance, if operational at night. To comply with that target, final