ADDENDUM

KERN COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Planning Commission

STAFF REPORT

Date: February 27, 2014

FILE: CUP #14, Map #152; CUP #15, Map #152; CUP #2, Map #153
S.D.: #2 - Scrivner

TITLE: Conditional Use Permit Case No. 14, Map No. 152; Conditional Use Permit Case No. 15, Map No. 152; Conditional Use Permit Case No. 2, Map No. 153

PROPOSAL: Conditional Use Permits to allow for construction and operation of a 230 megawatts (MW) solar photovoltaic power generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District (Springbok 1 Solar Farm and Oryx Solar Farm)

APPLICANT: 62SK 8ME, LLC c/o 8Minutenergy Renewables, LLC (PP13319)

PROJECT SIZE: 1,296 acres

LOCATION: Approximately one mile south of the town of Cantil, northeast of California City, corner of Neuralia Road and Anne Avenue/Farmer John Lane (Springbok 1 Solar); and south of the town of Cantil and north of California City at the northwest corner of Harriet Avenue and Cheyenne Boulevard (Oryx Solar) in the County of Kern

GENERAL PLAN DESIGNATION: 8.5 (Resource Management) and 8.5/2.5 (Resource Management - Flood Hazard)

SURROUNDING LAND USE/ZONING: Site 1 (Parcels 1 and 2) North - Undeveloped land/A and A-1 (Limited Agriculture); East - Undeveloped land/A; South - Undeveloped land/PL RS MH (Platted Lands - Residential Suburban Combining - Mobilehome Combining); West - Undeveloped land/A; Site 2 (Parcel 3) North - Undeveloped land/A, A GH (Exclusive Agriculture - Geologic Hazard Combining), and A FPS (Exclusive Agriculture - Floodplain Secondary Combining); East - Undeveloped land/A; South - Undeveloped land/A FPS, PL RS (Platted Lands - Residential Suburban Combining), and PL RS FPS (Platted Lands - Residential Suburban Combining - Floodplain Secondary Combining); West - Undeveloped land/A

PROJECT ANALYSIS: This case was originally scheduled to be considered by your Commission on December 12, 2013, and was continued to the January 9, 2014, hearing to allow the applicant to be in attendance. On January 8, 2014, an opposition letter was received from the Center for Biological Diversity and it was determined by Staff that the project should be referred back to staff for further analysis. The case has now been readvertised for this February 27, 2014, Commission meeting.

The Springbok project is located approximately one mile south of the town of Cantil, northwest of the California City limits, at the corner of Neuralia Road and Anne Avenue/Farmer John Lane.
The Oryx project is located south of the town of Cantil and north of California City, at the northwest corner of Harriet Avenue and Cheyenne Boulevard in the unincorporated area of Kern County, with the major access route of State Route 14.

The applicant is requesting conditional use permits to allow for construction of two solar facilities known as the Springbok 1 Solar Farm (SSF-1) and the Oryx Solar Farm (OSF). SSF-1 would generate up to 150 megawatts (MW) of power on 951 acres and OSF would generate up to 80 MW on 345 acres; as demonstrated below in Table 1.

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Project Boundary</th>
<th>Maximum Megawatts</th>
<th>Physical Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Beacon Photovoltaic project</td>
<td></td>
<td>250 MW</td>
<td>Sections 4, 7, 8, and 9</td>
</tr>
<tr>
<td>(2012)</td>
<td></td>
<td></td>
<td>T31S, R37E</td>
</tr>
<tr>
<td>By NextEra Energy Resource</td>
<td>2,298 acres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Springbok 1 Solar Farm (SSF-1) &amp; Oryx Solar Farm (OSF) (2014)</td>
<td>1,296 acres SSF-1: 951 acres OSF: 345 acres</td>
<td>230 MW OSF: 80 MW</td>
<td>SSF-1: West 1/2 of Sec 7, T31S, R37E; Sec 12, T31S, R37E OSF: Section 17, T31S, R37E</td>
</tr>
<tr>
<td>By 62SK 8ME, LLC (8Minutenergy)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>3,594 acres</td>
<td>480 MW</td>
<td>Sections 4, 7, 8, 9, 12 and 17 of T31S, R37E</td>
</tr>
</tbody>
</table>

The proposed projects would be located in proximity to the previously approved Beacon Photovoltaic Solar project by Beacon Solar, LLC, which was approved and on the Environmental Impact Report (EIR) (State Clearinghouse No. 2012011029) certified by the Kern County Board of Supervisors on October 30, 2012. The approved Beacon project includes a 250 MW solar facility on 2,298 acres of land. The Beacon project was processed by NextEra Energy Resources and the current project is proposed by a different applicant.

If the current requests are approved, the result would be a total of 480 MW of approved solar development on a total of 3,594 acres, as noted in Table 1 above.

The proposed project includes several potential locations for the solar project's substation, gen-tie power line, operations and maintenance building, and septic system because it is currently uncertain if the solar project will interconnect into the Southern California Edison (SCE) or the Los Angeles Department of Water and Power (LADWP) electrical systems.

Throughout this staff report, the term “approved project site” consists of the 2,298-acre site evaluated in the original EIR (October, 2012), and the term “proposed project site” consists of the
1,296 acres that would be developed with implementation of the proposed project analyzed in the Addendum EIR (December 2013).

Site Location and Surrounding Area

The proposed project sites would be comprised of three parcels of record and are located approximately one mile south of the town of Cantil, in eastern Kern County, with a major access route of State Route 14. The boundaries are depicted in Figure 5a - Proposed Site Plan 1, and Figure 5b - Proposed Site Plan 2 (attached) with each location described in detail below:

- **Parcels 1 and 2 (SSF-1).** The eastern area of the proposed project site is designated Map Codes 8.5 (Resource Management) and 8.5/2.5 (Resource Management and Flood Hazard) by the Kern County General Plan, and has a zone classification of A (Exclusive Agriculture) and A FPS (Exclusive Agriculture - Floodplain Secondary Combining). The site is currently vacant, undeveloped land. Surrounding land uses include vacant, undeveloped lands.

- **Parcel 3 (OSF).** The southern area of the proposed site is also designated Map Codes 8.5 and 8.5/2.5 by the Kern County General Plan, and has a zone classification of A and A FPS. The site is currently vacant, undeveloped land. Surrounding land uses include vacant, undeveloped land. Parcel 3, of the proposed project site is located within a FEMA-designated Flood Zone “A,” indicating that it could be inundated during a 100-year flood event.

Proposal

As noted above, the required discretionary approvals needed for the projects include: Conditional Use Permit 2, Map 153; Conditional Use Permit 14, Map 152; and Conditional Use Permit 15, Map 152, and are described as follows:

The conditional use permits allow the conditional approval of construction and operation of solar energy electrical facilities within the A District. The proposed project includes the installation of photovoltaic solar panels, a substation, gen-tie power line, operations and maintenance building, and septic system, and would add up to 230 MW of solar development in addition to the approved Beacon Photovoltaic project.

Proposed Project Characteristics

The photovoltaic (PV) panels will be on fixed or single-axis tracking support structures, combiner boxes, inverters and transformers, medium-voltage collection lines, and access roads would also be constructed on the proposed project site. The site plan depicts alternate locations for the project substation, operations and maintenance building, septic system and gen-tie power line. This has been included to allow for the potential to interconnect into the existing transmission corridor through the Beacon Substation or alternatively the LADWP Barren Ridge Substation. The project site would be enclosed by fencing in the same manner as the approved project.

Construction activities on the proposed project would be the same as the activities described in the certified EIR. Similar to the approved project site, the project addition has relatively flat topography. Civil work will primarily consist of minimized grading as mentioned, in the original EIR. Site preparation, construction activities, and the construction sequence and equipment used would not change. The duration of the construction activities would be extended slightly by approximately nine months to accommodate for the additional acreage and capacity.
Operation of the proposed project also would be the same as described in the certified EIR. The operation and maintenance activities and decommissioning program would not change.

**Addendum Environmental Impact Report (EIR)**

An addendum to the Beacon Photovoltaic project EIR (State Clearinghouse No. 2012011029) was prepared for this project, in accordance with CEQA Guidelines. As required by CEQA, the Addendum includes appropriate review, analysis, and mitigation measures for the environmental impacts associated with the required discretionary approvals needed for the project. This Addendum EIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee Agencies under CEQA.

CEQA Section 15164(a) states, the Lead Agency or a Responsible Agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

According to CEQA Section 15162, a subsequent EIR shall be prepared if any one or more of the following has occurred:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

   a. The project will have new significant effects not discussed in the previous EIR;

   b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

It is Staff’s determination that as demonstrated in the Revised Addendum EIR prepared for this project, none of the situations specified in CEQA Section 15162 have occurred and the preparation of an Addendum EIR is appropriate.
Addendum EIR Organization

The content and organization of the Addendum EIR prepared for this project is designed to meet the CEQA requirements listed above and includes the following sections:

- Chapter 1, Introduction and Overview, describes background and introductory information about the project; includes the background of the original project; identifies the rationale for preparing an addendum as the appropriate form of CEQA environmental review; and explains the purpose, scope, and content of the addendum.

- Chapter 2, Proposed Project Description, describes the location, details, and objectives for the project.

- Chapter 3, Environmental Analysis, evaluates whether new or substantially more adverse significant environmental impacts than those disclosed in the original EIR would result from implementation of the project.

- Chapter 4, List of Preparers, lists the individuals involved in preparing the Addendum.

- Chapter 5, References, identifies the documents (printed references) and individuals (personal communications) consulted during preparation of the Addendum, including consultation with Responsible Agencies’ staff.

The Final EIR and Addendum could be utilized by other permitting agencies in their capacity as Responsible and Trustee Agencies under CEQA. The following environmental impacts were identified in the Final EIR and Addendum:

Addendum EIR Scope of Environmental Review

The Addendum EIR evaluated the potential for the proposed project to result in new or substantially more severe significant impacts compared to the impacts disclosed in the certified EIR. The environmental analysis provided below describes the information that was considered in evaluating the questions contained in the Kern County CEQA Checklist. The information used in this evaluation includes the certified EIR, the proposed project description, new technical studies, literature reviews, and field reconnaissance.

The proposed project would incorporate and implement all mitigation measures identified in the certified Beacon Photovoltaic project EIR. Specific mitigation measures relevant to a particular impact of the proposed project are cited in the same manner as in the EIR and the associated Mitigation Measure Monitoring Program adopted in conjunction with the previous Beacon Photovoltaic project approvals.

The certified EIR assessed the environmental impacts of the Beacon Photovoltaic project, a 250 MW solar PV energy generation facility located on approximately 2,298 acres. Components of the facility included:

- 230 kilovolt (kV) overhead transmission line one mile off site, to connect the solar facility to the existing LADWP Barren Ridge Substation.
- A one-story 5,000-square-foot operations and maintenance building, parking lot, office, and associated septic system.
- Solar meteorological station.
• Connection to on-site SCE electric distribution line, to provide power to the facility during construction and operation.
• Reactivation of on-site water supply wells.
• On-site access roads.
• Perimeter security fencing that meets California Department of Fish and Wildlife and U.S. Fish and Wildlife Service requirements.
• Temporary construction staging/laydown area.
• Potential solar tracking system consisting of drive motors, drive arms, and possibly organic hydraulic systems that allow for rotation of solar panels from east to west, tracking the Sun’s position over the course of the day.

The potential impacts of these facilities were assessed in the certified EIR and approved in Conditional Use Permit 11, Map 152. The proposed project contains the same general facilities identified in the EIR but, along with solar fields with arrays of photovoltaic panels on an additional 1,296 acres, contains new potential alternate locations for the solar project’s substation, gen-tie power line, operations and maintenance building, and septic system because it is currently uncertain if the solar project will interconnect with the SCE or LADWP electrical systems, as noted above.

As discussed in the certified EIR, the approved project was determined to have no impact with regard to the following impact thresholds. Since the proposed project would have generally the same facilities located in the same geographic area, the impacts of the proposed project would also have no impact with regard to these impact thresholds. Therefore, these impact thresholds were not further analyzed in the Addendum EIR:

• Agricultural Resources
• Population and Housing
• Recreation

The certified EIR established, with mitigation incorporated, the approved project would result in less than significant impacts related to the following environmental impact areas:

• Aesthetics (Project)
• Air Quality (Project)
• Biological Resources (Project)
• Cultural Resources (Project and Cumulative)
• Greenhouse Gas Emissions (Project and Cumulative)
• Hazards and Hazardous Materials (Project and Cumulative)
• Hydrology and Water Quality (Project and Cumulative)
• Land Use and Planning (Project and Cumulative)
• Mineral Resources (Project and Cumulative)
• Noise (Project and Cumulative)
• Public Services (Project and Cumulative)
• Transportation and Traffic (Project and Cumulative)
• Utilities and Service Systems (Project and Cumulative)

The certified EIR established the approved project would result in significant and unavoidable impacts with regard to the following environmental impact areas:

• Aesthetics (Project and Cumulative)
- Significant project-level and cumulative impacts related to scenic vistas and visual character and quality.

- Air Quality (Project and Cumulative)
  - Significant project-level and cumulative impacts related to criteria pollutants.

- Biological Resources (Cumulative)
  - Significant cumulative impact related to loss of low-quality foraging habitat for Golden eagles and other special-status raptors.

The certified EIR contains 67 mitigation measures. The Addendum addresses changes resulting from implementation of the proposed project on each of the environmental resource areas previously analyzed in the EIR. Several minor changes to biological and cultural mitigation measures were made via the Addendum, as shown in Table 1-2 of that document. These changes were minor in nature and were meant to address the new project sites.

**Aesthetics**

The visual setting of the proposed project and its surrounding area is the same as that of the approved project site. The project addition consists primarily of undeveloped farmland, covered with low-lying desert vegetation. Lands in the vicinity of the proposed project area are the same as those described in the certified EIR.

It was determined in the certified EIR and by the Board of Supervisors through its approval on October 30, 2012, that the project would result in significant and unavoidable impacts on the existing visual character of the project site and its surroundings because it would introduce an industrial element into a predominantly open, rural landscape. The EIR concluded the impacts of the approved project would combine with impacts of past, present, and reasonably foreseeable projects to create a substantial adverse effect on the aesthetics of the project site and its surroundings and would, therefore, contribute to significant and unavoidable cumulative impacts. The project modification in this Addendum would not generate substantially more adverse cumulative impacts to aesthetics and visual resources than those disclosed in the certified EIR and would be mitigated to the maximum extent practicable by the incorporation of all feasible and applicable mitigation measures MM 4.1-1 through MM 4.1-4.

**Air Quality**

The environmental setting for air quality is the same as described in the certified EIR. Like the approved project site, the project addition is located in the Mojave Desert Air Basin and is governed by the regulations of the Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the Eastern Kern Air Pollution Control District (EKAPCD).

The regulatory framework pertaining to air quality (including federal, State, and local regulations) has not changed since the preparation of the EIR. The EPA, CARB, and the EKAPCD classify an area as attainment, unclassified, or nonattainment depending on whether or not the monitored ambient air quality data shows compliance, insufficient data available, or noncompliance with the ambient air quality standards, respectively. California and federal air quality standards relevant to the project include the following criteria pollutants: ozone, fine particulate matter with an aerodynamic diameter of 10 microns in size or less (PM\textsubscript{10}), fine particulate matter with an aerodynamic diameter of 2.5 microns in size or less (PM\textsubscript{2.5}), carbon monoxide (CO), nitrogen...
dioxide (NO$_x$), sulfur dioxide (SO$_x$) and volatile organic compounds (VOC). These standards, along with regional thresholds of significance, are regulated and enforced by the EKAPCD in the project area.

The certified EIR also concluded the impacts of the approved project will combine with impacts of past, present, and reasonably foreseeable projects to create a substantial adverse effect on air quality during the construction period and would, therefore, result in significant and unavoidable cumulative impacts. Although the construction period for the proposed project will be slightly longer, this would not create substantially more adverse cumulative impacts to air quality than those disclosed in the certified EIR and would be mitigated to the maximum extent practicable by the incorporation. Therefore, the modifications to the project would not create new or substantially more adverse cumulative impacts to air quality than those disclosed in the certified EIR and would be mitigated to the maximum extent practicable by the incorporation of MM 4.2-1 and 4.2-4 (see Mitigation Measure Monitoring Program which has been attached to this staff report for your review).

The certified EIR concluded the approved project could result in a cumulatively considerable net increase in criteria pollutants for which the project region is in nonattainment under federal or State standards if projects within a six-mile radius are constructed simultaneous to the project. The project modification would comply with the EKAPCD Rule 402 to reduce the generation of fugitive dust. Once operational, the facility would result in substantial net reductions in regional pollution by allowing for reduced use of polluting fossil fuel-based facilities (such as natural gas power plants). Since the facility’s total electrical production capacity would increase to up to 230 MW, the proposed project would offset an increased amount of energy from nonrenewable sources. For these reasons, the modifications to the project would not result in new or substantially more severe significant impacts than those disclosed in the certified EIR and would be mitigated to the extent feasible by the incorporation of mitigation measures MM 4.2-1 through MM 4.2-5.

**Biological Resources**

The solar facility sites and the surrounding areas are primarily undeveloped lands, formerly used for agricultural activities. The certified EIR described impacts on biological resources that would result from implementation of the proposed project and identified mitigation measures that would reduce these impacts.

Appendix B of the Addendum EIR includes a Biological Analysis prepared for the additional 1,296 acres of the project addition. Comprehensive analysis of special-status and sensitive species, local habitats and vegetation communities, and jurisdictional waters over the approved project site were completed. In addition to the Biological Resources Analysis, a focused survey for the Desert tortoise was conducted on the project sites. Preparation of the Biological Analysis required an evaluation of existing information available from the California Natural Diversity Database (CNDDB); U.S. Fish and Wildlife Service (USFWS); California Native Plant Society (CNPS); and various environmental documents prepared for past projects in the region.

**Special-Status Plant Species**

Charlotte’s phacelia, was found during the original study for the certified EIR, and was considered to have a moderate to high potential for occurrence within the project site and gen-tie route. Two other special-status plant species, alkali mariposa lily and creamy lazing star had a potential occurrence along the transmission route.
For the Addendum EIR, a complete literature and database review was conducted and field surveys were performed on the two project sites and along the four alternative gen-tie routes to determine the presence or potential presence of sensitive biological resources. Reconnaissance-level surveys were also conducted in September 2013, and no sensitive natural communities or special-status plants were observed across the project modification area although there were five plant species identified as potentially occurring in the area (see Appendix B for a list of all special-status species). Both the Oryx site and the Springbok 1 site are predominately creosote bush scrub habitat but the project does contain habitat in some areas of the Desert wash that could support five plant species; the Red Rock tarplant, alkali mariposa lily, Red Rock poppy, creamy blazing star, and Charlotte’s phacelia. No federally or State-listed species are expected to occur within the study area.

Based on the negative survey findings it is not expected that a loss of special-status plant habitat would occur as a result of the project modifications. The proposed project would not result in new or substantially more severe significant environmental impacts compared with the impacts disclosed in the certified EIR related to special-status plants and would not result in a change to the finding in the certified EIR of less than significant impacts relative to special-status plants. A minor revision was made via the Addendum EIR to MM 4.3-11 to reference the Red Rock tarplant and the Red Rock poppy; however, no new mitigation measures are required.

**Special-Status Wildlife**

Analysis of special-status wildlife in the certified EIR included reconnaissance-level surveys across the approved project site. In this Addendum EIR, additional database, literature review, and reconnaissance-level surveys were performed and it was found that the Desert tortoise and the American badger are known to occur on the Springbok 1 and Oryx project sites and in the general vicinity of the project sites. Tortoise were found during surveys and other sensitive animal species might be present including, Golden eagle, American peregrine falcon, Northern harrier, Western burrowing owl, Loggerhead shrike, California horned lark, LeConte’s thrasher, Desert kit fox, other migratory birds and raptors that are protected by the Migratory Bird Treaty Act, as well as the Mohave ground squirrel which is assumed to be present. Due to the provision of MM 4.3-1 through MM 4.3-23 (fully described in the certified EIR), impacts to special-status wildlife were determined to be less than significant. No additional mitigation measures are warranted.

The September 9, 2013, on-site surveys conducted for the Addendum EIR; eight special-status animal species are considered to have at least some potential to occur within the larger geographic region or have been recorded historically in the project vicinity. Species considered having a moderate to high potential for occurrence on site included:

**Desert Tortoise**

Desert tortoise habitat is present on the Springbok 1 and Oryx sites due to the existence creosote bush scrub vegetation that supports a variety of ephemeral forbs and grasses, which is the tortoise preferred forage. Desert tortoises were observed during reconnaissance-level surveys of potential habitat within the Oryx project site. Based on previous surveys in the project area and the finding of tortoise presence (i.e. scat, carcasses, burrows), it was determined there is potential for tortoise to occur within the project modification boundaries. Appropriate mitigation for this species was included in the certified EIR as MM 4.3.1, MM 4.3.2, and MM 4.3-4, and would be obligatory for the proposed project. As a result, no new mitigation measures for the Desert tortoise need to be incorporated into project approval conditions.
Mohave ground squirrel

Both the Springbok 1 and the Oryx sites contain Mojave creosote bush scrub, which contains vegetation and soil conditions that are favorable for Mohave ground squirrel, however, the habitat is not of exceedingly high quality and with very little native vegetation cover, it is not suitable for this species. Barren fallow agricultural land would serve as a dispersal barrier. Due to the negative survey results, no new mitigation measures for the Mohave ground squirrel need to be incorporated into project approval conditions.

Northern harrier

Historic records of this species do not occur within ten miles of the project (See Figure 7 of Addendum), but this species was sighted during surveys for the original certified EIR project. Suitable habitat for this species occurs in and around the Springbok 1 project and it is possible this species breeds and forages in the vicinity. Due to the possible presence of the Northern harrier on the proposed project site, MM 4.3-19 requires that biological surveys be conducted in areas suitable for this species.

Western burrowing owl

Western burrowing owls that occur in the region of the Springbok 1 and Oryx project sites are non migratory, and occur in small, scattered populations. The entire project area is considered suitable habitat for the Western burrowing owl, however; no evidence of Western burrowing owl was observed during field surveys for the additional sites. Diagnostic signs of burrowing owls were detected during surveys conducted for the certified Beacon Solar Energy project, located just north of the new project site. Appropriate mitigation for this species was included in the certified EIR as MM 4.3-15; implementation of this mitigation measure would be obligatory on the proposed project site.

Loggerhead shrike

Suitable habitat for this species occurs throughout the project area. Loggerhead shrike was observed on the rail line at the eastern edge of the Beacon Solar Energy project in 2007, and they are likely to be present, at least as a transient forager on the Springbok 1 site, Oryx site, and along the gen-tie lines. Appropriate mitigation for this species has been included in the Addendum EIR as MM 4.3-24; implementation of this mitigation measure would be obligatory on the proposed project site.

California horned lark

Suitable habitat for this species exists on the project site, and it was observed on the Beacon Energy Solar project. It is likely this species occurs on the project, at least on a seasonal basis. Appropriate mitigation for this species has been included in the Addendum EIR as MM 4.3-24; implementation of this mitigation measure would be obligatory on the proposed project site.

Le Conte’s Thrasher

Habitat on the Oryx site and within the western 300 acres of the Springbok 1 site is suitable to support this species and it was observed on the Beacon Energy Solar project, located just north of the Oryx site. There is a moderate chance the Le Conte’s thrasher could occur on the project from time to time. Appropriate mitigation for this species has been included in the Addendum EIR as
MM 4.3-24; implementation of this mitigation measure would be obligatory on the proposed project site.

American Badger

American badgers were not detected during surveys of the Springbok 1 and Oryx sites, however, it has the potential to occur within habitats that are not under active cultivation. Habitat loss is not considered a significant impact given the amount of available fallow agricultural land and scrub in the region for these relatively widespread species. Appropriate mitigation for this species was included in the certified EIR as MM 4.3-15 and MM 4.3-19; implementation of these mitigation measures would be obligatory on the proposed project site.

Desert kit fox

The Springbok 1 and Oryx project sites contain habitat that is suitable to support this species and it is likely to occur in the vicinity of the project. Appropriate mitigation for this species was included in the certified EIR as MM 4.3-15 and MM 4.3-19; implementation of this mitigation measure would be obligatory on the proposed project site.

Golden eagle and other Protected Raptors

Various species of migratory birds and raptors, which are protected by the Migratory Bird Treaty Act and various provisions of the California Department of Fish and Wildlife Code, are likely to forage on the Springbok 1 and Oryx project sites and may nest on the project sites, particularly during spring and fall migration, and when coinciding with seasonal nesting. Destruction of active nests of special-status birds and overt interference with nesting activities of special-status birds is prohibited. The certified EIR explains that increased noise and activity resulting from construction activities were they to exceed ambient levels, could cause nest abandonment and death of the young or loss of reproductive potential at active nests located within the project site. In addition, grading and removal of vegetation could result in direct losses of nests, eggs, or nestlings. The loss of active nests of special-status bird species would be considered a significant impact. Construction activities occurring during the breeding season (February 1 through August 31) could induce the adults to abandon the nest when juveniles are present, resulting in the death of the young. The mortality of juveniles is considered a "take" and would constitute a significant adverse impact of the project without mitigation.

Biological Conclusions

As discussed above, various special-status wildlife species have the potential to occur on the project modification area, but only the Desert tortoise were detected during surveys of the project area. The certified EIR identified the same species on the approved project site and incorporate applicable mitigation measures (MM 4.3-1 through 4.3-24) to reduce all direct impacts to below a level of significance. These mitigation measures involve construction worker education, preconstruction surveys, avoidance, buffering, and other steps which would minimize harm to such species. Implementation of these mitigation measures would also be obligatory for the proposed project. The modifications to the project do not change the finding in the certified EIR of less than significant.

The certified EIR concluded the impacts of the approved project will combine with impacts of past, present, and reasonably foreseeable projects to create a cumulatively significant loss of some biological resources in the region. This results in the approved project contributing to significant and unavoidable cumulative impacts. As described in the Addendum EIR, the proposed project
modification would not create new or substantially more severe cumulative impacts to biological resources than those disclosed in the certified EIR and would be mitigated to the maximum extent practicable by the incorporation of all feasible and applicable mitigation measures.

**Findings and Mitigation Measure Monitoring Program (Exhibits A, B, and C)**

Written findings and a brief explanation of the rationales for each finding in accordance with Section 15091 of the CEQA Guidelines have been included as Exhibit A for each significant and insignificant impact as identified in the Addendum EIR. The occurrence of significant environmental effects that cannot be avoided after all reasonable and feasible mitigation have been adopted for aesthetics, air quality, and biological resources are included in the Statement of Overriding Considerations. The Statement of Overriding Considerations as Exhibit B in compliance with State CEQA Guidelines Section 15093 includes a discussion of the benefits of the project that provides a basis for the recommended approval of the project despite the adverse environmental effects that could and/or will occur.

These benefits include the development of a 250 MW solar facility on 2,298 acres of land. The project addition would produce approximately another 230 MW solar facility on 1,296 acres of land, totaling approximately 480 MW of electricity from a renewable source, which would assist the State of California in complying with the mandates established by Executive Order S-14-08, which requires public utilities to purchase 33 percent of their energy portfolio from renewable energy sources; as well as, reducing State and regional dependence on foreign oil and, in turn, assisting in insulating Californians from potential energy price spikes in future years. The generation of electricity that emits a minimal amount of air pollutants in the San Joaquin Valley Air Basin would assist the State in complying with rules under Assembly Bill 32 for reducing greenhouse gas emissions by 2020.

Construction of the project would result in the creation of approximately 400 construction jobs. It is expected that after the construction of the project, approximately five permanent workers would primarily come from the project area, thereby benefiting the local economy. In addition, financial assurance related to the decommissioning of the project site, should the solar facility become inoperable, and the contribution of money to capital costs associated with growth to support public safety and protection services, will provide financial benefits to Kern County.

A Mitigation Measure Monitoring Program has been prepared and is attached for your review and consideration as Exhibit C.

**Memorandum of Understanding**

Section 53091 of the California State Government Code provides an exemption from local building and zoning ordinances for a city or county project that includes the location or construction of facilities for the production or generation of electrical energy, among other uses. In addition, utility companies regulated by the California Public Utilities Commission have specific exemptions for transmission lines and other generating facilities. Mandates for renewable energy projects have made commercial solar and wind projects an attractive investment for utilities, cities, and counties. To ensure conformance to the land use regulations adopted and implemented by this County, past projects such as the Pine Tree Wind project (Los Angeles Department of Water and Power), Alta-Oak Creek Wind project, Catalina Renewable Energy project, Antelope Valley Water Bank (Semi-Tropic Water Banking Authority), Beacon Photovoltaic project, etc., have all included a Memorandum of Understanding/Agreement (MOU) that binds any buyer or operator to agree to be bound by the Kern County Zoning Ordinance, including Kern County building permit requirements, the conditions of the conditional use.
permits, and the Mitigation Measure Monitoring Program regardless of any exemption they may have under Section 53091. These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project.

Additionally, MM 4.12-1 requires the project proponent to provide the County written verification of ownership by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than $1,000 per megawatt (MW) per year, then they will pay those taxes plus an amount necessary to equal the equivalent of $1,000 per MW. The amount shall be paid for all years of operation. The amount shall be adjusted annually for inflation using the U.S. Cities Average-All Urban Consumers (CPI-U) Consumer Price Index provided by the U.S. Bureau of Labor Statistics. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year.

These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project. The conditional use permits request also includes a condition of approval which requires an MOU to be executed by this Commission prior to the issuance of grading or building permits. A copy of the applicant-signed Agreement is attached for your review.

Public Comments Received

During the course of processing this request, Staff has notified all affected agencies, County departments, and property owners within 1,000 feet of the project area. At the time of this writing, no letters have been received from land owners adjacent to the project boundary. Copies of all correspondence received are attached to this staff report for your Commission’s reference. Staff offers the following information in response to the public comments as listed below:

General Comments

Comment letters were received from the County of Kern Department of Airports; the Eastern Kern Air Pollution Control District (EKAPCD); Kern County Engineering, Surveying, and Permit Services Department/Floodplain Management (KCESS); and the Kern County Public Health Services Department/Environmental Health Division (KCEHD). The Airport Department indicated the project does not appear to conflict with any aviation safety standards as they related to airport operations. The Eastern Kern Air Pollution Control District indicated their original comments submitted for the Beacon Solar Photovoltaic project still apply to the Addendum EIR. KCESS indicated they have no comments with respect to drainage and flood hazard conditions. KCEHD requested conditions be placed on the project to be satisfied prior to issuance of building permits, and those conditions have been incorporated into the conditions of approval for this project.

Support Comments

One comment was received in support of the project from Brian Robbins; a local property owner in Kern County.

Opposition Comments

1. Local Residents. Two property owners, Trisan Deu Pree and Ted Wyatt, visited the Kern County Planning and Community Development Department to express their concern that an Addendum EIR to the Beacon Solar Photovoltaic Energy project was used to provide CEQA
compliance, instead of a complete new EIR. These residents did not provide written comments for the record.

2. California Department of Fish and Game (CDFW). The CDFW poses several concerns; including: (a) CDFW questions the County’s use of an Addendum EIR for the project; (b) CDFW recommends the applicant apply for and obtain a State Incidental Take Permit (ITP) for Mohave ground squirrel and the Desert tortoise; and, (c) CDFW notes, due to the presence of multiple CDFW-jurisdictional streams within the project area, the project proponent should apply for a Lake or Streambed Alteration Agreement (LSSA) before starting the project. Further, CDFW comments the Addendum EIR may not be sufficient for CDFW to issue the ITP or LSSAs for the project.

Staff thanks the CDFW for their comments. The participation of the California Department of Fish and Wildlife in the public review of this document is appreciated and the comments are responded to as follows:

(a) The Addendum EIR and supporting technical analysis have been prepared to assess the potential impacts and required mitigation measures of the Springbok 1 and Oryx conditional use permits as compared to those of the previously certified Beacon EIR. As with the Beacon Solar site, portions of the Springbok1 and Oryx project sites have been previously disturbed by agricultural-related activities. The entire Springbok site has been used for grazing and portions of the site exhibit signs of past farming activity and extensive off-road vehicle activity occurs in the area. The updated biological report (Appendix B of the Addendum EIR) states “The report concludes that application of mitigation measures from the Beacon Solar Energy project, with certain minor modifications, would result in potential impacts from the 8minutesenergy project being reduced to below significant levels and the project has no new significant impacts that were not identified in the Beacon Solar Energy project EIR.”

Correspondence was received from the applicant advising that an abandoned water well was located on the Springbok 1 site. The proposed modified project will not be utilizing this well for construction or operations and the discovery will not alter the conclusions of the certified EIR or the Addendum EIR related to water availability in the project area, or water usage by the proposed modified project. However, in order to fully inform the public of this discovery, an Addendum to the Hydrology Study for the proposed modified project is attached to this report for review.

As noted above, Staff refers to Sections 15164 and 15162 of the CEQA Guidelines when determining whether or not an Addendum EIR is the appropriate level of review under CEQA. These guidelines state that Staff must analyze whether or not the proposed project represents changes that would:

- Require major revisions to the previous EIR;
- Whether substantial changes have occurred with respect to the circumstances under which the original project was undertaken which will require major revision to the previous EIR;
- Whether new information of substantial importance which were not know and could not have been known at the time the previous EIR was complete that will result in new significant effects not previously discussed or substantially more sever significant impacts, including new mitigation measures or alternatives.
After careful review of the additional technical studies, including the updated Biological Analysis and associated reconnaissance-level biological surveys that were conducted on the project site; it is Staff’s determination that, as demonstrated in the Addendum EIR prepared for this project, none of the situations specified in CEQA Section 15162 have occurred and the preparation of an Addendum EIR is appropriate.

(b) MM 4.3-1 addresses the need for an ITP for the project.

(c) While CDFW jurisdictional streams are proposed to be avoided, MM 4.3-21 addresses the need for an LSSA agreement if any State lake or streambed is impacted. Concerns from the commenter about loss of native habitat for the Desert tortoise have already been addressed in MM 4.3-17 in the form of the purchase of compensatory lands.

3. Desert Tortoise Preserve Committee, Inc. (DTPC). Comments were received from the Desert Tortoise Preserve Committee, Inc. (DTPC) noting concerns that an Addendum EIR was prepared and the DTPC requests a full EIR be prepared in order to give wildlife and land management agencies and other stakeholders a chance to more fully review and comment on the project.

Other concerns from this commenter state; inadequate review and mitigation was provided for native creosote bush scrub for the Desert tortoise, Mohave ground squirrel, American badger, burrowing owls, and other special-status species has occurred; increased vehicle traffic during construction and operations; increased cumulative impacts to the Desert Tortoise Preserve and special-status species including the Desert tortoise, Mohave ground squirrel, burrowing owl, American badger, kit fox, and special-status plants and native plant communities collision of migratory birds with photovoltaic solar panels; and, new scientific research on large scale solar projects and Urban Heat Island Effect and canine distemper in Desert kit foxes, have not been properly addressed in the Addendum EIR. The commenter is also in disagreement the mitigation measures are appropriate and adequate for the project, particularly for the Desert tortoise and Mohave ground squirrel.

Staff wishes to thank the commenter for their input and notes the Springbok 1 and Oryx Solar projects included in the Addendum to the Beacon Solar project are within close proximity to the original Beacon Solar project and in September and October 2013, new studies were completed by qualified consultants on both the Springbok 1 and Oryx sites for use in the Addendum. These studies include: biological analysis; cultural resources assessment; paleontology report; geotechnical evaluation; phase 1 environmental; hydrology report; water demand analysis report; and, a traffic analysis, sections of which are noted above in the staff report. Results of these studies are incorporated into the Addendum EIR and the mitigation measures from the original project were updated where appropriate.

Specifically the biological analysis completed in October 2013, by Quad Knopf, indicates the 23 biological mitigation measures in the Beacon Solar Energy project address biological impacts of the Springbok 1 and Oryx projects and no additional mitigation measures are warranted.

In addition, MM 4-13-1a requires submission of a Traffic Control Plan.

The commenter states that MM 4.3-17 does not take into account the additional 1.296 acres when calculating purchase of suitable habitat for permanent impact to the Desert tortoise and Mohave ground squirrel habitat. However, Staff notes that part (b) of MM 4.3-17 states “evidence of other arrangements deemed acceptable to the California Department of Fish and
Wildlife (CDFW), to cover the costs of acquisition, maintenance, and enhancement of the compensation lands” may be provided. Staff concludes the CDFW has been given the authority to require other arrangements for mitigation as necessary.

Revisions to Conditions of Approval and Mitigation Measures

Upon review of the comments received, the applicant submitted a written comment (attached) to Staff which requested several minor revisions to mitigation measures to address concerns from the commenters. Staff has reviewed the requested changes and concurs that they are appropriate. Staff also concludes, pursuant to CEQA Section 15074.1, implementation of the proposed clarifications to the mitigation measures would not result in any new significant environmental impacts; and the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA. The recommended changes are shown below in underline and strikeout format.

MM 4.1-3: No change to part (a)

(b) Prior to the commencement of operations, the project operator must submit a landscape re-vegetation and restoration plan for the project site. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place as needed to establish re-vegetation. Seed mix shall be determined through consultation with local experts and shall be approved by the Kern County Planning and Community Development Director prior to planting. The plan must include the approved native seed mix, a timeline for seeding the site, percentage of the site to be covered, detail the consultation efforts completed and the methods and schedule for installation of fencing that complies with wildlife agency regulations, and prohibition on the use of toxic rodenticides. Ground cover must be continuously maintained on the project site by the project operator. The re-vegetation and restoration of the site shall be monitored annually for a three-year period with an annual evaluation report submitted to the Kern County Planning and Community Development Director for the three-year period. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, consistent with site conditions prior to implementation of the project.

MM 4.2-1: The project operator shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

No Changes to part (a) and part (b)

(c) Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:

i. No vehicle shall exceed 10 miles per hour on unpaved areas within the project 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.

ii. Visible speed limit signs shall be posted at the project site entrance(s).
iii. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.

iv. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.

v. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.

vi. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheat washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.

vii. Applicant shall direct vehicular access to the Springbok 1 site via Anne Avenue, if access rights can be obtained; otherwise, applicant will limit access via Mednick Avenue to 90th Street and access the property at the southwest corner. Construction access shall be prohibited from 95th or 100th Streets. During operations, access will be provided from Anne Avenue or 90th Street.

**MM 4.3-12:** The project operator and and/or contractor shall implement the following:

i. Prior to issuance of grading or building permits but after obtaining a project Section 2081 permit for incidental take, if required by California Department of Fish and Game, the entire solar facility site (east of SR 14) shall be fenced with a permanent desert tortoise exclusion fence to keep any desert tortoise that may be using habitat adjacent to the facility from entering during construction, operations and maintenance, and dismantling and restoration (decommissioning) phases. The fencing type shall follow current fence specifications established by U.S. Fish and Wildlife Service. Desert tortoise-proof gates shall be established at all photovoltaic solar facility entry points. Applicant shall consult with Desert Tortoise Preserve Center regarding feasible design options that are consistent with CDFW and USFWS regulations for the installation of enhanced Desert tortoise exclusion barriers along the buffer on the southern and eastern boundaries of the Springbok 1 site nearest to the Desert Tortoise Natural Area that best protect against tortoises entering the site (e.g., cinder block wall), in a manner that also provides dust protection for the Desert Tortoise Natural area and complies with exclusion fencing or access requirements for other sensitive species (e.g., kit fox). Workers installing the exclusion fencing shall have undergone the worker training program mandated in Mitigation Measure 4.3-3 and a biological monitor under the authority of the project Lead Biologist will be present during exclusion fencing installation.

*No further changes to remaining portions of mitigation measure 4.3-12.*

**MM 4.3-17:** Prior to issuance of grading or building permits the project operator shall:
(a) Either a) purchase a minimum of 9.9 acres of suitable habitat as compensatory mitigation for permanent impacts to desert tortoise and Mohave ground squirrel habitat west of State Route 14, as well as an additional 100 acres of suitable habitat to compensate for the incidental take of 2 individual Mohave grounds squirrel east of SR 14 ("compensatory lands"), b) purchase compensatory mitigation for permanent impacts to desert tortoise and Mohave ground squirrel habitat west of state route 14, at a 3:1 ratio, with the final land to be determined based upon the protocol surveys to be undertaken prior to construction, or c) evidence of other arrangements deemed acceptable to California Department of Fish and Game, to cover the costs of acquisition, maintenance and enhancement of the compensation lands. Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired as required by the wildlife or resource agency. If possible compensatory mitigation lands purchased shall provide habitat for all three species, as well as rare plants and State Waters. Verification of compliance shall be submitted to the Kern County Planning and Development Department.

The applicant shall work with DTPC regarding the acquisition of compensatory mitigation land for the project, prioritize the purchase of reasonable available lands consistent with DTPC’s mission with a focus on lands within the Desert Tortoise Natural Area expansion areas or otherwise providing high biological values, and secure agreements for the required mitigation land by June 2016. DTPC shall own and manage the land purchased as compensatory mitigation for the project, if and when approved by CDFW and USFWS.

No Changes to part (b)

**MM 4.3-22:** The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized:

No Changes to parts (1) and (2)

3. Compensatory mitigation for the Arizona-style crossings shall occur either on-site or offsite, and would occur at a ratio no less than 1:1 for the impact to jurisdictional waters. As outlined in Mitigation Measure MM 4.3-17, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Game.

If on-site mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation lands shall be comprised of similar or more well-developed desert wash and preferably be located in the vicinity of the site or watershed. Off-site land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the conserved land.

Prior to building permit submittal, a final site plan shall be submitted to the Kern County Planning and Community Development Department to avoid the Mojave Wash Scrub habitat, as mapped in the biological report for the
project, and any delineated state or federal jurisdictional waters on (i) the Orvix site and (II) the eastern portion of the Springbok 1 site, with a minimum 1,000 foot setback from the property line to the south and east and terminating at the northwest corner of the Desert Tortoise Natural Area so that it is contiguous with the Desert Tortoise natural Area, resulting in a buffer of several hundred feet from the Mojave Wash Scrub Habitat.

Copies of correspondences and determinations by the Regional Water Quality Control Board and California Department of Fish and Game shall be submitted to the Kern County Planning and Community Development Department. It is noted that the final mitigation ratio required by the Regional Water Quality Control Board and California Department of Fish and Game for acquisition of regulatory permits may differ from that proposed in this environmental impact report.

Staff notes that a revised site plan for this MM 4.3-22(3) has been received and is attached to this report.

**Planning and Community Development Department Conclusions and Recommendation**

**Environmental Impacts.** Staff has carefully reviewed the project with regard to environmental concerns and Staff notes the Addendum EIR prepared for the request has concluded there are no new potential impacts that were not covered in the previously certified Final EIR. It is Staff’s opinion the Addendum EIR prepared for this project is a comprehensive document with the best information available at this time which details the environmental effects of the project on surrounding land use. The Addendum EIR has shown the project does not include any substantial changes in the project that will result in new significant and unavoidable impacts and the project does not include any significant new information that was not considered in the previously certified EIR. Therefore, pursuant to CEQA Section 15162, a subsequent EIR is not required.

**Land Use Compatibility.** This project is sited in a location that can be considered favorable for the development of a solar project for a variety of reasons. The project is sited within the Eastern Kern area which is especially appropriate for commercial solar development due to a lack of dense urban development. There are also several approved large-scale commercial solar energy facilities located in the vicinity of the project. The site also has available access, mainly via existing roads in the area, which means that a minimal number of new roads would be constructed as a direct result of the project. The project is also well sited because it is within close proximity to commercial transmission facilities.

This project is consistent with the California Renewable Portfolio Standard that requires investor-owned utilities, such as the LADWP to increase their sale of electricity produced by renewable energy sources to 33 percent. Additionally, on February 22, 2011, the Board of Supervisors approved a Kern County Renewable Energy Goal for the production of ten gigawatts from wind and solar facilities by 2015. This goal would include projects in all Kern County jurisdictions: cities, schools, and water districts; and would create an estimated 8,000 construction jobs, 1,500 operational jobs, and up to 25 billion dollars of investment in the County’s future; as well as provide power for over seven million people. Pursuing this goal sends a clear message that Kern County is committed to encouraging the private and public sector investment needed for economic growth through the appropriate siting and construction of quality renewable energy projects. Kern County represents a unique opportunity for the development of commercial solar facilities. Due to favorable climatic conditions and an abundance of open space, large scale use of solar energy represents a major potential energy resource.
Conditional Use Permits. With regard to the requested conditional use permits, the project is located within the A District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity. Permitted land uses in this district include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed.

Chapter 19.12.030.G of the Kern County Zoning Ordinance indicates that solar energy electrical generators when not accessory to a permitted or conditionally permitted use are determined to be similar to those uses permitted in the A District with approval of a conditional use permit. The surrounding area of the project sites is generally rural and sparsely developed. Pursuant to Section 19.104.040 of the Kern County Zoning Ordinance, an application for a conditional use permit can be approved, or conditionally approved, if it can make all of the following findings:

1. The proposed use is consistent with the goals and policies of the Kern County General Plan or Specific Plan.

2. The proposed use is consistent with the purpose of the applicable district or districts.

3. The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.030 through Section 19.08.080 of the Zoning Ordinance.

4. The proposed use meets the minimum requirements of the Zoning Ordinance applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and State of California.

5. The proposed use will not be detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

Staff believes, pursuant to Section 19.12.030(G) of the Zoning Ordinance, your Commission can make the necessary findings for approval pursuant to Section 19.104.040 of the Kern County Zoning Ordinance. Specifically, implementation of the conditional use permits, in accordance with the proposed mitigation measures and recommended conditions of approval, will remain consistent with the Kern County General Plan and will not be materially detrimental to the public health, safety, or welfare or to property or residents in the vicinity. These conditions are intended to ensure the project complies with all applicable laws, ordinances, and regulations in addition to offering the necessary assurances to area residents that it will not adversely affect their properties. Staff, therefore, concludes the conditional use permits aspect of the request sufficiently demonstrates compliance with the necessary findings.

Department Recommendation. As noted above, the project meets the necessary findings for approval of the conditional use permits. Additionally, Staff has determined the project is sited in a location appropriate for commercial solar development. An Addendum EIR was prepared for this project in accordance with the CEQA Guidelines which concluded that no substantial changes in the project were proposed; no new significant environmental effects or substantial increases in the severity of previously identified significant effects would occur; and no new information of substantial importance was discovered. The project has undergone the appropriate
review and analysis, and the appropriate mitigation measures have been applied. Therefore, Staff has determined the project complies with the CEQA Guidelines and recommends your Commission adopt the Section 15091 Findings and Section 15093 Statement of Overriding Considerations, adopt the Mitigation Measure Monitoring Program, approve the conditional use permits subject to conditions for the proposed project.

PUBLIC INQUIRY OR CORRESPONDENCE: County of Kern Department of Airports; Eastern Kern Air Pollution Control District; Kern County Public Health Services Department/Environmental Health Division; Kern County Engineering, Surveying, and Permit Services Department/Floodplain Management; California Department of Fish and Wildlife; Desert Tortoise Preserve Committee; Brian Robbins

CEQA ACTION: Environmental Review: Addendum Environmental Impact Report

DEPARTMENT RECOMMENDATION: Adopt Section 15091 Findings and Section 15093 Statement of Overriding Considerations; adopt Mitigation Measure Monitoring Program approving conditional use permits as requested subject to recommended conditions; approve the Memorandum of Understanding/Agreement and authorize the Commission Chairman to sign; adopt the suggested findings as set forth in the attached Draft Resolutions

CMM:JKM:sc

Attachments
Maps
Springbok 1 and Oryx Solar Farm Project
by
62SK 8ME, LLC
c/o 8 Minute Energy Renewables

Legend
- Township/Range
- Kern Hwys
- Arterials
- City Limits
- Springbok 1/Oryx (Proposed)
- Beacon Solar (Approved)

CITY OF CALIFORNIA CITY
32 S 36 E 32 S 37 E
32 S

- Figure 1 - Vicinity Map
- Figure 2 -
General Plan Designations

Springbok 1 and Oryx Solar Project by 62SK 8ME, LLC

Legend
- Springbok 1 (SSF)
- Specific Plan Boundaries
- General Plan Boundaries
- Oryx (OSF)

CITY OF CALIFORNIA CITY
CUP #14, Map 152
CUP #15, Map 152
CUP #2, Map 153

- Figure 3 -
Existing Zoning

Springbok1/Oryx Solar
by 62SK 8ME, LLC

KERN COUNTY
ZONING DESIGNATIONS
A - Exclusive Agriculture
A-1 - Limited Agriculture
C-1 - Neighborhood Commercial
C-2 - General Commercial
CH - Highway Commercial
CO - Commercial Office
DI - Drilling Island
E(x) - Estate (x acres)
FPP - Floodplain Primary
PL - Platted Lands
RF - Recreation Forestry
FP - Floodplain Combining
FPS - Floodplain Secondary Combining
GH - Geologic Hazard Combining
MH - Mobilehome Combining
RS - Residential Suburban Combining
WE - Wind Energy Combining

Springbok1/Oryx
City Limits
Zoning Boundaries

Kern County
Planning & Community
Development Department
10-29-13
CUP 2, Map 153; CUP 14, Map 152; CUP 15, Map 152

- Figure 5a -

Proposed Oryx Site Plan
By 62Sk 8ME, LLC
Public Comments
January 22, 2014

Janice Mayes  
Kern County Planning and  
Community Development Department  
2700 M Street, Suite 100  
Bakersfield, California 93301

Subject: Addendum to the Environmental Impact Report (EIR) for the Beacon  
Photovoltaic Solar Project  
SCH No. 2012011029  
Springbok Solar Farm I and Oryx Solar Farm

Dear Ms. Mayes:

The California Department of Fish and Wildlife (CDFW) has reviewed the Addendum to the EIR for the Beacon Photovoltaic Solar Project submitted by the Kern County Planning and Community Development Department (Kern County) for the addition of the Springbok and Oryx Solar Farms (Addendum Projects). Approval of the Addendum Projects would result in the construction and operation of two additional solar facility sites in the proximity of the previously approved Beacon Photovoltaic Solar Project, which would result in development of an additional 951-acres for the 80-megawatt (MW) Springbok Solar Farm I (including 7 miles of proposed distribution line route alternatives) and 345-acres for the 150-MW Oryx Solar Farm. Construction of the Addendum Projects would result in an additional 1,296 acres of disturbance which would impact biological resources well beyond the impacts associated with the 2,301-acre Beacon Photovoltaic Solar Project, as evaluated in an EIR certified by Kern County on October 30, 2012. The Springbok Solar Farm I is located northeast of Anne Avenue and 90th Street approximately 1.5 miles east of the previously approved Beacon Photovoltaic Solar Project site. The Oryx Solar Farm is located southwest of Anne Avenue and Cheyenne Boulevard, sharing its northern boundary with the southern boundary of the Beacon Photovoltaic Solar Project. Both Addendum Project sites are located approximately 10 miles northwest of California City, east of Highway 14 in unincorporated Kern County.

CDFW questions the Lead Agency’s use of an Addendum for these two additional Projects. As stated in the Addendum document, the Lead Agency may prepare an Addendum to a certified EIR pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164 when: 1) there are no substantial changes proposed in the project which will require major revisions to the previously certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified effects; 2) no substantial changes will occur with respect to the circumstances under which the project is undertaken that will require major revisions to the previously certified EIR due to new significant effects or a substantial increase in the severity of previously identified significant effects; or 3) no new information of substantial importance became known.

Conserving California’s Wildlife Since 1870
CDFW believes the CEQA Guidelines are clear that the Addendum must address the same essential project as analyzed under the previously certified EIR and any changes made through the Addendum must be minor in nature, such that no new significant impacts or increase in the significance of impacts identified in the EIR could occur as a result of the modified project being considered in the Addendum. This standard cannot be met with the addition of either the Springbok Solar Farm I or the Oryx Solar Farm. The previously approved Beacon Photovoltaic Solar Project will disturb 2,301 acres of lands disturbed by previous agricultural production. In a letter dated August 21, 2012, CDFW provided comments on the Draft EIR for the Beacon Photovoltaic Solar Project expressing our concern regarding the potential of “take” of desert tortoise (Gopherus agassizii), a species listed as Threatened pursuant to the California Endangered Species Act (CESA) and federal Endangered Species Act and Mohave ground squirrel (Spermophilus mohavensis), a species listed as Threatened pursuant to CESA on this previously disturbed agricultural land, primarily because desert tortoise and Mohave ground squirrel are known to occur in the vicinity of the Beacon Photovoltaic Solar Project and while on-site habitat is considered to be low in quality, that would not preclude use of such lands by these listed species, particularly when surrounded by high quality habitat. Of note is that when the Beacon Photovoltaic Solar Project recently conducted preconstruction surveys, two desert tortoise were detected on the project site in the first two days of surveys, necessitating reconsultation with both CDFW and the United States Fish and Wildlife Service. In contrast to the Beacon Photovoltaic Solar Project, the 951-acre Springbox Solar Farm I and the 345-acre Oryx Solar Farm are located mainly on undisturbed natural habitat consisting of native Creosote Sage Scrub Habitat and Mojave Wash Scrub Habitat, which are high quality habitats for desert tortoise, Mohave ground squirrel, burrowing owl (Athene cunicularia) and American badger (Taxidea taxus), which are State species of special concern, and desert kit fox (Vulpes macrotis ssp. macrotis), which is protected under Title 14, California Code of Regulations (CCR), Section 460. Therefore, the potential impacts to these special-status species would substantially increase with implementation of the Addendum Projects.

CDFW recommends that the Lead Agency prepare a separate EIR(s) for the Addendum Projects to address new significant impacts to biological resources that would result from implementation of the Addendum Projects including impacts to species listed under CESA, streams under CDFW jurisdiction, and new significant impacts to biological resources off-site, including the adjoining Desert Tortoise Natural Area. CDFW recommends that Kern County require protocol-level surveys to inform the biological baseline for the analysis in the new EIR(s) and to allow alterations to the proposed Project layouts to avoid or minimize impacts where possible and to develop appropriate mitigation measures, all of which should be included in the new EIR(s) prepared for the Springbok Solar Farm I and the Oryx Solar Farm.

According to the Biological Analysis dated October 2013 and prepared by Quad Knopf for the Springbok Solar Farm 1 and Oryx Solar Farm sites, a reconnaissance-level biological survey was conducted on September 10, 2013 and September 9, 2013, respectively. Multiple desert tortoise burrows were observed on both additional Project sites, and a live desert tortoise and a skeleton of a juvenile desert tortoise were observed on the Oryx Solar Farm site. While no desert tortoise were observed on the Springbok Solar Farm I site, it adjoins the Desert Tortoise Natural Area along its south and east sides, and desert tortoise are expected to occur within the Springbok Solar Farm I site. Mohave ground squirrel are expected to occur within both Addendum Project sites; they are known to occur within the vicinity of the Addendum Projects,
both sites contain suitable soils and vegetation to support Mohave ground squirrel, and both sites are located within their known range.

Based on the information provided in the Biological Analysis and CDFW staff's own knowledge of the area in which the Addendum Projects are located, CDFW recommends the Project proponent(s) apply for and obtain a State Incidental Take Permit (ITP) pursuant to Fish and Game Code Section 2081(b) for Mohave ground squirrel and desert tortoise before starting Project-related activities.

Due to the presence of multiple CDFW-jurisdictional streams within the Addendum Project sites, CDFW recommends the Project proponent(s) apply for and obtain a Lake or Streambed Alteration Agreement (LSAA) before starting any Project-related activities that may impact any streams, associated floodplains or vegetation.

CDFW cautions the Project proponent(s) that use of this Addendum may not suffice for use in the issuance of either our ITP or LSAA as a CEQA Responsible Agency, which may result in additional time and costs for subsequent CEQA document preparation and an associated delay in starting Project activities.

CDFW may have additional comments on the DEIR(s) when made available for public review. If you have any questions regarding these comments, please contact Lisa Gymer, Senior Environmental Scientist (Specialist), at the address provided on this letterhead or by telephone at (559) 243-4014, extension 238.

Sincerely,

Jeffrey R. Single, Ph.D.
Regional Manager

cc: State Clearinghouse
    Office of Planning and Research
    1400 Tenth Street
    Sacramento, California 95812-3044

    62SK 8ME, LLC
    c/o 8minutenergy Renewables, LLC
    Alexander Sundquist
    5455 Wilshire Boulevard, Suite 2010
    Los Angeles, California 90036

    Julie Van Wagner
    Los Angeles Department of Water and Power
    Environmental Planning and Assessment
    111 North Hope Street, Room 1044
    Los Angeles, California 90012
November 7, 2013

Janice K. Mayes, Planner 2
Kern County Planning Department
Land Division Unit.
2700 “M” Street, Suite 100
Bakersfield, CA 93301

Re: Approximately one mile south of the town of Cantil, northeast of the California City area

Dear Janice K. Mayes:

It is the opinion of this Department that this proposal, as presented, does not appear to conflict with any aviation safety standards as they relate to airport operations.

Please contact me if you have any questions.

Respectfully,

[Signature]

Ron Brewster CM, CAE
Airports Chief Operations Officer
From:            Jeremiah Cravens
To:              Janice Mayes
Date:            11/26/2013 2:33 PM
Subject:         File#  CUP #14, Map #152;  CUP #15, Map #152;  CUP #2, Map #153

This is in regards to 625K 8ME, LLC c/o 8Minuteenergy Renewables, LLC, (PP13319).

The Eastern Kern Air Pollution Control District (EKAPCD) has previously made comments regarding the Beacon Solar Project. I'm not sure if this project is considered separate from Beacon or as part of the whole thing? Either way EKAPCD's previous comments apply to all construction involved.

Here are EKAPCD's comments that were made to LADWP addressing the need for a fugitive dust control for the Beacon Solar Project pursuant to District Rule 402, Fugitive Dust:

Areas within the District’s jurisdiction have been experiencing extreme drought and wind events over the past few years. Similar construction projects have resulted in major blowing sand/dust problems. The traditional land preparation process of scarifying and grading the entire construction site followed by an attempt to control blowing sand/dust with use of water trucks and fencing has proven to be ineffective and detrimental to the adjacent residences.

The District would like to see an alternative approach for controlling blowing sand/dust addressed in your revised dust control plan. An approvable plan would limit soil/vegetation disruption to possibly 5 acres of construction at a time with application of a soil binder, such as hydro mulch, as the site progresses. Any innovative ideas that would substantially reduce blowing sand/dust resulting from construction are welcome.

Should you have any questions please contact Jeremiah Cravens, Air Quality Specialist II at (661) 862-5250 or Cravensj@co.kern.ca.us.

I spoke with Eric Hartman shortly after the comments were sent out and he explained that the Beacon project would be divided up amongst various contractors. Please forward this information to the appropriate parties involved.

Thanks,
Jeremiah
INTEROFFICE MEMORANDUM

To: Janice K. Mayes
From: Jeremy Nathan, EHS in Training
Subject: Beacon Solar Project Addendum: CUP #14, Map #152; CUP #15, Map 152; CUP #2, Map 153
Date: November 25, 2013

The Kern County Environmental Health Division has reviewed the Notice of Public Hearing for the above referenced project. This Division has the local regulatory authority to enforce state regulations and local codes as they relate to waste discharge, water supply requirements, and other items that may affect the health and safety of the public or that may be detrimental to the environment.

The Environmental Health Division requests that the following condition be placed on the subject project and be satisfied prior to issuance of building permits:

1. The applicant shall submit septic plans to the Environmental Health Division for review and approval. The plans will show location of the proposed septic system for the Operations and Maintenance buildings with 100 percent expansion area included. The septic system shall conform with the Uniform Plumbing Code.

2. The applicant shall contact the Land and Water Division for proper destruction procedures if any abandoned wells are found during construction and grading.

3. The applicant shall submit a permit to the Land and Water Division for water wells drilled for the proposed project.
Office Memorandum

KERN COUNTY

To: Planning Department
   Attn: Janise Mayes

From: Engineering & Survey Services Dept.
      Floodplain Management Section
      Aaron Leicht

Subject: CUP 14 & 15 Map 152 and CUP 15 Map 153

November 27, 2013

Phone: 862-5093

We have reviewed the above referenced project with respect to drainage and flood hazard conditions and have the no comments.
December 6, 2013

Craig Murphy, Division Chief
KERN COUNTY
Planning and Community Development Department
2700 “M” Street, Suite 100
Bakersfield, CA 93301
Email: planning@co.kern.ca.us

Re: Springbok 1 Solar Farm and Oryx Solar Farm

Dear Mr. Murphy,

Since 1974, the Desert Tortoise Preserve Committee, Inc. (DTPC), a non-profit organization, has been promoting the welfare of the desert tortoise and other species that share its habitat through the establishment and management of preserves, scientific research, and educational outreach. The DTPC, in collaboration with the Bureau of Land Management (BLM) and other state and federal agencies, helped establish the Desert Tortoise Research Natural Area (DTRNA) in Kern County, California. Since the creation of the DTRNA, the DTPC has used Congressionally-appropriated Land and Water Conservation Funds, private donations, and mitigation funds received through contractual agreements with developers and state and federal agencies to acquire private lands within and adjacent to the DTRNA. Title to substantial acreage the DTPC acquired within the DTRNA was transferred to the BLM with the understanding that it would continue to be protected under existing federal mandates. In addition to transferring lands in fee title to the BLM, the DTPC also has conveyed and is in the process of conveying conservation easement deeds to the State of California as required by state Incidental Take Permits and Streambed Alteration Agreements. The DTPC currently owns over 5000 acres of desert habitat within Kern County, most of it located within and adjacent to the DTRNA. The DTPC is committed and legally-obligated to protect and manage these lands for the conservation of desert tortoises, Mohave ground squirrels, burrowing owls, and other species.

We very recently learned that the Kern County Planning Commission will be considering Conditional Use Permits for construction and operation of Springbok 1 Solar Farm (SSF1) and Oryx Solar Farm (OSF) (also referred to herein collectively as “Projects”) at an upcoming public hearing on December 12, 2013.
We strongly question the decision to review these new projects with only an Addendum to the Environmental Impact Report (EIR) for the already approved Beacon Photovoltaic Solar Project (Beacon). The County’s use of an Addendum to the Beacon Photovoltaic Solar Project (“Beacon Project”) is inconsistent with the California Environmental Quality Act (“CEQA”). Section 15164(a) of CEQA allows a lead agency to prepare an addendum to a previously certified EIR “if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” This expedited process, which does not require public review, is inadequate to address the potential impacts of a new project with two new sites, new circumstances, and different habitat conditions. While Beacon comprises mostly disturbed lands adjacent to a major state highway, the SSF1 site directly borders the DTRNA managed by the BLM and protected desert tortoise habitat managed by the California Department of Fish and Wildlife (CDFW), and the OSF site comprises mostly undisturbed natural habitat. We believe that the new projects will result in the increased severity of some impacts described in the Beacon EIR, as well as additional impacts that were not addressed.

We urge the Kern County Planning Commission not to approve the new Projects until a full Environmental Impact Report has been prepared and the appropriate agencies, organizations, and individuals have been given a real opportunity to provide feedback on the anticipated impacts and appropriate mitigation measures.

There are several obvious differences between the approved Beacon project and the new proposed OSF and SSF1 projects that make review via an Addendum inappropriate. By not addressing the significantly different project and cumulative impacts raised by the new Project, the County violates CEQA. Specifically:

- The County’s determination that “no changes are proposed to the approved project’s site plan or the nature of the project facilities” is not supported by substantial evidence. The “approved project site plan” for the Beacon Project is located west of Neuralia Road and 2.5 miles west of the DTRNA. The impacts of the Beacon Project to the DTRNA are reduced, to some extent, by Neuralia Road, a man-made barrier to wildlife habitat and movements. The SSF1, in contrast, directly abuts the DTRNA along 0.5 miles of the DTRNA western boundary and involves the development and disturbance of habitat along a one mile border abutting conservation lands managed by the CDFW. The prior EIR for the Beacon Project did not involve an “approved project site plan” that directly abuts the DTRNA.

The location of SSF1, immediately adjacent to the DTRNA, is an important fact which is not stated or shown on any maps in the Addendum text, but only mentioned in the appendices. The DTRNA comprises approximately 40 square miles of protected habitat
for the desert tortoise and other native species. The Projects also impact 4,359 acres of land acquired for mitigation and managed for conservation purposes west (911 acres), south (469 acres), and east (2,979 acres) of the DTRNA (DTRNA Expansion Area). Established in 1973 to protect habitat supporting some of the highest known tortoise densities at that time, the DTRNA supports a diverse flora and fauna, including 260 known taxa of annual and perennial plants and over 130 vertebrate species. The DTRNA was formally established as a Research Natural Area and Area of Critical Environmental Concern (ACEC) through Congressional designation and withdrawal from the general mining laws and livestock grazing, and through the California Desert Conservation Area Plan in 1980. The boundary fencing, completed in 1980, has effectively protected the DTRNA from degradation due to sheep grazing and motorized vehicle use. Thus, the DTRNA offers opportunities for research and conservation unavailable elsewhere in the western Mojave Desert. Long-term studies and recent landscape-level studies within and adjacent to the DTRNA indicate that the DTRNA contains significantly higher densities of tortoises (Berry et al. 2012, Berry et al. 2013) and higher quality habitat than on adjacent BLM-managed lands and private lands (Brooks 1995, 1999, Berry et al. 2012). Densities of tortoises in the DTRNA are also higher than average densities in critical habitat throughout the western Mojave Desert (U.S. Fish and Wildlife Service 2010, Berry et al. 2012). Protection at the DTRNA has scientifically-illustrated benefits for the desert tortoise and other species; the progress towards recovery of the desert tortoise should not be jeopardized by large-scale development projects approved without thorough review by wildlife and land management agencies and other stakeholders.

Studies conducted at the DTRNA have greatly contributed to our understanding of desert tortoise physiology, behavior, health, diseases, genetics, reproduction, demography, and predation. Several other species, including the Mohave ground squirrel and several species of lizards and birds, as well as plant communities have been studied at the DTRNA. Additionally, researchers have investigated anthropogenic impacts and the effectiveness of different habitat management techniques in and around the DTRNA. These studies contribute to effective adaptive management strategies for sensitive species and their habitats. The DTRNA is open to the public year-round for contemplative recreation, such as hiking, photography, and wildlife viewing, and is an important site for educational outreach. For the past 25 years, the DTPC and BLM have staffed interpretive Naturalists at the DTRNA each spring to provide educational programs to visiting school classes, clubs, and individuals. Visitors from throughout California, as well as from other states and countries visit the DTRNA. It is a national treasure located in Kern County.

The purpose and value of the DTRNA must be considered when reviewing the new proposed projects because even with mitigation measures in place, the impacts of utility-scale solar development extend far beyond the ‘project footprint’ shown on maps. There
will undoubtedly be habitat degradation on adjacent public, state, and private conservation lands and negative impacts to the species occurring there. Close collaboration between the project proponent, Kern County, BLM, CDFW, DTPC and other landowners and agencies will be required to develop an appropriate mitigation strategy.

- **Reliance on the prior EIR and Addendum ignores the increased severity of environmental impacts to substantial acreage of native creosote bush scrub for the desert tortoise, Mohave ground squirrel, American badger, burrowing owl and other special status species.** While 97% of the Beacon project site is comprised of developed or disturbed fallow agricultural lands (Beacon EIR, Table 4.3-3), both SSF1 and OSF contain substantial acreage of native Mojave creosote bush scrub. The biological analysis in Appendix B of the Addendum classifies the entirety of OSF (345 acres) and 300 acres within SSF1 as native creosote bush scrub, suitable for special status species, such as the desert tortoise and Mohave ground squirrel.

  Additionally, Cache Creek Wash, a major wash flowing from the Tehachapi area to Koehn Lake, traverses the eastern portion of SSF1, and provides important wildlife foraging habitat and a wildlife movement corridor. Major and minor streambed channels drain into Cache Creek Wash from the DTRNA in the east and from the proposed Projects area on the west. While the Addendum repeatedly states that the new Projects will not impact wash habitat, it is unclear from the project descriptions or maps (e.g. Addendum, Figure 2-6) to what extent or how impact to washes will be avoided.

- **The prior EIR and Addendum inadequately assesses new significant environmental impacts arising from increased vehicle traffic from construction and operations and maintenance activities at the SSF1 project site which abuts the western boundary of the DTRNA.** While the Beacon Project is easily accessible by major roads (SR 14 and Neuralia Road), construction, operation and maintenance of SSF1 will result in greatly increased vehicle traffic along dirt roads through undeveloped desert habitat. Increased vehicle traffic adjacent to the DTRNA increases environmental risks to the desert tortoise, Mohave ground squirrel and other special status species including mortality due to road collisions, road kill as a food subsidy for ravens, and increased risk of introduction and spread of invasive exotic plant species. The impacts of increased vehicle traffic to the new project sites will likely be more severe than those for the Beacon project.

- **New significant and increased severity of cumulative impacts to the DTRNA and special status species including the desert tortoise, Mohave ground squirrel, burrowing**
American badger, kit fox and special status plants and native plant communities are not addressed by the Addendum.

In addition to loss of native creosote bush habitat and impacts associated with increased vehicle travel on dirt roads, the DTPC anticipates the following impacts to habitat and species in adjacent areas:

- Decreased photosynthesis, water-use efficiency, and primary productivity of desert plants due to fugitive dust from project construction, operation, and decommissioning activities;
- Changes in vegetation communities due to altered surface water flow related to run-off diversion on the project sites;
- Draw down of the water table from the use of native groundwater for project construction and operation (e.g. dust suppression and panel washing);
- Infestations of invasive exotic plants due to frequent ground disturbance and increased vehicle travel, with potential impacts to native vegetation communities, wildlife, and wildfire regimes;
- Increased activity of human-subsidized predators, such as ravens, with food, water, and structures related to project construction and operation;
- Introduction of wind- and/or water-borne toxicants from the project sites, with potential impacts to sensitive species, such as the desert tortoise.

Some of the impacts above are not addressed in either the Beacon EIR or Addendum. Others, addressed for the Beacon project, are likely to be more severe as they will affect the protected, high quality habitat, and relatively high-density tortoise population immediately adjacent to the SSF1 site. More detailed information on mitigation measures appropriate for the new sites should be provided and reviewed before any decision is reached.

Further, the County cannot use the prior EIR for the Projects if “new information of substantial importance” shows that “the project will have one or more significant effects not discussed in the previous EIR or negative declaration.” Section 15162(a)(3)(A), CEQA. Conservation threats related to solar arrays have only recently been identified. As such, new scientific research renders the prior biological analysis and mitigation measures incomplete and outdated. Therefore, the prior EIR cannot be used as a basis for circumventing CEQA:

- Climate models indicate that large-scale solar projects can generate an Urban Heat Island Effect in adjacent desert habitat, resulting in significant temperature increases that can impact activity and survival of ectotherms such as the desert tortoise. Models developed by reputable scientists suggest that solar farms may actually accelerate climate-related declines of desert tortoise populations in their proximity. This is
especially disconcerting in the area of the DTRNA, an identified ‘climate refuge’ for the species. The DTRNA and surrounding areas are critical for the long-term survival of the desert tortoise with climate change, and should not be compromised by large-scale solar development along its boundaries.

- **Collision of migratory birds with photovoltaic solar panels is another recently-identified impact documented at solar project sites in the California deserts.** Birds may be attracted to solar arrays because of their water-like reflective appearance. Due to the project’s proximity to Koehn Dry Lake (which contains a seasonal lake during periods of high run-off) and multiple man-made water features in the region, this area is important for migratory birds. The threat of collision with solar panels needs to be addressed and mitigated.

- **Canine distemper in desert kit foxes was diagnosed in late 2011 at the Genesis Solar Energy site west of Blythe, California in a project similar to that of the proposed Projects.** The prior EIR does not address canine distemper, nor does the proposed adoption of the prior EIR MM 4.3-19 address appropriate mitigation and monitoring measures for canine distemper in desert kit foxes.

Finally, the Addendum improperly adopts mitigation measures for the desert tortoise and Mohave ground squirrel as stipulated in the prior EIR because it fails to take into account the significant increase in habitat loss and the higher quality creosote bush habitat involved in the present Project. The size, habitat condition and location of the acquired mitigation lands will have a significant impact on the overall ecological health of the undeveloped lands in Eastern Kern County, including the Desert Tortoise Research Natural Area and other mitigation properties managed by the DTPC, CDFW, BLM, and other organizations. The disclosure of proposed mitigation lands and discussion of their habitat values is needed before the anticipated impacts to the overall ecological health, biodiversity, foraging and connectivity can be assessed. The development and initiation of enhancement activities as part of the mitigation plan requires an evaluation of the ecological health and carrying capacity of the lands prior to their acquisition. Acquisition of marginal or poor quality habitat without a commitment to invest in a well-developed enhancement and long term management plan will not off-set the impact to the natural resources caused by the project development. The Addendum suggests that mitigation measures in the prior EIR -- MM 4.3-1 through MM 4.3-9, MM 4.3-12 through MM 4.3-14, MM 4.13-17 and MM 4.3-20—are appropriate mitigation measures for impact to the desert tortoise. We disagree: MM 4.3-17 states that the Project Proponent shall purchase a minimum of 9.9 acres of suitable habitat for permanent impact to desert tortoise and Mohave ground squirrel habitat west of State Route 14 and an additional 100 acres of suitable habitat for the incidental take of 2 individual Mohave ground squirrel east of SR 14 or other evidence of other arrangements acceptable to CDFW. Clearly the environmental assessment of impacts to both the desert
tortoise and Mohave ground squirrel and associated mitigation for the Project does not take into account the additional 1,296 acres of project impacts to both species and their habitat.

DTPC has a 40-year history of working with federal, state, and local agencies to protect habitat for the tortoise and other sensitive species; our efforts began in Kern County with the Desert Tortoise Research Natural Area, a nationally-recognized protected area. The DTPC has also worked with numerous project proponents to acquire and manage mitigation lands. We are very concerned by the growing number of utility-scale energy projects proposed in or adjacent to important desert tortoise habitat and the significant cumulative impacts of these projects that are acknowledged, but not mitigated. The SSF1 and OSF are new projects on different sites that will cause specific impacts that need to be evaluated and mitigated in full. The DTPC would like the opportunity to work with the appropriate agencies, the county, and project proponent in developing the best possible mitigation strategy if these projects are going to move forward. We strongly urge the county to adequately review the impacts of these projects at their proposed sites in a full EIR with a public review period.

Sincerely,

DESERT TORTOISE PRESERVE COMMITTEE, INC.

Ron Berger  
President

Mary Kotschwar Logan  
Preserve Manager and Conservation Coordinator
CITATIONS


20 January 2014

Mr. Jaymie L. Brauer, Planner III
Kern County Planning Department
2700 “M” Street, Suite 100
Bakersfield, CA 93301
planning@co.kern.ca.us and brauerj@co.kern.ca.us

RE: Addendum to the Environmental Impact Report for the Beacon Photovoltaic Solar Project, Springbok Solar Farm 1 and Oryx Solar Farm

Dear Mr. Brauer,

We present herein substantial and significant reasons why the environmental analyses for the Beacon site cannot be extrapolated to Oryx and Springbok projects. Specifically, reconnaissance-level surveys performed on the Oryx and Springbok sites are neither adequate nor sufficient to determine or analyze the impacts of implementing the work described in the proposed Addendum. Additionally, we present the reasons why the resource surveys performed on the Beacon site cannot be extrapolated to the other two sites to make an informed decision.

The Desert Tortoise Council (Council) is a private, non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public’s understanding of this species. Established in 1976 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range.

On 1/6/2014, I requested that the Council be added to the distribution list of Interested Parties for all future projects in the eastern portions of Kern County that may affect the desert tortoise. Ms. Lorelei Oviatt responded later that day by email that the Council would be added. Unfortunately, of the hundreds of entities receiving the Draft Environmental Impact Report (Draft EIR) for the Beacon Photovoltaic Solar Project (Beacon), the Council was not included. I’m glad to see that we now have time to comment on the proposed addendum to existing environmental documents for two projects that, excepting proximity, have no nexus to the Beacon project. Herein, I formally ask that the Council be included as an Interested Party to review all future environmental documents addressing the proposed Springbok Solar Farm 1 and Oryx Solar Farm projects (Springbok and Oryx projects).
Herein, we provide comments relating to the addendum to the EIR for the Beacon Photovoltaic Solar Project, Springbok Solar Farm I and Oryx Solar Farm (Addendum) dated November 2013. Page 1-1 of the Addendum reports that the Oryx site would encompass 345 acres and the Springbok site would encompass 951 acres. Page 1-1 states, “This Addendum has been prepared to determine whether the proposed modified project would result in new or substantially more severe significant environmental impacts compared with the impacts disclosed in the certified EIR [for the Beacon project].”

We note on page 1-4 of the Addendum that “…with mitigation incorporated, the approved project would result in less than significant impacts related to the following environmental impact areas,” which included biological resources. We understand that the Beacon project has now been postponed because at least one desert tortoise and active tortoise burrows were recently found on that site; that the certified EIR’s assertion that tortoises would not be affected is no longer accurate; and that this inaccurate conclusion should not be applied to these two new sites. Given that the desert tortoise (Gopherus agassizii) is listed as threatened by both the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW), we understand that impacts to this species must be considered significant under the California Environmental Quality Act (CEQA).

As given on pages 1-5 and 1-6 of the Addendum, the Council believes that increasing the areas that would be affected from 2,298 acres to a total of 3,594 acres – an increase of 1,296 acres – certainly constitutes “Substantial changes” identified in Section 15162 (1) and (2) listed on page 1-5 of the Addendum; “…will have one or more significant effects not discussed in the previous EIR” under Section 15162 (3)(A) on page 1-6; that adding 1,296 acres to the original project will have “Significant effects … substantially more severe than shown in the previous EIR” identified under Section 15162 (3)(B) on page 1-6; and constitutes two “…alternatives which are considerably different from those analyzed in the previous EIR” as given under Section 15162 (3)(D) on page 1-6. Therefore, we feel that the addition of 1,296 acres, which is a 56% increase in the size of the Beacon impact area, violates five of the six criteria listed on pages 1-5 and 1-6 as the basis for an EIR Addendum. Thus, an Addendum clearly is not acceptable.

Importantly, the revisions to the Draft EIS on page 4.3-35 indicate that “Potential direct impacts to desert tortoise [on the Beacon site] include the permanent loss of 3.3 acres of potential habitat along the transmission line west of SR 14.” Given the findings of the consultant’s report (Quad Knopf 2013), there are approximately 300 acres of tortoise habitat on the Oryx site and 345 acres on the Springbok site that would now be impacted. Whereas the Beacon project indicates that only 3.3 acres of tortoise habitat would be permanently lost, the Oryx and Springbok sites would result in the loss of an additional 645 acres, which is not foreseen and not analyzed in the Beacon EIR. The Council asserts that this represents both significant and substantial changes so that one or two separate EIRs are appropriate to analyze impacts associated with the Oryx and Springbok sites; an Addendum is not sufficient to effectively analyze these new impacts, which have been expanded from 3.3 acres to 645 acres.

Although the Addendum (page 2-1) reports that the regional setting would be unchanged, we note that the Springbok site is 1.5 miles east of the Beacon site, and not contiguous. Importantly, as proposed, the Springbok site is contiguous to the Desert Tortoise Research Natural Area (DTRNA) and State lands. We concur that the regional setting does not significantly differ for
the Oryx site, as it is south of and contiguous to the Beacon site. However, the Beacon EIR fails to adequately assess the immediate direct and indirect impacts of the Springbok solar facility to the contiguous DTRNA, which is an important recovery area for the desert tortoise. We also note that Section 3.1.1, which describes the regional setting in the Addendum, fails to identify the DTRNA as being contiguous to the Springbok site, although it is shown in Figure 2 in Appendix B (Quad Knopf 2013).

We are concerned about the two contradictory statements given at the top of page 2-2 of the Addendum: “No changes are proposed to the approved project’s site plan or the nature of the project facilities. [Immediately followed by:] The proposed modified project would include the addition of two additional solar facility sites, which would increase the total area to 3,594 acres.” Since the approved project’s site plan for Beacon did not identify either of the two new facilities and would result in the development of an additional 1,296 acres, the Addendum is misleading in stating there are no changes. As above, we note that impacts to tortoises on the Beacon site were estimated at 3.3 acres, which compared to the two new sites at 645 acres, is a substantial and significant change.

Page 3-2 of the Addendum with regards to impacts to scenic vistas makes the following conclusion: “…the proposed modified project would not result in new or a substantial increase in the severity of the impact to a scenic vista than disclosed in the certified EIR.” Given that development of these two new sites would increase the visual impact from 2,298 acres up to 3,594 acres, a 56% increase, on what basis does the Addendum judge that this does not constitute a substantial increase? Particularly, when 951 acres would occur immediately adjacent to lands within the DTRNA and managed by the State.

We note in Section 3.3.1 on page 3-9 addressing biological resources, the following statement: “On-site field biological assessments were conducted in September 2013 and consisted of reconnaissance-level field surveys [emphasis added].” This level of survey is insufficient to adequately analyze project impacts. The USFWS (2010) survey protocol for tortoises requires that focused surveys be performed at 10-meter intervals.

We see in Section 3.3.2 on page 3-10 of the Addendum that no focused springtime surveys were performed for sensitive plant species known to occur in the area. Rather, surveys were performed in September 2013, which in addition to being in the fall, also occurred during a very dry year. The Addendum fails to recognize that Barstow woolly sunflower (Eriophyllum mohavense), which has been found both at the DTRNA adjacent to Springbok and at the nearby Hyundai Test Tract, is not even mentioned, and would not be detectable in the fall. Extrapolating any analysis of the Beacon site to these two new sites, including the entire Oryx site and the western portions of the Springbok site, is scientifically untenable. The Addendum provides no new evidence for the absence of the species on either site, which would need to be ascertained in the spring of a wet year. A fall survey for springtime annuals clearly violates the survey requirements given in CDFW (2009; see page 4 of 7 for timing of surveys).

On page 3-16 of the Addendum, we note the following conclusion: “However, no significant impact to waters of the U.S. would occur as the footprint of the solar development completely avoids these features.” This statement is not consistent with Figure 2.5 and Figure 2.6 of the
Addendum, which show that solar panels would occur throughout both sites. Yet Figures 3 and 5 in Appendix B clearly show washes running diagonally through the Oryx site and within the eastern boundary of the Springbok site. This is presumably the same water course on the Oryx site of which the Beacon site would affect 20.62 acres. How many acres of this wash would be affected by development of the Oryx site, which would be fully developed according to Figure 2.5?

Unless otherwise noted, the following comments refer to the biological technical report included in Appendix B to the Addendum (Quad Knopf 2013). Review of the biological technical report confirms what the Addendum alludes to; namely that only reconnaissance surveys were performed on the two sites for desert tortoises. The methodology on page 8 of Quad Knopf indicates that two biologists surveyed the Springbok site on September 9, 2013 and two biologists surveyed the Oryx site on September 10, 2013. Given the industry standard of 4 acres per hour, it would have taken 238 hours to survey the 951-acre Springbok site and 86 hours to survey the 345-acre Oryx site, which does not include additional time to survey zone of influence transects required by the USFWS (2010) survey protocol. Unfortunately, neither the actual survey times spent on the sites nor the locations of transects are reported in the Quad Knopf report.

Performing reconnaissance-level surveys in lieu of formal, focused tortoise surveys is unacceptable as it violates USFWS and CDFG standards enforced across the listed range of the desert tortoise. Among other things, failure to survey the site according to protocol does not allow the consultants to report the number of tortoises that would be affected on either site. In the absence of this estimate, the Addendum is unable to report how many adult tortoises will be affected on these two sites compared to the Beacon site. In the absence of these data and associated estimates, we contend that the Addendum cannot quantify the level of impact associated with inclusion of these two sites. In the absence of those data, Kern County cannot conclude that significant and substantial impacts associated with this 1,296-acre expansion will not occur.

We see that most of the Beacon site is described as fallow agriculture, and that as many as 645 acres on the Oryx and Springbok sites are considered suitable tortoise habitat. It is far beneath the industry standard to not include species lists of plants and animals observed even during reconnaissance surveys. Left to the information given in Table 2 of the Quad Knopf report, we are led to believe that only three plant species occur on the Springbok site and only two on the Oryx site. Of the four species identified, the scientific name for creosote bush is misspelled, surveyors did not recognize the species of Opuntia (which is now Cylindropuntia), and the specific name for Jimson weed is misidentified. Given these observations, only the scientific name for red brome is correct. The ability of these surveyors to identify common plants, much less special status plant species, is in serious question.

We note that Quad Knopf (2013) concludes: “Some areas of the Springbok site are considered marginal habitat because of the high level of past disturbance, but desert tortoises would be expected to occasionally be present in those disturbed areas.” Since the consultant’s report does not indicate how much of either site was surveyed, we cannot determine if all of the tortoise sign shown in Figure 8 is restricted to the western quarter of Springbok or if eastern areas were not
surveyed. In any case, since the consultant concludes that tortoises may “...be expected to occasionally be present in those disturbed areas,” we must conclude that all habitats are compensable, not only the 300 acres on the Oryx site and 345 acres on the Springbok site, as reported on page 3-13 of the Addendum.

As with desert tortoise and special status plants, there is also a formal survey protocol (CDFW 2012) for burrowing owl (Athene cunicularia) that was not followed. The consultant’s survey may loosely be interpreted as a Habitat Assessment, but agency-specified transects spaced between 7- and 20-meter intervals were not surveyed, as required by CDFW. As such, it is meaningless to say that no evidence of burrowing owls was found because an adequate survey effort was not performed.

In conclusion, we present herein both substantial and significant reasons why the environmental analysis for the Beacon site cannot possibly be extrapolated to Oryx and Springbok projects. For these reasons, we do not believe that either the resource surveys performed on the Beacon site or the reconnaissance surveys performed on the Oryx and Springbok sites are sufficient to analyze impacts in the proposed Addendum. Perhaps the Beacon certified EIR can be amended to accommodate the Oryx site if new, adequate protocol surveys are performed for tortoises, burrowing owls, and springtime plants in a wet year; but the Springbok site is sufficiently far from the Beacon site that its impacts have not been fully analyzed in the Addendum.

We look forward to future opportunities to comment on development of these projects.

Regards,

Edward L., LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Literature Cited


U.S. Fish and Wildlife Service. 2010. Preparing for any action that may occur within the range of the Mojave desert tortoise (Gopherus agassizii). USFWS Desert Tortoise Recovery Office. Reno, NV.
JANICE
I am in favor of these projects and hope that they can happen in my lifetime.

THANKS FOR THE INFO.

RE: CUP#14, MAP#152;
CUP#15, MAP#152;
CUP#2, MAP#153

After 30 years, delighted to hear development planning for the area.
Please keep us on the mailing list for updates.

Brian
Information
Provided by Applicant
February 3, 2014

Ms. Janice Mayes, Planner II
Kern County Planning and Community
Development Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301
MayesJ@co.kern.ca.us

Re: Oryx & Springbok I Solar Farm Conditional Use Permit Applications

Dear Ms. Mayes:

We are writing regarding our conditional use permit applications for the Oryx and Springbok I Solar Farms ("Project"), which we understand will be considered by the Kern County Planning Commission at its meeting on February 27, 2014. We have been in discussions with the Desert Tortoise Preserve Committee (DTPC) and other stakeholders regarding concerns they have raised that certain protections for the Desert Tortoise be included as conditions of approval for the conditional use permits should the Planning Commission approve the Project. While the Planning Department’s recommendations already address a number of these concerns, to provide greater comfort to DTPC and other stakeholders, we are respectfully requesting clarification of certain mitigation measures, greater specificity regarding certain other measures and the incorporation of additional conditions of approval, as set forth below:

1. Prior to building permit submittal, the Applicant shall revise final site plans to avoid the Mojave Wash Scrub Habitat, as mapped in the biological report for the Project, and any delineated state or federal jurisdictional waters on (i) the Oryx site and (ii) the eastern portion of the Springbok site, with a minimum 1,000 foot setback from the property line to the south and east and terminating at the northwest corner of the Desert Tortoise Natural Area so that it is contiguous with the Desert Tortoise Natural Area, resulting in a buffer of several hundred feet from the Mojave Wash Scrub Habitat. (See attached Updated Project Plan.)

2. Prior to the commencement of construction, the Applicant shall coordinate with DTPC regarding feasible design options that are consistent with California Department of Fish and Wildlife (CDFW) and the United States
Fish and Wildlife Service (USFWS) regulations for the installation of enhanced Desert Tortoise exclusion barriers along the buffer on the southern and eastern boundaries of the Springbok site nearest to the Desert Tortoise Natural Area that best protect against tortoises entering the site (e.g., cinder block wall), in a manner that also provides dust protection for the Desert Tortoise Natural Area and complies with exclusion fencing or access requirements for other sensitive species (e.g., kit fox).

3. The Applicant requests that Mitigation Measure 4.3-17 (compensatory mitigation for Desert Tortoise and Mojave Ground Squirrel impacts) be clarified and corrected in the Addendum to accurately reflect the Project’s requirement to purchase compensatory mitigation land for conservation at a 3:1 ratio, with the final land area to be determined based upon the protocol surveys to be undertaken prior to construction.

4. The Applicant shall work closely with DTPC regarding the acquisition of compensatory mitigation land for the Project, prioritize the purchase of reasonably available lands consistent with DTPC’s mission with a focus on lands within the Desert Tortoise Natural Area expansion areas or otherwise providing high biological values, and secure agreements for the required mitigation land by June 2016. DTPC shall own and manage the land purchased as compensatory mitigation for the Project, if and when approved by CDFW and USFWS.

5. Prior to construction, the Applicant shall work with the County to minimize areas required to be graded in connection with its compliance with CUP Condition (6)(j)2.

6. During construction, the Applicant shall minimize dust emissions consistent with County and Eastern Kern Air Pollution Control District requirements and to minimize impacts to the Desert Tortoise Natural Area. During construction, the Applicant shall direct vehicular access to the Springbok site via Anne Avenue, if access rights can be obtained; otherwise, limit access via Mednick Avenue to 90th Street and accessing the property at the southwest corner. Prohibit construction access from 95th or 100th Streets (the access points closest to the Desert Tortoise Natural Area). During operations, access will be provided from Anne Avenue or 90th Street.

7. Following construction, the Applicant shall minimize dust emissions by treating graded and other unpaved areas with revegetation with native (or other non-invasive) species and/or non-toxic soil stabilizers, as approved by the County.

8. Toxic rodenticide shall not be used to control rodents within the Project site.
In addition, we understand the Addendum already includes the below-listed mitigation measures, and we support the imposition of these measures as part of the Project:

9. Prohibit dogs on-site to assist in avoiding the introduction of canine distemper to the area.

10. Prior to and during construction, require construction workers to attend a Construction Worker Environmental Awareness Training and Education Program, developed and presented by a qualified Lead Biologist.

8minutenergy strongly supports the incorporation of these clarifications and enhancements to the Project’s mitigation program and respectfully request that they be added. Please feel free to contact me at (323) 525-0900 or via email at ASundquist@8minutenergy.com should you have any questions or would like to discuss these points further.

Respectfully Submitted,

Alexander Sundquist
Project Manager
8minutenergy Renewables, LLC

cc: Ron Berger, Desert Tortoise Preserve Committee, Inc.
Mary Kotschwar Logan, Desert Tortoise Preserve Committee, Inc.
Jun Y. Lee, Desert Tortoise Preserve Committee, Inc.

Attachments
Addendum to the HYDROLOGY STUDY

Springbok 1 and Oryx Solar Project
Kern County, California

Prepared for:
62SK 8ME, LLC
5455 Wilshire Boulevard, Suite 2010
Los Angeles, CA 90036
Contact Person: Alexander Sundquist
Phone: (213) 281-9771
Fax: (310) 424-7112

Prepared by:
Quad Knopf
5080 California Avenue, Suite 400
Bakersfield, California 93309
Civil Engineer: Miguel Barcenas, P.E.
(661) 616-2600

February 2014

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120123
This addendum to the Hydrology Study (Addendum EIR Appendix G, Quad Knopf, 2013) for the Springbok 1-Oryx Solar Project is being prepared to discuss the discovery of an abandoned water well on the Springbok-1 project site. The Addendum will analyze the potential impacts of the well on hydrology, water quality as well as water availability and demand.

On Jan 23, 2014, the landowner visited the Springbok 1 (SSF-1) properties and found what looked to be an abandoned well (steel casing embedded in concrete) onsite. The landowner was unaware that any wells were located on the property. The well has a steel plate cover welded onto a steel casing approximately 16 inches in diameter, embedded in a concrete seal encasement. In the same general area, there appeared to be buried support lines for irrigation. Figure 1 illustrates the general location of the well on the Springbok 1 site, and Figure 2 is a view of the well as it was found onsite.
On Jan 26, 2014, the landowner contacted the California Natural Resource Agency requesting any additional data they might be able to supply regarding the well. The available documents were illegible, and generally date from circa 1953. The well was probably capped and abandoned in the late 1980s when farming activities on the property ceased.

![Figure 2 Photo of the well taken on site.](image)

Subsequently, the Kern County Environmental Health Service Department staff was contacted regarding the well. According to County staff, no well permits found in the database for the APNs associated with the SSF-1 site. However, the County did not track well permits until 1988, so this well is probably an older well. County staff indicated that the well permit could be reactivated after appropriate testing is completed. All regulations of the California Department of Public Health, the County of Kern, and other regulatory agencies will be addressed and implemented, as required.

The Addendum EIR for the Beacon Photovoltaic Solar Project included two additional solar facility sites referred to as the “proposed modified project.” Similar to the approved project, each of these sites will be subject to approval of a Conditional Use Permit for the operation of solar facilities, consistent with the zoning designations for the modified project site. The CUPs are for the 345-acre Oryx Solar Farm (OSF) and 951-acre Springbok Solar Farm I (SSF-1). The certified EIR as well as the Addendum EIR for the proposed modified project included the reactivation and possible use of existing or new water wells to provide construction and operations water (see Addendum EIR page 1-3).

The source of water during construction and operation has not yet been finalized but will likely be groundwater extracted from one or more new onsite wells. Alternatively, the project may source water from existing groundwater wells located on adjacent properties, or import water via truck. Potable water will likely be provided by bottled water sources during the construction period.
A small portion of the overall project water demand will be realized during operation of the facility and is associated with routine warehouse activities and quarterly panel washing. There is no existing domestic water delivery system within the project area; therefore, a new onsite water well is expected to be the source of water for these activities. A separate licensed contractor will complete installation and operation of the well, and execution of that work will be in compliance with all federal, State, and local laws and ordinances. Depending on the quality of water supplied by the onsite well, a small water treatment system may be installed to provide deionized water for panel washing and potable water.

A Hydrology Study (Appendix G, Quad Knopf, 2013) and a Water Demand Analysis (Appendix H1 and H2, CH2M HILL, 2013) were prepared for the proposed modified project and included in the Addendum EIR. As noted in the Addendum EIR Section 3.8 Hydrology and Water Quality, the proposed modified project would not create new or substantially more severe impacts to hydrology or water quality including surface hydrology and drainage, floodplains, soil types and erosion, and groundwater hydrology. The discovery of an abandoned water well on the SSF-1 site would not change or significantly alter these conclusions.

As noted in the Addendum EIR Section 3.14 Utilities and Service Systems (and see Water Demand Analysis, Addendum EIR Appendix H2), the Springbok 1 project is located in the Fremont Valley Groundwater Basin. Groundwater is supplied from the Fremont Valley Groundwater alluvium. The total storage capacity of the basin is calculated to be 4,800,000 acre-feet (AF), and the alluvium is generally unconfined. The Fremont Valley Groundwater Basin is not an adjudicated basin. Rights to the groundwater supply are not under legal restrictions. DWR has not identified the Fremont Valley Groundwater Basin as being in or projected to be in an overdraft condition (Addendum EIR Appendix H2, page 2). SSF-1 project water demand would be highest during the construction phase for dust suppression activities. During temporary construction activities, 50 acre-feet per year (AFY) of water will be required for dust control. Water needed to support project-related construction activities would be obtained by one or more new onsite wells extracting groundwater from the Fremont Valley Groundwater Basin. Alternatively, the project may source water from existing groundwater wells located on adjacent properties.

The annual operational water use of the project will be associated with the O&M facility and solar panel washing. Potable water will be provided from a local water purveyor or bottled water will be used. It is anticipated that panels will require washing up to four (4) times per year. Water demand for panel washing and the O&M building is not expected to exceed 5 AFY. The Water Demand Analysis concluded that sufficient water is available for SSF-1 project construction and operations. Long-term water demand of up to 5 AFY would be less than 0.1 percent of the recent estimated rate of recharge in the Koehn Sub-basin. The groundwater extraction associated with the project is considered negligible within the overall context of the groundwater in storage and ongoing annual extractions from this non-adjudicated basin. The discovery of an existing, abandoned water well on the SSF-1 site would not alter the conclusions of the certified EIR or the Addendum EIR related to water availability in the project area, or water usage by the proposed modified project.
Legal Description
Legal Description
Springbok Solar Farm I

Parcel No. 1 (APN 469-010-09)

All of Section 12, Township 31 South, Range 37 East, Mount Diablo Base and Meridian, in the County of Kern, State of California.

Parcel No. 2 (APN 334-030-57)

 Lots 1 and 2 of the Northwest quarter and Lots 1 and 2 of the Southwest quarter of Section 7, Township 31 South, Range 38 East, Mount Diablo Base and Meridian, in the County of Kern, State of California.

Quad Knopf – 1/2/13
L:\Projects\2012\120123\Survey\Legal Desc Sprinkbok I.docx
GENERAL NOTES:
1. PARCELS ARE BASED ON TAX RECORD INFORMATION, NOT A BOUNDARY SURVEY.
2. THE SITE PLAN IS CONCEPTUAL IN NATURE.
3. BIOLOGICAL ANALYSIS HAS NOT BEEN COMPLETED. IF IT IS DETERMINED ADDITIONAL SETBACK IS REQUIRED FOR BIOLOGICAL OR OTHER ISSUES, THE SITE PLAN WILL BE MODIFIED ACCORDINGLY.
4. ESTIMATED NET BUILDABLE AREA IS DETERMINED BY REMOVING SETBACKS, AREAS NOT A PART, EXCEPTIONS, ETC.

PROJECT BOUNDARY

SEC. 12-31/37
PARCEL 1
469-010-09
AREA: 645 AC

SEC. 7-31/38
PARCEL 2
334-030-57
AREA: 306 AC

COUNTY OF KERN
SPRINGBOK I SOLAR PROJECT
CUP EXTENTS - SEC. 12, T31S, R37E, MDB&M
& SEC. 7, T31S, R38E, MDB&M

Quad Knopf
EXHIBIT 1 OF 1
Oryx Solar Farm
Conditional Use Permit Extents

All of Section 17, Township 31 South, Range 37 East, Mount Diablo Base and Meridian, in the
unincorporated area of the County of Kern, State of California, as per the official plat thereof,
lying Easterly of the Easterly line of the Southern Pacific Railroad right of way.

Containing 345 gross acres, more or less

Containing 345 net acres, more or less
COUNTY OF KERN VICINITY MAP
NOT TO SCALE

GENERAL NOTES:
1. PARCELS ARE BASED ON TAX RECORD INFORMATION NOT A BOUNDARY SURVEY.
2. THIS SITE PLAN IS CONCEPTUAL IN NATURE.
3. BIOLOGICAL ANALYSIS HAS NOT BEEN COMPLETED. IF IT IS DETERMINED ADDITIONAL SETBACK IS REQUIRED FOR BIOLOGICAL OR OTHER ISSUES THE SITE PLAN WILL BE MODIFIED ACCORDINGLY.

ORYX VICINITY MAP
NOT TO SCALE

PROJECT LOCATION

COUNTY OF KERN VICINITY MAP
NOT TO SCALE

SECTION 17

PROJECT BOUNDARY

SOUTHERN PACIFIC RAILROAD

HIGHWAY N:\n
PARCEL 1
469-040-03
AREA: 345 AC

SCALE: 1" = 2,000'

COUNTY OF KERN
ORYX SOLAR PROJECT
CUP EXTENTS - SEC. 17, T31S, R37E, MDB&M

EXHIBIT 1 OF 1
MOU
MEMORANDUM OF UNDERSTANDING AND AGREEMENT
FOR
PERFORMANCE OF ZONING ORDINANCE AND MITIGATION MEASURES
AS ENVIRONMENTAL RESTRICTIONS
(Kern County – Property Owner- Lessee-Operator)

THIS AGREEMENT, made and entered into this ___ day of ___________ 2013 by and between the COUNTY OF KERN, a political subdivision of the State of California (hereinafter “County”) 62SK 8ME, LLC; (hereinafter collectively referred to as “Property Owner- Operator”).

WITNESSETH:

WHEREAS, in consideration of the COUNTY’s approval of the Springbok 1/Oryx commercial solar project, (a) Conditional Use Permit No. 14, Map No. 152; (b) Conditional Use Permit No. 15, Map No. 152; (c) Conditional Use Permit No. 2, Map No. 153; and in satisfaction of the condition of Project approval requiring a contractual mechanism to assure that all provisions of the zoning ordinance and project approval CEQA mitigation measures, will be implemented, County and Property Owner-Operator now desires to enter into this Agreement.

NOW, THEREFORE, IT IS MUTUALLY AGREED between County and Property Owner-Operator as follows:

1. The Property Owner-Operator agrees to perform all mitigation measures that are contained in the adopted Mitigation Measure Monitoring Program, attached hereto as Exhibit “A”, as they relate in any way to the development of a commercial solar project described above. The Property Owner-Operator obligations under this Agreement shall apply regardless of whether any other permits or entitlements are issued, except to the extent performance of such obligations is expressly prohibited under state or federal law. The obligations under this agreement, which shall not be amended absent prior written agreement of County and the Property Owner-Operator, shall be binding on all successors and assigns of the property described in Exhibit “B” hereto, and Property Owner-Operator agrees that they shall so obligate all successors, assigns, transferees, and lessees. The provisions of all exhibits attached hereto are hereby incorporated in this Agreement by this reference as through fully set forth herein.

2. The Property Owner-Operator, successors, assigns, transferees, and lessees agree to be bound by all the requirements of the A (Exclusive Agriculture) Zoning ordinance and all other provisions of the Kern County Zoning Ordinance (Title 19), the adopted Final Environmental Impact Report, and the
Map No. 152; (b) Conditional Use Permit No. 15, Map No. 152; (c) Conditional Use Permit No. 2, Map No. 153.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.

RECOMMENDED FOR APPROVAL:

Kern County Planning and Community Development Department

By: ____________________________
Lorelei H. Oviatt, AICP, Director

Project Owner/Operator: 62SK 8ME, LLC.

By: ____________________________
Martin Hermann, Manager

APPROVED AS TO FORM:
Office of County Counsel

By: ____________________________
County Counsel

COUNTY OF KERN

By: ____________________________
Chairman, Board of Supervisors
Exhibit A
15091 Findings of Fact
Exhibit A

FINDINGS OF FACT IN SUPPORT OF FINDINGS RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS

State CEQA Guidelines Section 15091

for

Addendum to Beacon Photovoltaic Project EIR
Springbok 1/Oryx Solar Farms by 8minutenergy Renewables, LLC

Conditional Use Permit 11, Map 152
Conditional Use Permit 2, Map 153
Conditional Use Permit 14, Map 152
Conditional Use Permit 15, Map 152

Final Environmental Impact Report
SCH# 2012011029

Lead Agency: Kern County Planning and Community Development Department

SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the Draft and Final Environmental Impact Report (EIR) for the Beacon Photovoltaic Project by Beacon Solar LLC, as well as additional facts found in the complete record of proceedings. The Final EIR is hereby incorporated by reference and is available for review at the Kern County Planning and Community Development Department (Planning Department), 2700 M Street, Suite 100, Bakersfield, California 93301, during normal business hours, and is also available on the Planning and Community Development Department’s website.

SECTION II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

The Planning and Community Development Department issued a notice of preparation of a Draft EIR on January 13, 2012. Based on the initial study and notice of preparation, a determination was made that the Final EIR would contain a comprehensive analysis of environmental issues identified in Appendix G of the California Environmental Quality Act (CEQA) Guidelines and not screened out during the notice of preparation. With respect to all impacts identified as “less than significant” or as having “no impact” in the Final EIR, the Planning Commission finds that those impacts have been described accurately and are less than significant or have no impact. Despite concluding that certain impacts would be less than significant or would have no impact, the Final EIR nonetheless incorporates mitigation measures in the form of complying with the goals, policies, and implementation measures of the Kern County General Plan, applicable Specific Plans, Conditional Use Permit (CUP) requirements, or other adopted...
regulations. The Planning Commission finds that these effects are less than significant or have no impact before and after implementation of these mitigation measures.

In addition, some impacts in the Final EIR were found to be “significant” but were able to be mitigated to less-than-significant levels, and others were found to be “significant and unavoidable.” The Planning Commission finds that those impacts have been described accurately and are less than significant with the implementation of mitigation or are significant and unavoidable.

AESTHETICS


The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (Impact 4.1-2).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would create a new source of substantial light or glare that could adversely affect day or nighttime views in the area. (Impact 4.1-4)

Description of Significant Impact

The proposed project would create a new source of lighting within the project site to provide for nighttime security (a vehicle-activated light at the main gate), and glare could potentially occur from reflection off the solar panels. Increased truck traffic and the transport of the equipment and construction materials to the project site would temporarily increase glare conditions during construction. However, this increase in glare would be minimal and temporary. Therefore, construction of the proposed project would not create a new source of substantial glare that would affect daytime views in the area.

Finding

The project would create a new source of glare that could adversely affect views in the area. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-4 through 4.1-6 would reduce impacts to less-than-significant levels.

MM4.1-4: Project facility lighting shall comply with “Dark Sky” lighting guidelines, and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.
MM 4.1-5: Where appropriate, proposed on-site buildings shall use non-reflective materials as approved by the Kern County Planning and Community Development Department.

MM 4.1-6: Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect

The project would have a substantial adverse impact on a scenic vista(Impact 4.1-1), and would substantially degrade the existing visual character of the site or quality of the site and its surroundings (Impact 4.1-3).

Description of Specific Impact

Implementation of the proposed project would ultimately result in the placement of photovoltaic solar panels and associated infrastructure on the project site. The utility-scale solar facilities would alter the existing undeveloped character of the project site by introducing a unique energy-generation element into the landscape. There would be significant impacts to views from scenic vistas within the nearby BLM lands. The proposed facility would be visually dominant in an area that is currently undeveloped. Specifically, there would be potentially significant impacts associated with “cultural modifications,” or manmade features which strongly impact the area’s visual resources, “vegetation” and “color” due to the replacement of open space with solar panels, and “adjacent scenery”. The area’s visual character would be significantly altered at the site.

Finding

The features that create significant aesthetic impacts (solar panels) are an inherent and necessary part of the project. While mitigation measures have been included to reduce aesthetic impacts as identified below, impacts are considered significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3 would serve to reduce the overall visual impact of the proposed project by ensuring regular clearance of debris and other visual clutter, and by providing a visual shield of the site to nearby KOPs. While these measures would reduce the overall aesthetic impact, they would not preserve the existing open space landscape character, and impacts to visual resources would be significant and unavoidable.

MM 4.1-1: The project operator shall clear debris from the project area at least twice per year; this can be done in conjunction with regular panel washing and site maintenance activities. The project operator shall erect signs with contact information for the project operator’s maintenance staff at regular intervals along
the site boundary, as required by the Kern County Planning and Community Development Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris.

**MM 4.1-2:** The project operator shall install metal fence slats or similar view-screening materials as approved by the Kern County Planning and Community Development Department in all on-site perimeter fencing adjacent to parcels zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL [Platted Lands] zoning), unless the adjacent property is owned by the project operator (to be verified by the Kern County Planning and Community Development Department) or a public or private agency that has submitted correspondence to the Planning and Community Development Department requesting this requirement be waived. Should the project operator sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.

**MM 4.1-3:** a) Drought-tolerant plants, species to be determined through consultation with landscape experts with local knowledge and approved by the Kern County Planning and Community Development Department, shall be planted along the fence line at 500-foot intervals where the adjoining property is zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL [Platted Lands] zoning), unless the adjacent property is owned by the project operator (to be verified by the Kern County Planning and Community Development Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Community Development Department requesting this requirement be waived. Should the project operator or agency sell the adjacent property, drought-tolerant shall be planted prior to the sale. Landscaping must be continuously maintained on the project site(s) by the project operator in accordance with Section 19.86 (Landscaping Standards) of the Kern County Zoning Ordinance.

b) Prior to the commencement of operations, the project operator must submit a landscape re-vegetation and restoration plan for the project site. Ground cover shall include native seed mix and shall be spread as needed where earthmoving activities have taken place to establish re-vegetation. Seed mix shall be determined through consultation with local experts and shall be approved by the Kern County Planning and Community Development Director prior to planting. The plan must include the approved native seed mix, a timeline for seeding the site, percentage of the site to be covered, detail the consultation efforts completed and the methods and schedule for installation of fencing that complies with wildlife agency regulations, and prohibition on the use of rodenticides. Ground cover must be continuously maintained on the project site by the project operator. The re-vegetation and restoration of the site shall be monitored annually for a three-year period with an annual evaluation report submitted to the Kern County Planning and Community Development Director for the three-year period. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, consistent with site conditions prior to implementation of the project.

**Significant Effect**

The project would substantially degrade the existing visual character or quality of the site and its surroundings (Impact 4.1-3).

**Description of Specific Impact**

Implementation of the proposed project would ultimately result in the placement of photovoltaic solar panels and associated infrastructure on the project site. The utility-scale solar facilities could degrade the existing visual character of the project site by introducing a unique energy-generation element into the landscape. The proposed facility would be visually dominant in an area that is currently undeveloped. Specifically, there would be potentially significant impacts associated with “cultural modifications,” or
manmade features which strongly impact the area’s visual resources, “vegetation” and “color” due to the replacement of open space with solar panels, and “adjacent scenery”. The area’s visual character would be significantly altered at the site.

Finding

The features which create significant aesthetic impacts (solar panels) are an inherent and necessary part of the project. While mitigation measures have been included to reduce aesthetic impacts as identified below, impacts are considered significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3 would serve to reduce the overall visual impact of the proposed project by ensuring regular clearance of debris and other visual clutter, and by providing a visual shield of the site to nearby KOPs. While these measures would reduce the overall aesthetic impact, they would not entirely preserve the existing open space landscape character, and impacts to visual resources would be significant and unavoidable.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The project would not have any cumulative effects on the aesthetics impacts that would be less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

The project would result in a significant cumulative aesthetic impact.

Description of Significant Impact

Multiple projects, including several utility-scale solar energy production facilities, are proposed in the project vicinity. These projects would cover at least 20,300 acres in the vicinity of the project site. These projects have the potential to result in cumulative impacts to aesthetics when considered together with the proposed project. As the discussion provided above indicates, the project would have significant and unavoidable impacts related to aesthetics after implementation of mitigation. Other projects in the region would also be required to implement various mitigation measures to reduce impacts. However, the conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated to a degree that impacts are no longer significant.

Finding

The project’s cumulative aesthetic impact is considered cumulatively considerable. Implementation of Mitigation Measures 4.1-1 through 4.1-6 would reduce cumulative impacts.

Brief Explanation of the Rationale for the Finding
CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce the impacts caused by the project that results in a cumulative aesthetic impact. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-6, implementation of the proposed projects would result in cumulatively considerable significant aesthetics impacts related to visual character of the site and its surroundings.

AIR QUALITY


The project would not conflict with or obstruct implementation of an applicable air quality plan. (Impact 4.2-1) The following mitigation measures are implemented to further reduce project-related emissions:

MM 4.2-1: The project operator shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

a) Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:

i. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.

ii. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.

iii. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.

iv. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.

v. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.

vi. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.

vi. Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.

vii. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.
viii. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.

ix. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.

x. Applicant shall direct vehicular access to the Springbok 1 site via Anne Avenue, if access rights can be obtained; otherwise, applicant limit access via Mednick Avenue to 90th Street and access the property at the southwest corner. Construction access shall be prohibited from 95th or 100th streets. During operations, access will be provided from Anne Avenue or 90th Street.

b) Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:

i. Once initial leveling has ceased, all inactive soil areas within the construction site shall be immediately treated with a dust palliative.

ii. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.

iii. All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.

c) Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:

i. No vehicle shall exceed 10 miles per hour on unpaved areas within the project 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.

ii. Visible speed limit signs shall be posted at the project site entrance(s).

iii. All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.

iv. All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.

v. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.

vi. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheel washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.

MM 4.2-2: The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the project site:

a) All equipment shall be maintained in accordance with the manufacture’s specifications.

b) Equipment shall be shut down when not in use for extended periods of time.
c) No individual piece of construction equipment shall operate no longer than eight cumulative hours per day.

d) Electric equipment shall be used whenever feasible in lieu of diesel- or gasoline-powered equipment.

e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.

f) On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer’s guidelines.

MM 4.2-3: The project operator shall continuously comply with the following measures during construction and operation to control NOx emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:

a) 2006 engines or pre-2006 engines with California Air Resources Board certified Level 3 diesel emission controls will be used to the extent possible.

b) All on-road construction vehicles, except those meeting the 2006/California Air Resources Board certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to worker personal vehicles.

c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacturer’s specifications.

MM 4.2-4: The project operator shall continuously comply with the following during operation to control fugitive dust emissions:

a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.

b) The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.

c) Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, 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. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex.

The project would not violate an air quality standard or contribute substantially to an existing or projected air quality standard. (Impact 4.2-2).

The project would not expose sensitive receptors to substantial pollutant concentrations. (Impact 4.2-4).

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not have any environmental effects on air quality that cannot be mitigated to a less-than-significant level.
C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant

The project would not have any environmental effects on air quality that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The project would not have any cumulative effects on air quality that would be less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). (Impact 4.2-3). Cumulative impacts to air quality during the construction period of the project would be significant and unavoidable.

Description of Significant Impact

Significant cumulative impacts from the proposed project, when considering the potential for overlapping construction as well as the potential for other nearby reasonably foreseeable planned projects to be in construction simultaneously, would have the potential to occur during project construction. This is particularly true for the emissions of NOx and PM10. After completion of construction, there would be minimal emissions and insignificant cumulative impacts during operation of the proposed project.

Finding

Implementation of Mitigation Measures MM 4.2-1 through MM 4.2-5 would reduce cumulative air quality impacts. Due to the uncertainty of the timing of other projects that may be constructed within the Mojave Desert Air Basin, it is assumed that temporary cumulative impacts from construction of the proposed project would remain significant and unavoidable.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Even after the implementation of Mitigation Measures MM 4.2-1 through MM 4.2-5, impacts related to cumulative air quality construction impacts would remain significant and unavoidable.

BIOLICAL RESOURCES


The project would not have any environmental effects on biological resources that have no impact, or have a less than significant impact.
B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by California Department of Fish and Game or US Fish and Wildlife Service. (Impact 4.3-1).

Description of Significant Impact

The proposed project has the potential for impacts on special-status plants and wildlife through the loss of habitat as well as direct and indirect impacts on wildlife, such as mortality of individuals or interference with reproductive success.

Finding

The project would have a substantial adverse impact, either directly or through habitat modifications, on species identified as a Candidate, Sensitive, or Special-Status species in local or regional plans, policies, or regulations, or by California Department of Fish and Game or US Fish and Wildlife Service. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a Candidate, Sensitive, or Special-Status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. In consideration of the potential use of the project site by special-status wildlife species, impacts on special-status wildlife species would be significant. Implementation of Mitigation Measures MM 4.3-1 through MM 4.3-20, and MM 4.1-4, MM 4.5-2, MM 4.8-1 and MM 4.8-2 would reduce impacts from Impact 4.3-1 to these species to less-than-significant levels.

MM 4.3-1: Prior to the issuance of grading or building permits, the project operator shall provide evidence to the Kern County Planning and Community Development Department that a Section 2081 Incidental Take Permit from California Department of Fish and Game (CDFG) for Desert Tortoise and/or Mohave Ground Squirrel has been obtained. If it is determined that such a permit is not required, the project operator shall provide a letter describing the consultation process and wildlife agency determination, indicating that a permit is not required. The letter shall also identify the CDFG point of contact and contact information.

MM 4.3-2: Prior to the issuance of grading or building permits, the project operator shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by United States Fish and Wildlife Service to oversee compliance with the protection measures for desert tortoise and other special species. The project Lead Biologist shall be onsite during all fencing and ground disturbance activities throughout the construction phase. The project Lead Biologist shall have the right to halt all activities that are in violation of the desert tortoise or other special species protection measures. Work shall proceed only after hazards to desert tortoise or other special species are removed and the species is no longer at
risk. The project biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted onsite.

**MM 4.3-3:** Prior to the issuance of grading or building permits, and for the duration of construction activities, within one week of employment and prior to participating in any ground or vegetation disturbing activities, all new construction workers at the project site, laydown area and/or transmission routes shall attend a Construction Worker Environmental Awareness Training and Education Program, developed and presented by a qualified Lead Biologist.

**MM 4.3-4:** The program shall be presented by the Lead Biologist and shall include information on the life history of the desert tortoise, as well as other wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of “take” under the Endangered Species Act, measures the project operator is implementing to protect the desert tortoise and other species, reporting requirements, specific measures that each worker shall employ to avoid take of the desert tortoise and other wildlife species, and penalties for violation of the Act. Identification and information regarding sensitive plants such as the Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species shall also be provided to construction personnel.

i. An acknowledgement form signed by each worker indicating that environmental training has been completed.

ii. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;

iii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Community Development Department.

iv. The construction crews and contractor(s) shall be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.

**MM 4.3-5:** The anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided.

**MM 4.3-6:** New and existing roads that are planned for either construction or widening shall not extend beyond the planned impact area. All vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.

**MM 4.3-7:** Spoils shall be stockpiled in disturbed areas presently lacking native vegetation. Stockpile areas shall be marked to define the limits where stockpiling can occur. Standard best management practices shall be employed to prevent loss of habitat due to erosion caused by project related impacts (i.e., grading or clearing for new roads). All detected erosion shall be remedied within two days of discovery.
**MM 4.3-8:** Fueling of equipment shall take place within existing paved roads, and not within or adjacent to drainages or native desert habitats. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.

**MM 4.3-9:** Construction activity shall be monitored by the qualified Lead Biologist or by biological monitors under the Lead Biologist’s supervision to ensure compliance with avoidance and minimization measures.

**MM 4.3-10:** The introduction of exotic plant species shall be avoided and controlled wherever possible, and may be achieved through physical or chemical removal and prevention. Preventing exotic plants from entering the site via vehicular sources shall include measures such as implementing Trackclean or other method of vehicle cleaning for vehicles coming and going from the site. Earth-moving equipment shall be cleaned prior to transport to the project area. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by California Department of Fish and Game and the United States Fish and Wildlife Service.

**MM 4.3-11:** Implement the following measures:

In the event ground disturbance does not commence on the transmission line corridor within two (2) years of the last rare plant surveys (May 2011), project operator and/or contractor shall conduct transmission line preconstruction rare plant survey(s) during the appropriate blooming period in accordance with the guidelines established by California Department of Fish and Game (2009), for Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species. If no special-status plant species are observed during the focused surveys, no further actions would be required.

If any of these plant species is found during the preconstruction surveys, project operator and/or contractor shall delay ground disturbance activities and contact CDFG for consultation. If required, in consultation with CDFG, a Habitat Mitigation Plan shall be prepared that includes, at a minimum, the following:

a) If Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species are observed within the proposed project footprint, the proposed project shall be designed by the Lead Biologist, to reduce impacts to the species through the establishment of preservation areas and buffers. If avoidance or minimization measures are implemented onsite, a Habitat Mitigation Plan shall be developed to ensure adequate management and conservation of botanical resources on-site over the long term. A copy of the Habitat Mitigation Plan shall be submitted to the Kern County Planning and Community Development Department.

b) If the proposed project would eliminate more than 10 percent of the local population of Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species, the Habitat Mitigation Plan would also include the following:

i. The area of occupied habitat to be preserved and removed;

ii. Identification of on-site or off-site preservation, restoration, or enhancement location(s);

iii. Methods for preservation, restoration, enhancement, and/or population translocation;

iv. A replacement ratio and success standard of 1:1 for occupied habitat lost;

v. A five year monitoring program to ensure mitigation success;
vi. Adaptive management and remedial measures in the event that performance standards are not achieved;

vii. Financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity

Prior to the commencement of ground disturbance activities, a final set of focused botanical surveys for Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species, shall be conducted. The surveys shall be conducted within potentially suitable habitat along the transmission line alignment that would be directly affected by the proposed project. Copies of all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Community Development Department.

MM 4.3-12: The project operator and/or contractor shall implement the following:

i. Prior to issuance of grading or building permits and after receipt of a project Section 2081 permit for incidental take, if one has been issued by the California Department of Fish and Game, the entire solar facility site (east of SR 14) shall be fenced with a permanent desert tortoise exclusion fence to keep any desert tortoise that may be using habitat adjacent to the facility from entering during construction, operations and maintenance, and dismantling and restoration (decommissioning) phases. The fencing type shall follow current fence specifications established by U.S. Fish and Wildlife Service. Desert tortoise-proof gates shall be established at all photovoltaic solar facility entry points. Applicant shall consult with Desert Tortoise Preserve Center regarding feasible desing options that are consistent with CDFW and USFWS regulations for the installation of enhanced Desert Tortoise exclusion barriers along the buffer on the southern and eastern boundaries of the Springbok 1 site nearest to the Desert Tortoise Natural Area that best protect against tortoises entering the site (e.g., cinder block wall), in a manner that also provides dust protection for the Desert Tortoise Natural area and complies with exclusion fencing or access requirements for other sensitive species (e.g., kit fox). Workers installing the exclusion fencing shall have undergone the worker training program mandated in Mitigation Measure 4.3-3 and a biological monitor under the authority of the project Lead Biologist will be present during exclusion fencing installation.

ii. The fencing shall be inspected monthly and immediately after all major rainfall events. Any damage to the fencing shall be repaired immediately or no later than two days of the observation.

iii. Following the construction of Tortoise exclusion fencing, around the solar facility perimeter (east of SR 14), clearance surveys shall be conducted by the Lead Biologist to ensure that no desert tortoises or other listed wildlife are trapped within the fenced area. The Lead Biologist may be assisted by biological monitors under the supervision of the Lead Biologist. Clearance surveys shall adhere to the current United States Fish and Wildlife Service clearance survey protocols described in the Desert Tortoise Field Manual, including a minimum of two clearance passes to be completed after desert tortoise-proof fencing is installed, which shall coincide with heightened desert tortoise activity from late March through May and September through October.
iv. If a desert tortoise is found on the site during project construction or operations, active
collection or operations shall cease in the vicinity of the animal and the desert tortoise shall
be passively restricted to the area encompassing its observed position on the construction site
and its point of entry shall be determined if possible. The Lead Biologist shall install a
temporary tortoise-proof fence around this area. Concurrent with this effort, United States
Fish and Wildlife Service and California Department of Fish and Game shall be consulted
regarding any additional avoidance, minimization, or mitigation measures that may be
necessary. Once the desert tortoise is observed leaving the site, work in the area can resume.
A report shall be prepared by the Lead Biologist to document the activities of the desert
tortoise within the site; all fence construction, modification, and repair efforts; and
movements of the desert tortoise once again outside the permanent tortoise-proof fence. This
report shall be submitted to wildlife and resource agency representatives and the Kern County
Planning and Community Development Department.

v. Outside permanently fenced desert tortoise exclusion areas, the project operator shall limit the
areas of disturbance in desert tortoise habitat. Parking areas; new roads; pulling sites; and
staging, storage, excavation, and disposal site locations shall be confined to the smallest areas
possible. These areas shall be flagged and disturbance activities, vehicles, and equipment
shall be confined to these flagged areas.

vi. The Lead Biologist or biological monitor will monitor any ground-disturbance activities that
occur outside the desert tortoise exclusion fencing. Work outside areas with desert tortoise
exclusion fencing shall only occur during daylight hours. Prior to conducting brushing or
grading activities in desert tortoise habitat outside the permanently fenced area, a Lead
Biologist or biological monitor under the supervision of a Lead Biologist shall survey the
area immediately prior to conducting these activities to ensure that no desert tortoises are
present.

vii. At the end of each work day, the Lead Biologist shall ensure that all trenches, bores, and
other excavations outside the permanently fenced area have been inspected for the presence
of desert tortoise and backfilled, if no tortoise is present. If backfilling is not feasible, these
excavations shall be modified to ensure that they cannot potentially entrap desert tortoises
(e.g., equipped with desert tortoise escape ramps, covered to prevent desert tortoise access,
enclosed with a desert tortoise exclusion fence).

viii. Any construction pipe, culvert, or similar structure stored within desert tortoise habitat (i.e.,
outside areas with desert tortoise exclusion fencing) shall be inspected for desert tortoise
before the material is moved, buried, or installed.

ix. Water used for dust abatement shall be minimized, as allowed by Kern County, to prevent the
formation of puddles that could attract common ravens and other desert tortoise predators to
the site and nearby.

x. No vehicle or equipment parked outside the fenced areas shall be moved prior to inspecting
the ground beneath the vehicle or equipment for the presence of desert tortoise. If present, the
desert tortoise shall be left to move on its own.

xi. Vehicular traffic to and from the project site shall use existing routes of travel (e.g., SR 14).
Cross country vehicle and equipment use outside designated work areas shall be prohibited.
Vehicle speeds within the project site shall not exceed 25 miles per hour on roads within desert tortoise habitat (e.g., west of SR 14).

xii. All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Lead Biologist shall be informed of any hazardous spills within 24 hours. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility.

xiii. A long-term trash abatement program shall be established for construction, operations, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunist predators such as common ravens, coyotes, and feral dogs.

xiv. Workers shall be prohibited from bringing pets and firearms to the project area and from feeding wildlife.

xv. Intentional killing or collection of either plant or wildlife species, including listed species such as desert tortoise, in the survey area and surrounding areas shall be prohibited. The Lead Biologist, wildlife and resource agency representatives and Kern County Planning and Community Development Department shall be notified of any such occurrences within 24 hours.

xvi. Ongoing monitoring shall be conducted by either the Lead Biologist or by biological monitors under the Lead Biologist’s supervision. The biological monitors shall have experience in monitoring for desert tortoise.

xvii. During construction daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report for the wildlife and resource agencies and Kern County Planning and Community Development Department on a monthly basis, documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report would also provide information on the overall biological-resources-related activities conducted, including the worker awareness training, clearance/pre-activity surveys, monitoring activities, and any observed desert tortoise or other special-status species, including injuries and fatalities.

xviii. The project operator shall develop a site-specific Common Raven Management Plan in accordance with United States Fish and Wildlife Service guidelines and shall implement management measures for ravens in the project area. These measures may include but is not limited to designing structures to eliminate perches, waste management, roadkill management, management of ponded water during construction and operations, and nest removal on structures within the photovoltaic facility site and along the transmission line.

**MM 4.3-13:** The project operator and/or contractor shall implement the following during Operation and Maintenance:

i. Desert tortoise exclusion fencing and gates shall be maintained on a regular basis.
ii. A 25 mile-per-hour speed limit shall be applied for travel during maintenance activities. Travel shall be confined to existing roads and previously disturbed areas.

iii. Desert tortoise-proof secure gates shall be installed where access roads leave State Route 14 and enter the photovoltaic solar facility; no access roads outside of the photovoltaic solar facility shall be fenced. Roads west of SR 14 that access transmission lines on project property shall be gated to deter unauthorized vehicle use.

iv. Work occurring outside areas with desert tortoise exclusion fencing shall only occur during daylight hours.

**MM 4.3-14:** The project operator and/or contractor shall implement the following during project decommissioning:

i. All applicable construction phase general protection measures shall be implemented during decommissioning.

ii. A 25-mile-per-hour speed limit on paved or stabilized unpaved roads shall be applied for travel during decommissioning activities. Travel shall be confined to existing roads and previously disturbed areas.

iii. If a desert tortoise is detected in the work area during decommissioning activities, no work shall be conducted until the desert tortoise moves on its own outside of the work area.

iv. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours.

**MM 4.3-15:** The following measures shall be implemented during project construction, operations, and decommissioning activities with respect to western burrowing owls.

a) A project Lead Biologist shall be onsite during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no less than 14 days prior to construction and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in the California Department of Fish and Game Staff Report (March 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with desert tortoise pre-construction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Game and the Kern County Planning and Community Development Department.

b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the California Department of Fish and Game Staff Report from an active burrow during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), unless otherwise authorized by California Department of Fish and Game. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers
shall be established in accordance with Table 2 (see below) of the Staff Report and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Game, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15).

<table>
<thead>
<tr>
<th>Location</th>
<th>Time of year</th>
<th>Level of disturbance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nesting sites</td>
<td>April 1-Aug 15</td>
<td>656 ft 1640 ft 1640 ft</td>
</tr>
<tr>
<td>Nesting sites</td>
<td>Aug 16-Oct 15</td>
<td>656 ft 665 ft 1640 ft</td>
</tr>
<tr>
<td>Any occupied burrow</td>
<td>Oct 16-Mar 31</td>
<td>164 ft 328 ft 1640 ft</td>
</tr>
</tbody>
</table>

Table 2: Burrowing Owl Burrow Buffers (CDFG Staff report)

During the nonbreeding (winter) season (October 16 to March 31), consistent with Table 2 (see above) of the Staff Report, ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Burrowing Owl Mitigation Staff Report (2012).

d) Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Game office and submitted to the Kern County Planning and Community Development Department. The plan shall include, at a minimum:

i. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;

ii. Type of scope and appropriate timing of scoping to avoid impacts;

iii. Occupancy factors to look for and what shall guide determination of vacancy and excavation timing (one-way doors should be left in place 48 hours to ensure burrowing owls have left the burrow before excavation, visited twice daily and monitored for evidence that owls are inside and can’t escape i.e., look for sign immediately inside the door).

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

v. Removal of other potential owl burrow surrogates or refugia onsite;

vi. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;

vii. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;

viii. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy diskng, or immediate and continuous grading) until development is complete.
e) Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.

f) Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).

g) In accordance with the Burrowing Owl Exclusion Plan a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.

h) During construction activities, monthly and final compliance reports shall be provided to California Department of Fish and Game, the Kern County Planning and Community Development Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.

**MM 4.3-16:** a) Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site in accordance with burrowing owl Staff Report guidance and in consultation with California Department of Fish and Game. At a minimum, the following recommendations shall be implemented:

i. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating.

ii. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include:

a. Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.

iii. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Game approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

b) Develop and implement a mitigation land management plan in accordance with burrowing owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.

i. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
ii. Habitat shall not be altered or destroyed, and burrowing owls shall not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Game-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.

iii. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.

iv. Consult with the California Department of Fish and Game when determining off-site mitigation acreages.

MM 4.3-17: Prior to issuance of grading or building permits, the project operator shall:

a) Purchase a minimum of 9.9 acres of suitable habitat as compensatory mitigation for permanent impacts to desert tortoise and Mohave ground squirrel habitat west of State Route 14, as well as an additional 100 acres of suitable habitat to compensate for the incidental take of 2 individual Mohave ground squirrels east of SR 14, or

b) Purchase compensatory mitigation for permanent impacts to Desert tortoise and Mohave ground squirrel habitat west of state route 14, at a 3:1 ratio, with the final land to be determined based upon the protocol surveys to be undertaken prior to construction, or

c) Enter into any other arrangement deemed acceptable to California Department of Fish and Game, to cover the costs of acquisition, maintenance and enhancement of the compensation lands. Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired as required by the wildlife or resource agency. If possible compensatory mitigation lands purchased shall provide habitat for all three species, as well as rare plants and State Waters. Verification of compliance shall be submitted to the Kern County Planning and Development Department. The applicant shall work with DTPC regarding the acquisition of compensatory mitigation land for the project, prioritize the purchase of reasonable available lands consistent with DTPC’s mission with a focus on lands within the Desert Tortoise Natural Area expansion areas or otherwise providing high biological values, and secure agreements for the required mitigation land by June 2016. DTPC shall own and manage the land purchased as compensatory mitigation for the project, if and when approved by CDFW and USFWS.

d) Prepare a Habitat Mitigation and Monitoring Plan that outlines all project compensatory mitigation for desert tortoise, western burrowing owl and Mohave ground squirrel, in coordination with California Department of Fish and Game, and the Regional Water Quality Control Board.

i. Compensatory lands shall be of similar or better quality than habitat lost and preferably be located in the vicinity of the site.

ii. Compensatory lands shall be permanently preserved through a conservation easement.

iii. The Plan shall identify conservation actions to ensure that the compensatory lands are managed to ensure the continued existence of the species.

iv. The Plan shall identify an approach for funding assurance for the long term management of the conserved land.
MM 4.3-18: Prior to the issuance of grading or building permit the following shall be implemented:

i. Not more than 14 days prior to site clearing, a qualified biologist shall conduct a preconstruction avian nesting survey. Copies of the completed surveys shall be submitted to Kern County Planning and Community Development Department.

ii. Surveys shall not be conducted for the entire project site at one time; they shall be phased so that surveys occur shortly before that portion of the site is disturbed. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. The survey shall cover all reasonably potential nesting locations on and within 250 feet of the project site—this includes ground nesting species.

iii. If construction is scheduled to occur during the non-nesting season (August 2 to January 31), no preconstruction surveys or additional measures are required.

iv. If construction begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required. However, if there is a break of 14 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before construction begins again.

v. If active nests are found a 250-foot, no-disturbance buffer (or as otherwise determined in consultation with California Department of Fish and Game) shall be created around the active nests. If the nest(s) are found in an area where ground disturbance is scheduled to occur, the project operator shall avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by relocating the project component(s) to avoid the area.

vi. All vertical tubes used in project construction, such as solar mounts and chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.

MM 4.3-19: Prior to the issuance of grading or building permit the following shall be implemented:

i. Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens prior to installation of desert tortoise exclusion fencing. Copies of the completed surveys shall be submitted to Kern County Planning and Community Development Department.

ii. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox, which includes fallow agricultural land and scrub habitats. If no potential American badger or desert kit fox dens are present, no further mitigation is required.

iii. If potential dens are observed, the following measures are required to avoid potential adverse effects to American badger and desert kit fox:

a. If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-use during construction.

b. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish
and Game. Entrances to the dens shall be blocked with one-way doors or soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. The collapsing of active desert kit fox dens shall not occur without prior consultation with the California Department of Fish and Game. A biologist shall remain on-call throughout construction in the event a badger or desert kit fox wanders onto the site.

c. Construction activities shall not occur within 50 feet of active badger dens. The project operator shall contact California Department of Fish and Game immediately if natal badger dens are detected to determine suitable buffers and other measures to avoid take.

d. Construction activities shall not occur within 100 feet of active kit fox dens. The project operator shall contact California Department of Fish and Game immediately if natal kit fox dens are detected to determine suitable buffers and other measures to avoid take.

MM 4.3-20: Prior to the issuance of a final certificate of occupancy, a Raven Management Plan shall be developed for the project site in consultation with the US Fish and Wildlife Service and CA Department of Fish and Game. This plan shall include but is not limited to:

i. Identification of all raven nests within the project area during construction;

ii. Weekly inspection under all nests in the project area for evidence of desert tortoise predation (scutes, shells, etc.), and, if evidence of predation is noted, submit a report to California Department of Fish and Game, US Fish and Wildlife Service, and Kern County Planning and Community Development Department within five calendar days; and

iii. Provisions for the management of trash that could attract common ravens during the construction and operation phases of the project.

iv. Should the US Fish and Wildlife Services determine it is necessary for the proposed project to participate in the regional comprehensive raven management plan, to address biological resources; the project operator shall be subject to compensation through the payment of fees not to exceed $150 per disturbed acre. Evidence of the US Fish and Wildlife Service and/or CA Department of Fish and Game determination and payment of any required fees shall be submitted to the Kern County Planning and Community Development Department.

Significant Effect

The project would have a substantial adverse impact on one sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. (Impact 4.3-2).

Description of Significant Impact

The proposed project has the potential for impacts on the scale broom association belonging to the Mojave Desert Wash Scrub alliance, which occurs only within the bed and banks of Pine Tree Creek within the project site.
Finding

The project would have a substantial adverse impact on Mojave Desert Wash Scrub near a streambed in Pine Tree Creek, which would be permanently impacted by crossing improvements that include paving, and construction of perimeter fencing. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. The impacts to scale broom, a sensitive plant community, would be considered significant but implementation of Mitigation Measures MM4.3-17, and MM 4.3-21 through MM 4.3-22 would reduce impacts from Impact 4.3-2 to less-than-significant levels.

**MM 4.3-21:** Prior to the issuance of grading or building permits, the project operator shall provide evidence to the Kern County Planning and Community Development Department that a Section 1600 Streambed Alteration Agreement has been obtained from California Department of Fish and Game (CDFG).

**MM 4.3-22:** The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized:

1. To the extent feasible, the following avoidance/minimization measures shall be implemented:
   a. Any laydown areas and/or material and spoils from project activities shall be located away from jurisdictional areas or sensitive habitat and protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
   b. Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
   c. Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative shall be notified.

2. All work within the washes shall be conducted to avoid periods of flowing water. Construction shall be timed to occur during the dry season (generally April 15 – October 15) and shall avoid periods in the summer when convective thunderstorms are predicted.

3. Compensatory mitigation for the Arizona-style crossings shall occur either on-site or offsite, and would occur at a ratio no less than 1:1 for the impact to jurisdictional waters. As outlined in Mitigation Measure MM 4.3-17, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Game.

If on-site mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation lands shall be comprised of similar or more well-developed desert wash and preferably
be located in the vicinity of the site or watershed. Off-site land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the conserved land.

Prior to building permit submittal, a final site plan shall be submitted to the Kern County Planning and Community Development Department to avoid the Mojave Wash Scrub habitat, as mapped in the biological report for the project, and any delineated state or federal jurisdictional waters on (i) the Oryx site and (ii) the eastern portion of the Springbok 1 site, with a minimum 1,000 foot setback from the property line to the south and east and terminating at the northwest corner of the Desert Tortoise Natural Area so that it is contiguous with the Desert Tortoise natural Area, resulting in a buffer of several hundred feet from the Mojave Wash Scrub Habitat.

Copies of correspondences and determinations by the Regional Water Quality Control Board and California Department of Fish and Game shall be submitted to the Kern County Planning and Community Development Department. It is noted that the final mitigation ratio required by the Regional Water Quality Control Board and California Department of Fish and Game for acquisition of regulatory permits may differ from that proposed in this environmental impact report.

Significant Effect

The project would have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, and coastal wetlands), or waters of the State through direct removal, filling, hydrological interruption, or other means. (Impact 4.3-3)

Description of Significant Impact

The proposed project has the potential to impact isolated washes that are considered jurisdictional Waters of the State at four locations including two low water crossings and two fence crossings and to indirectly impact Waters of the State on the project site as a result of sedimentation due to grading and surface runoff and introduction of pollutants to the washes during construction and operations.

Finding

The project would have a substantial adverse impact on Waters of the State, either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, sedimentation or other means. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would have a substantial adverse impact on Waters of the State, either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means. Implementation of Mitigation Measures MM, 4.3-1, 4.3-10, MM 4.3-17, MM 4.3-21, MM 4.3-22, MM 4.5-2, MM 4.7-1, MM 4.8-1, and MM 4.8-2 would reduce impacts from Impact 4.3-3 to less-than-significant levels.

Significant Effect
The project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Impact 4.3-4)

Description of Significant Impact

The proposed project has the potential to interfere substantially with the movement of native wildlife species or with established native resident or migratory wildlife corridors.

Finding

The project has the potential to interfere substantially with the movement of native wildlife species or with established native resident or migratory wildlife corridors, due to the presence of a migratory flyway for shorebirds and to the risk of avian collisions posed by the project’s introduction of new buildings and lighting on the project site and transmission lines that could result in avian collisions and electrocution risks. These impacts would be reduced to a less-than-significant level with the implementation of the mitigation measures described below.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Implementation of Mitigation Measures MM 4.3-23, and MM 4.1-4 would reduce impacts to less-than-significant levels.

**MM 4.3-23:** Prior to issuance of a grading or building permit, the project operator shall provide evidence that the following measures will be implemented with respect to the construction and installation of power lines:

a) Construct all power transmission lines to the 2006 Avian Power Line Interaction Committee Guidelines specifications to protect birds from electrocution and collision. Appropriate notes regarding these specifications shall be included on any grading permit, building permit or final map.

b) Submit written documentation to the Kern County Planning and Community Development Department verifying that all power lines are constructed to Avian Power Line Interaction Committee Guidelines. The project operator shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee Guidelines document) to protect birds from electrocution and collision.


**C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.**

The project would not have any environmental effects on biological resources that cannot be mitigated to a less-than-significant level.
D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

The project would not result in cumulative biological effects that would have a less than significant impact on the environment.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

Significant Effect

The project would result in significant cumulative biological resource impacts.

Description of Significant Impact

As urbanization pressures increase within Kern County, impacts to biological resources within the region are increasing on a cumulative level. When considered with other past, present, and probable future projects, the proposed project would result in a cumulatively significant loss of biological resources, including the loss and/or fragmentation of existing wildlife habitat in the region even with the implementation of mitigation.

Finding

The project would have an incremental contribution to a cumulative loss of low-quality foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing and potential transient wildlife habitat and foraging opportunities for species that currently utilize the project area, even with the implementation of mitigation measures including avoidance, minimization and compensation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would lead to habitat loss. With the implementation of Mitigation Measures MM 4.1-4, MM 4.3-1 through MM 4.3-23, MM 4.5-2, MM 4.7-1, MM 4.8-1, MM 4.8-2, and MM 4.8-3, cumulative biological impacts would be reduced, but would remain significant and unavoidable.

CULTURAL RESOURCES


None of the project’s cultural environmental effects have been found to result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect
The project would cause a substantial adverse change in the significance of a historical or archaeological resource, as defined in CEQA Guidelines Section 15064.5. (Impact 4.4-1)

**Description of Significant Impact**

Cultural resources surveys revealed significant historical and archaeological resources in the site area. There is a potential for the project to affect known historical and/or archaeological resources. However, there is also a potential for the proposed project to impact additional, unidentified, significant archaeological deposits.

**Finding**

The project’s potential to damage or destroy known and previously unknown significant historical and archaeological resource is considered significant; however, potential adverse effects caused by the project could be mitigated to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would damage or destroy significant archaeological or historical resources. The project impacts are considered significant but would be reduced to a level that is less than significant for known resources with implementation of Mitigation Measures MM 4.4-1 through MM 4.4-11. Project impacts to previously unknown resources would be reduced to a level that is less than significant with implementation of MM 4.4-1, MM 4.4-11 and MM 4.4-12.

**MM 4.4-1:** Prior to issuance of grading permits, the project operator shall:

a) Retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards as published in Title 36, Code of Federal Regulations, part 61 (36 CFR Part 61) to carry out all mitigation measures related to archaeological and historical resources.

b) The services of a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor all ground-disturbing activities associated with the construction of the proposed project. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the project area, provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the supervision of the qualified archaeologist.

c) The qualified archaeologist, archaeological monitor and Native American monitor shall be provided all project documentation related to cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the qualified archaeologist, archaeological monitor and Native American monitor.

**MM 4.4-2:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-8156. If avoidance is feasible, the area within 50 feet of CA-KER-8156 shall be designated Environmentally Sensitive Area and marked
with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-8156 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-8156 is not feasible, prior to the issuance of any grading or building permits a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**MM 4.4.3:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7853. If avoidance is feasible, the area within 50 feet of CA-KER-7853 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-7853 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-7853 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and...
approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**MM 4.4-4:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7854. If avoidance is feasible, the area within 50 feet of CA-KER-7854 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-7854 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-7854 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**MM 4.4-5:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7855. If avoidance is feasible, the area within 50 feet of CA-KER-7855 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-7855 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-7855 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan
shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**MM 4.4-6:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7848. If avoidance is feasible, the area within 50 feet of CA-KER-7848 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-7848 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-7848 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**MM 4.4-7:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-3366H. Avoidance of CA-KER-3366H shall be documented on construction plans.
If avoidance of CA-KER-3366H is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-3366H is not feasible, prior to the issuance of any grading or building permits, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**MM 4.4-8:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7852/H. If avoidance is feasible, the area within 50 feet of CA-KER-7852/H shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-7852/H is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance within 50 feet of CA-KER-7852/H is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a
grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**MM 4.4-9:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-8286. If avoidance is feasible, the area within 50 feet of CA-KER-8286 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-8286 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-8286 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**MM 4.4-10:** Prior to the issuance of grading or building permits, and for the duration of construction activities, a Construction Worker Environmental and Cultural Awareness Training Program shall be provided to all new construction workers within one week of employment at the project site, laydown area and/or transmission routes. The training shall be prepared and conducted by the qualified archaeologist and may include participation of the Native American Monitor. The training may be in the form of a video. The qualified archaeologist shall be available to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must resume when construction activities resume. The training shall include, but not be limited to:

i. A discussion of applicable cultural resources statues, regulations and related enforcement provisions;

ii. An overview of the prehistoric and historic environmental setting and context, as well as current cultural information regarding local tribal groups, provided by the Native American Monitor or tribal leader;

iii. A summary of the effects of the proposed project on cultural resources;
iv. Samples or visuals of artifacts that might be found in the project area;

v. A discussion of what such artifacts may look like when partially or totally buried and then freshly exposed;

vi. A discussion of what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction;

vii. Instruction that in the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short-term and long term treatment plan. The qualified archaeologist, in consultation with the Planning and Community Development Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance;

viii. An informational guide that identifies the reporting procedures in the event of a discovery;

ix. Other information as deemed necessary by the qualified archaeologist or Native American Monitor;

x. An acknowledgement form signed by each working indicating that environmental/ cultural training has been completed.

xi. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental/ cultural training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;

xii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Community Development Department.

**MM 4.4-11:** Prior to issuance of a grading permit, a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor ground-disturbing activities including, but not limited to, brush clearance and grubbing, grading, trenching, excavation, installation of panel support structures, and the construction of fencing and access roads. Monitoring shall include, at a minimum, all ground-disturbing activities, as defined above, within landforms Hf1, Hf1d, Hf2, and Hf4 (as defined in the geoarchaeological report prepared for the project (Landform Structure and Archaeological Sensitivity in the Beacon Solar Energy project Area [Far Western. May 2009]), and within unknown landforms; and within 100 feet of all significant or unevaluated historical resources (CA-KER-8156, CA-KER-7853, CA-KER-7854, CA-KER-7855, CA-KER-7848, CA-KER-7852/H, and CA-KER-8286) except CA-KER-3366H (Union Pacific Railroad, Jawbone Branch). The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the lead agency and based on the grading plans.

In the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short-
term and long term treatment plan. The qualified Archaeologist, in consultation with the Planning and Community Development Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance. The archaeological monitor shall keep daily logs and shall submit quarterly written updates to the Kern County Planning and Community Development Department. After monitoring has been completed, the qualified archaeologist shall prepare a monitoring report that details the results of monitoring, which shall be submitted to the Planning and Community Development Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

**MM 4.4-12:** If cultural resources are encountered during the course of ground disturbing activities, the project operator shall cease any ground disturbing activities within 100 feet of the find until it can be evaluated by the qualified archaeologist. Cultural resource materials may include, but are not limited to, prehistoric lithic artifacts, groundstone, fire-affected rock, midden (culturally-modified soil), historic-era household debris, ceramics, industrial materials, glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the resources may be significant, he or she shall notify the Planning and Community Development Department and shall develop an appropriate treatment plan for the resources. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Planning and Community Development Department. Avoidance or preservation in place shall be the preferred means of mitigating impacts to cultural resources. The Planning and Community Development Department shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curational facility, if curation is deemed appropriate. A curation agreement between and project operator and accredited curational facility shall be executed prior to the issuance of a grading permit.

**Significant Effect**

The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Impact 4.4-2)

**Description of Significant Impact**

The analysis of paleontological records states that grading or shallow excavations in the uppermost few feet of the younger Quaternary fan and fluvial deposits in the project area would probably not uncover significant fossil vertebrate remains. However, deeper excavations in the proposed project area that extend down into older Quaternary deposits are more likely to encounter significant vertebrate fossils.

**Finding**

The project’s potential to damage or destroy paleontological resources is considered significant; however, potential adverse effects caused by the project could be mitigated to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would damage or destroy a paleontological resource. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation Mitigation Measure 4.4-13.

**MM 4.4-13:** Prior to the issuance of grading permits, a qualified paleontologist shall be retained to monitor all ground-disturbing activity that occurs at a depth of five feet or deeper below ground surface.
The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the Kern County Planning and Community Development Department, and be based on the grading plans. Initially, all ground-disturbing activities deeper than five feet shall be monitored. However, during the course of monitoring, if the paleontologist can demonstrate that the level of monitoring should be reduced, the paleontologist, in consultation with the Kern County Planning and Community Development Department, may adjust the level of monitoring to circumstances, as warranted.

Paleontological monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. The qualified paleontologist shall have authority to temporarily divert excavation operations away from exposed fossils to collect associated data and recover the fossil specimens if deemed necessary. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis.

Following the completion of the above tasks, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Kern County Planning and Community Development Department and to the Natural History Museum of Los Angeles County.

**Significant Effect**

The project would disturb any human remains, including those interred outside of formal cemeteries. (Impact 4.4-3)

**Description of Significant Impact**

There is no indication, either from the archival research results or the archaeological survey, that any particular location in the project area has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be inadvertently damaged, which could be a significant impact.

**Finding**

The project’s potential to uncover buried archaeological deposits including human remains is considered significant; however, potential adverse effects caused by the project could be mitigated to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to buried archaeological resources including human remains. The project impacts are considered significant but would be reduced to a level that is less than significant with implementation of Mitigation Measure MM 4.4-14.

**MM 4.4-14:** If human remains are uncovered during project construction, the project operator shall immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the *CEQA Guidelines*. The Kern County Planning and Community Development Department shall also be notified of the discovery. If the County Coroner determines that the remains are Native American, the project operator shall contact the Native
American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the project operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

C. **Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.**

The project would not have any environmental effects on cultural resources that cannot be mitigated to a less-than-significant level.

D. **Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.**

**Significant Effect**

The project would contribute to cumulative impacts to cultural resources.

**Description of Significant Impact**

The project area contains a significant archaeological and historical record that, in many cases, has not been well-documented or recorded. Thus, there is the potential for ongoing and future development projects in the vicinity to disturb landscapes that may contain known or unknown cultural resources.

The potential construction impacts of the proposed project, in combination with other projects in the area, could contribute to a cumulatively significant impact on cultural resources. Future projects with potentially significant impacts to cultural resources would be required to comply with federal, State, and local regulations and ordinances protecting cultural resources through implementation of similar mitigation measures during construction. Nonetheless, excavation activities associated with the proposed project in conjunction with other projects in the area could contribute to the progressive loss of fossil remains, as-yet unrecorded fossil sites, associated geological and geographic data, and fossil bearing strata.

**Finding**

The project has the potential to result in cumulatively considerable impacts related to cultural resources, specifically in regards to the progressive loss of historical, archaeological, and paleontological resources resulting from excavation activities associated with projects in the cumulative impacts scenario. The implementation of Mitigation Measures MM 4.4-1 through MM 4.4-14 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures MM 4.4-1 through MM 4.4-14, these cumulative cultural resource impacts would be considered less than significant.
E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on cultural resources that would have a significant impact.

GEOLOGY AND SOILS


The project does not have any environmental effects related to geology and soils that have no impact or have a less than significant impact.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault. (Impact 4.5-1).

Description of Significant Impact

As with most of California, the project site is located in seismically active area known for its active faulting and history of seismic events. Kern County is located in a Seismic Zone 4 per the UBC, which denotes the highest risk to earthquake ground motion. As a result, the site is subject to seismic shaking and strong ground shaking in the event of seismic activity. The effects of this shaking could have a damaging impact on structures within the project site.

Finding

The project has the potential to result in significant impacts related to loss, injury, or death involving earthquake activity. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to seismic activity to less-than-significant. With the implementation of Mitigation Measure MM 4.5-1, these impacts would be considered less than significant.

MM 4.5-1: Prior to the issuance of grading permits, the project operator shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the sites. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions
shall encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements shall be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. A copy of the approved design shall be submitted to the Kern County Planning and Community Development Department.

**Significant Effect**

The project would expose people or structures to potential substantial adverse effect, including the risk of loss, injury, or death, involving strong seismic ground shaking. (Impact 4.6-2).

**Description of Significant Impact**

As with most of California, the project site is located in seismically active area known for its active faulting and history of seismic events, as a result, the site is subject to ground shaking in the event of seismic activity. The effects of this shaking could have a damaging impact on structures within the project site.

**Finding**

The project has the potential to result significant impacts related to loss, injury, or death involving seismic ground shaking. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to seismic ground shaking to less-than-significant. With the implementation of Mitigation Measure MM 4.5-1, these impacts would be considered less than significant.

**Significant Effect**

The project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction. (Impact 4.5-3).

**Description of Significant Impact**

Shallow groundwater is not generally present in the vicinity of the project site (between 210 and 436 feet bgs), and thus the potential for liquefaction at the surface is low. With adherence to all applicable regulations, the project would avoid potential impacts to structures resulting from liquefaction at the project site and with implementation of MM 4.5-1, impacts would be less than significant.

**Finding**

With adherence to all applicable regulations, the project would avoid potential impacts to structures resulting from liquefaction at the project site and implementation of MM 4.5-1, impacts would be less than significant.

**Brief Explanation of the Rationale for the Finding**
CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to liquefaction to less-than-significant. With the implementation of Mitigation Measure MM 4.5-1, these impacts would be considered less than significant.

**Significant Effect**

The project would result in substantial soil erosion or the loss of topsoil. (Impact 4.5-4).

**Description of Significant Impact**

Ground-disturbing activity, including grading, would be required on the site. The PV panel supports would include posts that are driven into the soil, without excavation. Additionally, installation of the underground electrical circuits, inverter and switchgear enclosure foundations, and transformer foundation would require excavations. Electrical conduits and electrical wiring would be installed and buried in designated areas throughout the site. Trenching would be required in order to bury underground conduits and wiring. Installation of the generation tie-lines at each site would also include some ground-disturbing activity, including installation of support poles. This grading and ground disturbing activity would have the potential to result in substantial erosion due to wind and rain on the project site.

**Finding**

The project has the potential to result in significant impacts related to the loss of topsoil. The implementation of Mitigation Measures MM 4.5-2 through 4.5-4, 4.8-1 and 4.8-2 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to erosion and loss of topsoil to less-than-significant. With the implementation of Mitigation Measures MM 4.5-2 through 4.5-4, 4.8-1 and 4.8-2, these impacts would be considered less than significant.

**MM 4.5-2:** The project operator shall limit grading to the minimum area necessary for construction. The operator shall retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction.

**MM 4.5-3** The project operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional and submitted for review and approval by the Kern County Engineering, Surveying and Permit Services Department. The plan shall include, but is not limited to, the following:

i. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Engineering, Surveying and Permit Services Department shall be reviewed for applicability);

ii. Provisions to maintain flow in washes, should it occur, throughout construction;

iii. Provisions for site revegetation using native plants;
iv. Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department;

v. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and

vi. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.

**MM 4.5-4:** The project operator shall conduct grading activities pursuant to Kern County Grading Ordinance, Chapter 17.28 and as follows:

i. Grade sites near slopes and embankments in a way that would prevent or minimize erosion damage to the slope;

ii. Seed or otherwise revegetate complete slopes;

iii. On steeper slopes, including wash embankments as necessary, use mulching or biodegradable erosion control blankets as appropriate to stabilize the topsoil until vegetation can be reestablished; and

iv. On slopes where unusual flow conditions (e.g., flooding) are expected, employ more substantial erosion protection measures such as grouted cobble slope facings or manufactured slope protection.

**Significant Effect**

The project is located on a geologic unit or soil that is unstable, or that would become unstable as result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (Impact 4.5-5).

**Description of Significant Impact**

The project site is located on an alluvial fan, and collapsible soils have been observed on-site, the project could have the potential to become unstable as result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

**Finding**

The potential for damage due to collapsible or expansive soils is considered to be low provided that the appropriate foundation design features and/or subgrade soil improvements are implemented. The implementation of Mitigation Measure MM 4.5-1 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to unstable soils to less-than-significant. With the implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, these impacts would be considered less than significant.

**Significant Effect**
The project is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. (Impact 4.5-6).

Description of Significant Impact

The project site is located on an alluvial fan, and collapsible soils have been observed on-site, the project could have the potential to create risks to life or property.

Finding

The proposed project would be designed to comply with applicable building codes and structural improvement requirements to withstand the effects of expansive soils. Implementation of MM 4.5-1 would avoid locating project infrastructure on unstable or potentially unstable geologic units or soils.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to expansive soils to less-than-significant. With the implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, these impacts would be considered less than significant.

Significant Effect

The project has soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater. (Impact 4.5-7).

Description of Significant Impact

The project includes development of a septic system and leach line for the operation and maintenance facility. If not designed correctly, septic systems could result in health impacts, adversely affect natural habitat, and pollute groundwater. There is a potential for soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater

Finding

The septic system and leach field would be constructed to comply with applicable requirements of the Kern County Environmental Health Services Division. As such, the proposed septic system and leach field are anticipated to be located away from surface drainages and protected from potential surface runoff. Proper siting and design of the leach field would minimize potential for a health impact from flooding. Implementation of MM 4.5-5 would reduce impacts related to construction of a septic system to less-than-significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to septic tanks to less-than-significant. With the implementation of Mitigation Measure MM 4.5-5, these impacts would be considered less than significant.

MM 4.5-5: Prior to the issuance of any building permit for the operation and maintenance facility, the project operator shall obtain all required permits and approvals from Kern County Environmental Health
Services Division, and shall implement all required conditions regarding the design and siting of the septic system and leach fields.

C.  *Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.*

The project would not have any environmental effects related to geology and soils that cannot be mitigated to a less-than-significant level.

D.  *Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.*

Cumulative impacts related to geology and soils would result in a less-than-significant impact on the environment.

E.  *Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.*

There would be no cumulative impacts on geology and soils that would have a significant impact on the environment.

**GREENHOUSE GAS EMISSIONS**

A.  *Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.*

Construction and operation of the proposed project would result in a very small amount of GHG emissions. The project would generate GHG emissions during construction, routine operational activities, and indirectly as a result of electricity consumption. It is anticipated that these emissions would be offset from the solar energy generated by the project. This impact would be less than significant. (Impact 4.6-1)

The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Impact 4.6-2)

B.  *Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.*

The project would not have any environmental effects related to greenhouse gas emissions that are potentially significant but can be mitigated to less-than-significant levels.

C.  *Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.*

The project would not have any environmental effects related to greenhouse gas emissions that cannot be mitigated to a less-than-significant level.

D.  *Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.*
Cumulative impacts related to greenhouse gas emissions would result in a less-than-significant impact on the environment.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

There would be no cumulative impacts on greenhouse gas emissions that would have a significant impact on the environment.

HAZARDS AND HAZARDOUS MATERIALS


The project would not be located within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area. (Impact 4.7-4)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Impact 4.7-1)

Description of Significant Impact

Most of the hazardous waste generated by the project would occur during the construction period and would consist of liquid waste, including cleaning fluids, dust palliatives, herbicides, and solvents. Some solid hazardous waste, such as welding materials and dried paint, may also be generated during construction. The handling and presence of these potentially hazardous materials would have a significant impact.

Finding

The proposed project has the potential to result significant impacts related to the transport, use, or disposal of hazardous materials. The implementation of Mitigation Measure MM 4.7-1 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to hazardous materials to less-than-significant. With the implementation of Mitigation Measure MM 4.7-1, these impacts would be considered less than significant.

MM 4.7-1: The project operator shall prepare a hazardous materials business plan and submit it to the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval. The hazardous materials business plan shall delineate hazardous material and hazardous
waste storage areas; describe proper handling, storage, transport, and disposal techniques; describe methods to be used to avoid spills and minimize impacts in the event of a spill; describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction; and establish public and agency notification procedures for spills and other emergencies including fires. The project operator shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times. A copy of the approved hazardous materials business plan shall be submitted to the Kern County Planning and Community Development Department.

**Significant Effect**

The project would 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. (Impact 4.7-2)

**Description of Significant Impact**

Removal and/or maintenance of vegetation during construction and operation may require the use of herbicides to control vegetation. This could result in release of hazardous materials. It is possible that irrigation lines on the property from historical agricultural activities may contain asbestos or be wrapped in asbestos, and uncovering asbestos-containing materials may result in the release of hazardous materials.

**Finding**

The proposed project has the potential to result in significant impacts related to hazardous materials. The implementation of Mitigation Measures MM 4.7-2 and MM 4.7-3 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to hazardous materials to less-than-significant. With the implementation of Mitigation Measures MM 4.7-2 and MM 4.7-3, these impacts would be considered less than significant.

**MM 4.7-2:** The contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Game and U.S Fish and Wildlife Service. Personnel applying herbicides shall have all appropriate state and local herbicide applicator licenses and comply with all state and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the manufacturer’s directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.
**MM 4.7-3:** In the event that suspect asbestos-containing materials are uncovered during project construction, work at the project sites shall immediately halt and a qualified hazardous materials professional shall be contacted and brought to the project sites to make a proper assessment of the suspect materials. All potentially friable asbestos-containing materials shall be removed in accordance with Federal, State, and local laws and the National Emissions Standards for Hazardous Air Pollutants guidelines prior to ground disturbance that may disturb such materials. All demolition activities shall be undertaken in accordance with California Occupational Safety and Health Administration standards, as contained in Title 8 of the California Code of Regulations, Section 1529, to protect workers from exposure to asbestos. Materials containing more than 1% asbestos shall also be subject to South Coast Air Quality Management District regulations. Demolition shall be performed in conformance with Federal, state, and local laws and regulations so that construction workers and/or the public avoid significant exposure to asbestos-containing materials.

**Significant Effect**

The project is located within the adopted Kern County Airport Land Use Compatibility Plan and would result in a safety hazard for people residing or working in the project area. (Impact 4.7-3)

**Description of Significant Impact**

Though the project site is not considered to result in an inconsistency with the ALUCP that would result in safety or operational hazards to aircraft from the California City Municipal Airport, there are two military aviation installations in the general vicinity of the project site and the project may result in electronic interference of radio signals as noted in Section 4.9.

**Finding**

The project has the potential to result in significant impacts related to the safety of people working in the vicinity of the project area. The implementation of Mitigation Measure MM 4.9-2 (provided below) would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the safety of people working in the vicinity of the project area. With the implementation of Mitigation Measure MM 4.9-2, this impact would be considered less than significant.

**C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.**

The project would not have any environmental effects related to hazards and hazardous materials that cannot be mitigated to a less-than-significant level.

**D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.**

Cumulative impacts related to hazards and hazardous materials would result in a less-than-significant impact on the environment.
E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

There would be no cumulative impacts on hazards and hazardous materials that would have a significant impact on the environment.

HYDROLOGY AND WATER QUALITY


The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. (Impact 4.8-2)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would violate water quality standards or waste discharge requirements. (Impact 4.8-1)

Description of Significant Impact

Construction activities would have the potential to result in soil erosion and discharge of other construction-related pollutants that could contaminate nearby surface waters. This site exceeds the one acre threshold and construction activities would be required to adhere to the NPDES General Construction Permit. However, potentially significant impacts to water quality could still occur.

Finding

The proposed project has the potential to result in significant impacts related to water quality. The implementation of Mitigation Measures MM 4.7-1, MM 4.8-1 and MM 4.8-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to degradation of water quality to less-than-significant. With the implementation of Mitigation Measures MM 4.7-1, MM 4.8-1 and MM 4.8-2, these impacts would be considered less than significant.

MM 4.8-1: Prior to issuance of grading permits, the project operator shall submit a Stormwater Pollution Prevention Plan to the Kern County Planning and Community Development Department that specifies Best Management Practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving offsite and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design
specifications and construction contracts. Recommended Best Management Practices for the construction phase may include the following:

a) Stockpiling and disposing of demolition debris, concrete, and soil properly;

b) Protecting existing storm drain inlets and stabilizing disturbed areas;

c) Implementing erosion controls;

d) Properly managing construction materials; and

e) Managing waste, aggressively controlling litter, and implementing sediment controls.

**MM 4.8-2:** Prior to issuance of a grading permit, the project operator shall prepare a drainage plan that is designed to minimize runoff and surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The final design of the solar arrays shall include one-foot of freeboard clearance between the bottom of the solar panel and the calculated maximum flood depths Site grading shall be designed to prevent increasing the existing 100-year water surface elevations more than one foot or as required by Kern County’s Floodplain Ordinance. The drainage plan shall be prepared in accordance with the Kern County Grading Code, Kern County Hydrology Manual and policies related thereto and approved by the Kern County Engineering, Surveying and Permit Services Department.

**Significant Effect**
The project would substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, in a manner than would result in substantial erosion on-site or off-site. (Impact 4.8-3)

**Description of the Significant Impact**
The proposed project has the potential to result in construction-related soil erosion due to site grading and removal of vegetation for installation of PV panel structures. Alteration of drainage patterns through placement of solar arrays and installation of concrete pads for buildings could also result in surface erosion and sediment transport during rainfall events.

**Finding**
The proposed project has the potential to result in substantial impacts related to soil erosion and sediment transport. The implementation of Mitigation Measures MM 4.5-2, 4.7-1, 4.8-1 and 4.8-2 would reduce these impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**
CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to soil erosion and sediment transport. With the implementation of Mitigation Measures MM 4.5-2, 4.7-1, 4.8-1 and 4.8-2, these impacts would be considered less than significant.

**Significant Effect**
The project would substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial flooding on-site or off-site. (Impact 4.8-4)

Description of the Significant Impact

The proposed project would alter site drainage patterns as compared to existing conditions. Operation-related equipment would introduce new impervious surfaces that could potentially increase the rate or amount of runoff. Although the 8-acre impervious surfaces on the site would only represent 0.4 percent of the total site area and drainage and grading plans would be required to comply with Kern County Development Standards that establish specific flood control and on-site drainage flow requirements, drainage patterns could still be altered.

Finding

The proposed project has the potential to result in significant impacts related to the alteration of drainage patterns and stream courses and the increase of substantial flooding caused by surface run-off. The implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the alteration of drainage patterns and stream courses and the increase of substantial flooding caused by surface run-off to less-than-significant. With the implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, these impacts would be considered less than significant.

Significant Effect

The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Impact 4.8-5)

Description of the Significant Impact

The proposed project would lead to an overall increase in impervious surfaces as compared to existing conditions. The project is required to adhere to the NPDES General Construction Permit. However, potential significant impacts related to the creation of runoff which exceeds the capacity of stormwater drainage systems or additional polluted runoff could still occur.

Finding

The proposed project has the potential to result in significant impacts related to the creation of runoff that exceeds the capacity of stormwater drainage systems or additional polluted runoff. The implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the creation of runoff that exceeds the capacity of stormwater drainage systems or additional
polluted runoff to less-than-significant. With the implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, these impacts would be considered less than significant.

**Significant Effect**

The proposed project would otherwise substantially degrade water quality. (Impact 4.8-6)

**Description of the Significant Impact**

Construction or operation and maintenance of the proposed project could result in soil erosion and the accidental release of hazardous or potentially hazardous materials, resulting in water quality degradation. The site exceeds the one acre threshold of ground disturbance, and therefore the project is required to adhere to the NPDES General Construction Permit. However, potential significant impacts otherwise degrading water quality could still occur.

**Finding**

The proposed project has the potential to result in significant impacts that would otherwise substantially degrade water quality. The implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts that would otherwise substantially degrade water quality. With the implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, these impacts would be considered less than significant.

**Significant Effect**

The proposed project would place within a 100-year flood hazard area structures that would impede or redirect flood flows. (Impact 4.8-7)

**Description of the Significant Impact**

A portion of the project site is along Pine Tree Creek Wash and is located in “Zone A” which is defined by FEMA as subject to inundation by the one percent annual chance flood (AECOM, 2012c). Although the project site plan indicates that PV panels would avoid the jurisdictional extent of Pine Tree Creek, significant impacts related to structures impeding or redirecting 100-year flood flows could still occur.

**Finding**

The proposed project has the potential to result in significant impacts relating to the placement of structures within a 100-year flood hazard that would impede or redirect flood flows. The implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2 would reduce impacts to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation relating to the placement of structures within a 100-year flood hazard that would impede or redirect flood flows be applied to the project. With the
implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, MM 4.8-1 and MM 4.8-2, these impacts would be considered less than significant.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on hydrology and water quality that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in cumulative impacts to hydrological resources.

Description of Significant Impact

In addition to the project site, several other projects are located in Kern County, and more specifically, in the Mojave Desert. According to a cumulative impact assessment undertaken to evaluate the effects from groundwater withdrawal by proposed projects within the Koehn subbasin, the total water use during the construction period of the proposed project would not represent a cumulatively considerable contribution to the water resource impacts on the subbasin. Like the proposed project, all other related projects in the County would also be subject to the same federal, state, and local regulations regarding drainage plans and flooding potential as well as drafting and implementing a SWPPP. Nonetheless, the proposed project could still contribute to an overall cumulative decrease in available groundwater supply, degradation of water quality, and increase in or altering of flooding events.

Finding

The project has the potential to result in cumulatively considerable impacts related to hydrological resources, specifically in regards to the progressive loss of groundwater supply and degradation of water quality resulting from project construction and operation. The implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, 4.8-1, and 4.8-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures MM 4.5-2, MM 4.7-1, 4.8-1, and 4.8-2, these cumulative hydrological resource impacts would be considered less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on hydrology and water quality that would have a significant impact.

LAND USE AND PLANNING

The project would not conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (Impact 4.9-1)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not have any environmental effects on land use that are potentially significant and that cannot be mitigated to less-than-significant levels.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on land use and planning that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in cumulative land use and planning impacts.

Description of Significant Impact

The anticipated project impacts in conjunction with cumulative development in the project area would increase urbanization and result in the loss of open space within the desert region of the County. With regard to cumulative effects of utility-sized solar power generation facilities, there is a potential that outside factors—such as the development of newer technology, change in state or national policy that encourages the construction of such facilities, or other economical factors—could result in the abandonment of such facilities by the applicant. There is also the potential that the future use of newer technology or equipment may contribute to unanticipated environmental impacts, including potential frequency conflicts with military operations resulting from uncoordinated telemetry.

Finding

The project has the potential to result in cumulatively considerable impacts related to land use consistency, specifically in regards to abandonment and compatibility with military uses. The following mitigation measures are proposed and would reduce impacts to a less-than-significant level. The implementation of Mitigation Measures MM 4.9-1 and MM 4.9-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding
CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures MM 4.9-1 and MM 4.9-2 included below, these cumulative land use impacts would be considered less than significant.

**MM 4.9-1:** Prior to issuance of any building permit, the project operator shall provide for review and approval by the Kern County Engineering, Surveying, and Permit Services Department or a County-contracted consulting firm at a cost to be borne by the project operator. The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining undeveloped land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project operator is incapable of performing the work or has abandoned the solar facility, thereby requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting of a Decommission Plan, the project operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the site as identified on the approved Decommission Plan in the event that at any point in time the project operator determines it is not in the company’s best interest to operate the facility.

The financial assurance required prior to issuance of any building permit shall be established using one of the following:

- a) An irrevocable letter of credit;
- b) A surety bond;
- c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or
- d) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Community Development Department.

The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Engineering, Surveying, and Permit Services Department or County-contracted consulting firm(s) at a cost to be borne by the project operator to substantiate those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project operator.

Should any portion of the solar field not be in operational condition for a consecutive period of twenty-twelve 12 months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the Director of the Kern County Planning and Community Development Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Community Development Director shall consider any such request at a Director’s Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance. In no case shall a solar field that has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date the solar facility was first deemed abandoned.
MM 4.9-2: Prior to the operation of the solar facility, the project operator shall consult with the Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on land use and planning that would have a significant impact.

MINERALS


The project would not have any environmental effects on minerals that have no impact or a less than significant impact.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

The project would not have any environmental effects on minerals that are potentially significant and that cannot be mitigated to less-than-significant levels.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect

The proposed project could 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. (Impact 4.10-1)

Description of Significant Impact

The project site is not designated as mineral recovery area or mineral resource zone, and would not interfere with mining operations at the P.V. Clay Mine located five miles northwest of the site. However, portions of the project site have mineral rights owners who may require access and drill areas in order to conduct exploration and/or recovery activities.

Finding

The proposed project has the potential to result in significant impacts relating to the loss of availability of a known mineral resource that would be of value to the region and residents of the state. The implementation of Mitigation Measure MM 4.10-1 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project related to the loss of availability of a known mineral resource that would be of value to the region and residents of the state.
With the implementation of Mitigation Measure MM 4.10-1 these impacts would be considered less than significant.

**MM 4.10-1:** Prior to issuance of building permits, if a mineral rights holder submits written documentation of their legal right of surface entry to the Planning and Community Development Department, the following shall apply:

a) The project operator or its successor-in-interest (project operator) shall provide evidence of 1) the mineral owner’s written agreement with the project operator as to the location of the drilling area and the easements or 2) other documents confirming the mineral owner’s interest in the drilling area and right of access to the drill area, as well as sufficient pipeline and power line corridors from the drill site to a point exiting the property and right of access to the drill area, shall be submitted by project operator to the Kern County Planning and Community Development Department for verification and approval. The drilling areas shall be located in such a manner as to allow complete and efficient access to, and the exploration and/or extraction of, underlying oil reserves or other minerals.

b) The project operator shall record or cause to be recorded easements or other documents confirming the mineral owner’s interest in the drilling area and its right of ingress and egress to the drill area.

c) Should an alternative agreement to part a) and/or b) above, be reached between the mineral owner and the project operator, written documentation shall be submitted to the Kern County Planning and Community Development Department for verification prior to final site plan approval and the issuance of any grading or building permits for the development of solar facilities on the project sites.

**D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.**

The project would not have any cumulative effects on mineral resources that would have a less than significant impact.

**E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.**

There would be no cumulative impacts on minerals that would have a significant impact on the environment.

**NOISE**

**A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.**

The project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. (Impact 4.11-3)

**B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.**
Significant Effect

The project would expose persons to or generate noise in excess of the standards established in a local general plan, noise ordinance, or applicable standards of other agencies. (Impact 4.11-1)

Description of Significant Impact

The project site and its surrounding areas consist of primarily undisturbed lands that were formerly used for agricultural activities. During construction the rural residences located within one half mile of the project site would be the nearest sensitive receptors to be exposed to increased noise levels associated with construction and construction traffic; the nearest sensitive receptor is 0.3 mile to the regional access point of the project site. However, construction activities would only occur at that distance for a short period of time, and the majority of the construction would take place at increasing distances away from the receptor. During the noisiest phase of construction (earthmoving/excavation activities during site preparation), this residence would be exposed to construction noise of up to 58 dBA $L_{eq}$. Although this would not exceed the established threshold and would likely not be an appreciable increase over existing ambient noise levels (stemming from proximity to SR 14 and the Union Pacific Railroad), a conservative approach concludes that the residence may be exposed to a significant increase in ambient noise levels. There would be no long-term effects on existing ambient noise levels from operations and maintenance of the proposed project.

Finding

The project has the potential to result in significant noise increases during construction. The implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to noise to less-than-significant. With the implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, these impacts would be considered less than significant.

MM 4.11-1: To reduce temporary construction related noise impacts, the following shall be implemented by the project operator during on-site construction activities that would occur within 0.5 mile of any residence:

a) To the extent practicable, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

b) To the extent practicable, the construction contractor shall locate the pile driver such that the rear of the machine faces toward the noise sensitive receptors when the vibratory pile driver is being utilized.

c) A “noise disturbance coordinator” shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.

d) The construction contractor shall ensure proper maintenance and working order of equipment and vehicles, and that all construction equipment is equipped with manufacturers approved mufflers and baffles.
e) The construction contractor shall install and/or maintain sound-control devices in all construction and impact equipment, no less effective than those provided on the original equipment.

f) Construction contracts shall specify that notices shall be sent out to all residences immediately adjacent to the construction areas at least 15 days prior to commencement of construction. The notices shall include the construction schedule and a telephone number where complaints can be registered with the noise disturbance coordinator. A sign legible at a distance of 50 feet shall also be posted at the construction site throughout construction, which includes the same details as the notices.

**MM 4.11-2:** Project construction hours shall comply with the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020).

**Significant Effect**

The proposed project would expose persons to or generate excessive ground-borne vibration or ground-borne noise levels. (Impact 4.11-2)

**Description of Significant Impact**

Construction activity would include truck mounted pile drivers, which create vibration impacts similar to those of a sonic pile driver, producing ground-borne vibration levels of 93 VdB (0.17 inches per second peak particle velocity) at 25 feet from the source. However, vibration levels would attenuate rapidly from the source and would not be generally perceptible outside of the construction areas within the project site. At the nearest rural residence to the project site, which is located approximately 0.3 mile from the site, vibration levels would be reduced to less-than-significant levels.

**Findings**

Though the project would not result in significant ground-borne vibration or ground-borne noise levels, with the implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, these impacts would be further reduced.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to noise to less-than-significant. With the implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, these impacts would be considered less than significant.

**Significant Effect**

The project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity, above levels exiting without the project. (Impact 4.11-4)

**Description of Significant Impact**

The project would result in a temporary increase in noise levels during construction. As discussed under Impact 4.11-1, due to the proximity of some residences to SR 14 and the Union Pacific Railroad the acoustical environment that the receptors experience would likely not increase appreciably over existing ambient noise levels at a sensitive receptor. However, noise generated during temporary construction is anticipated, and a conservative approach concludes that the residence may be exposed to an increase in ambient noise levels from site preparation, construction traffic, and construction of the PV panels and the
substation. The proposed project would adhere to all applicable Kern County noise regulations and ordinances.

Findings

The project has the potential to result in significant noise increases during construction. The implementation of Mitigation Measures MM 4.11-2 and MM 4.11-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to noise to less-than-significant. With the implementation of Mitigation Measures MM 4.11-1 and MM 4.11-2, these impacts would be considered less than significant.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects related to noise that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Cumulative impacts related to noise would result in a less-than-significant impact on the environment after implementation of MM 4.11-1 and MM 4.11-2.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

There would be no cumulative impacts on noise that would have a significant impact on the environment.

PUBLIC SERVICES


The project would not have any environmental effects related to public services that result in no impacts or only less-than-significant impacts.

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The project would result in adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 fire protection services or police protection and law enforcement services. (Impact 4.12-1)
Description of Significant Impact

Since no residents or residential structures would occupy the site, the proposed project would not induce substantial population growth on the sites or in the surrounding areas. Temporary construction personnel and a small long-term operational staff are not expected to significantly impact the capacity of the existing public services in the area. However, construction of the proposed project would generate truck and employee traffic along haul routes and at the project site, which could temporarily increase the accident potential in these areas. Furthermore, although vegetation is sparse, construction activities associated with the proposed project could also increase the potential for wildfire ignitions and the spread of wildfires. Also, the proposed project may attract vandals or other security risks that could increase demand on law enforcement services at the project site, when compared to existing conditions.

Finding

The proposed project has the potential to result in significant impacts relating to adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 fire protection services or police protection and law enforcement services. The implementation of Mitigation Measures MM 4.12-1 and 4.12-2 would reduce impacts to a less-than-significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project related to adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 fire protection services or police protection and law enforcement services. With the implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2, these impacts would be considered less than significant.

MM 4.12-1: In order to reduce impacts to public services including police and fire protection, the following shall be implemented:

a) The project operator shall pay for impacts to countywide public protection, sheriff patrol and investigation, and fire services at a rate of $28.84 per 1,000 square feet of panel-covered ground for the facility operation for the entire covered area of the project. The total amount shall be divided by the number of years of operation and paid on a yearly basis. The annual amount will be based on the square footage of ground covered by April 30 of each year, if completed in phases. The amount will be paid for each and all years of operation. The fee will be paid to the Kern County Auditor/Controller by April 30 of each calendar year.

b) Written verification of ownership of the project shall be submitted to the Kern County Planning and Community Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than $1,000 per megawatt per year, than they will pay those taxes plus an amount necessary to equal the equivalent of $1,000 per megawatt. The amount shall be paid for all years of operation. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year.

c) The project operator shall work with County staff to determine how the receipt of sales and use taxes related to the construction of the project will be maximized. This process shall include, but is not
necessarily limited to, the project operator: obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, registering this address with the State Board of Equalization, using this address for acquisition, purchasing and billing purposes associated with the proposed project. The project operator shall allow the County to use this sales tax information publicly for reporting purposes.

**MM 4.12-2:** The project operator shall develop and implement a fire safety plan for use during construction and operation. The applicant will submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire precautions including, but not limited to, the following:

a) All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working order.

b) Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.

c) Fire rules will be posted on the project bulletin board at the contractor’s field office and areas visible to employees.

d) Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials.

e) Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires to prevent them from growing into more serious threats.

f) The project operator shall make an effort to restrict the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.

**C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.**

The project would not have any environmental effects on public services that cannot be mitigated to a less-than-significant level.

**D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.**

**Significant Effect**

The project would result in cumulative impacts to public services.

**Description of Significant Impact**

Because the proposed project would not induce population growth in the area, implementation would not result in the need to construct new, or physically alter or expand, existing sheriff’s office and fire
protection facilities. However, significant cumulative impacts on public services would occur if the public agencies were overburdened and unable to provide adequate services, thereby resulting in significant combined impacts related to the development of new facilities.

Finding

The project has the potential to result in cumulatively considerable impacts related to public services. Implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2 would reduce impacts to a less-than-significant level. 

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce cumulative impacts caused by the project. With the implementation of Mitigation Measures MM 4.12-1 and MM 4.12-2, these cumulative public services impacts would be considered less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

The project would not have any cumulative effects on public services that would have a significant impact.

TRANSPORTATION AND TRAFFIC


The project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (Impact 4.13-1)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project would conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards developed by the County congestion management agency for designated roads or highways. (Impact 4.13-2)

Description of Significant Impact

The proposed project would result in a temporary increase in traffic during construction, which could reduce the LOS and conflict with an applicable congestion management program.

Finding
The project is expected to comply with all applicable congestion management programs and impacts are expected to be less than significant; however, implementation of MM 4.13-1 would further reduce the project’s impacts to traffic and transportation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to applicable congestion management programs to less-than-significant. With the implementation of Mitigation Measure MM 4.13-1, impacts would be considered less than significant.

**MM 4.13-1:** Prior to the issuance of construction or building permits, the project operator shall:

a) Prepare and submit a Construction Traffic Control Plan to Kern County Roads Department and the California Department of Transportation District 9 office for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:

i. Timing of deliveries of heavy equipment and building materials;

ii. Directing construction traffic with a flag person;

iii. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;

iv. Ensuring access for emergency vehicles to the project site;

v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;

vi. Maintaining access to adjacent property;

vii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hour, distributing construction traffic flow across alternative routes to access the project site, and avoiding residential neighborhoods to the maximum extent feasible.

b) Obtain all necessary permits for the work within the road right of way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Community Development Department.

c) Enter into a secured agreement with Kern County to ensure that any county roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.

Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Community Development Department and the Kern County Roads Department.

d) Submit documentation that identifies the roads to be used during construction. The project operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction activities. The project operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Roads Department and the Planning and Community Development Department.
e) Subsequent to completion of construction, submit a post-construction video log and inspection report to the county. This information shall be submitted in DVD format. The County, in consultation with the project operator’s engineer, shall determine the extent of remediation required, if any.

**Significant Effect**

The proposed project would substantially increase hazards due to a design feature (such as sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Impact 4.13-3)

**Description of Significant Impact**

During construction, the proposed project would require the delivery of heavy construction equipment and PV solar components using area roadways, some of which may require transport by oversize vehicles. The use of oversize vehicles during construction can create a hazard to the public by limiting motorist views on roadways and by the obstruction of space.

Additionally, the portion of SR 14 that would be utilized by the project currently has no northbound or southbound acceleration lane to accommodate traffic, and speeds along SR 14 are typically around 70 miles per hour. The speed differentials could cause potential conflicts, especially for the evening commute vehicles crossing northbound SR 14 to then merge into southbound through-traffic.

The project would also require crossing the Union Pacific Lone Pine Branch of the railroad, during construction which could cause congestion and traffic conflicts for both the construction traffic and the trains that travel on this portion of the railroad.

**Finding**

The project is not expected to substantially increase hazards due to a design feature; however implementation of Mitigation Measures MM 4.13-2 and MM 4.13-3 would further reduce impacts to a less than significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to hazards created by a design feature to less-than-significant. With the implementation of Mitigation Measures MM 4.13-2 and MM 4.13-3, these impacts would be considered less than significant.

**MM 4.13-2:** The project operator shall consult with Caltrans - District 9, and construct a southbound acceleration lane that meets state highway standards, along the identified portion of SR 14, as required by Caltrans. Work shall be performed prior to or in conjunction with initial site grading work. Work must be completed prior to installation of any permanent buildings, equipment, or solar collector structures. Evidence of compliance shall be submitted to the Kern County Planning and Community Development Department.

**MM 4.13-3:** Prior to the issuance of grading or building permits, the project operator shall obtain the necessary permits and approvals from the Union Pacific Railroad for the construction of a crossing arm, or other crossing improvements to the Lone Pine Branch rail line. Copies of all permits and approvals shall be submitted to the Kern County Planning and Community Development Department.
Significant Effect

The proposed project would result in inadequate emergency access. (Impact 4.13-4)

Description of Significant Impact

During the construction phase of the project, heavy construction-related traffic could interfere with emergency response to the project site or emergency evacuation procedures in the event of an emergency such as a wildfire, or a chemical spill at the site.

Finding

The project is not expected to substantially impact emergency access to the site; however, implementation of Mitigation Measure MM 4.13-1 is expected to further reduce impacts to a less than significant level.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to adequate emergency access to less-than-significant. With the implementation of Mitigation Measure MM 4.13-1, these impacts would be considered less than significant.

C. Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.

The project would not have any environmental effects on transportation and traffic that cannot be mitigated to a less-than-significant level.

D. Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.

Significant Effect

The project would result in cumulative traffic and transportation impacts.

Description of Significant Impact

Future development of Kern County would contribute to congestion on area roadways that could be traveled by construction- and operation-related traffic associated with the proposed project. Future development within the County, such as other large solar energy projects, would generate a large number of trips to and from the respective project sites, using local roadways. In addition, future residential development of Kern County would also increase the overall number of vehicle trips within the County. Construction of these projects would result in an increase in temporary delays and construction vehicle trips on the local roadway network.

Finding

The project would have an incremental contribution to a cumulative impact on traffic and transportation in Kern County but with the implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3 would reduce the cumulative impact to less than significant.
Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. After the implementation of Mitigation Measures MM 4.13-1 and MM 4.13-3, impacts related to cumulative transportation and traffic impacts would be less than significant.

E. Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.

There are no cumulative impacts on transportation and traffic that would have a significant impact on the environment.

UTILITIES


The project would not exceed wastewater treatment requirements of the applicable regional water quality control board. (Impact 4.14-1)

The project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. (Impact 4.14-2)

The project would comply with federal, state, and local statutes and regulations related to solid waste. (Impact 4.14-6)

B. Environmental Effects of the Project that Are Potentially Significant, but that Can Be Mitigated to Less Than Significant Levels.

Significant Effect

The proposed project could require or result in the construction of new water or stormwater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects. (Impact 4.14-3)

Description of Significant Impact

The project would create a small amount of impervious surfaces and would require water for dust suppression during construction activities and panel washing during operations, which could alter the pattern and concentration of runoff. Additionally, the pattern and concentration of runoff would be altered by project activities, such as grading of the site and roads.

Finding
Operation and maintenance of the project would change stormwater runoff concentration and patterns which could be mitigated through the implementation of MM 4.8-1 and MM 4.8-2.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied if a project results in the construction of new water or stormwater treatment facilities that causes a significant environmental impact. While the project is not expected to substantially alter stormwater patterns or runoff, the project would reduce its impact through the implementation of mitigation measure MM 4.8-1 and MM 4.8-2.

**Significant Effect**

The proposed project has sufficient water supplies available to serve the project from existing entitlements and resources, and new or expanded entitlement is not needed. (Impact 4.14-4)

**Description of Significant Impact**

Construction activity at the site would require the use of water for a variety of activities, including but not limited to grading and hydro-consolidation of soils, dust control, cleaning of construction equipment, and general use. Operation of the solar facilities would require water consumption as well, primarily related to the need for washing of the PV panels and other ancillary activities to ensure project efficiency. The proposed operational use of 15 AFY which would be drawn from existing wells on site that source water from the Koehn Sub-basin.

**Finding**

The operation and maintenance of the project is not expected to substantially impact water supplies but the implementation of Mitigation Measure MM 4.14-1 would reduce potential adverse effects caused by the project to a less-than-significant level.

**Brief Explanation of the Rationale for the Finding**

CEQA requires that all feasible and reasonable mitigation be applied to projects that result in substantial adverse physical impacts associated with water supply. Project impacts to water supply for the site would be reduced to a level that is less than significant with implementation of Mitigation Measure 4.14-1.

**MM 4.14-1:**

a) The project operator shall submit to the Kern County Environmental Health Services Division a revised site plan illustrating the location of all water wells on the project site, and a 10 foot no-build area radius around each known well. Copies of the site plan shall be submitted to the Kern County Planning and Community Development Department.

b) Prior to issuance of grading or building permits, the project operator shall obtain reactivated well permits from the Kern County Environmental Health Services Division for those wells that will be used to monitor groundwater and provide water supply to the project. Copies of the issued permits for the reactivated well shall be submitted to the Kern County Planning and Community Development Department.

**Significant Effect**
The project would be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs. (Impact 4.14-5).

Description of Significant Impact

The project would generate solid waste during construction and operation that would require disposal in regional landfills, and could impact landfill capacity.

Finding

The project would generate solid waste during construction and operation that would require disposal in regional landfills, Although the project would be served by a landfill with sufficient capacity, the project would further reduce its impact on landfill capacity by implementing Mitigation Measure MM 4.14-2.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to landfill capacity to less-than-significant. With the implementation of Mitigation Measure MM 4.14-2, these impacts would be considered less than significant.

**MM 4.14-2:** During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. An on-site recycling coordinator shall be designated by the project operator to facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal. The name and phone number of the coordinator shall be provided to the Kern County Waste Management Department prior to issuance of building permits.

C. **Environmental Effects of the Project that Cannot Be Mitigated to a Level Less Than Significant.**

The project would not have any environmental effects on utilities that cannot be mitigated to a less-than-significant level.

D. **Cumulative Environmental Effects of the Proposed Project that Would Have a Less Than Significant Impact on the Environment.**

Cumulative impacts related to utilities and service systems would result in a less-than-significant impact on the environment. Although the project’s impact would be less than significant, implementation of Mitigation Measures MM 4.8-1, MM 4.8-2, MM 14.4-1 and MM 4.14-2 would further reduce the project’s overall impact.

E. **Cumulative Environmental Effects of the Proposed Project that Would Have a Significant Impact on the Environment.**

The project would not have any cumulative effects on utilities that would have a significant impact.
SECTION III. FINDINGS REGARDING CONSIDERATIONS, WHICH MAKE CERTAIN ALTERNATIVES, ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT INFEASIBLE.

The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(a)(3) of the CEQA Guidelines.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a proposed project. When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the project, while avoiding or substantially lessening the project’s significant effects. Thus, objectives for the proposed project were considered by this board in evaluating the alternatives. These objectives are to:

- Develop a solar power generating facility that would provide clean, renewable, solar powered electricity to the citizens of California.
- Develop a site with an excellent solar resource.
- Develop a previously disturbed site with close proximity to transmission infrastructure in order to minimize environmental impacts.
- Interconnect directly to the LADWP electrical transmission system.
- Use proven and established PV technology.
- Create 385 temporary construction jobs and 5-10 permanent operations jobs.
- Provide an investment in California and Kern County that would create jobs and other economic benefits.
- Assist California utilities in meeting their obligations under California’s Renewable Portfolio Standard (RPS) Program. In April 2011, Governor Brown signed into law Senate Bill X1-2, which establishes a new RPS for all electricity retailers in the state. Electricity retailers must adopt the new RPS goals of 20 percent of retail sales from renewable by the end of 2013, 25 percent by the end of 2016, with the 33 percent requirements being met by the end of 2020.
- Assist an off-taker in reducing its greenhouse gas (GHG) emissions as required by the California Global Warming Solutions Act.
- Address local mandates that California’s electric utilities have adopted for the provision of renewable energy. Substantial State legislation has been passed related to renewable energy that is relevant to the project.

In making these findings, the County bears in mind the following:

- The discussion of alternatives shall focus on alternatives to the proposed project or its location that are capable of avoiding or substantially lessening any significant effects of the proposed project, even if these alternatives would impede to some degree the attainment of the proposed project objectives, or would be more costly.
- The No Project Alternative shall be evaluated, along with its impacts. The no project analysis shall discuss the existing conditions at the time the notice of preparation was published, as well as what would be reasonably expected to occur in the foreseeable future if the proposed project were not approved based on current plans and consistent with available infrastructure and community services.
- The range of alternatives required in an EIR is governed by a “rule of reason;” therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. The alternatives shall
be limited to ones that would avoid or substantially lessen any of the significant effects of the proposed project.

- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the proposed project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

The applicant has requested approval of the proposed project in lieu of any of the alternatives.

**ALTERNATIVE A: NO PROJECT**

Under the No Project Alternative, the existing land uses on the site would continue to operate as they do under current conditions. The existing land use of the site is undeveloped land, which would continue. In addition, existing ancillary structures, such as the roadways providing access to the project area, would remain in their current capacity. The undeveloped setting of the project site would continue for an indefinite period and no physical changes within the project site would occur. The No Project Alternative would maintain the current zoning and land use designations.

**Finding**

The No Project Alternative would avoid all of the impacts associated with the proposed project’s short-term, long-term, and cumulative impacts. However, Alternative A would not meet any of the project objectives. Alternative A does provide employment opportunities for highly trained workers. Alternative A also does not meet the County’s policy goal of encouraging renewable energy as evidenced in the Energy Element of the Kern County General Plan. There, the Board has announced its intent to “promote and facilitate energy development” (p. 183) and, with respect to solar development in particular, “to identify and remove disincentives to domestic and commercial solar energy development.” (p. 209-Energy Element). Alternative A is rejected as infeasible for these reasons.

**ALTERNATIVE B: GENERAL PLAN BUILDOUT**

Under Alternative B, no solar development would occur on the project site. The site would be developed to the maximum intensity allowed under the Kern County General Plan, Kern County zoning, and other existing applicable restrictions. The existing designations would allow agricultural operations on the site or construction of up to 115 residential dwellings (1 dwelling per 20-acre parcel). Alternative B would avoid the need for a CUP.

**Finding**

Alternative B would have similar or slightly fewer project related impacts associated with aesthetics, biological resources, cultural resources, geology and soils, hazards, land use, mineral resources, and noise, when compared to the proposed project. However, several environmental impacts would have a greater impact, including air quality, greenhouse gases, hydrology, public services, traffic and utilities.

This alternative would avoid significant and unavoidable aesthetics and biological resources impacts but would not realize the same benefit of GHG emissions reductions because it would not reduce the need for energy generation at a fossil fuel power plant by replacing it with a clean energy source like solar. It is also likely to require substantially more water for either farming or residential uses than needed for
operation of the project. This alternative, while reducing the severity of aesthetics impacts, would result in potentially significant traffic and utilities and services systems impacts. Alternative B would not meet any of the project objectives. Alternative B does provide as many employment opportunities for highly trained workers. The General Plan Buildout Alternative also does not meet the County’s policy goal of encouraging renewable energy, as evidenced in the Energy Element of the Kern County General Plan. There, the Board has announced its intent to “promote and facilitate energy development” (p. 183) and, with respect to solar development in particular, “to identify and remove disincentives to domestic and commercial solar energy development.” (p. 209-Energy Element). Alternative B is rejected as infeasible for these reasons.

**ALTERNATIVE C: NO UTILITY-SCALE SOLAR DEVELOPMENT—DISTRIBUTED COMMERCIAL AND INDUSTRIAL ROOFTOP SOLAR ONLY**

Alternative C would involve the development of a number of geographically distributed small to medium solar PV systems (100 kilowatts to one MW) within existing developed areas, typically on the rooftops of commercial and industrial facilities situated throughout Kern County. Under this alternative, no new land would be developed or altered. However, depending on the type of solar modules installed and the type of tracking equipment used (if any), a similar or greater amount of acreage (i.e., greater than 22,298 acres of total rooftop area) may be required to attain proposed project’s capacity of 250 MW of solar PV generating capacity. Because of space or capital cost constraints, many rooftop solar PV systems would be fixed-axis systems or would not include the same type of sun-tracking equipment that would be installed in a freestanding utility-scale solar PV project and, therefore, would not attain the same level of efficiency with respect to solar PV generation. This objective would enable the generation of 250 MW of electricity, but it would be for on-site use only. This alternative assumes that rooftop development would occur primarily on commercial and industrial structures due to the greater availability of large, relatively flat roof areas necessary for efficient solar installations. Alternative C would avoid the need for a CUP for the project site, but may require other entitlements, such as a CUP or variance on other sites).

**Finding**

Alternative C would reduce impacts associated with aesthetics, air quality, biological resources, cultural resources, GHGs, geology and soils, hydrology, mineral resources, noise, public services, and traffic when compared to the proposed project. Impacts related to land use and planning and utilities would be similar to those of the proposed project.

This alternative would reduce the level of significance compared to the proposed project impacts relative to aesthetics, air quality, and biological resources as well as reduce impacts to biological, cultural and other resources.

Alternative C would not meet the following project objectives:

- Develop a previously disturbed site with close proximity to transmission infrastructure in order to minimize environmental impacts. Develop a site with an excellent solar resource.
- Interconnect directly to the LADWP electrical transmission system.
- Address local mandates that California’s electric utilities have adopted for the provision of renewable energy. Substantial State legislation has been passed related to renewable energy that is relevant to the project.
This alternative includes a number of drawbacks, including, but not limited to the following:

- There would be difficulties with respect to buildout of the system within a timeframe that would be similar to that of the proposed project.
- Given the distributed nature of such a network of facilities, construction, management, and maintenance would not be as efficient, and total capital costs would likely be higher.
- This alternative is not within the current applicant’s power to implement in a reasonable period of time.

Alternative C is rejected as infeasible for these reasons.

ALTERNATIVE D: Reduced Project Alternative

Because the Reduced Project Alternative does not avoid or substantially lessen any of the project’s significant impacts, CEQA does not require the County to analyze and make findings about this alternative. However, Alternative D was nonetheless analyzed in the EIR for informational purposes. Although not legally required, findings of infeasibility are also included here for informational purposes. Under the Reduced Project Alternative, development would involve a 34.4 percent reduction in project size, thereby avoiding all five archaeological resources identified as eligible for listing in the California Register of Historical Resources (CRHR) as well as one of the three archaeological resources treated as significant. (Cultural impacts were not identified as significant and unavoidable impacts of the project.) The project under this alternative would consist of a 165 MW solar PV generating facility on 1,509 acres. This alternative would continue to require a CUP.

Finding

Alternative D would reduce impacts associated with aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, and traffic when compared to the proposed project, however, the proposed project’s impacts in these areas are also mitigable to less than significant level. Impacts related to GHGs, hazards and hazardous materials, hydrology, land use and planning, mineral resources, public services, and utilities would be similar to those of the proposed project.

This alternative would not reduce the level of significance compared to the proposed project’s significant and unavoidable impacts relative to aesthetics, air quality, and biological resources nor would it reduce impacts to biological, cultural, and other resources.

Alternative D, the Reduced Project Alternative, would meet many of the project objectives. However, it would meet these objectives to a lesser degree than the proposed project. Among these are:

- Assist California utilities in meeting their obligations under California’s Renewable Portfolio Standard (RPS) Program. In April 2011, Governor Brown signed into law Senate Bill X1-2, which establishes a new RPS for all electricity retailers in the state. Electricity retailers must adopt the new RPS goals of 20 percent of retail sales from renewable by the end of 2013, 25 percent by the end of 2016, with the 33 percent requirements being met by the end of 2020.
- Assist an off-taker in reducing its greenhouse gas (GHG) emissions as required by the California Global Warming Solutions Act.
• Develop a solar power generating facility that would provide clean, renewable, solar powered electricity to the citizens of California.
• Develop a site with an excellent solar resource.
• Develop a previously disturbed site with close proximity to transmission infrastructure in order to minimize environmental impacts.
• Create 385 temporary construction jobs and 5-10 permanent operations jobs.
• Provide an investment in California’s and Kern County that would create jobs and other economic benefits.
• Address local mandates that California’s electric utilities have adopted for the provision of renewable energy. Substantial State legislation has been passed related to renewable energy that is relevant to the project.

Alternative D does provide as many employment opportunities for highly trained workers. Alternative D would also not meet the County’s goal of encouraging renewable energy to the same degree as the proposed project as evidenced in the Energy Element of the Kern County General Plan. There, the Board has announced its intent to “promote and facilitate energy development” (p. 183) and, with respect to solar development in particular, “to identify and remove disincentives to domestic and commercial solar energy development.” (p. 209-Energy Element). Alternative D is rejected as infeasible for these reasons.

ALTERNATIVE E: Flood and Seismic Hazard Avoidance Alternative

This alternative would avoid development on any portion of the project site with flood hazard or seismic hazard zoning classifications or general plan designations. Specifically, this alternative would avoid any portion of the site that has a general plan designation of 2.1 (Seismic Hazard) or 2.5 (Flood Hazard) and any portion of the site that has zoning classification of GH (Geologic Hazard) or FPS (Floodplain Secondary Combining). Avoidance of these areas would result in a 32.4 percent reduction in project size. The project under this alternative would consist of a 170 MW solar PV generating facility on 1,555 acres. This alternative would continue to require a CUP.

Finding

Alternative E would reduce impacts associated with aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology, and traffic when compared to the proposed project. Impacts related to GHGs, land use and planning, mineral resources, noise, public services, and utilities would be similar to those of the proposed project.

This alternative would not reduce the level of significance compared to the proposed project impacts relative to aesthetics, air quality, and biological resources as well as reduce impacts to biological, cultural and other resources.

Alternative E, the Reduced Project Alternative, would meet many of project objectives. However, it would meet certain objectives to a lesser degree than the proposed project. Among these are:

• Assist California utilities in meeting their obligations under California’s Renewable Portfolio Standard (RPS) Program. In April 2011, Governor Brown signed into law Senate Bill X1-2, which establishes a new RPS for all electricity retailers in the state. Electricity retailers must adopt the new RPS goals of 20 percent of retail sales from renewable by the end of 2013, 25 percent by the end of 2016, with the 33 percent requirements being met by the end of 2020.

• Assist an off-taker in reducing its greenhouse gas (GHG) emissions as required by the California Global Warming Solutions Act.
• Develop a solar power generating facility that would provide clean, renewable, solar powered electricity to the citizens of California.
• Develop a site with an excellent solar resource.
• Develop a previously disturbed site with close proximity to transmission infrastructure in order to minimize environmental impacts.
• Create 385 temporary construction jobs and 5-10 permanent operations jobs.
• Provide an investment in California and Kern County that would create jobs and other economic benefits.
• Address local mandates that California’s electric utilities have adopted for the provision of renewable energy. Substantial State legislation has been passed related to renewable energy that is relevant to the project.

Alternative E does provide as many employment opportunities for highly trained workers. Alternative E would also not meet the County’s goal of encouraging renewable energy to the same degree as the proposed project as evidenced in the Energy Element of the Kern County General Plan. There, the Board has announced its intent to “promote and facilitate energy development” (p. 183) and, with respect to solar development in particular, “to identify and remove disincentives to domestic and commercial solar energy development.” (p. 209-Energy Element). Alternative E is rejected as infeasible for these reasons.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines require the identification of an environmentally superior alternative to the project (CEQA Guidelines, Section 15126.6[e][2]). An environmentally superior alternative is an alternative to the project that would reduce and/or eliminate the significant environmental impacts associated with the project without creating other significant impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the project.

Selection of an environmentally superior alternative is based on an evaluation of the extent to which the alternatives reduce or eliminate the significant impacts associated with the project on a comparison of the remaining environmental impacts of each alternative. In conducting this comparative evaluation, it can be difficult to make a determination of relative significance because some categories are relatively more or less important and cannot be simply summed. In some cases, these categories do not create a picture of the nuances of the alternatives.

Finding

The Environmentally Superior Alternative to the proposed project would be Alternative C: No Utility-Scale Solar Development—Distributed Commercial and Industrial Rooftop Solar Only. This alternative would avoid all significant and unavoidable impacts that would occur under the proposed project. No substantially adverse and long-term impacts would occur to the environment as a result of this alternative. However, this project would not meet many of the project’s objectives (as explained above) and it is also considered to be impracticable and infeasible to implement within the same or even a reasonable timeframe and/or with the same efficiency. The environmentally superior alternative is rejected as infeasible for these reasons.
Exhibit B
15093 Statement of Overriding Considerations
Exhibit B

STATEMENT OF OVER RIDING CONSIDERATIONS

State CEQA Guidelines Section 15093

for

Beacon Photovoltaic Project by Beacon Solar LLC

And Addendum to Beacon Photovoltaic Project EIR

Springbok 1/Oryx Solar Farms by 8minutenergy Renewables, LLC

Conditional Use Permit 11, Map 152
Conditional Use Permit 2, Map 153
Conditional Use Permit 14, Map 152
Conditional Use Permit 15, Map 152

Final Environmental Impact Report
(SCH No. 2012011029)

Lead Agency: Kern County Planning and Community Development Department

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The Beacon Photovoltaic Project would result in environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures required for the project, would remain significant and unavoidable adverse impacts, as discussed in the final environmental impact report (EIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

1) **Impact 4.1-1** *(The project would have a substantial adverse effect on a scenic vista).* The proposed project would introduce an industrial element within scenic vistas in the region as viewed from hiking trails in local hills located to the west of the proposed project. Implementation of the proposed project would ultimately result in the placement of approximately 2,301 acres of solar panels and associated infrastructure, and a new substation on the project site. Proposed mitigation includes regular site maintenance to reduce the collection of debris, the installation of visually-shielding fencing, and the placement of landscaping at intervals along the site perimeter. However, impacts to visual resources would be considered significant and unavoidable.

2) **Impact 4.1-3** *(The project would substantially degrade the existing visual character or quality of the site and its surroundings).* The industrial nature of the facility, when introduced into the project viewshed, would substantially change the visual character of the landscape from...
sensitive receptors for the life of the project. In addition, there would be significant impacts to
views from scenic vistas within the nearby BLM lands. The proposed facility would be visually
dominant in an area that is currently undeveloped. Therefore, impacts to visual resources
would remain significant and unavoidable despite implementation of these mitigation
measures

3) The project would result in cumulative aesthetics impacts. The proposed project would result in a
cumulatively significant and unavoidable impact on aesthetics. Multiple projects, including
several utility-scale solar energy production facilities, are proposed in the project vicinity.
Combined, these projects have the potential to result in cumulative impacts to aesthetics when
considered together with the proposed project. The project would have significant and
unavoidable impacts related to aesthetics after implementation of mitigation measures including
regular site maintenance to reduce the collection of debris, the installation of visually-shielding
fencing, and the placement of landscaping at intervals along the site perimeter. Other projects in
the region would also be required to implement various mitigation measures to reduce impacts.
However, the conversion of thousands of acres in a presently rural area to solar energy production
uses cannot be mitigated to a degree that impacts are no longer significant.

4) The project would result in cumulative air quality impacts. Construction of the proposed project
together with simultaneous construction of nearby, reasonably foreseeable planned projects in the
area would result in significant cumulative air quality impacts. The majority of project emissions
would occur temporarily during the construction phase, which is expected to be completed over a
22-month period. After that construction period, there would be minimal emissions and
insignificant cumulative impacts during operation of the proposed project. Due to the uncertainty
of other projects that may be constructed within the Mojave Desert Air Basin, it is assumed that
temporary cumulative impacts from construction would remain significant and unavoidable.

5) The project would result in cumulative biological resources impacts. Development of the
proposed project together with simultaneous development of nearby, reasonably foreseeable
planned projects in the area would result in significant cumulative biological resources impacts.
Development of the proposed project would contribute to a cumulative loss of low-quality
foraging habitat for golden eagles and other special-status raptors, as well as the loss of existing
and potential transient wildlife habitat and foraging opportunities for species that currently utilize
the project area, even with the implementation of mitigation measures including avoidance,
minimization and compensation.

Findings

This Planning Commission finds and determines that it has considered the identified means of lessening
or avoiding the project’s significant effects and that to the extent any significant direct or indirect
environmental effects, including cumulative project impacts, remain unavoidable or not reduced to below
a level of significance after mitigation, such impacts are at an unacceptable level in light of the social,
legal, economic, environmental, technological, and other project benefits discussed below, and such
benefits override, outweigh, and make “acceptable” any such remaining environmental impacts of the
project (CEQA Guidelines Section 15092(a) and (b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse
environmental impacts. All of these benefits and considerations are based on the facts set forth in the
findings, the final EIR, and the record of proceedings for the project. Each of these benefits and
considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this Commission would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

**Facts**

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the Planning Commission determines that the adverse environmental impacts of the project are “acceptable” if any of these benefits would be realized. The project would provide benefits as follows:

1) Implementation of the project would produce 250 megawatts of electricity from a renewable source for delivery to the regional power grid in accordance with the California Renewables Portfolio Standard goals. Energy produced by the project will also assist the State of California in complying with the mandates established by Executive Order S-14-08 requiring public utilities to purchase 33% of their energy portfolio from renewable energy sources by 2020. The production of energy from solar facilities has the added benefit of reducing air quality impacts and greenhouse gas emissions that would be produced by fossil-fuel based generation facilities.

2) The proposed project would establish solar PV power-generating facilities that are of sufficient size and configuration to produce up to 250 MW of clean electricity, which would supply the energy needs of about 100,000 residences, assuming average California residential usage rates.

3) The proposed project would assist the State of California in achieving the 33 percent renewable portfolio standard for 2020 by providing a significant new source of renewable energy.

4) The proposed project would generate electricity that emits minimal amount of criteria air pollutants in the Eastern Kern Air Pollution Control District.

5) The proposed project would help California meet the standards imposed under Assembly Bill 32 for reducing greenhouse gas (GHG) emissions to 1990 levels by 2020 in accordance with rules promulgated by the California Air Resources Board.

6) Electricity generated from the proposed project will reduce the amount of electricity generated using fossil fuels, and therefore, result offset of an estimated 213,020 MTCO\(_2\)e annually, which results in a net reduction of 212,740 MTCO\(_2\)e of GHGs per year.

7) The proposed project would generate approximately 385 construction jobs and up to 10 full time staff on site, and provide increased business for local contractors and vendors. It is expected that the construction and permanent workers will primarily come from Rosamond, Mojave and Bakersfield, thereby benefiting the local economy. The project operator estimates the construction labor (construction manager, electricians, engineers, metal workers, and other skilled labor) would earn an average wage of $23.30 (excluding benefits); and the full-time employees for the life operation of the project would earn $28.25.
8) The proposed project would result in the contribution of money calculated on a per acre basis in accordance with the Public Service Mitigation Program to support public safety and protection services of an estimated $603,252 over a 25 year period, which is $24,130 per year. The project in turn, achieves the program’s objective to ensure that new solar development pays the capital costs associated with public protection and safety services.

9) The project operator will obtain a local street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and register this address with the State Board of Equalization, using this address for acquisition, purchasing and billing purposes associated with the proposed project. The project operator shall allow the county to use this sales tax information publicly for reporting purposes. Initial economic analysis conservatively estimate that the project would generate a total of approximately $8 million in new property tax, property tax in-lieu of vehicle license fees, and local sales tax revenues for the County and other agencies.

10) The proposed project would use a reliable and proven solar technology with minimal disturbance to or depletion of natural resources as compared to alternative types of energy development. Once operational, photovoltaic solar panels use no fuel source other than the energy from the sun, as opposed to natural gas or coal plants.

11) The proposed project would minimize environmental effects by:
   a) Using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure, where practicable;
   b) Minimizing impacts to threatened species and/or endangered species, and other sensitive biological resources;
   c) Locating the project facilities in an area with compatible zoning and land uses to the extent possible;
   d) Minimizing water use;
   e) Reducing greenhouse gas emissions; and,
   f) Using technology that is available, proven, efficient, easily maintained, recyclable, and environmentally sound.

12) The project proposes to reuse undeveloped, idle land that has not been put to a productive use for the past nearly thirty years.

13) Implementation of the proposed project would be consistent with the stated goals and policies of Section 5.4.5 Solar Energy Development, as outlined in the Energy Element of the Kern County General Plan.
Exhibit C
Mitigation Monitoring & Reporting Program (MMRP)
## Exhibit C

### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
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<td>4.1</td>
<td><strong>Aesthetics</strong></td>
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<td>#1</td>
<td><strong>MM 4.1-1:</strong> The project operator shall clear debris from the project area at least twice per year; this can be done in conjunction with regular panel washing and site maintenance activities. The project operator shall erect signs with contact information for the project operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Community Development Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris.</td>
<td>Prior to final occupancy approval and during ongoing facility operation</td>
<td>Planning and Community Development Department</td>
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<td><strong>Steps to Compliance:</strong></td>
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<td></td>
<td>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</td>
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<td>B. The project operator shall post signs with contact information within 30 days of operation of a solar facility, as outlined in mitigation.</td>
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<td>C. The project operator shall respond to requests for cleanup within two weeks.</td>
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<td>D. A logbook recording clean-up requests received and the date of the responses shall be maintained. Copies of the logbook shall be provided to the Planning and Community Development Department annually.</td>
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<td>#2</td>
<td><strong>MM 4.1-2:</strong> The project operator shall install metal fence slats or similar view-screening materials as approved by the Kern County Planning and Community Development Department in all on-site perimeter fencing adjacent to parcels zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project operator (to be verified by the Kern County Planning and Community Development Department) or a public or private agency that has submitted correspondence to the Planning and Community Development Department requesting this requirement be waived. Should the project operator sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.</td>
<td>Prior to site plan approvals and issuance of grading permits</td>
<td>Planning and Community Development Department</td>
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<td><strong>Steps to Compliance:</strong></td>
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<td>B. The project operator shall implement fencing as outlined in mitigation.</td>
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<td>C. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.</td>
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<td>#3</td>
<td><strong>MM 4.1-3:</strong></td>
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<td>a) Drought-tolerant plants, species to be determined through consultation with landscape experts with local knowledge and approved by the Kern County Planning and Community Development Department, shall be planted along the fence line at 500-foot intervals where the adjoining property is zoned for residential use (E [Estate Residential], R-1 [Low-Density Residential], R-2 [Medium-Density Residential], R-3 [High-Density Residential] or PL (Platted Lands) zoning), unless the adjacent property is owned by the project operator (to be verified by the Kern County Planning and Community Development Department) or a public or private agency that has submitted correspondence to the Planning and Community Development Department requesting this requirement be waived. Should the project operator sell the adjacent property, such landscaping shall be installed prior to the sale.</td>
<td>During project operations</td>
<td>Planning and Community Development Department</td>
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<td><strong>Steps to Compliance:</strong></td>
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<td></td>
<td>B. The project operator shall implement landscaping practices as outlined in</td>
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# Exhibit C

## Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

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<td></td>
<td>Planning and Community Development Department or a public or private agency that has submitted correspondence to the Kern County Planning and Community Development Department requesting this requirement be waived. Should the project operator or agency sell the adjacent property, drought-tolerant shall be planted prior to the sale. Landscaping must be continuously maintained on the project site(s) by the project operator in accordance with Section 19.86 (Landscaping Standards) of the Kern County Zoning Ordinance. b) Prior to the commencement of operations, the project operator must submit a landscape re-vegetation and restoration plan for the project site. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place as needed to establish re-vegetation. Seed mix shall be determined through consultation with local experts and shall be approved by the Kern County Planning and Community Development Director prior to planting. The plan must include the approved native seed mix, a timeline for seeding the site, percentage of the site to be covered, detail the consultation efforts completed and the methods and schedule for installation of fencing that complies with wildlife agency regulations, and prohibition on the use of toxic rodenticides. Ground cover must be continuously maintained on the project site by the project operator. The re-vegetation and restoration of the site shall be monitored annually for a three-year period with an annual evaluation report submitted to the Kern County Planning and Community Development Director for the three-year period. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, consistent with site conditions prior to implementation of the project.</td>
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<td>#4</td>
<td><strong>MM 4.1-4</strong>: Project facility lighting shall comply with “Dark Sky” lighting guidelines, and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass into adjacent areas. Lenses and bulbs shall not extend below the shields.</td>
<td>Prior to site plan approvals and issuance of building permits</td>
<td>Planning and Community Development Department; Kern County Building Inspection Department</td>
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### Steps to Compliance:

- **A.** This mitigation measure shall be incorporated as a condition of approval for any site plan review.
- **B.** The project operator shall ensure all outdoor lighting meet the minimum requirements for safety and security standards as well as provide the minimum
## Exhibit C

### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

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<td>#5</td>
<td>MM 4.1-5: Where appropriate, proposed on-site buildings shall use non-reflective materials as approved by the Kern County Planning and Community Development Department.</td>
<td>Prior to site plan approvals and issuance of building permits</td>
<td>Planning and Community Development Department; Kern County Building Inspection Department</td>
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<td>#6</td>
<td>MM 4.1-6: Solar panels and hardware shall be designed to minimize glare and spectral highlighting. To the extent feasible, emerging technologies shall be utilized that introduce diffusion coatings and nanotechnological innovations that will effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient at converting incident sunlight into electrical power, but have the tertiary effect of reducing the amount of light that escapes into the atmosphere in the form of reflected light, which would be the potential source of glare and spectral highlighting.</td>
<td>Prior to site plan approvals and issuance of building permits</td>
<td>Planning and Community Development Department; Kern County Building Inspection Department</td>
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**Steps to Compliance:**
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The Kern County Building Inspection Department shall verify compliance in the field.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
### Exhibit C

**Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

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<td>4.2</td>
<td><strong>Air Quality</strong></td>
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</table>
| #7           | **MM 4.2-1:** The project operator shall ensure that construction and operation of the proposed project shall be conducted in compliance with applicable rules and regulations set forth by the Eastern Kern Air Pollution Control District. Dust control measures outlined below shall be implemented where they are applicable and feasible. The list shall not be considered all-inclusive and any other measures to reduce fugitive dust emissions not listed shall be encouraged:  
  a) **Land Preparation, Excavation and/or Demolition.** The following dust control measures shall be implemented:  
    i. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative.  
    ii. All disturbed areas on the project site and proposed transmission corridor shall be watered as frequently as necessary during grading; and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods. The frequency of watering can be reduced or eliminated during period of precipitation.  
    iii. All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent.  
    iv. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures or neighboring property, or as identified in a plan approved by the Eastern Kern Air Pollution Control District.  
    v. All trucks entering or leaving the project site shall cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.  
    vi. Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times. | During grading and construction                                                                 | Planning and Community Development Department  
Kern County Engineering, Surveying, and Permit Services Department  
Eastern Kern Air Pollution Control District |      |          |
|              | **Steps to Compliance:**  
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.  
B. The project operator shall submit evidence of implementation of dust control practices as outlined in mitigation.  
C. The project operator shall provide the Planning and Community Development Department with a landscape re-vegetation and restoration.  
D. The Kern County Building Inspection Department shall verify in the field. |                               |                                                                                               |      |          |
# Exhibit C

Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

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<td>vi.</td>
<td>Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.</td>
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<tr>
<td>vii.</td>
<td>All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.</td>
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<td>viii.</td>
<td>Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.</td>
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<td>ix.</td>
<td>Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.</td>
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<td>b)</td>
<td><strong>Site Construction.</strong> After clearing, grading, earth moving and/or excavating is completed within any portion of the project site, the following dust control practices shall be implemented:</td>
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<tr>
<td>i.</td>
<td>Once initial leveling has ceased, all inactive soil areas within the construction site shall be immediately treated with a dust palliative.</td>
</tr>
<tr>
<td>ii.</td>
<td>Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels.</td>
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<td>iii.</td>
<td>All unpaved road areas shall be treated with a dust palliative or graveled to prevent excessive dust.</td>
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<td>c)</td>
<td><strong>Vehicular Activities.</strong> During all phases of construction, the following vehicular control measures shall be implemented:</td>
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<tr>
<td>i.</td>
<td>No vehicle shall exceed 10 miles per hour on unpaved areas within the project 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.</td>
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<td>ii.</td>
<td>Visible speed limit signs shall be posted at the project site entrance(s).</td>
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<td>iii.</td>
<td>All areas with vehicle traffic, especially the main entrance roadway to the project site, shall be graveled or treated with dust palliatives so as to prevent track-out onto public roadways.</td>
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<tr>
<td>iv.</td>
<td>All vehicles that are used to transport solid bulk material on public roadways and that have potential to cause visible emissions shall be provided with a cover, or the materials shall be sufficiently...</td>
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<tr>
<td>Impact</td>
<td>Mitigation Measure</td>
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<td>4.2</td>
<td><strong>Air Quality</strong></td>
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<td>wetted and loaded onto the trucks in a manner to provide at least one foot of freeboard.</td>
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<td>v. Streets adjacent to the project site shall be kept clean and project related accumulated silt shall be removed on a regular basis. The use of either dry rotary brushes (unless prior wetting) or blower devices is prohibited.</td>
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<td>vi. Access to the project site shall be by means of an apron into the facility site from adjoining surfaced roadways. The apron shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheal washer, or other such device shall be used on the road exiting the facility site, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.</td>
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<td></td>
<td>vii. All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered, or shall be treated with appropriate dust suppressant compounds.</td>
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<td>viii. Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.</td>
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<td>ix. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of discing, thereby, leaving the ground undisturbed and with a mulch covering.</td>
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<td>x. Applicant shall direct vehicular access to the Springbok 1 site via Anne Avenue, if access rights can be obtained; otherwise, applicant limit access via Mednick Avenue to 90th Street and access the property at the southwest corner. Construction access shall be prohibited from 95th or 100th streets. During operations, access will be provided from Anne Avenue or 90th Street.</td>
</tr>
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<td>#8</td>
<td><strong>MM 4.2-2:</strong> The project operator and/or its contractor(s) shall implement the following measures during construction of the proposed project on the</td>
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<td>4.2</td>
<td>Air Quality</td>
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<td>project site:</td>
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<td>a) All equipment</td>
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<td>shall be maintained in accordance with the manufacturer’s specifications.</td>
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<td>b) Equipment</td>
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<td>shall be shut down when not in use for extended periods of time.</td>
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<td>c) No individual piece of construction equipment shall operate no longer than eight cumulative hours per day.</td>
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<td>d) Electric</td>
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<td>equipment shall be used whenever feasible in lieu of diesel- or gasoline-powered equipment.</td>
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<td>e) All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.</td>
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<td>f) On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer’s guidelines.</td>
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<td>Steps to Compliance:</td>
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<td></td>
<td>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</td>
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<td></td>
<td>B. The project operator shall submit evidence of implementation of compliance with practices as outlined in mitigation.</td>
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<td>C. The Kern County Building Inspection Department shall verify in the field during the construction phase of the project.</td>
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<tr>
<td>#9</td>
<td>MM 4.2-3: The project operator shall continuously comply with the following measures during construction and operation to control NOx emissions from on-road heavy-duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and materials for the proposed project:</td>
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<td>a) 2006 engines or pre-2006 engines with California Air Resources Board certified Level 3 diesel emission controls will be used to the extent possible.</td>
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<td>b) All on-road construction vehicles, except those meeting the 2006/California Air Resources Board certified Level 3 diesel emissions controls, shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to worker personal vehicles.</td>
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<td>c) The construction contractor shall ensure that all on-road construction vehicles are properly tuned and maintained in accordance with the manufacturer’s specifications.</td>
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<td>#10</td>
<td>MM 4.2-4: The project operator shall continuously comply with the following during operation to control fugitive dust emissions:</td>
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<td>During Construction activities</td>
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### Exhibit C

**Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

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</tr>
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<td>4.2</td>
<td><strong>Air Quality</strong></td>
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|        | a) The unpaved main access road for employees and deliveries to the maintenance complex shall be paved or effectively stabilized using soil stabilizers that can be determined to be as efficient as or more efficient for 
  fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental
  impacts including loss of vegetation.                                                                                                                                 |
|        | b) The other unpaved roads at the project site shall be stabilized using water or soil stabilizers so that vehicle travel on these roads does not cause visible dust plumes.                                              |
|        | c) Traffic speeds on unpaved roads shall be limited to no more than 10 miles per hour, 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. Traffic speed signs shall be displayed prominently at all site entrances and at egress point(s) from the central maintenance complex. |

#### Steps to Compliance:

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. The project operator shall submit evidence of implementation of compliance with practices as outlined in mitigation.

C. The project operator shall submit evidence of implementation of compliance with practices as outlined in mitigation.

D. The Kern County Building Inspection Department shall verify in the field during the construction phase of the project.

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<th>#11</th>
<th><strong>MM 4.2-5:</strong> The project operator shall a) educate construction personnel on the health effects of exposure to criteria pollutant emissions; and b) provide construction workers with information regarding Valley Fever and personal protective equipment such as respiratory equipment (masks), if requested by the worker, to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever.</th>
<th><strong>Steps to Compliance:</strong></th>
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<td>During construction</td>
<td>Planning and Community Development Department Kern County Engineering, Surveying, and Permit Services Department</td>
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#### Steps to Compliance:

A. During construction activities the project operator shall submit evidence of compliance of the use of construction equipment to the Kern County Planning and Community Development Department.

B. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
# Exhibit C

## Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

<table>
<thead>
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</table>

### 4.3 Biological Resources

#### #12 MM 4.3-1:
Prior to the issuance of grading or building permits, the project operator shall provide evidence to the Kern County Planning and Community Development Department that a Section 2081 Incidental Take Permit from California Department of Fish and Game (CDFG) for Desert Tortoise and/or Mohave Ground Squirrel has been obtained. If it is determined that such a permit is not required, the project operator shall provide a letter describing the consultation process and wildlife agency determination, indicating that a permit is not required. The letter shall also identify the CDFG point of contact and contact information.

- **Steps to Compliance:**
  A. If required by California Department of Fish and Game, a copy of the Section 2081 permit for incidental take shall be submitted to the Kern County Planning and Community Development Department. If a Section 2081 permit is not required, the project operator shall submit a statement verifying the determination of the California Department of Fish and Game.
  B. Copies of all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Community Development Department.

#### #13 MM 4.3-2:
Prior to the issuance of grading or building permits, the project operator shall retain a Lead Biologist who meets the qualifications of an Authorized Biologist as defined by United States Fish and Wildlife Service to oversee compliance with the protection measures for desert tortoise and other special species. The project Lead Biologist shall be onsite during all fencing and ground disturbance activities throughout the construction phase. The project Lead Biologist shall have the right to halt all activities that are in violation of the desert tortoise or other special species protection measures. Work shall proceed only after hazards to desert tortoise or other special species are removed and the species is no longer at risk. The project biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted onsite.

- **Steps to Compliance:**
  A. The project operator shall conduct a pre-construction survey that is performed by a qualified biologist for the presence of desert tortoises.
  B. The project operator shall submit copies of the survey results to the Kern County Planning and Community Development Department.
  C. If desert tortoises are present on site, a qualified biologist shall develop a plan for desert tortoise translocation and monitoring prior to project construction as described in MM 4.4-2.
  D. If desert tortoises are discovered, the Kern County Building Inspection Department shall verify in the field the compliance and implementation of
### Exhibit C

**Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

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#### #14

**MM 4.3-3**: Prior to the issuance of grading or building permits, and for the duration of construction activities, within one week of employment all new construction workers at the project site, laydown area and/or transmission routes shall attend a Construction Worker Environmental Awareness Training and Education Program, developed and presented by a qualified Lead Biologist.

- Prior to issuance of grading or building permits
- Planning and Community Development Department

**Steps to Compliance:**

A. Project operator shall submit copies of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms.

#### #15

**MM 4.3-4**: The program shall be presented by the Lead Biologist and shall include information on the life history of the desert tortoise, as well as other wildlife and plant species that may be encountered during construction activities, their legal protections, the definition of “take” under the Endangered Species Act, measures the project operator is implementing to protect the desert tortoise and other species, reporting requirements, specific measures that each worker shall employ to avoid take of the desert tortoise and other wildlife species, and penalties for violation of the Act. Identification and information regarding sensitive plants such as the Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species shall also be provided to construction personnel.

1. An acknowledgement form signed by each worker indicating that environmental training has been completed.
2. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;
3. A copy of the training transcript and/or training video, as well as a

Prior to issuance of grading and building permits and during construction
Planning and Community Development Department;
Kern County Engineering, Surveying, and Permit Services Department

**Steps to Compliance:**

A. Project operator shall submit copies of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms.

B. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.
## Exhibit C

### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

<table>
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<td></td>
<td>list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Community Development Department. iv. The construction crews and contractor(s) shall be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits.</td>
<td>Prior to issuance of grading permits</td>
<td>Planning and Community Development Department; Kern County Engineering, Surveying, and Permit Services Department</td>
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<td>#16</td>
<td>MM 4.3-5: The anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with stakes and flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided.</td>
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<td>#17</td>
<td>MM 4.3-6: New and existing roads that are planned for either construction or widening shall not extend beyond the planned impact area. All vehicles passing or turning around shall do so within the planned impact area or in previously disturbed areas. Where new access is required outside of existing roads or the construction zone, the route shall be clearly marked (i.e., flagged and/or staked) prior to the onset of construction.</td>
<td>During construction</td>
<td>Planning and Community Development Department; Kern County Engineering, Surveying, and Permit Services Department</td>
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<td>#18</td>
<td>MM 4.3-7: Spoils shall be stockpiled in disturbed areas presently lacking native vegetation. Stockpile areas shall be marked to define the limits where stockpiling can occur. Standard best management practices shall be employed to prevent loss of habitat due to erosion caused by project related</td>
<td>During construction</td>
<td>Planning and Community Development Department; Kern County Engineering, Surveying, and Permit Services Department</td>
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### Exhibit C

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#### 4.3 Biological Resources

- Impacts (i.e., grading or clearing for new roads). All detected erosion shall be remedied within two days of discovery.

**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. The project operator shall mark stockpile areas to define the limits where stockpiling can occur.

C. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.

**#19 MM 4.3-8:** Fueling of equipment shall take place within existing paved roads, and not within or adjacent to drainages or native desert habitats. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.

Prior to issuance of grading and building permits

**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. Kern County Building Inspectors shall verify in the field prior to and during the construction period.

**#20 MM 4.3-9:** Construction activity shall be monitored by the qualified Lead Biologist or by biological monitors under the Lead Biologist's supervision to ensure compliance with avoidance and minimization measures.

During construction

**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.

**#21 MM 4.3-10:** The introduction of exotic plant species shall be avoided and controlled wherever possible, and may be achieved through physical or...
### Exhibit C

**Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

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<td><strong>4.3 Biological Resources</strong></td>
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<td>Kern County Engineering, Surveying, and Permit Services Department</td>
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<td>chemical removal and prevention. Preventing exotic plants from entering the site via vehicular sources shall include measures such as implementing Track-clean or other method of vehicle cleaning for vehicles coming and going from the site. Earth-moving equipment shall be cleaned prior to transport to the project area. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by California Department of Fish and Game and the United States Fish and Wildlife Service.</td>
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<td><strong>#22 MM 4.3-11: Implement the following measures:</strong></td>
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<td>Planning and Community Development Department; Kern County Engineering, Surveying, and Permit Services Department</td>
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<td>In the event ground disturbance does not commence on the transmission line corridor within two (2) years of the last rare plant surveys (May 2011), project operator and/or contractor shall conduct transmission line preconstruction rare plant survey(s) along the Beacon Photovoltaic Project transmission line, Springbok Solar Farm I site, Oryx Solar Farm site, and alternative gen-tie routes during the appropriate blooming period in accordance with the guidelines established by California Department of Fish and Game (2009), for all required sensitive species; including but not limited to: Red Rock tarplant, Red Rock poppy, Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species. If no special-status plant species are observed during the focused surveys, no further actions would be required. If any of these plant species are found during the preconstruction surveys, project operator and/or contractor shall delay ground disturbance activities and contact CDFG for consultation. If required, in consultation with CDFG, a Habitat Mitigation Plan shall be prepared that includes, at a minimum, the following:</td>
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<td>a) If Red Rock tarplant, Red Rock poppy, Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species are observed within the proposed project footprint, the proposed project shall be designed by the Lead Biologist, to reduce impacts to the species through the establishment of preservation areas and buffers. If avoidance or minimization measures are implemented onsite, a Habitat Mitigation Plan shall be developed to ensure adequate</td>
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*Addendum to Beacon Photovoltaic Project EIR
Springbok I Solar Farm and Oryx Solar Farm
By 8minutenergy Renewables, LLC

Mitigation Measure Monitoring Program
Planning Commission – February 27, 2014 DRAFT

Page 13 of 65*
Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

4.3 Biological Resources

management and conservation of botanical resources on-site over the long term. A copy of the Habitat Mitigation Plan shall be submitted to the Kern County Planning and Community Development Department.

b) If the proposed project would eliminate more than 10 percent of the local population of Red Rock tarplant, Red Rock poppy, Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species, the Habitat Mitigation Plan would also include the following:

i. The area of occupied habitat to be preserved and removed;

ii. Identification of on-site or off-site preservation, restoration, or enhancement location(s);

iii. Methods for preservation, restoration, enhancement, and/or population translocation;

iv. A replacement ratio and success standard of 1:1 for occupied habitat lost;

v. A five year monitoring program to ensure mitigation success;

vi. Adaptive management and remedial measures in the event that performance standards are not achieved;

vii. Financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity

c) Prior to the commencement of ground disturbance activities, a final set of focused botanical surveys for Red Rock tarplant, Red Rock poppy, Alkali mariposa lily, Charlotte’s phacelia and creamy blazing star or other special status plant species, shall be conducted. The surveys shall be conducted within potentially suitable habitat along the transmission line alignment for the Beacon Photovoltaic Project, Springbok Solar Farm 1 site, Oryx Solar Farm site, and alternative gen-tie routes that would be directly affected by the proposed project. Copies of all surveys and communications with the appropriate wildlife agencies shall be submitted to the Kern County Planning and Community Development Department.

#23 MM 4.3-12: The project operator and/or contractor shall implement the following:

Prior to issuing building and grading permits
Planning and Community Development Department;

Addendum to Beacon Photovoltaic Project EIR
Springbok 1 Solar Farm and Oryx Solar Farm
By 8minutenergy Renewables, LLC

Mitigation Measure Monitoring Program
Planning Commission – February 27, 2014 DRAFT
### Exhibit C

**Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

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<td>i.</td>
<td>Prior to issuance of grading or building permits but after obtaining a project Section 2081 permit for incidental take, if required by California Department of Fish and Game, the entire solar facility site (east of SR 14) shall be fenced with a permanent desert tortoise exclusion fence to keep any desert tortoise that may be using habitat adjacent to the facility from entering during construction, operations and maintenance, and dismantling and restoration (decommissioning) phases. The fencing type shall follow current fence specifications established by U.S. Fish and Wildlife Service. Desert tortoise-proof gates shall be established at all photovoltaic solar facility entry points. Applicant shall consult with Desert Tortoise Preserve Committee (DTPC) regarding feasible design options that are consistent with CDFW and USFWS regulations for the installation of enhanced Desert Tortoise exclusion barriers along the buffer on the southern and eastern boundaries of the Springbok I site nearest to the Desert Tortoise Natural Area that best protect against tortoises entering the site (e.g., cinder block wall), in a manner that also provides dust protection for the Desert Tortoise Natural area and complies with exclusion fencing or access requirements for other sensitive species (e.g., kit fox). Workers installing the exclusion fencing shall have undergone the worker training program mandated in Mitigation Measure 4.3-3 and a biological monitor under the authority of the project Lead Biologist will be present during exclusion fencing installation.</td>
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<td>ii. The fencing shall be inspected monthly and immediately after all major rainfall events. Any damage to the fencing shall be repaired immediately or no later than two days of the observation.</td>
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<td>iii. Following the construction of Tortoise exclusion fencing, around the solar facility perimeter (east of SR 14), clearance surveys shall be conducted by the Lead Biologist to ensure that no desert tortoises or other listed wildlife are trapped within the fenced area. The Lead Biologist may be assisted by biological monitors under the supervision of the Lead Biologist. Clearance surveys shall adhere to the current United States Fish and Wildlife Service clearance survey protocols described in the Desert Tortoise Field Manual, including a minimum of two clearance passes to be completed after desert tortoise-proof fencing is installed, which</td>
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**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.

C. If necessary, implement site-specific recommendations under the guidance of a qualified biologist.

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Addendum to Beacon Photovoltaic Project EIR
Springbok I Solar Farm and Oryx Solar Farm
By 8minutenergy Renewables, LLC

Mitigation Measure Monitoring Program
Planning Commission – February 27, 2014 DRAFT

Page 15 of 65
4.3 Biological Resources

shall coincide with heightened desert tortoise activity from late March through May and September through October.

iv. If a desert tortoise is found on the site during project construction or operations, active construction or operations shall cease in the vicinity of the animal and the desert tortoise shall be passively restricted to the area encompassing its observed position on the construction site and its point of entry shall be determined if possible. The Lead Biologist shall install a temporary tortoise-proof fence around this area. Concurrent with this effort, United States Fish and Wildlife Service and California Department of Fish and Game shall be consulted regarding any additional avoidance, minimization, or mitigation measures that may be necessary. Once the desert tortoise is observed leaving the site, work in the area can resume. A report shall be prepared by the Lead Biologist to document the activities of the desert tortoise within the site; all fence construction, modification, and repair efforts; and movements of the desert tortoise once again outside the permanent tortoise-proof fence. This report shall be submitted to wildlife and resource agency representatives and the Kern County Planning and Community Development Department.

v. Outside permanently fenced desert tortoise exclusion areas, the project operator shall limit the areas of disturbance in desert tortoise habitat. Parking areas; new roads; pulling sites; and staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be flagged and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.

vi. The Lead Biologist or biological monitor will monitor any ground-disturbance activities that occur outside the desert tortoise exclusion fencing. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. Prior to conducting brushing or grading activities in desert tortoise habitat outside the permanently fenced area, a Lead Biologist or biological monitor under the supervision of a Lead Biologist shall survey the area immediately prior to conducting these activities to ensure that no desert tortoises are present.
### Exhibit C

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<td>vii.</td>
<td>At the end of each work day, the Lead Biologist shall ensure that all trenches, bores, and other excavations outside the permanently fenced area have been inspected for the presence of desert tortoise and backfilled, if no tortoise is present. If backfilling is not feasible, these excavations shall be modified to ensure that they cannot potentially entrap desert tortoises (e.g., equipped with desert tortoise escape ramps, covered to prevent desert tortoise access, enclosed with a desert tortoise exclusion fence).</td>
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<td>viii.</td>
<td>Any construction pipe, culvert, or similar structure stored within desert tortoise habitat (i.e., outside areas with desert tortoise exclusion fencing) shall be inspected for desert tortoise before the material is moved, buried, or installed.</td>
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<td>ix.</td>
<td>Water used for dust abatement shall be minimized, as allowed by Kern County, to prevent the formation of puddles that could attract common ravens and other desert tortoise predators to the site and nearby.</td>
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<td>x.</td>
<td>No vehicle or equipment parked outside the fenced areas shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of desert tortoise. If present, the desert tortoise shall be left to move on its own.</td>
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<td>xi.</td>
<td>Vehicular traffic to and from the project site shall use existing routes of travel (e.g., SR 14). Cross country vehicle and equipment use outside designated work areas shall be prohibited. Vehicle speeds within the project site shall not exceed 25 miles per hour on roads within desert tortoise habitat (e.g., west of SR 14).</td>
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<td>xii.</td>
<td>All vehicles and equipment shall be in proper working condition to ensure that there is no potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The Lead Biologist shall be informed of any hazardous spills within 24 hours. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly disposed of at a licensed facility.</td>
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<td>xiii.</td>
<td>A long-term trash abatement program shall be established for construction, operations, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunistic predators such as common</td>
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## Exhibit C

**Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

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<td>Biological Resources</td>
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<td>xiv.</td>
<td>Ravens, coyotes, and feral dogs. Workers shall be prohibited from bringing pets, and firearms to the project area and from feeding wildlife.</td>
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<td>xv.</td>
<td>Intentional killing or collection of either plant or wildlife species, including listed species such as desert tortoise, in the survey area and surrounding areas shall be prohibited. The Lead Biologist, wildlife and resource agency representatives and Kern County Planning and Community Development Department shall be notified of any such occurrences within 24 hours.</td>
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<td>xvi.</td>
<td>Ongoing monitoring shall be conducted by either the Lead Biologist or by biological monitors under the Lead Biologist's supervision. The biological monitors shall have experience in monitoring for desert tortoise.</td>
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<td>xvii.</td>
<td>During construction daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report for the wildlife and resource agencies and Kern County Planning and Community Development Department on a monthly basis, documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report would also provide information on the overall biological-resources-related activities conducted, including the worker awareness training, clearance/preactivity surveys, monitoring activities, and any observed desert tortoise or other special-status species, including injuries and fatalities.</td>
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<td>xviii.</td>
<td>The project operator shall develop a site-specific Common Raven Management Plan in accordance with United States Fish and Wildlife Service guidelines and shall implement management measures for ravens in the project area. These measures may include but is not limited to designing structures to eliminate perches, waste management, roadkill management, management of ponded water during construction and operations, and nest removal on structures within the photovoltaic facility site and along the transmission line.</td>
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| #24    | MM 4.3-13: The project operator and/or contractor shall implement the following during Operation and Maintenance:  
  i. Desert tortoise exclusion fencing and gates shall be maintained on a regular basis.  
  ii. A 25 miles per hour speed limit shall be applied for travel during maintenance activities. Travel shall be confined to existing roads and previously disturbed areas.  
  iii. Desert tortoise-proof secure gates shall be installed where access roads leave State Route 14 and enter the photovoltaic solar facility; no access roads outside of the photovoltaic solar facility shall be fenced. Roads west of SR 14 that access transmission lines on project property shall be gated to deter unauthorized vehicle use.  
  iv. Work occurring outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. | During project operations | Planning and Community Development Department; Kern County Engineering, Surveying, and Permit Services Department |      |          |
| #25    | MM 4.3-14: The project operator and/or contractor shall implement the following during project decommissioning:  
  i. All applicable construction phase general protection measures shall be implemented during decommissioning.  
  ii. A 25-mile-per-hour speed limit on paved or stabilized unpaved roads shall be applied for travel during decommissioning activities. Travel shall be confined to existing roads and previously disturbed areas.  
  iii. If a desert tortoise is detected in the work area during decommissioning activities, no work shall be conducted until the desert tortoise moves on its own outside of the work area.  
  iv. Work outside areas with desert tortoise exclusion fencing shall only occur during daylight hours. | During project decommissioning | Planning and Community Development Department; Kern County Engineering, Surveying, and Permit Services Department |      |          |
| #26    | MM 4.3-15: The following measures shall be implemented during project construction, operations, and decommissioning activities with respect to western burrowing owls.  
  a) A project Lead Biologist shall be onsite during all construction activities in potential burrowing owl habitat. A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct pre-construction surveys of the permanent and temporary impact areas to locate active breeding or wintering owls. | During construction | Planning and Community Development Department Qualified Biologist |      |          |

Steps to Compliance:

- A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
- B. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during project operation.

Steps to Compliance:

- A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
- B. Kern County Engineering, Surveying, and Permit Services Department will verify in the field during the construction period.

Steps to Compliance:

- A. Contract a qualified biologist to perform pre-construction survey for burrowing owl with 30 days prior to the start of ground disturbing activities.
- B. If nests or burrowing owls are found, contract a qualified biologist to prepare...
4.3 Biological Resources

burrowing owl burrows no less than 14 days prior to construction and/or prior to desert tortoise exclusion fencing installation. The survey methodology shall be consistent with the methods outlined in the California Department of Fish and Game Staff Report (March 2012), and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls (and may be combined with desert tortoise pre-construction surveys). As burrows are searched, biologists shall also look for signs of American badger and desert kit fox. Copies of the survey results shall be submitted to California Department of Fish and Game and the Kern County Planning and Community Development Department.

b) If no burrowing owls are detected, no further mitigation is necessary. If burrowing owls are detected, no ground-disturbing activities, such as road construction or installation of solar arrays or ancillary facilities, shall be permitted within the distances specified in Table 2 of the CDFG Staff Report (see below) from an active burrow during the nesting and fledging seasons (April 1 to August 15 and August 16 to October 15, respectively), unless otherwise authorized by California Department of Fish and Game. The specified buffer distance ranges from 656 feet to 1,640 feet, according to the time of year and the level of disturbance. Buffers shall be established in accordance with Table 2 (see below) of the Staff Report and occupied burrows shall not be disturbed during the nesting season unless a qualified biologist approved by California Department of Fish and Game, verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Burrowing owls shall not be moved or excluded from burrows during the breeding season (April 1 to October 15).

Table 2: Burrowing Owl Burrow Buffers (CDFG Staff report)

<table>
<thead>
<tr>
<th>Location</th>
<th>Time of year</th>
<th>Level of disturbance</th>
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<tbody>
<tr>
<td>Nesting sites</td>
<td>April 1-Aug 15</td>
<td>Low: 656 ft, Medium: 1640 ft, High: 1640 ft</td>
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<tr>
<td>Any occupied</td>
<td>Oct 16-Mar 31</td>
<td>Low: 164 ft, Medium: 328 ft, High: 1640 ft</td>
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</table>

site-specific recommendations.
C. If necessary, implement site-specific recommendations under the guidance of a qualified biologist.
D. Prior to issuance of grading permits, the applicant shall provide Kern County Planning and Community Development Department a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.
### 4.3 Biological Resources

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| burrow | c) During the nonbreeding (winter) season (October 16 to March 31), consistent with Table 2 (see above) of the Staff Report, ground-disturbing work shall maintain a distance ranging from 164 feet to 1,640 feet from any active burrows depending on the level of disturbance. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be displaced from winter burrows according to recommendations made in the Burrowing Owl Mitigation Staff Report (2012).

  d) Burrowing owls should not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed by the Lead Biologist and approved by the applicable local California Department of Fish and Game office and submitted to the Kern County Planning and Community Development Department. The plan shall include, at a minimum:

  i. Confirm by site surveillance that the burrow(s) is empty of burrowing owls and other species preceding burrow scoping;

  ii. Type of scope and appropriate timing of scoping to avoid impacts;

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

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

  v. Removal of other potential owl burrow surrogates or refugia onsite; |
### Exhibit C

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<td>vi. Photographing the excavation and closure of the burrow to demonstrate success and sufficiency;</td>
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<td>vii. Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take;</td>
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<td>viii. How the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals (e.g., by allowing vegetation to grow tall, heavy disk interpreting, or immediate and continuous grading) until development is complete.</td>
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<td>e) Site monitoring is conducted prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. Conduct daily monitoring for one week to confirm young of the year have fledged if the exclusion shall occur immediately after the end of the breeding season.</td>
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<td>f) Excluded burrowing owls are documented using artificial or natural burrows on an adjoining mitigation site (if able to confirm by band re-sight).</td>
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<td>g) In accordance with the Burrowing Owl Exclusion Plan a qualified wildlife biologist shall excavate burrows using hand tools. Sections of flexible plastic pipe or burlap bag shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. One-way doors shall be installed at the entrance to the active burrow and other potentially active burrows within 160 feet of the active burrow. Forty-eight hours after the installation of the one-way doors, the doors can be removed, and ground-disturbing activities can proceed. Alternatively, burrows can be filled to prevent reoccupation.</td>
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<td>h) During construction activities, monthly and final compliance reports shall be provided to California Department of Fish and Game, the Kern County Planning and Community Development Department, and other applicable resource agencies documenting the effectiveness of mitigation measures and the level of burrowing owl take associated with the proposed project.</td>
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## Exhibit C

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### 4.3 Biological Resources

**#27 MM 4.3-16: a)** Should burrowing owls be found on-site, compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site in accordance with burrowing owl Staff Report guidance and in consultation with California Department of Fish and Game. At a minimum, the following recommendations shall be implemented:

i. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions, including decompacting soil and revegetating.

ii. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include:

a) Permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.

iii. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a California Department of Fish and Game approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.

b) Develop and implement a mitigation land management plan in accordance with burrowing owl Staff Report guidelines to address long-term ecological sustainability and maintenance of the site for burrowing owls.

i. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

ii. Habitat shall not be altered or destroyed, and burrowing owls shall not be excluded from burrows, until mitigation lands have

**Steps to Compliance:**

A. Contract a qualified biologist to perform pre-construction survey for burrowing owl with 30 days prior to the start of ground disturbing activities.

B. If nests or burrowing owls are found, contract a qualified biologist to prepare site-specific recommendations.

C. If necessary, implement site-specific recommendations under the guidance of a qualified biologist.

D. Prior to issuance of grading permits, the applicant shall provide Kern County Planning and Community Development Department a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.
### Exhibit C

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<td>been legally secured, are managed for the benefit of burrowing owls according to California Department of Fish and Game-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.</td>
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<td>iii. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.</td>
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<td>iv. Consult with the California Department of Fish and Game when determining off-site mitigation acreages.</td>
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#### #28

**MM 4.3-17: Prior to issuance of grading or building permits the project operator shall:**

- a) Either a) purchase a minimum of 9.9 acres of suitable habitat as compensatory mitigation for permanent impacts to desert tortoise and Mohave ground squirrel habitat west of State Route 14, as well as an additional 100 acres of suitable habitat to compensate for the incidental take of 2 individual Mohave grounds squirrel east of SR 14 ("compensatory lands"), b) purchase compensatory mitigation for permanent impacts to desert tortoise and Mohave ground squirrel habitat west of State route 14, at a 3:1 ratio, with the final land to be determined based upon the protocol surveys to be undertaken prior to construction, or by evidence of other arrangements deemed acceptable to California Department of Fish and Game, to cover the costs of acquisition, maintenance and enhancement of the compensation lands. Compensatory mitigation acreage for permanent impacts to western burrowing owl nesting, occupied, and satellite burrows and/or western burrowing owl habitat shall be determined and acquired as required by the wildlife or resource agency. If possible compensatory mitigation lands purchased shall provide habitat for all three species, as well as rare plants and State Waters. Verification of compliance shall be submitted to the Kern County Planning and Development Department. The project proponent shall work with DTPC regarding the acquisition of compensatory mitigation land for the project, prioritize the purchase of reasonable available lands consistent with DTPC’s mission with a focus on lands

- b) Prior to site plan approvals and issuance of grading or building permits

**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
### Biological Resources

- within the Desert Tortoise Natural Area expansion areas or otherwise providing high biological values, and secure agreements for the required mitigation land by June 2016. DTPC shall own and manage the land purchased as compensatory mitigation for the project, if and when approved by CDFW and USFWS.
- Prepare a Habitat Mitigation and Monitoring Plan that outlines all project compensatory mitigation for desert tortoise, western burrowing owl and Mohave ground squirrel, in coordination with California Department of Fish and Game, and the Regional Water Quality Control Board.
  - i. Compensatory lands shall be of similar or better quality than habitat lost and preferably be located in the vicinity of the site.
  - ii. Compensatory lands shall be permanently preserved through a conservation easement.
  - iii. The Plan shall identify conservation actions to ensure that the compensatory lands are managed to ensure the continued existence of the species.
  - iv. The Plan shall identify an approach for funding assurance for the long term management of the conserved land.

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<tr>
<th>#29</th>
<th>MM 4.3-18: Prior to the issuance of grading or building permit the following shall be implemented:</th>
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<td>i. Not more than 14 days prior to site clearing, a qualified biologist shall conduct a preconstruction avian nesting survey. Copies of the completed surveys shall be submitted to Kern County Planning and Community Development Department.</td>
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<td>ii. Surveys shall not be conducted for the entire project site at one time; they shall be phased so that surveys occur shortly before that portion of the site is disturbed. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. The survey shall cover all reasonably potential nesting locations on and within 250 feet of the project site—this includes ground nesting species.</td>
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#### 4.3 Biological Resources

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<td>iii.</td>
<td>If construction is scheduled to occur during the non-nesting season (August 2 to January 31), no preconstruction surveys or additional measures are required.</td>
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<td>iv.</td>
<td>If construction begins in the non-breeding season and proceeds continuously into the breeding season, no surveys are required. However, if there is a break of 14 days or more in construction activities during the breeding season, a new nesting bird survey shall be conducted before construction begins again.</td>
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<td>v.</td>
<td>If active nests are found a 250-foot, no-disturbance buffer (or as otherwise determined in consultation with California Department of Fish and Game) shall be created around the active nests. If the nest(s) are found in an area where ground disturbance is scheduled to occur, the project operator shall avoid the area either by delaying ground disturbance in the area until a qualified wildlife biologist has determined that the birds have fledged or by re-locating the project component(s) to avoid the area.</td>
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<td>vi.</td>
<td>All vertical tubes used in project construction, such as solar mounts and chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.</td>
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<th>#30 MM 4.3-19: Prior to the issuance of grading or building permit the following shall be implemented:</th>
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<tr>
<td>i. Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or desert kit fox dens prior to installation of desert tortoise exclusion fencing. Copies of the completed surveys shall be submitted to Kern County Planning and Community Development Department.</td>
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<tr>
<td>ii. The survey shall be conducted in areas of suitable habitat for American badger and desert kit fox or Northern harrier, which includes fallow agricultural land and scrub habitats. If no potential American badger or desert kit fox dens are present, no further mitigation is required.</td>
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<td>iii. If potential dens are observed, the following measures are required to</td>
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Planning and Community Development Department for review and verification of compliance.

Prior to site plan approvals and issuance of grading permits

Planning and Community Development Qualified Biologist USFWS and CDFG (if necessary)

**Steps to Compliance:**

A. Contract a qualified biologist to perform pre-construction survey for kit fox and American badger.

B. Copies of the completed surveys shall be submitted to Kern County Planning and Community Development Department.

C. If dens are found, contract a qualified biologist to monitor and excavate dens and notify wildlife agencies to discuss and develop relocation options.

D. If necessary, implement relocation options under the guidance of a
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#### 4.3 Biological Resources

- Avoid potential adverse effects to American badger and desert kit fox:
  
  a. If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers or foxes from re-use during construction.

  b. Passive relocation shall be prohibited during the pupping season, which is February 15 to June 1 for both species. If the qualified biologist determines that potential dens outside the breeding season may be active, the biologist shall notify the California Department of Fish and Game. Entrances to the dens shall be blocked with one-way doors or soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three- to five-day period. After the qualified biologist determines that badgers and foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. The collapsing of active desert kit fox dens shall not occur without prior consultation with the California Department of Fish and Game. A biologist shall remain on-call throughout construction in the event a badger or desert kit fox wanders onto the site.

  c. Construction activities shall not occur within 50 feet of active badger dens. The project operator shall contact California Department of Fish and Game immediately if natal badger dens are detected to determine suitable buffers and other measures to avoid take.

  d. Construction activities shall not occur within 100 feet of active kit fox dens. The project operator shall contact California Department of Fish and Game immediately if natal kit fox dens are detected to determine suitable buffers and other measures to avoid take.

#31 MM 4.3-20: Prior to the issuance of a final certificate of occupancy, a Raven Management Plan shall be developed for the project site in qualified biologist.

E. Prior to issuance of grading permits, provide Kern County Planning a biological report prepared by a qualified biologist as proof of pre-construction survey and, if necessary, monitoring, excavating, and kit fox relocation.

F. Kern County Engineering, Surveying, and Permit Services Department will verify escape ramps, capping, and presence of closed containers in the field during the construction period.
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<td>of grading permits</td>
<td>Qualified Biologist USFWS and CDFG (if necessary)</td>
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<td>consultation with the US Fish and Wildlife Service and CA Department of Fish and Game. This plan shall include but is not limited to:</td>
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<td>i. Identification of all raven nests within the project area during construction;</td>
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<td>ii. Weekly inspection under all nests in the project area for evidence of desert tortoise predation (scutes, shells, etc.), and, if evidence of predation is noted, submit a report to California Department of Fish and Game, US Fish and Wildlife Service, and Kern County Planning and Community Development Department within five calendar days; and</td>
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<td>iii. Provisions for the management of trash that could attract common ravens during the construction and operation phases of the project.</td>
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<td>iv. Should the US Fish and Wildlife Services determine it is necessary for the proposed project to participate in the regional comprehensive raven management plan, to address biological resources; the project operator shall be subject to compensation through the payment of fees not to exceed $150 per disturbed acre. Evidence of the US Fish and Wildlife Service and/or CA Department of Fish and Game determination and payment of any required fees shall be submitted to the Kern County Planning and Community Development Department.</td>
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<td>32</td>
<td><strong>MM 4.3-21:</strong> Prior to the issuance of grading or building permits, the project operator shall provide evidence to the Kern County Planning and Community Development Department that a Section 1600 Streambed Alteration Agreement has been obtained from California Department of Fish and Game (CDFG).</td>
<td>Prior to site plan approvals and issuance of grading permits</td>
<td>Planning and Community Development Department</td>
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<td><strong>Steps to Compliance:</strong></td>
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<td>A. The project operator shall submit copies of the plan to the Kern County Planning and Community Development Department.</td>
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<td>B. The operator shall conduct weekly inspections and submit results of monitoring to the Kern County Planning and Community Development Department and the appropriate wildlife agencies for review and verification of compliance.</td>
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<td>33</td>
<td><strong>MM 4.3-22:</strong> The following measures shall be implemented within the project area to ensure that direct or indirect effects to riparian habitat and jurisdictional waters are minimized:</td>
<td>Prior to the issuance of building and grading permits</td>
<td>Planning and Community Development Department U.S. Army Corps of Engineers</td>
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Addendum to Beacon Photovoltaic Project EIR Springbok 1 Solar Farm and Oryx Solar Farm By Sminutenergy Renewables, LLC

Mitigation Measure Monitoring Program Planning Commission – February 27, 2014 DRAFT

Page 28 of 65
### 4.3 Biological Resources

1. To the extent feasible, the following avoidance/minimization measures shall be implemented:
   
   a. Any laydown areas and/or material and spoils from project activities shall be located away from jurisdictional areas or sensitive habitat and protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.
   
   b. Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
   
   c. Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned and any contaminated materials properly disposed of. For all spills the project foreman or designated environmental representative shall be notified.

2. All work within the washes shall be conducted to avoid periods of flowing water. Construction shall be timed to occur during the dry season (generally April 15 – October 15) and shall avoid periods in the summer when convective thunderstorms are predicted.

3. Compensatory mitigation for the Arizona-style crossings shall occur either on-site or off-site, and would occur at a ratio no less than 1:1 for the impact to jurisdictional waters. As outlined in Mitigation Measure MM 4.3-17, a Habitat Mitigation and Monitoring Plan shall be prepared that outlines the compensatory mitigation in coordination with the Regional Water Quality Control Board and California Department of Fish and Game.

   If on-site mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site that contain suitable characteristics (e.g., hydrology) for restoration or enhancement of desert wash scale broom scrub habitat. Determination of mitigation adequacy shall be based on comparison of the restored or enhanced habitat with similar, undisturbed habitat in the site vicinity (such as up or downstream of the site). If mitigation is implemented offsite, mitigation...
## Exhibit C

### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

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<td>Biological Resources</td>
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<td>lands shall be comprised of similar or more well-developed desert wash and preferably be located in the vicinity of the site or watershed. Off-site land shall be preserved through a conservation easement and the Plan shall identify an approach for funding assurance for the long-term management of the conserved land.</td>
<td>Prior to building permit submittal, a final site plan shall be submitted to the Kern County Planning and Community Development Department to avoid the Mojave Wash Scrub habitat, as mapped in the biological report for the project, and any delineated state or federal jurisdictional waters on (i) the Oryx site and (ii) the eastern portion of the Springbok 1 site, with a minimum 1,000 foot setback from the property line to the south and east and terminating at the northwest corner of the Desert Tortoise Natural Area so that it is contiguous with the Desert Tortoise natural Area, resulting in a buffer of several hundred feet from the Moave Wash Scrub Habitat.</td>
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<td>Copies of correspondences and determinations by the Regional Water Quality Control Board and California Department of Fish and Game shall be submitted to the Kern County Planning and Community Development Department. It is noted that the final mitigation ratio required by the Regional Water Quality Control Board and California Department of Fish and Game for acquisition of regulatory permits may differ from that proposed in this environmental impact report.</td>
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### #34 MM 4.3-23

Prior to issuance of a grading or building permit, the project operator shall provide evidence that the following measures will be implemented with respect to the construction and installation of power lines:

a) Construct all power transmission lines to the 2006 Avian Power Line Interaction Committee Guidelines specifications to protect birds from electrocution and collision. Appropriate notes regarding these specifications shall be included on any grading permit, building permit or final map.

b) Submit written documentation to the Kern County Planning and Community Development Department verifying that all power lines

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<tr>
<th>Prior to issuing of grading and building permits and during construction</th>
<th>Planning and Community Development Department</th>
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<tr>
<td>Kern County Building Inspection Department</td>
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### Steps to Compliance:

A. The project operator shall submit written documentation to the Kern County Planning and Community Development Department showing that all power lines are constructed to 2006 Avian Power Line Interaction Committee Guidelines.

B. The project operator shall install power collection and transmission.
### Exhibit C

**Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

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<td><strong>Biological Resources</strong></td>
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<td>are constructed to Avian Power Line Interaction Committee Guidelines. The project operator shall conform to the latest practices (as outlined in the 2006 Avian Power Line Interaction Committee Guidelines document) to protect birds from electrocution and collision.</td>
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<td>facilities utilizing Avian Power Line Interaction Committee standards for collision reducing techniques.</td>
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**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
## Exhibit C

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<td>#35</td>
<td>MM 4.4-1: Prior to issuance of grading permits, the project operator shall:</td>
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<td>a) Retain a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards as published in Title 36, Code of Federal Regulations, part 61 (36 CFR Part 61) to carry out all mitigation measures related to archaeological and historical resources.</td>
<td>Prior to issuance of grading permits and during construction</td>
<td>Planning and Community Development Department</td>
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<td>b) The services of a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor all ground-disturbing activities associated with the construction of the proposed project. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the project area, provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the supervision of the qualified archaeologist.</td>
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<td>c) The qualified archaeologist, archaeological monitor and Native American monitor shall be provided all project documentation related to cultural resources prior to commencement of ground disturbance activities. Project documentation shall include but not be limited to previous cultural studies, surveys, maps, drawings, etc. Any modifications or updates to project documentation, including construction plans and schedules, shall immediately be provided to the qualified archaeologist, archaeological monitor and Native American monitor.</td>
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| #36    | MM 4.4-2: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-8156: any historical resource, significant cultural resource, or human remains. If avoidance is feasible, the area within 50 feet of CA-KER-8156: any historical resource, significant cultural resource, or human remains shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in | Prior to issuance of grading permits | Planning and Community Development Department | | |
|        | A. A qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor initial ground-disturbing activities. | | | | |
|        | B. If cultural materials or artifacts are discovered, halt all work and contact a | | | | |
### Exhibit C

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<td>qualified archaeologist and Native American monitor to assess finds and recommend procedures.</td>
<td>C. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor.</td>
<td>D. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.</td>
<td>E. Prior to final tract or parcel map recordation, provide Kern County Planning and Community Development Department a report of the findings prepared by a qualified archaeologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.</td>
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order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-8156 any historical resource, significant cultural resource, or human remains is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource any historical resource, significant cultural resource, or human remains or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-8156 any historical resource, significant cultural resource, or human remains is not feasible, prior to the issuance of any grading or building permits a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource any historical resource, significant cultural resource, or human remains to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.
### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

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<td>Planning and Community Development Department</td>
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#### 4.4 Cultural Resources

**#37**

**MM 4.4-3:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7853. If avoidance is feasible, the area within 50 feet of CA-KER-7853 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-7853 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-7853 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single
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<td>#38</td>
<td>MM 4.4-4: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7854. If avoidance is feasible, the area within 50 feet of CA-KER-7854 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</td>
<td>Prior to issuance of grading permits</td>
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<td>If avoidance of CA-KER-7854 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.</td>
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<td>If avoidance of 50 feet of CA-KER-7854 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.</td>
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<td>Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</td>
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#### #39

**MM 4.4-5:** Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7855. If avoidance is feasible, the area within 50 feet of CA-KER-7855 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-7855 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-7855 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the

Prior to issuance of grading permits

Planning and Community Development Department

A. A qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor initial ground-disturbing activities.

B. If cultural materials or artifacts are discovered, halt all work and contact a qualified archaeologist and Native American monitor to assess finds and recommend procedures.

C. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor.

D. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

E. Prior to final tract or parcel map recordation, provide Kern County Planning and Community Development Department a report of the findings prepared by a qualified archaeologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.
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<td>If project phasing allows, multiple resources can be included in a single treatment plan document.</td>
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<td><strong>MM 4.4-6:</strong> Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7848. If avoidance is feasible, the area within 50 feet of CA-KER-7848 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts. If avoidance of CA-KER-7848 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department. If avoidance of 50 feet of CA-KER-7848 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project. Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of</td>
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<td>Prior to issuance of grading permits</td>
<td>Planning and Community Development Department</td>
<td>A. A qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor initial ground-disturbing activities. B. If cultural materials or artifacts are discovered, halt all work and contact a qualified archaeologist and Native American monitor to assess finds and recommend procedures. C. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor. D. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department. E. Prior to final tract or parcel map recordation, provide Kern County Planning and Community Development Department a report of the findings prepared by a qualified archaeologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.</td>
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<td>the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield. If project phasing allows, multiple resources can be included in a single treatment plan document.</td>
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**#41** MM 4.4-7: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-3366H. Avoidance of CA-KER-3366H shall be documented on construction plans.

If avoidance of CA-KER-3366H is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-3366H is not feasible, prior to the issuance of any grading or building permits, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of

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<tr>
<td>A. A qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor initial ground-disturbing activities.</td>
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<td>B. If cultural materials or artifacts are discovered, halt all work and contact a qualified archaeologist and Native American monitor to assess finds and recommend procedures.</td>
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<td>C. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor.</td>
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<td>D. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.</td>
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<td>E. Prior to final tract or parcel map recodation, provide Kern County Planning and Community Development Department a report of the findings prepared by a qualified archaeologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.</td>
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### Exhibit C

#### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

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<td><strong>Cultural Resources</strong></td>
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<td>the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield. If project phasing allows, multiple resources can be included in a single treatment plan document.</td>
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<td>#42</td>
<td><strong>MM 4.4-8: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-7852/H. If avoidance is feasible, the area within 50 feet of CA-KER-7852/H shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.</strong></td>
<td>Prior to issuance of grading permits</td>
<td>Planning and Community Development Department</td>
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<td>If avoidance of CA-KER-7852/H is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department. If avoidance within 50 feet of CA-KER-7852/H is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project. Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment</td>
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### 4.4 Cultural Resources

Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

#43 MM 4.4-9: Prior to issuance of grading permits and in coordination with the qualified archaeologist, the construction zone shall be narrowed or otherwise altered to avoid CA-KER-8286. If avoidance is feasible, the area within 50 feet of CA-KER-8286 shall be designated Environmentally Sensitive Area and marked with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.

If avoidance of CA-KER-8286 is feasible, prior to issuance of grading permits, a long-term cultural resources management plan shall be developed for this resource or portion(s) of the resource that can be avoided during project construction, in order to minimize future impacts during project operation and maintenance. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.

If avoidance of 50 feet of CA-KER-8286 is not feasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) of this resource to be impacted by the project.

Treatment shall consist of (but would not be limited to): a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; sample excavation; surface artifact collection; site documentation; and historical research, with the aim to target the recovery

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<td>C. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor.</td>
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<td>D. A copy of the cultural resources management plan shall be submitted to the Kern County Planning and Community Development Department.</td>
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<td>E. Prior to final tract or parcel map recordation, provide Kern County Planning and Community Development Department a report of the findings prepared by a qualified archaeologist as proof of pre-construction survey and, if necessary, successful completion of site-specific recommendations.</td>
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- of important scientific data contained in the portion of the significant resource to be impacted by the project. The Cultural Resources Treatment Plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Community Development Director prior to the issuance of a grading permit, and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

If project phasing allows, multiple resources can be included in a single treatment plan document.

**#44 MM 4.4-10:** Prior to the issuance of grading or building permits, and for the duration of construction activities, a Construction Worker Environmental and Cultural Awareness Training Program shall be provided to all new construction workers within one week of employment at the project site, laydown area and/or transmission routes. The training shall be prepared and conducted by the qualified archaeologist and may include participation of the Native American Monitor. The training may be in the form of a video.

The qualified archaeologist shall be available to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must resume when construction activities resume. The training shall include, but not be limited to:

1. A discussion of applicable cultural resources statues, regulations and related enforcement provisions;
2. An overview of the prehistoric and historic environmental setting and context, as well as current cultural information regarding local tribal groups, provided by the Native American Monitor or tribal leader;
3. A summary of the effects of the proposed project on cultural resources;
4. Samples or visuals of artifacts that might be found in the project area;

Prior to issuance of grading or building permits

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<tr>
<td>A. A qualified archaeological monitor and Native American monitor shall be retained by the project operator to conduct training.</td>
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<td>B. A copy of the Construction Worker Environmental and Cultural Awareness Training Program and the acknowledgement form signed by each worker indicating that environmental/cultural training has been completed shall be submitted to the Planning and Community Development Department</td>
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Addendum to Beacon Photovoltaic Project EIR
Springbok I Solar Farm and Oryx Solar Farm
By 8minutenergy Renewables, LLC

Mitigation Measure Monitoring Program
Planning Commission – February 27, 2014 DRAFT

Page 41 of 65
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- v. A discussion of what such artifacts may look like when partially or totally buried and then freshly exposed;  
- vi. A discussion of what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction;  
- vii. Instruction that in the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short-term and long term treatment plan. The qualified archaeologist, in consultation with the Planning and Community Development Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance;  
- viii. An informational guide that identifies the reporting procedures in the event of a discovery;  
- ix. Other information as deemed necessary by the qualified archaeologist or Native American Monitor;  
- x. An acknowledgement form signed by each worker indicating that environmental/cultural training has been completed.  
- xi. A sticker that shall be placed on hard hats indicating that the worker has completed the environmental/cultural training. Construction workers shall not be permitted to operate equipment within the construction area unless they have attended the training and are wearing hard hats with the required sticker;  
- xii. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to
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<td>the Kern County Planning and Community Development Department.</td>
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<td>#45</td>
<td>MM 4.4-11: Prior to issuance of a grading permit, a qualified archaeological monitor and Native American monitor shall be retained by the project operator to monitor ground-disturbing activities including, but not limited to, brush clearance and grubbing, grading, trenching, excavation, installation of panel support structures, and the construction of fencing and access roads. Monitoring shall include, at a minimum, all ground-disturbing activities, as defined above, within landforms Hf1, Hf1d, Hf2, and Hf4 (as defined in the geoarchaeological report prepared for the project [Far Western, May 2009], Landform Structure and Archaeological Sensitivity in the Beacon Solar Energy project Area); within unknown landforms; and within 100 feet of all significant or unevaluated historical. The duration and timing of monitoring shall be determined by the qualified archaeologist in consultation with the Lead Agency and based on the grading plans.</td>
<td>Prior to issuance of grading permits and during construction</td>
<td>Planning and Community Development Department</td>
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<td>In the event cultural resources are unearthed during ground-disturbing activities, the qualified archaeologist, the archaeological monitor and/or Native American monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the site until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designs an appropriate short-term and long term treatment plan. The qualified Archaeologist, in consultation with the Planning and Community Development Department and Native American Monitor shall establish an appropriate protocols and procedures for minimizing impacts during construction and future impacts during project operation and maintenance. The archaeological monitor shall keep daily logs and shall submit quarterly written updates to the Kern County Planning and Community Development Department. After monitoring has been completed, the qualified archaeologist shall prepare a monitoring report that details the results of monitoring, which shall be submitted to the Kern County Planning and Community Development Department and to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.</td>
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<td>MM 4.4-12: If cultural resources are encountered during the course of</td>
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<td>Ground disturbing activities, the project operator shall cease any ground disturbing activities within 100 feet of the find until it can be evaluated by the qualified archaeologist. Cultural resource materials may include, but are not limited to, prehistoric lithic artifacts, groundstone, fire-affected rock, midden (culturally-modified soil), historic-era household debris, ceramics, industrial materials, glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the resources may be significant, he or she shall notify the Planning and Community Development Department and shall develop an appropriate treatment plan for the resources. Treatment measures may include avoidance, preservation, removal, data recovery, protection, or other measures developed in consultation with the Planning and Community Development Department. Avoidance or preservation in place shall be the preferred means of mitigating impacts to cultural resources. The Planning and Community Development Department shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curatorial facility, if curation is deemed appropriate. A curation agreement between the project operator and accredited curatorial facility shall be executed prior to the issuance of a grading permit.</td>
<td>Prior to issuance of grading permits and during construction</td>
<td>Planning and Community Development Department</td>
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<td>#47</td>
<td>MM 4.4-13: Prior to the issuance of grading permits, a qualified paleontologist shall be retained to monitor all ground-disturbing activity that occurs at a depth of five feet or deeper below ground surface. The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the Kern County Planning and Community Development Department, and be based on the grading plans. Initially, all ground-disturbing activities deeper than five feet shall be monitored. However, during the course of monitoring, if the paleontologist can demonstrate that the level of monitoring should be reduced, the paleontologist, in consultation with the Kern County Planning and Community Development Department, may adjust the level of monitoring to circumstances, as warranted. Paleontological monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. The qualified paleontologist shall have authority to temporarily divert excavation operations away from exposed fossils to collect associated data and recover</td>
<td>Prior to issuance of grading permits and during construction</td>
<td>Planning and Community Development Department</td>
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**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. The project operator shall retain a qualified archaeologist to monitor grading and other earth-disturbing activities and, if activities uncover historical resources, to assess finds and recommended procedures.

C. The Planning and Community Development Department shall review and approve all reports, correspondence, and determinations regarding historical resources prepared by the qualified archaeologist.

D. Kern County Building Inspectors will verify compliance in the field prior to and during the construction period.
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<td>the fossil specimens if deemed necessary. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Following the completion of the above tasks, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Kern County Planning and Community Development Department and to the Natural History Museum of Los Angeles County.</td>
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<td><strong>#48</strong></td>
<td><strong>MM 4.4-14:</strong> If human remains are uncovered during project construction, the project operator shall immediately halt work, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. The Kern County Planning and Community Development Department shall also be notified of the discovery. If the County Coroner determines that the remains are Native American, the project operator shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the project operator shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.</td>
<td>During construction and operations</td>
<td>Planning and Community Development Department</td>
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### Steps to Compliance:

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. If required, the project operator shall contact the County Coroner to assess the find.
C. If required, the County Coroner shall contact the Native American Heritage Commission to assess the find.
D. The Planning and Community Development Department shall verify compliance with the mitigation measure.

### Justification:

Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
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<td><strong>MM 4.5-1</strong>: Prior to the issuance of grading permits, the project operator shall retain a qualified geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the sites. All grading and construction on site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements shall be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. A copy of the approved design shall be submitted to the Kern County Planning and Community Development Department.</td>
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<td>Kern County Building Inspection Department</td>
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<td>Kern County Engineering, Surveying, and Permit Services Department</td>
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### Steps to Compliance:

- **A.** Provide Kern County Building Inspection Department a copy of the geotechnical report prior to issuance of building and grading permits.
- **B.** Provide the construction supervisor and building inspector with the geotechnical report and adhere to all specifications and procedures and site conditions in the geotechnical report or, if more stringent, the California Building Code.
- **C.** If the project is altered from what is described in the report, contact a qualified soils engineer to review and reevaluate the changes.
- **D.** If the building inspector finds site preparation or construction activities out of compliance with the geotechnical report or the California Building Code, contact a qualified special investigator to review all grading, construction, and changes and verify that all changes are in accordance with approved grading plan, the geotechnical report, and recognized principles and practices.
- **E.** If necessary, provide site investigative reports prepared by the applicant’s engineer of record, the geotechnical engineer, and the special investigator for review by Kern County Engineering, Surveying, and Permit Services Department.
- **F.** If necessary, provide Kern County Planning and Community Development Department, Kern County Building Inspection Department, and Kern County Engineering, Surveying, and Permit Services Department with evidence of compliance with the soils engineer’s review and reevaluation and/or the special investigator’s review.
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<td>#50</td>
<td>MM 4.5-2: The project operator shall limit grading to the minimum area necessary for construction. The operator shall retain a California registered professional engineer to review the final grading earthwork and foundation plans prior to construction.</td>
<td>Prior to approval of grading and building plans and during grading</td>
<td>Planning and Community Development Department; Kern County Engineering, Surveying and Permit Services Department</td>
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<td><strong>Steps to Compliance:</strong></td>
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<td></td>
<td>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</td>
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<td>B. The project operator shall limit grading in the grading plans as outlined in the mitigation.</td>
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<td>C. The project operator shall have a California registered professional engineer review final grading earthwork and foundation plans prior to construction as outlined in mitigation.</td>
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<td>D. The Kern County Building Inspection Department, Engineering Surveying and Permit Services, and Planning and Community Development Department shall review and approve prior to issuing building and grading permits.</td>
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<td>E. The project operator shall provide copies of the final grading earthwork and foundation plans to the Planning and Community Development Department for verification and compliance.</td>
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<td><strong>MM 4.5-3:</strong> The project operator shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional and submitted for review and approval by the Kern County Engineering, Surveying and Permit Services Department. The plan shall include, but is not limited to, the following:</td>
<td>Prior to approval of grading and building plans and during grading</td>
<td>Planning and Community Development Department; Kern County Engineering, Surveying and Permit Services Department</td>
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<td>i. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Engineering, Surveying and Permit Services Department shall be reviewed for applicability);</td>
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<td>ii. Provisions to maintain flow in washes, should it occur, throughout construction;</td>
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By 8minutenergy Renewables, LLC

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Planning Commission – February 27, 2014 DRAFT

Page 47 of 65
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<td>iii. Provisions for site revegetation using native plants;</td>
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<td>iv. Sediment collection facilities as may be required by the Kern County Engineering and Survey Services Department;</td>
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<td></td>
<td>v. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and</td>
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<td></td>
<td>vi. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved.</td>
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</table>

**MM 4.5-4:** The project operator shall conduct grading activities pursuant to Kern County Grading Ordinance, Chapter 17.28 and as follows:

- i. Grade sites near slopes and embankments in a way that would prevent or minimize erosion damage to the slope;
- ii. Seed or otherwise revegetate complete slopes;
- iii. On steeper slopes, including wash embankments as necessary, use mulching or biodegradable erosion control blankets as appropriate to stabilize the topsoil until vegetation can be reestablished; and
- iv. On slopes where unusual flow conditions (e.g., flooding) are expected, employ more substantial erosion protection measures such as grouted cobble slope facings or manufactured slope protection.

**MM 4.5-5:** Prior to the issuance of any building permit for the operation and maintenance facility, the project operator shall obtain all required permits and approvals from Kern County Environmental Health Services Division, and shall implement all required conditions regarding the design and siting of the septic system and leach fields.

**Steps to Compliance:**

- A. Plans for septic system shall be submitted to the Kern County Planning Measure Monitoring Program Planning Commission – February 27, 2014 DRAFT

Page 48 of 65
## Exhibit C

### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>4.5</td>
<td>Geology and Soils</td>
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<td>Environmental Health Services Division for approval.</td>
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<td>B. Project operator shall submit final approved plans and permits for the septic system to the Kern County Planning and Community Development Department</td>
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</table>

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.

| 4.6    | Greenhouse Gas Emissions |                                |                              |      |          |
|        | No Mitigation required.  |                                |                              |      |          |
## Exhibit C

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<tr>
<td>4.7</td>
<td>Hazards and Hazardous Materials</td>
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<tr>
<td>#54</td>
<td><strong>MM 4.7-1</strong>: The project operator shall prepare a hazardous materials business plan and submit it to the Kern County Environmental Health Services Division/Hazardous Materials Section for review and approval. The hazardous materials business plan shall delineate hazardous material and hazardous waste storage areas; describe proper handling, storage, transport, and disposal techniques; describe methods to be used to avoid spills and minimize impacts in the event of a spill; describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction; and establish public and agency notification procedures for spills and other emergencies including fires. The project operator shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times. A copy of the approved hazardous materials business plan shall be submitted to the Kern County Planning and Community Development Department.</td>
<td>Prior to issuing building and grading permits, during operation</td>
<td>Kern County Planning and Community Development Department</td>
<td>Kern County Environmental Health Services Division/Hazardous Materials Section</td>
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<tr>
<td>#55</td>
<td><strong>MM 4.7-2</strong>: The contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Game and U.S Fish and Wildlife Service. Personnel applying herbicides shall have all appropriate state and local herbicide applicator licenses and comply with all state and local regulations regarding herbicide use. Herbicides shall be mixed and applied in conformance with the manufacturer’s directions. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife; products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.</td>
<td>Prior to construction</td>
<td>Kern County Planning and Community Development Department; Kern County Environmental Health Services Division</td>
<td></td>
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<tr>
<td>#56</td>
<td><strong>MM 4.7-3</strong>: In the event that suspect asbestos-containing materials are uncovered during project construction, work at the project sites shall</td>
<td>Prior to construction</td>
<td>Kern County Planning and Community Development</td>
<td></td>
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</tbody>
</table>

### Steps to Compliance:

**A.** Submit final hazardous material business plan to the Kern County Environmental Health Services Department/Hazardous Materials Section for review and approval.

**B.** The project operator shall provide the hazardous materials business plan to all contractors working on the project and shall ensure that one copy is available at the project site at all times.

**Steps to Compliance:**

**A.** This mitigation measure shall be incorporated as a condition of approval for any site plan review.

**B.** The project operator shall use herbicides as described in mitigation during construction and operations.

**C.** The Kern County Environmental Health Services Division shall verify compliance and licenses.

**D.** Evidence of compliance shall be submitted to the Kern County Planning and Community Development Department.
## Exhibit C

### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

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<td></td>
<td>Department.; Kern County Environmental Health Services Division</td>
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**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. If necessary, the project operator shall retain a hazardous materials professional to assess potential asbestos-containing materials.

C. Evidence of compliance shall be submitted to the Kern County Planning and Community Development Department.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
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<td>4.8</td>
<td><strong>Hydrology and Water Quality</strong></td>
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</table>
| #57                   | **MM 4.8-1:** Prior to issuance of a grading permit, the project operator shall submit a Stormwater Pollution Prevention Plan and applicable permits shall be obtained from the Lahontan Regional Water Quality Control Board (RWQCB) for the project to the Kern County Planning and Community Development Department that specifies best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended best management practices for the construction phase may include the following:  
  a) Stockpiling and disposing of demolition debris, concrete, and soil properly;  
  b) Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;  
  c) Implementing erosion controls;  
  d) Properly managing construction materials;  
  e) Proper protections for fueling and maintenance of equipment and vehicles; and  
  f) Managing waste, aggressively controlling litter, and implementing sediment controls. | Prior to issuance of building and grading permits | Planning and Community Development Department; Engineering, Surveying and Permit Services Department |      |          |
|                       | **Steps to Compliance:**                                                            |                               |                                                                                                |      |          |
|                       | A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.  
B. The project operator shall submit a Stormwater Pollution Prevention Plan (SWPPP) that specifies Best Management Practices.  
C. The Engineering, Surveying and Permit Services Division shall review and approve the Stormwater Pollution Prevention Plan.  
D. Copies of approval SWPPP shall be submitted to Kern County Planning and Community Development Department. |                               |                                                                                                |      |          |
|                       | **MM 4.8-2:** Prior to issuance of a grading permit, the project operator shall prepare a drainage plan that is designed to minimize runoff and surface water pollution and will include engineering recommendations to minimize the potential for impeding or redirecting 100-year flood flows. The final design of the solar arrays shall include one-foot of freeboard clearance between the bottom of the solar panel and the calculated maximum flood depths. Site grading shall be designed to prevent increasing the existing 100-year water surface elevations more than one foot or as required by Kern County’s Floodplain Ordinance. The drainage plan shall be prepared in accordance with the Kern County Grading Code, Kern County Hydrology Manual and policies related thereto and approved by the Kern County Engineering, Surveying and Permitting Services, Floodplain Management Section; Planning and Community Development Department. | Prior to issuance of grading permits | Kern County Engineering, Surveying and Permitting Services, Floodplain Management Section; Planning and Community Development Department |      |          |
|                       | **Steps to Compliance:**                                                            |                               |                                                                                                |      |          |
|                       | A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. |                               |                                                                                                |      |          |
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<td>4.8 Hydrology and Water Quality</td>
<td>Engineering, Surveying and Permit Services Department.</td>
<td>B. The project operator shall provide drainage plans to the Kern County Engineering, Surveying and Permitting Services, Floodplain Management Section for review and approval.</td>
<td>C. A copy of the approved drainage plan shall be submitted to the Kern County Planning and Community Development Department.</td>
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**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
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<td>4.9</td>
<td><strong>Land Use and Planning</strong></td>
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| #59          | **MM 4.9-1:** Prior to issuance of any building permit, the project operator shall provide for review and approval by the Kern County Engineering, Surveying, and Permit Services Department or a County-contracted consulting firm at a cost to be borne by the project operator. The Decommission Plan shall factor in the cost to remove the solar panels and support structures, replacement of any disturbed soil from removal of support structures, and control of fugitive dust on the remaining undeveloped land. Salvage value for the solar panels and support structures shall be included in the financial assurance calculations. The assumption, when preparing the estimate, is that the project operator is incapable of performing the work or has abandoned the solar facility, thereby-requiring Kern County to hire an independent contractor to perform the decommissioning work. In addition to submitting a Decommission Plan, the project operator shall post or establish and maintain financial assurances with Kern County related to the deconstruction of the site as identified on the approved Decommission Plan in the event that at any point in time the project operator determines it is not in the company’s best interest to operate the facility. The financial assurance required prior to issuance of any building permit shall be established using one of the following:  
    a) An irrevocable letter of credit;  
    b) A surety bond;  
    c) A trust fund in accordance with the approved financial assurances to guarantee the deconstruction work will be completed in accordance with the approved decommission plan; or  
    d) Other financial assurances as reviewed and approved by the respective County administrative offices, in consultation with the Kern County Planning and Community Development Department.  
    The financial institution or Surety Company shall give the County at least 120 days notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Engineering, Surveying, and Permit Services Department or County-contracted consulting firm(s) at a cost to be borne by the project operator to ensure the financial assurance is in place. **Steps to Compliance:**  
    A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.  
    B. The project operator shall prepare a decommissioning plan and submit the appropriate financial assurances to the Planning and Community Development Department.                                                                 |                               |                                                                                                |      |          |
### Exhibit C

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<td>substantiate those adequate funds exist to ensure deconstruction of all solar panels and support structures identified on the approved Decommission Plan. Should the project operator deconstruct the site on their own, the County will not pursue forfeiture of the financial assurance. Once deconstruction has occurred, financial assurance for that portion of the site will no longer be required and any financial assurance posted shall be adjusted or returned accordingly. Any funds not utilized through decommission of the site by the County shall be returned to the project operator. Should any portion of the solar field not be in operational condition for a consecutive period of twelve (12) months that portion of the site shall be deemed abandoned and shall be removed within sixty (60) days from the date a written notice is sent to the property owner and solar field owner, as well as the project operator, by the County. Within this sixty (60) day period, the property owner, solar field owner, or project operator may provide the director of the Kern County Planning and Community Development Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Community Development Director shall consider any such request at a Director’s Hearing as provided for in Section 19.102.070 of the Kern County Zoning Ordinance. In no case shall a solar field that has been deemed abandoned be permitted to remain in place for more than forty-eight (48) months from the date, the solar facility was first deemed abandoned.</td>
<td>Prior to project operations</td>
<td>Planning and Community Development Department</td>
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<td>#60</td>
<td><strong>MM 4.9-2:</strong> Prior to the operation of the solar facility, the operator shall consult with the Department of Defense to identify the appropriate Frequency Management Office officials to coordinate the use of telemetry to avoid potential frequency conflicts with military operations.</td>
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**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. The project operator shall consult with the Department of Defense FMO to coordinate frequency deconfliction.

C. The project operator shall submit a copy of the determination by the appropriate FMO to the Planning and Community Development Department to verify compliance.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the
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<td>extent feasible.</td>
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#### 4.10 Mineral Resources

**#61** MM 4.10-1: Prior to issuance of building permits, if a mineral rights holder submits written documentation of their legal right of surface entry to the Planning and Community Development Department, the following shall apply:

a) The project operator or its successor-in-interest (project operator) shall provide evidence of 1) the mineral owner’s written agreement with the project operator as to the location of the drilling area and the easements or 2) other documents confirming the mineral owner’s interest in the drilling area and right of access to the drill area, as well as sufficient pipeline and power line corridors from the drill site to a point exiting the property and right of access to the drill area, shall be submitted by project operator to the Kern County Planning and Community Development Department for verification and approval. The drilling areas shall be located in such a manner as to allow complete and efficient access to, and the exploration and/or extraction of, underlying oil reserves or other minerals.

b) The project operator shall record or cause to be recorded easements or other documents confirming the mineral owner’s interest in the drilling area and its right of ingress and egress to the drill area.

c) Should an alternative agreement to part a) and/or b) above, be reached between the mineral owner and the project operator, written documentation shall be submitted to the Kern County Planning and Community Development Department for verification prior to final site plan approval and the issuance of any grading or building permits for the development of solar facilities on the project sites.

---

**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. The project operator shall consult with the known mineral rights holder and come to a written agreement as to the location of the drilling area, right of access, and corridors.

C. The project operator shall record or cause to be recorded easements, offer documentation confirming the mineral owner’s interest, and/or develop an alternative agreement to the satisfaction of the mineral rights holder.

D. In the documentation developed by the project operator, assurance to the compliance with applicable plans shall be included.

E. The project operator shall submit the written agreement, recorded easements, documentation confirming the mineral owner’s interest, and/or alternative agreement to the Planning and Community Development Department in order to verify compliance with the mitigation measure.

---

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
### 4.11 Noise

**#62 MM 4.11-1:** To reduce temporary construction related noise impacts, the following shall be implemented by the project operator during on site construction activities that would occur within 0.5 miles of any residence:

a) To the extent practicable, the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

b) To the extent practicable, the construction contractor shall locate the pile driver such that the rear of the machine faces toward the noise sensitive receptors when the vibratory pile driver is being utilized.

c) A “noise disturbance coordinator” shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.

d) The construction contractor shall ensure proper maintenance and working order of equipment and vehicles, and that all construction equipment is equipped with manufacturers approved mufflers and baffles.

e) The construction contractor shall install and/or maintain sound-control devices in all construction and impact equipment, no less effective than those provided on the original equipment.

f) Construction contracts shall specify that notices shall be sent out to all residences immediately adjacent to the construction areas at least 15 days prior to commencements of construction. The notices shall include the constructions schedule and a telephone number where complaints can be registered with the noise disturbance coordinator. A sign legible at a distance of 50 feet shall also be posted at the construction site throughout construction, which includes the same details as the notices.

**Steps to Compliance:**

A. Adhere to hour limits as described in MM 4.11-1.
B. Copies of construction notices shall be submitted to the Kern County Planning and Community Development Department.
C. Kern County Building Inspection Department will verify in the field during the construction period.

**#63 MM 4.11-2:** Project construction hours shall comply with the Kern County
## Exhibit C

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<tr>
<td>4.11 Noise</td>
<td>Noise Ordinance (Municipal Ordinance Code 8.36.020).</td>
<td></td>
<td>Inspection Department</td>
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**Steps to Compliance:**
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The Kern County Building Inspection Department shall verify compliance.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
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<td>4.12</td>
<td>Public Services</td>
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<tr>
<td>#64</td>
<td>MM 4.12-1: In order to reduce impacts to public services including police and fire protection, the following shall be implemented:</td>
<td>Prior to issuing building and grading permits</td>
<td>Planning and Community Development Department</td>
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<td>a) The project operator shall pay for impacts to countywide public protection, sheriff patrol and investigation, and fire services at a rate of $28.84 per 1,000 square feet of panel-covered ground for the facility operation for the entire covered area of the project. The total amount shall be divided by the number of years of operation and paid on a yearly basis. The annual amount will be based on the square footage of ground covered by April 30 of each year, if completed in phases. The amount will be paid for each and all years of operation. The fee will be paid to the Kern County Auditor/Controller by April 30 of each calendar year.</td>
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<td>b) Written verification of ownership of the project shall be submitted to the Kern County Planning and Community Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company that pays assessed taxes that equal less than $1,000 per megawatt per year, than they will pay those taxes plus an amount necessary to equal the equivalent of $1,000 per megawatt. The amount shall be paid for all years of operation. The fee shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year.</td>
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<td>c) The project operator shall work with County staff to determine how the receipt of sales and use taxes related to the construction of the project will be maximized. This process shall include, but is not necessarily limited to, the project operator: obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, registering this address with the State Board of Equalization, using this address for acquisition, purchasing and billing purposes associated with the proposed project. The project operator shall allow the County to use this sales tax information publicly for reporting purposes.</td>
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<tr>
<td>#65</td>
<td>MM 4.12-2: The project operator shall develop and implement a fire safety plan for use during construction and operation. The project operator will</td>
<td>Prior to issuance of building and grading permits and during</td>
<td>Kern County Fire Department</td>
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<td><strong>Public Services</strong></td>
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submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval prior to the issuance of any building permit or grading permits. The fire safety plan will contain notification procedures and emergency fire precautions including, but not limited to, the following:

1. **All internal combustion engines, stationary and mobile, will be equipped with spark arresters. Spark arresters will be in good working order.**

2. **Light trucks and cars with factory-installed (type) mufflers will be used only on roads where the roadway is cleared of vegetation. These vehicle types will maintain their factory-installed (type) muffler in good condition.**

3. **Fire rules will be posted on the project bulletin board at the contractor’s field office and areas visible to employees.**

4. **Equipment parking areas and small stationary engine sites will be cleared of all extraneous flammable materials.**

5. **Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires to prevent them from growing into more serious threats.**

6. **The project operator shall make an effort to restrict the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.**

**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. The project operator shall submit a fire safety plan to the Kern County Fire Department for review and approval.

C. An approved fire safety plan shall be submitted to the Kern County Planning and Community Development Department.

D. The Kern County Building Inspection Department shall verify compliance in the field.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
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<tr>
<td>4.13</td>
<td>Traffic and Transportation</td>
<td>Prior to issuance of building or grading permits and after construction</td>
<td>Planning and Community Development Department; Kern County Roads Department; California Department of Transportation</td>
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</tr>
</tbody>
</table>

#### #66 MM 4.13-1: Prior to the issuance of construction or building permits, the project operator shall:

- **a)** Prepare and submit a Construction Traffic Control Plan to Kern County Roads Department and the California Department of Transportation District 9 office for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:
  - i. Timing of deliveries of heavy equipment and building materials;
  - ii. Directing construction traffic with a flag person;
  - iii. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
  - iv. Ensuring access for emergency vehicles to the project site;
  - v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
  - vi. Maintaining access to adjacent property;
  - vii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hour, distributing construction traffic flow across alternative routes to access the project site, and avoiding residential neighborhoods to the maximum extent feasible;

- **b)** Obtain all necessary permits for the work within the road right of way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued

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**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. The project operator shall submit a traffic control plan to the Kern County Roads Department for review and approval.

C. The project operator shall obtain necessary encroachment permits from Kern County Roads Department and California Department of Transportation, if necessary.

D. The project operator shall provide the Planning and Community Development Department with a copy of an approved traffic control plan, encroachment permits and executed secured agreements, which includes identification of roads to be used during construction.

E. The project operator shall submit preconstruction and post-construction videos documenting repairs to roads used during construction, as outlined in mitigation.

F. The Planning and Community Development Department shall review videos and documentation and verify compliance.
### Exhibit C

#### Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project

<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
<th>Time Frame for Implementation</th>
<th>Responsible Monitoring Agency</th>
<th>Date</th>
<th>Initials</th>
</tr>
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<tbody>
<tr>
<td>4.13</td>
<td><strong>Traffic and Transportation</strong>&lt;br&gt;permits shall be submitted to the Kern County Planning and Community Development Department.&lt;br&gt;c) Enter into a secured agreement with Kern County to ensure that any county roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.&lt;br&gt;Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Community Development Department and the Kern County Roads Department.&lt;br&gt;d) Submit documentation that identifies the roads to be used during construction. The project operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction activities. The project operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Roads Department and the Planning and Community Development Department.&lt;br&gt;e) Subsequent to completion of construction, submit a post-construction video log and inspection report to the County. This information shall be submitted in DVD format. The county, in consultation with the project operator’s engineer, shall determine the extent of remediation required, if any.</td>
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<tr>
<td>#67</td>
<td><strong>MM 4.13-2:</strong> The project operator shall consult with Caltrans- District 9, and construct a southbound acceleration lane that meets state highway standards, along the identified portion of SR 14, as required by Caltrans. Work shall be performed prior to or in conjunction with initial site grading work. Work must be completed prior to installation of any permanent buildings, equipment, or solar collector structures. Evidence of compliance shall be submitted to the Kern County Planning and Community Development Department.</td>
<td>Prior to grading activities</td>
<td>Planning and Community Development Department&lt;br&gt;Caltrans District 9</td>
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</tbody>
</table>

**Steps to Compliance:**
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. Evidence of compliance shall be submitted to the Kern County Planning and Community Development Department.
### Exhibit C

**Mitigation Measure Monitoring Program - Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

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<tr>
<th>Impact</th>
<th>Mitigation Measure</th>
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</thead>
<tbody>
<tr>
<td>4.13</td>
<td>Traffic and Transportation</td>
<td>Prior to issuance of building or grading permits</td>
<td>Planning and Community Development Department Union Pacific Railroad</td>
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<td></td>
</tr>
</tbody>
</table>

**#68 MM 4.13-3:** Prior to the issuance of grading or building permits, the project operator shall obtain the necessary permits and approvals from the Union Pacific Railroad for the construction of a crossing arm, or other crossing improvements to the Lone Pine Branch rail line. Copies of all permits and approvals shall be submitted to the Kern County Planning and Community Development Department.

**Steps to Compliance:**

A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.

B. Copies of all permits and approvals shall be submitted to the Kern County Planning and Community Development Department.

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
### Exhibit C

**Mitigation Measure Monitoring Program – Addendum to Environmental Impact Report for Beacon Photovoltaic Project**

<table>
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<table>
<thead>
<tr>
<th>4.14</th>
<th>Utilities and Service Systems</th>
</tr>
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<tbody>
<tr>
<td>#69</td>
<td><strong>MM 4.14-1:</strong> The project operator shall submit to the Kern County Environmental Health Services Division a revised site plan illustrating the location of all water wells on the project site, and a 10-foot no-build area radius around each known well. Copies of the site plan shall be submitted to the Kern County Planning and Community Development Department.</td>
</tr>
<tr>
<td></td>
<td>a) Prior to issuance of grading or building permits, the project operator shall obtain reactivated well permits from the Kern County Environmental Health Services Division for those wells that will be used to monitor groundwater and provide water supply to the project. Copies of the issued permits for the reactivated well shall be submitted to the Kern County Planning and Community Development Department.</td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong></td>
</tr>
<tr>
<td></td>
<td>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</td>
</tr>
<tr>
<td></td>
<td>B. Provide the revised site plan to the Kern County Environmental Health Services Division.</td>
</tr>
<tr>
<td></td>
<td>C. Provide a copy of the revised site plan to the Kern County Planning and Community Development Department.</td>
</tr>
<tr>
<td></td>
<td>D. Copies of the issued permits for the reactivated wells shall be submitted to the Kern County Planning and Community Development Department.</td>
</tr>
<tr>
<td>#70</td>
<td><strong>MM 4.14-2:</strong> During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. An on-site recycling coordinator shall be designated by the project operator to facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The on-site recycling coordinator shall also be responsible for ensuring that wastes requiring special disposal are handled according to state and County regulations that are in effect at the time of disposal. The name and phone number of the coordinator shall be provided to the Kern County Waste Management Department prior to issuance of building permits.</td>
</tr>
<tr>
<td></td>
<td><strong>Steps to Compliance:</strong></td>
</tr>
<tr>
<td></td>
<td>A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.</td>
</tr>
<tr>
<td></td>
<td>B. Prior to issuance of building and grading permits, designate onsite-recycling coordinator, provide name, and phone number to Kern County Waste Management Department.</td>
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<tr>
<td></td>
<td>C. Recycle construction waste to the extent feasible.</td>
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<td></td>
<td>D. Provide Kern County Planning and Community Development Department and Kern County Waste Management Department with copies of hauling receipts.</td>
</tr>
</tbody>
</table>

**Justification:** Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the final EIR to the extent feasible.
Resolutions
BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of: RESOLUTION NO. ***

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 14, MAP NO. 152

Approximately one mile south of the town of Cantil, northeast of California City, corner of Neuralia Road and Anne Avenue/Farmer John Lane (Springbok 1 Solar) in the County of Kern 62SK 8ME, LLC c/o 8Minutenergy Renewables, LLC (PP13319)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by ***, seconded by ***, was duly passed and adopted by said Planning Commission at an official meeting hereof this 27th day of February, 2014, by the following vote, to wit:

AYES: ***

NOES: ***

ABSTAINED: ***

ABSENT: ***

__________________________________________
SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

DRAFT
(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Community Development Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.206 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

   APN: 469-010-09

   Section12, T31S, R34E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Community Development Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforesaid parcel of real property, and more particularly Conditional Use Permits to allow for construction and operation of a 230 megawatts (MW) solar photovoltaic power generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District (Springbok 1 Solar Farm); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and
(i) Said notice of hearing stated that an Addendum Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Community Development Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Addendum Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Addendum Environmental Impact Report; and

The Director of the Planning and Community Development Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Addendum Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Community Development Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Community Development Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Addendum Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the

CUP #14, Map #152
February 27, 2014
subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, **ADOPT** Mitigation Measure Monitoring Program and **APPROVE**, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

(1) Conditional Use Permit No. 2, Map No. 153, Conditional use Permit No. 14, Map No. 152, and Conditional Use Permit No. 15, Map No. 152 authorize the construction and operation of 230 megawatt solar photovoltaic (PV) power generation facilities and accessory infrastructure on the 1,296 acres.

(2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Environmental Impact Report (EIR) and Addendum EIR associated with this conditional use permit; and that are deemed to be more intensive by the Director of the Kern County Planning and Community Development Department shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of these conditional use permits or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Community Development Department.

(3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Beacon Photovoltaic Project and the Addendum EIR for the Springbok 1 Solar Farm/Oryx Solar Farm sites are (Conditional Use Permit No. 2, Map No. 153, Conditional Use Permit No. 14, Map No. 152, and Conditional use Permit No. 15, Map No. 152); and included as Exhibit C of this Resolution; are hereby incorporated as Conditions of Approval.

(4) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.

(5) All necessary building permits must be obtained.

(6) **Prior to the issuance of building or grading permits,** the applicant shall submit documentation of the following:

   (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Measure Monitoring Program.

   (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.

   (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.

   (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the Kern County Engineering, Surveying, and Permit Services Department/ Floodplain Management, if required. Easements or grant deeds
shall be given to the County of Kern for drainage purposes or access thereto, as necessary.

(e) The project operator shall develop and implement an on-site pest management plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Community Development Department for approval.

(f) The project operator shall encourage all contractors for the project to hire at least 25% of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts prior to commencement of construction.

(g) The owner/operators of permitted uses that involve equipment or activities that store, use, or generate hydrocarbons, particulate matter, toxic chemicals, nuisance odors, or other air contaminants subject to air pollution control requirements, shall consult with, and be subject to the requirements of, the applicable Air Pollution Control District. If requested by the applicable Air Pollution Control District, the Building Official may withhold final inspection or issuance of a Certificate of Compliance for any structure on property containing a business which is in noncompliance with the requirements of that District until such time as the deficiencies are corrected.

(h) Prior to ground disturbance activities, the project proponent shall provide evidence to the Kern County Planning and Community Development Department the project operator and/or construction manager has provided a “Valley Fever Training Session” to all construction personal regarding Valley Fever. All evidence of the training session(s) shall be submitted to the Kern County Planning and Community Development Department within 24 hours of the training session. Multiple training sessions may be conducted if different work crews will come to the site for different stages of construction.

The “Valley Fever Training Session” shall include the following:

1. A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.

2. Distribution of a written flier or brochure that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever.

3. Training on methods that may help prevent Valley Fever infection.

4. A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though use of the equipment is not mandatory during work, the equipment shall be readily available and shall be provided to employees for use during work, if requested by an employee.
Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:

1. The project proponent shall provide evidence 15 days prior to construction activities a copy of the construction and grading schedule has been made available to the public through mailing to all parcels within 1,000 feet of the project site. The notices shall include the construction schedule and a telephone number where complaints can be registered. Signs legible at a distance of 50 feet shall also be posted at the construction site through construction activities which includes the same details as the notices.

2. The project proponent shall establish a “construction coordinator.” The construction coordinator shall be responsible for the following:
   
i. Responding to any local complaints about construction activities. The construction coordinator shall determine the cause of the construction complaint and shall be required to implement reasonable measures such that the complaint is resolved.
   
ii. Ensuring all appropriate construction notices have been made available to the public and all appropriate construction signs have been installed.
   
iii. Providing to the Kern County Planning and Community Development Department a weekly log of all construction related complaints (i.e., blowing dust, inability to access parcels, etc...) during project construction activities and the measures that were undertaken to address those concerns.

The project applicant shall submit a comprehensive Phased Grading Plan for review and approval by the Kern County Planning and Community Development Department. The Phased Grading Plan shall:

1. Identify a comprehensive grading schedule for the entire project site.

2. Minimize all grading activities to those areas necessary for project access and installation of solar panels and other associated infrastructure associated with the solar facility. Construction of solar panels shall commence on areas that have undergone initial grading within 20 calendar days.

3. Identify, in addition to those measures required by the Eastern Kern Air Pollution Control District, all measures being undertaken during construction activities and operational activities to ensure dust being blown off site is minimized. Measure may include, but are not limited to:
   
i. Increased use of water and or use of dust suppressant.
   
ii. Preseeding and/or use of wood chips as permitted by the Eastern Kern Air Pollution Control District.
   
iii. Construction of dust screening around the project site.
Prior to the issuance of building permits, the applicant shall submit documentation of the following:

(a) Solar panel support/foundation structures shall be constructed in such way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Kern County Planning and Community Development Director.

(b) If an Operations and Maintenance building is proposed, the applicant shall submit a revised plot plan with the parking and maneuvering areas clearly delineated. Parking spaces shall be a minimum of 9 feet by 20 feet in size and shall function independently of one another.

(c) The applicant shall submit septic plans to the Kern County Public Health Services Department/Environmental Health Division for review and approval. The plans will show location of the proposed septic system for the operations and maintenance buildings with 100 percent expansion area included. The septic system shall conform with the Uniform Plumbing Code.

(d) The applicant shall contact the Kern County Public Health Services Department/Environmental Health Division/Land and Water Division for proper destruction procedures if any abandoned wells are found during construction and grading.

(e) The applicant shall contact the Kern County Public Health Services Department/Environmental Health Division/Land and Water Division for water wells drilled for the proposed project.

Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

(a) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

(b) A minimum of ten on-site parking spaces shall be provided. Handicap accessible parking spaces shall be provided in accordance with the requirements of Title 24 of the California Administrative Code.

(c) Parking shall be provided as illustrated on the approved plan.

(d) All access drives, parking areas, and vehicle maneuvering areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete paving constructed over a minimum of three inches of compacted base material or material of higher quality. Where the project site does not have direct access to a County-maintained road, a paved access drive shall connect to the closest County-maintained road, and a paved tie-in shall be provided under encroachment permit from the Kern County Roads Department. The paved access drive shall be continuously maintained in good condition.
(e) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.

(f) Vehicle parking spaces shall be 9 feet by 20 feet or larger in size and shall be designated by white painted stripes, except as provided in Sections 19.82.030 and 19.82.040 of the Zoning Ordinance.

(g) All signs shall be approved by the Director of the Kern County Planning and Community Development Department prior to installation.

(h) Areas and containers shall be provided for the collection of recyclable materials consisting of plastic and aluminum beverage containers for the benefit of employees and customers. The collection site may be included in the required solid waste disposal area(s) or in a separate area meeting the enclosure requirements of Section 19.80.030.K of the Kern County Zoning Ordinance. The collection area(s) shall be maintained in good condition, and recyclable materials stored therein shall be collected regularly with a frequency that ensures that the collection site does not become a visual nuisance and does not result in the creation of health, safety, or vector problems.

(i) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Community Development Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

(a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.

(b) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating.

(c) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.

(d) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.

(e) Trash pickup shall occur a minimum of once each week. All trash and recyclable receptacles shall be enclosed within a six-(6-) foot-high, three-sided masonry enclosure with securable iron gate and shall be installed on an impervious surface at a location that is outside the required front-yard setback and convenient for refuse haulers and which does not interfere with on-site or off-site parking or circulation. For all commercial and industrial uses with five (5) or more employees, adequate space shall be provided for the collection and loading of recyclable materials.
(f) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.

(g) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.

(10) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.

(11) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.

(12) At the time building permits are applied for, a filing fee of $130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at $100 per hour; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Addendum Environmental Impact Report, and this Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Addendum Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.
The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high quality environment now or in the future. Mitigation measures have been incorporated from the Addendum Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

An addendum to the previously certified Environmental Impact Report is appropriate pursuant to CEQA Section 15164(a) which states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. This Commission finds that none of the conditions specified in CEQA Section 15162 have occurred.

The proposed use is consistent with the goals and policies of the General Plan.

The proposed use is consistent with the purpose of the applicable district or districts.

The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.060.

The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.

The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

Approval of this request is consistent with past Commission action for similar requests in the area.

The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.

Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.H of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.

In accordance with CEQA, the Lead Agency may conclude that certain mitigation measures identified are infeasible or otherwise ineffective during public review. In those circumstances, the Lead Agency, may delete those mitigation measures and substitute for them other mitigation measures the Lead Agency finds are equivalent or more effective in mitigating significant effects so long as they do not cause potentially significant effects. It is the Lead Agency's determination that clarification to proposed mitigation are considered more effective in mitigating significant
effects and are not considered new significant information requiring the recirculation of the Final EIR under CEQA and do not create new significant effects on the environment.

(14) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency’s determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.

(15) The fee required by California Department of Fish and Wildlife Code Section 711.4 has been previously paid for the processing of the Addendum Environmental Impact Report for this project, and under Section 711.4(g), we find that the project is not tiered or phased as set forth in Sections 15385 and 15165, respectively, of the State CEQA Guidelines, and separate environmental documents or review by the Department of Fish and Wildlife is not required, and further, based on the public interpretation of these statutes by the Department of Fish and Wildlife staff, find this approval and related Notice of Determination exempt from the payment of the otherwise applicable fee; and

(c) The Secretary of this Commission shall cause a Notice of Determination to be filed with the County Clerk; and

(f) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

62SK 8ME, LLC c/o 8Minutenergy Renewables, LLC (PP13319) (applicant) (1)
Grayburn Properties, Inc. (owner) (1)
Grayburn Properties, Inc. (owner) (1)
Kutu Investment Company…..et al (owner) (1)
Kern County Public Health Services Department/Environmental Health Division (1)
Kern County Fire Department (1)
Kern County Engineering, Surveying, and Permit Services Department/Floodplain Management (1)
Eastern Kern Air Pollution Control District (1)
Kern County Roads Department/Warren Maxwell (1)
Kern County Roads Department/Ray Olivas (1)
Kern County Engineering, Surveying, and Permit Services Department/Matt Frye (1)
California Department of Public Health (1)
Environmental Protection Agency (1)
Kern County Assessor/Chief, Realty Division (1)
File (3)
BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of: RESOLUTION NO. ***

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 15, MAP NO. 152

Approximately one mile south of the town of Cantil and north of California City at the northwest corner of Harriet Avenue and Cheyenne Boulevard (Oryx) in the County of Kern 62SK 8ME, LLC c/o 8Minutenergy Renewables, LLC (PP13319)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by ***, seconded by ***, was duly passed and adopted by said Planning Commission at an official meeting hereof this 27th day of February, 2014, by the following vote, to wit:

AYES: ***
NOES: ***
ABSTAINED: ***
ABSENT: ***

SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

DRAFT
(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Community Development Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.206 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

    APN: 469-040-03

    CUP 15, Map 152: Section 17, T31S, R37E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Community Development Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforesaid parcel of real property, and more particularly Conditional Use Permits to allow for construction and operation of a 230 megawatts (MW) solar photovoltaic power generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District (Oryx Solar Farm); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and
(i) Said notice of hearing stated that an Addendum Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Community Development Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Addendum Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Addendum Environmental Impact Report; and

The Director of the Planning and Community Development Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Addendum Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Community Development Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Addendum Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Community Development Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Addendum Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the

CUP #15, Map #152
February 27, 2014
subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the
decision of the Planning Commission that the application herein described be, and hereby, **Adopt** Mitigation Measure
Monitoring Program and **Approve**, as recommended by Staff, the application for the reasons specified in this
Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be
revised to include the following conditions of approval:

(1) Conditional Use Permit No. 2, Map No. 153, Conditional use Permit No. 14, Map No. 152, and
Conditional Use Permit No. 15, Map No. 152 authorize the construction and operation of
230 megawatt solar photovoltaic (PV) power generation facilities and accessory infrastructure on
the 1,296 acres.

(2) Any additional on-site development or expansion activities beyond those items described in the
staff report and certified Final Environmental Impact Report (EIR) and Addendum EIR
associated with this conditional use permit; and that are deemed to be more intensive by the
Director of the Kern County Planning and Community Development Department shall be subject
to review and approval and may entail further environmental review. Approval of such
development or expansion activities may also require modification of these conditional use
permits or the approval of a new conditional use permit at the discretion of the Director of the
Kern County Planning and Community Development Department.

(3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the
Beacon Photovoltaic Project and the Addendum EIR for the Springbok 1 Solar Farm/Oryx Solar
Farm sites are (Conditional Use Permit No. 2, Map No. 153, Conditional Use Permit No. 14, Map
No. 152, and Conditional use Permit No. 15, Map No. 152); and included as Exhibit C of this
Resolution; are hereby incorporated as Conditions of Approval.

(4) Development shall be in substantial conformity with the approved plan, and the approved plan
shall be revised to include the following conditions of approval.

(5) All necessary building permits must be obtained.

(6) **Prior to the issuance of building or grading permits,** the applicant shall submit
documentation of the following:

(a) The project proponent shall demonstrate compliance with all applicable mitigation
measures as listed in the approved Mitigation Measure Monitoring Program.

(b) The method of water supply and sewage disposal shall be as required and approved by
the Kern County Public Health Services Department/Environmental Health Division.

(c) Fire flows, fire protection facilities, and access ways shall be as required and approved by
the Kern County Fire Department.

(d) A plan for the disposal of drainage waters originating on-site and from adjacent road
rights-of-way shall be approved by the Kern County Engineering, Surveying, and Permit
Services Department/ Floodplain Management, if required. Easements or grant deeds
shall be given to the County of Kern for drainage purposes or access thereto, as necessary.

(e) The project operator shall develop and implement an on-site pest management plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Community Development Department for approval.

(f) The project operator shall encourage all contractors for the project to hire at least 25% of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts prior to commencement of construction.

(g) The owner/operators of permitted uses that involve equipment or activities that store, use, or generate hydrocarbons, particulate matter, toxic chemicals, nuisance odors, or other air contaminants subject to air pollution control requirements, shall consult with, and be subject to the requirements of, the applicable Air Pollution Control District. If requested by the applicable Air Pollution Control District, the Building Official may withhold final inspection or issuance of a Certificate of Compliance for any structure on property containing a business which is in noncompliance with the requirements of that District until such time as the deficiencies are corrected.

(h) Prior to ground disturbance activities, the project proponent shall provide evidence to the Kern County Planning and Community Development Department the project operator and/or construction manager has provided a “Valley Fever Training Session” to all construction personal regarding Valley Fever. All evidence of the training session(s) shall be submitted to the Kern County Planning and Community Development Department within 24 hours of the training session. Multiple training sessions may be conducted if different work crews will come to the site for different stages of construction.

The “Valley Fever Training Session” shall include the following:

1. A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.

2. Distribution of a written flier or brochure that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever.

3. Training on methods that may help prevent Valley Fever infection.

4. A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though use of the equipment is not mandatory during work, the equipment shall be readily available and shall be provided to employees for use during work, if requested by an employee.
(i) Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:

1. The project proponent shall provide evidence 15 days prior to construction activities a copy of the construction and grading schedule has been made available to the public through mailing to all parcels within 1,000 feet of the project site. The notices shall include the construction schedule and a telephone number where complaints can be registered. Signs legible at a distance of 50 feet shall also be posted at the construction site through construction activities which includes the same details as the notices.

2. The project proponent shall establish a “construction coordinator.” The construction coordinator shall be responsible for the following:

   i. Responding to any local complaints about construction activities. The construction coordinator shall determine the cause of the construction complaint and shall be required to implement reasonable measures such that the complaint is resolved.

   ii. Ensuring all appropriate construction notices have been made available to the public and all appropriate construction signs have been installed.

   iii. Providing to the Kern County Planning and Community Development Department a weekly log of all construction related complaints (i.e., blowing dust, inability to access parcels, etc…) during project construction activities and the measures that were undertaken to address those concerns.

(j) The project applicant shall submit a comprehensive Phased Grading Plan for review and approval by the Kern County Planning and Community Development Department. The Phased Grading Plan shall:

1. Identify a comprehensive grading schedule for the entire project site.

2. Minimize all grading activities to those areas necessary for project access and installation of solar panels and other associated infrastructure associated with the solar facility. Construction of solar panels shall commence on areas that have undergone initial grading within 20 calendar days.

3. Identify, in addition to those measures required by the Eastern Kern Air Pollution Control District, all measures being undertaken during construction activities and operational activities to ensure dust being blown off site is minimized. Measures may include, but are not limited to:

   i. Increased use of water and or use of dust suppressant.

   ii. Preseeding and/or use of wood chips as permitted by the Eastern Kern Air Pollution Control District.

   iii. Construction of dust screening around the project site.
Prior to the issuance of building permits, the applicant shall submit documentation of the following:

(a) Solar panel support/foundation structures shall be constructed in such way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Kern County Planning and Community Development Director.

(b) If an Operations and Maintenance building is proposed, the applicant shall submit a revised plot plan with the parking and maneuvering areas clearly delineated. Parking spaces shall be a minimum of 9 feet by 20 feet in size and shall function independently of one another.

(c) The applicant shall submit septic plans to the Kern County Public Health Services Department/Environmental Health Division for review and approval. The plans will show location of the proposed septic system for the operations and maintenance buildings with 100 percent expansion area included. The septic system shall conform with the Uniform Plumbing Code.

(d) The applicant shall contact the Kern County Public Health Services Department/Environmental Health Division/Land and Water Division for proper destruction procedures if any abandoned wells are found during construction and grading.

(e) The applicant shall contact the Kern County Public Health Services Department/Environmental Health Division/Land and Water Division for water wells drilled for the proposed project.

Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

(a) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

(b) A minimum of ten on-site parking spaces shall be provided. Handicap accessible parking spaces shall be provided in accordance with the requirements of Title 24 of the California Administrative Code.

(c) Parking shall be provided as illustrated on the approved plan.

(d) All access drives, parking areas, and vehicle maneuvering areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete paving constructed over a minimum of three inches of compacted base material or material of higher quality. Where the project site does not have direct access to a County-maintained road, a paved access drive shall connect to the closest County-maintained road, and a paved tie-in shall be provided under encroachment permit from the Kern County Roads Department. The paved access drive shall be continuously maintained in good condition.
(e) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.

(f) Vehicle parking spaces shall be 9 feet by 20 feet or larger in size and shall be designated by white painted stripes, except as provided in Sections 19.82.030 and 19.82.040 of the Zoning Ordinance.

(g) All signs shall be approved by the Director of the Kern County Planning and Community Development Department prior to installation.

(h) Areas and containers shall be provided for the collection of recyclable materials consisting of plastic and aluminum beverage containers for the benefit of employees and customers. The collection site may be included in the required solid waste disposal area(s) or in a separate area meeting the enclosure requirements of Section 19.80.030.K of the Kern County Zoning Ordinance. The collection area(s) shall be maintained in good condition, and recyclable materials stored therein shall be collected regularly with a frequency that ensures that the collection site does not become a visual nuisance and does not result in the creation of health, safety, or vector problems.

(i) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Community Development Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

(a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.

(b) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating.

(c) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.

(d) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.

(e) Trash pickup shall occur a minimum of once each week. All trash and recyclable receptacles shall be enclosed within a six- (6-) foot-high, three-sided masonry enclosure with securable iron gate and shall be installed on an impervious surface at a location that is outside the required front-yard setback and convenient for refuse haulers and which does not interfere with on-site or off-site parking or circulation. For all commercial and industrial uses with five (5) or more employees, adequate space shall be provided for the collection and loading of recyclable materials.
(f) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.

(g) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.

(10) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five-(5-) year period.

(11) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.

(12) At the time building permits are applied for, a filing fee of $130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at $100 per hour; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Addendum Environmental Impact Report, and this Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Addendum Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.
(3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high quality environment now or in the future. Mitigation measures have been incorporated from the Addendum Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

(4) An addendum to the previously certified Environmental Impact Report is appropriate pursuant to CEQA Section 15164(a) which states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. This Commission finds that none of the conditions specified in CEQA Section 15162 have occurred.

(5) The proposed use is consistent with the goals and policies of the General Plan.

(6) The proposed use is consistent with the purpose of the applicable district or districts.

(7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.060.

(8) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.

(9) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

(10) Approval of this request is consistent with past Commission action for similar requests in the area.

(11) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.

(12) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.H of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.

(13) In accordance with CEQA, the Lead Agency may conclude that certain mitigation measures identified are infeasible or otherwise ineffective during public review. In those circumstances, the Lead Agency, may delete those mitigation measures and substitute for them other mitigation measures the Lead Agency finds are equivalent or more effective in mitigating significant effects so long as they do not cause potentially significant effects. It is the Lead Agency’s determination that clarification to proposed mitigation are considered more effective in mitigating significant
effects and are not considered new significant information requiring the recirculation of the Final EIR under CEQA and do not create new significant effects on the environment.

(14) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency’s determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.

(15) The fee required by California Department of Fish and Wildlife Code Section 711.4 has been previously paid for the processing of the Addendum Environmental Impact Report for this project, and under Section 711.4(g), we find that the project is not tiered or phased as set forth in Sections 15385 and 15165, respectively, of the State CEQA Guidelines, and separate environmental documents or review by the Department of Fish and Wildlife is not required, and further, based on the public interpretation of these statutes by the Department of Fish and Wildlife staff, find this approval and related Notice of Determination exempt from the payment of the otherwise applicable fee; and

(e) The Secretary of this Commission shall cause a Notice of Determination to be filed with the County Clerk; and

(f) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

62SK 8ME, LLC c/o 8Minutenergy Renewables, LLC (PP13319) (applicant) (1)
Grayburn Properties, Inc. (owner) (1)
Grayburn Properties, Inc. (owner) (1)
Kutu Investment Company....et al (owner) (1)
Kern County Public Health Services Department/Environmental Health Division (1)
Kern County Fire Department (1)
Kern County Engineering, Surveying, and Permit Services Department/Floodplain Management (1)
Eastern Kern Air Pollution Control District (1)
Kern County Roads Department/Warren Maxwell (1)
Kern County Roads Department/Ray Olivas (1)
Kern County Engineering, Surveying, and Permit Services Department/Matt Frye (1)
California Department of Public Health (1)
Environmental Protection Agency (1)
Kern County Assessor/Chief, Realty Division (1)
File (3)
BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of: RESOLUTION NO. ***

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 2, MAP NO. 153

Approximately one mile south of the town of Cantil, northeast of California City, corner of Neuralia Road and Anne Avenue/Farmer John Lane (Springbok) in the County of Kern
62SK 8ME, LLC c/o 8Minutenergy Renewables, LLC (PP13319)

FINDINGS AND DETERMINATION

I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by ***, seconded by ***, was duly passed and adopted by said Planning Commission at an official meeting hereof this 27th day of February, 2014, by the following vote, to wit:

AYES: ***
NOES: ***
ABSTAINED: ***
ABSENT: ***

SENEGARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

RESOLUTION

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

DRAFT
(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Community Development Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.611 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: 334-030-57

Section 7, T31S, R38E, MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Community Development Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a conditional use permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforesaid parcel of real property, and more particularly Conditional Use Permits to allow for construction and operation of a 230 megawatts (MW) solar photovoltaic power generating facility (Section 19.12.030.G) in an A (Exclusive Agriculture) District (Springbok 1 Solar Farm); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

CUP #2, Map #153
February 27, 2014
(i) Said notice of hearing stated that an Addendum Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Community Development Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Addendum Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Addendum Environmental Impact Report; and

The Director of the Planning and Community Development Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Addendum Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Community Development Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Addendum Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Community Development Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Addendum Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the

CUP #2, Map #153
February 27, 2014
subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the
decision of the Planning Commission that the application herein described be, and hereby, **ADOPT** Mitigation Measure
Monitoring Program and **APPROVE**, as recommended by Staff, the application for the reasons specified in this
Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be
revised to include the following conditions of approval:

1. Conditional Use Permit No. 2, Map No. 153, Conditional use Permit No. 14, Map No. 152, and
   Conditional Use Permit No. 15, Map No. 152 authorize the construction and operation of
   230 megawatt solar photovoltaic (PV) power generation facilities and accessory infrastructure on
   the 1,296 acres.

2. Any additional on-site development or expansion activities beyond those items described in the
   staff report and certified Final Environmental Impact Report (EIR) and Addendum EIR
   associated with this conditional use permit; and that are deemed to be more intensive by the
   Director of the Kern County Planning and Community Development Department shall be subject
   to review and approval and may entail further environmental review. Approval of such
   development or expansion activities may also require modification of these conditional use
   permits or the approval of a new conditional use permit at the discretion of the Director of the
   Kern County Planning and Community Development Department.

3. All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the
   Beacon Photovoltaic Project and the Addendum EIR for the Springbok 1 Solar Farm/Oryx Solar
   Farm sites are (Conditional Use Permit No. 2, Map No. 153, Conditional Use Permit No. 14, Map
   No. 152, and Conditional use Permit No. 15, Map No. 152); and included as Exhibit C of this
   Resolution; are hereby incorporated as Conditions of Approval.

4. Development shall be in substantial conformity with the approved plan, and the approved plan
   shall be revised to include the following conditions of approval.

5. All necessary building permits must be obtained.

6. **Prior to the issuance of building or grading permits,** the applicant shall submit
   documentation of the following:

   (a) The project proponent shall demonstrate compliance with all applicable mitigation
       measures as listed in the approved Mitigation Measure Monitoring Program.

   (b) The method of water supply and sewage disposal shall be as required and approved by
       the Kern County Public Health Services Department/Environmental Health Division.

   (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by
       the Kern County Fire Department.

   (d) A plan for the disposal of drainage waters originating on-site and from adjacent road
       rights-of-way shall be approved by the Kern County Engineering, Surveying, and Permit
       Services Department/ Floodplain Management, if required. Easements or grant deeds
shall be given to the County of Kern for drainage purposes or access thereto, as necessary.

(e) The project operator shall develop and implement an on-site pest management plan specifically related to rodent vectors. The plan shall be submitted to the Kern County Planning and Community Development Department for approval.

(f) The project operator shall encourage all contractors for the project to hire at least 25% of their workers from the local Kern County communities. The project operator shall provide to the contractors a list of training programs that provide skilled solar workers and shall require the contractor to advertise locally for available jobs, notify the training programs of job availability, all in conjunction with normal hiring practices of the contractor. The project operator shall submit a letter detailing the hiring efforts prior to commencement of construction.

(g) The owner/operators of permitted uses that involve equipment or activities that store, use, or generate hydrocarbons, particulate matter, toxic chemicals, nuisance odors, or other air contaminants subject to air pollution control requirements, shall consult with, and be subject to the requirements of, the applicable Air Pollution Control District. If requested by the applicable Air Pollution Control District, the Building Official may withhold final inspection or issuance of a Certificate of Compliance for any structure on property containing a business which is in noncompliance with the requirements of that District until such time as the deficiencies are corrected.

(h) Prior to ground disturbance activities, the project proponent shall provide evidence to the Kern County Planning and Community Development Department the project operator and/or construction manager has provided a “Valley Fever Training Session” to all construction personal regarding Valley Fever. All evidence of the training session(s) shall be submitted to the Kern County Planning and Community Development Department within 24 hours of the training session. Multiple training sessions may be conducted if different work crews will come to the site for different stages of construction.

The “Valley Fever Training Session” shall include the following:

1. A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.

2. Distribution of a written flier or brochure that includes educational information regarding the health effects of exposure to criteria pollutant emissions and Valley Fever.

3. Training on methods that may help prevent Valley Fever infection.

4. A demonstration to employees on how to use personal protective equipment, such as respiratory equipment (masks), to reduce exposure to pollutants and facilitate recognition of symptoms and earlier treatment of Valley Fever. Though use of the equipment is not mandatory during work, the equipment shall be readily available and shall be provided to employees for use during work, if requested by an employee.
(i) Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:

1. The project proponent shall provide evidence 15 days prior to construction activities a copy of the construction and grading schedule has been made available to the public through mailing to all parcels within 1,000 feet of the project site. The notices shall include the construction schedule and a telephone number where complaints can be registered. Signs legible at a distance of 50 feet shall also be posted at the construction site through construction activities which includes the same details as the notices.

2. The project proponent shall establish a “construction coordinator.” The construction coordinator shall be responsible for the following:

   i. Responding to any local complaints about construction activities. The construction coordinator shall determine the cause of the construction complaint and shall be required to implement reasonable measures such that the complaint is resolved.

   ii. Ensuring all appropriate construction notices have been made available to the public and all appropriate construction signs have been installed.

   iii. Providing to the Kern County Planning and Community Development Department a weekly log of all construction related complaints (i.e., blowing dust, inability to access parcels, etc…) during project construction activities and the measures that were undertaken to address those concerns.

(j) The project applicant shall submit a comprehensive Phased Grading Plan for review and approval by the Kern County Planning and Community Development Department. The Phased Grading Plan shall:

1. Identify a comprehensive grading schedule for the entire project site.

2. Minimize all grading activities to those areas necessary for project access and installation of solar panels and other associated infrastructure associated with the solar facility. Construction of solar panels shall commence on areas that have undergone initial grading within 20 calendar days.

3. Identify, in addition to those measures required by the Eastern Kern Air Pollution Control District, all measures being undertaken during construction activities and operational activities to ensure dust being blown off site is minimized. Measure may include, but are not limited to:

   i. Increased use of water and or use of dust suppressant.

   ii. Preseeding and/or use of wood chips as permitted by the Eastern Kern Air Pollution Control District.

   iii. Construction of dust screening around the project site.
(7) **Prior to the issuance of building permits,** the applicant shall submit documentation of the following:

(a) Solar panel support/foundation structures shall be constructed in such way as to minimize the potential to entrap animals. Detailed schematic drawings depicting the solar panel support/foundation structures to be used on site shall be submitted for approval by the Kern County Planning and Community Development Director.

(b) If an Operations and Maintenance building is proposed, the applicant shall submit a revised plot plan with the parking and maneuvering areas clearly delineated. Parking spaces shall be a minimum of 9 feet by 20 feet in size and shall function independently of one another.

(c) The applicant shall submit septic plans to the Kern County Public Health Services Department/Environmental Health Division for review and approval. The plans will show location of the proposed septic system for the operations and maintenance buildings with 100 percent expansion area included. The septic system shall conform with the Uniform Plumbing Code.

(d) The applicant shall contact the Kern County Public Health Services Department/Environmental Health Division/Land and Water Division for proper destruction procedures if any abandoned wells are found during construction and grading.

(e) The applicant shall contact the Kern County Public Health Services Department/Environmental Health Division/Land and Water Division for water wells drilled for the proposed project.

(8) **Prior to final occupancy approval,** the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

(a) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

(b) A minimum of ten on-site parking spaces shall be provided. Handicap accessible parking spaces shall be provided in accordance with the requirements of Title 24 of the California Administrative Code.

(c) Parking shall be provided as illustrated on the approved plan.

(d) All access drives, parking areas, and vehicle maneuvering areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete paving constructed over a minimum of three inches of compacted base material or material of higher quality. Where the project site does not have direct access to a County-maintained road, a paved access drive shall connect to the closest County-maintained road, and a paved tie-in shall be provided under encroachment permit from the Kern County Roads Department. The paved access drive shall be continuously maintained in good condition.
(e) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.

(f) Vehicle parking spaces shall be 9 feet by 20 feet or larger in size and shall be designated by white painted stripes, except as provided in Sections 19.82.030 and 19.82.040 of the Zoning Ordinance.

(g) All signs shall be approved by the Director of the Kern County Planning and Community Development Department prior to installation.

(h) Areas and containers shall be provided for the collection of recyclable materials consisting of plastic and aluminum beverage containers for the benefit of employees and customers. The collection site may be included in the required solid waste disposal area(s) or in a separate area meeting the enclosure requirements of Section 19.80.030.K of the Kern County Zoning Ordinance. The collection area(s) shall be maintained in good condition, and recyclable materials stored therein shall be collected regularly with a frequency that ensures that the collection site does not become a visual nuisance and does not result in the creation of health, safety, or vector problems.

(i) The areas devoted to outside storage shall be treated with a dust binder or other dust control measure, as approved by the Director of the Kern County Planning and Community Development Department.

(9) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

(a) The development shall comply with any requirements of the Eastern Kern Air Pollution Control District.

(b) All exterior lighting shall be directed away from adjacent properties and roads. When lighting will be visible from a residential district or adjacent public roads, the lighting fixtures shall be equipped with glare shields or baffles to reduce light trespass onto adjacent properties and shall not exceed 25 feet in height above grade. Light fixtures shall be maintained in sound operating.

(c) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.

(d) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.

(e) Trash pickup shall occur a minimum of once each week. All trash and recyclable receptacles shall be enclosed within a six- (6-) foot-high, three-sided masonry enclosure with securable iron gate and shall be installed on an impervious surface at a location that is outside the required front-yard setback and convenient for refuse haulers and which does not interfere with on-site or off-site parking or circulation. For all commercial and industrial uses with five (5) or more employees, adequate space shall be provided for the collection and loading of recyclable materials.
(f) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.

(g) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.

(10) This permit shall become null and void if the use authorized has not been activated within a five-year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.

(11) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.

(12) At the time building permits are applied for, a filing fee of $130 may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required and charges will be billed at $100 per hour; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Addendum Environmental Impact Report, and this Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Addendum Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.
(3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high quality environment now or in the future. Mitigation measures have been incorporated from the Addendum Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

(4) An addendum to the previously certified Environmental Impact Report is appropriate pursuant to CEQA Section 15164(a) which states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. This Commission finds that none of the conditions specified in CEQA Section 15162 have occurred.

(5) The proposed use is consistent with the goals and policies of the General Plan.

(6) The proposed use is consistent with the purpose of the applicable district or districts.

(7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.060.

(8) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.

(9) The proposed use will not be materially detrimental to the health, safety, and welfare of the public or to property and residents in the vicinity.

(10) Approval of this request is consistent with past Commission action for similar requests in the area.

(11) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.

(12) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.H of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.

(13) In accordance with CEQA, the Lead Agency may conclude that certain mitigation measures identified are infeasible or otherwise ineffective during public review. In those circumstances, the Lead Agency, may delete those mitigation measures and substitute for them other mitigation measures the Lead Agency finds are equivalent or more effective in mitigating significant effects so long as they do not cause potentially significant effects. It is the Lead Agency’s determination that clarification to proposed mitigation are considered more effective in mitigating significant
effects and are not considered new significant information requiring the recirculation of the Final EIR under CEQA and do not create new significant effects on the environment.

(14) Pursuant to CEQA Section 15074.1, implementation of the proposed clarification to mitigation measure would not result in any new significant environmental impacts. A public hearing has been held that identified the proposed clarification as required. It is the Lead Agency’s determination the implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.

(15) The fee required by California Department of Fish and Wildlife Code Section 711.4 has been previously paid for the processing of the Addendum Environmental Impact Report for this project, and under Section 711.4(g), we find that the project is not tiered or phased as set forth in Sections 15385 and 15165, respectively, of the State CEQA Guidelines, and separate environmental documents or review by the Department of Fish and Wildlife is not required, and further, based on the public interpretation of these statutes by the Department of Fish and Wildlife staff, find this approval and related Notice of Determination exempt from the payment of the otherwise applicable fee; and

(e) The Secretary of this Commission shall cause a Notice of Determination to be filed with the County Clerk; and

(f) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

62SK 8ME, LLC c/o 8Minutenergy Renewables, LLC (PP13319) (applicant) (1)
Grayburn Properties, Inc. (owner) (1)
Grayburn Properties, Inc. (owner) (1)
Kutu Investment Company....et al (owner) (1)
Kern County Public Health Services Department/Environmental Health Division (1)
Kern County Fire Department (1)
Kern County Engineering, Surveying, and Permit Services Department/Floodplain Management (1)
Eastern Kern Air Pollution Control District (1)
Kern County Roads Department/Warren Maxwell (1)
Kern County Roads Department/Ray Olivas (1)
Kern County Engineering, Surveying, and Permit Services Department/Matt Frye (1)
California Department of Public Health (1)
Environmental Protection Agency (1)
Kern County Assessor/Chief, Realty Division (1)
File (3)