KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT

Board of Supervisors

STAFF REPORT

Date: September 13, 2022

FILE: CUP #60, Map #196;
CUP #61, Map #196;
S.D.: #2 - Scrivner

TITLE: (a) Conditional Use Permit No. 60, Map No. 196; and (b) Conditional Use Permit No. 61, Map No. 196

PROPOSAL: The proposed project would involve construction and operation of one photovoltaic (PV) power-generating facility, on 31 parcels, which would produce a combined total of 220 megawatts (MW) of electricity with up to four (4) gigawatt hours (GWh) of energy storage on approximately 1,200 acres of land in unincorporated Kern County. The proposal includes: **(a)** Conditional Use Permit (CUP) to allow for the construction and operation of a solar photovoltaic electrical generating facility, including energy storage (Section 19.40.030.G) in the M3 PD (Heavy Industrial - Precise Development) and M3 FPS PD (Heavy Industrial - Floodplain Secondary - Precise Development) Districts on approximately 631 acres, (CUP No. 60, Map No. 196); and **(b)** Conditional Use Permit (CUP No. 61 , Map No. 196) to allow for the construction and operation of a photovoltaic electrical generating facility, including energy storage (Section 19.12.030.G) in the A (Exclusive Agriculture); (Section 19.14.030.G) A-1 (Limited Agriculture); A-1 FPS PD (Limited Agriculture - Floodplain Secondary - Precise Development Plan) and (Section 19.40.030.G) M3 PD (Heavy Industrial - Precise Development) Districts on approximately 576 acres.

APPLICANT: Sanborn 2.0 Solar Project by Sanborn Solar, LLC by Tarragen (PP22403)

PROJECT SIZE: Approximately 1,200 acres

LOCATION: Generally located south of State Route 58 and immediately east of State Route 14 in the Mojave area (SD# 2) (see Figure 1 – Proposed Modified Project Vicinity Map).

SURROUNDING LAND USE/ZONING/GENERAL PLAN DESIGNATION: North - Mojave Air and Spaceport, undeveloped vacant land M-1 PD (Light Industrial - Precise Development Combining); South – Undeveloped Vacant Land and residential properties; East - Undeveloped vacant land and solar energy development; West - Wind and solar electrical generation facilities

PROJECT ANALYSIS: The project before your Board is a modification to the previously approved Sanborn Solar Project by Sanborn Solar, LLC, referred to in this staff report as the "approved project". The original project was approved, and an Environmental Impact Report (State Clearinghouse No. 2019060259) was certified by your Board of Supervisors on June 16, 2020, (Resolutions 2020-147 through 2020-150, Resolutions 2020-192 through 2020-194, Ordinance G-8956, G-8957, and G-8969). The project proponent is requesting modifications to the approved project which include the construction and operation of the Sanborn 2.0 Solar Project, referred to in this staff report as the "proposed modified project" or "proposed project modification". The proposed modified project is located approximately 17 miles southeast of the City of Tehachapi, approximately one mile south of the unincorporated community of Mojave, and approximately 10 miles north of the unincorporated community of Rosamond. The proposed modified project abuts the west side of the approved project site. The approved project and the proposed modified project are further described below.

Approved Project (2020)

In 2020, the Kern County Board of Supervisors approved the Sanborn Solar Project and certified the Environmental Impact Report (EIR), State Clearinghouse No. 2019060259. The Sanborn Solar Project consists of two discontinuous sites (Northern Project Site and Southern Project Site). Discretionary approvals in conjunction with the Sanborn Solar Project included Zone Change (ZCC) No. 56, Map 196; ZCC No. 2, Map No. 212; ZCC No. 59, Map No. 213; Conditional Use Permit (CUP) No. 5, Map No. 212; CUP No. 45, Map No. 196; CUP No. 66, Map No. 21; and a Specific Plan Amendment to the Circulation Element in the Mojave Specific Plan (SPA) No. 20, Map 196; to allow for the construction and operation of a photovoltaic electrical generating facility to generate a combined 300 megawatts (MW) of renewable electrical energy and up to three (3) gigawatt-hours (GWh) of energy storage capacity on approximately 2,006 acres of privately-owned land.

Current Proposal: Proposed Modified Project

The project applicant has requested two (2) Conditional Use Permits for the construction and operation of a photovoltaic (PV) solar facility that will generate 220 megawatts (MW) of renewable electrical energy and up to four (4) gigawatt-hours (GWh) of energy storage capacity on 31 parcels totaling approximately 1,200 acres. The entirety of the site will be owned by the project proponent, except for two parcels that are being leased from Mojave Public Utility District. Table 1, inserted below, shows a listing of proposed modified project Assessor Parcel Numbers (APNs), zoning and map codes, and acreage. For additional detail see attached Figure 2 – Assessor Parcelization Map.

The project site is located in unincorporated Kern County, within the boundaries of the Specific Plan. The proposed modified project's Vicinity Map is attached as Figure 1 and the Existing Specific Map Code Designations Map is attached as Figure 3. Existing Zoning consists of M3 PD (Heavy Industrial - Precise Development Plan), M3 FPS PD (Heavy Industrial - Flood Plain Secondary - Precise Development Plan) A (Exclusive Agriculture) A-1 (Limited Agriculture) A-1 FPS PD (Limited Agriculture, Floodplain Secondary, Precise Development Plan) (see Figure 4 – Existing Zoning Map).

The primary access route to the proposed modified project site is from SR 14 and SR 58 to Purdy Avenue, Myer Road, or Lone Butte Road. BNSF Railway runs diagonally in a northwest to southeast direction through the proposed modified project area that lies north of Purdy Avenue. The eastern edge of the proposed modified project north of the BNSF rail line extends about 0.25-mile east of Lone Butte Road. The southeastern edge of the proposed modified project is bounded by the BNSF rail line south of Purdy Avenue.

The proposed modified project is located approximately 0.4-mile south, and within the Airport Influence Area, of the Mojave Air and Space Port, which is operated by the East Kern Airport District and 15 miles northwest of Edwards Air Force Base, which is a military aviation installation (see Figure 5 - Airport Land Use Compatibility Plan (ALUCP) Map).

Table 1: Project Assessor Parcel Numbers, Acreage, Specific Plan Map Codes, and Zoning

APN[1]	Acreage	Zone Map	Current Mojave Specific Plan Map Code[2]	Current Zoning[3]
CUP 60 (18 parcels for approximately 631.3 acres)				
428-030-20	17.2	196	7.3	M-3, FPS, PD
428-030-21	22.6	196	7.3	M-3, FPS, PD
428-030-22	27.3	196	7.3	M-3, FPS, PD
428-030-23	18.9	196	7.3	M-3, FPS, PD
428-030-24	17.9	196	7.3	M-3, FPS, PD
428-030-25	21.4	196	7.3	M-3, FPS, PD
428-030-26	24.3	196	7.3	M-3, FPS, PD
428-030-27	29.1	196	7.3	M-3, FPS, PD

APN[1]	Acreage	Zone Map	Current Mojave Specific Plan Map Code[2]	Current Zoning[3]
427-030-28	20.7	196	7.3	M-3, PD
427-030-29	21.6	196	7.3	M-3, FPS, PD
427-030-30	22.2	196	7.3	M-3, PD
427-030-31	22.0	196	7.3	M-3, PD
427-030-32	21.0	196	7.3	M-3, PD
427-030-33	22.1	196	7.3	M-3, PD
427-410-01	81.8	196	7.3	M-3, FPS, PD
427-410-02	78.8	196	7.3	M-3, FPS, PD
427-410-03	83.3	196	7.3	M-3, PD
427-410-04	79.1	196	7.3	M-3, PD
CUP 61 (10 parcels for approximately 573.6 acres)				
428-140-04	101.5	196	5.6	A-1
428-140-05	19.9	196	8.5	A
428-140-06	19.5	196	8.5	A
428-140-07	19.0	196	8.5	A
428-140-08	18.2	196	8.5	A
427-020-17	135.0	196	5.6	A-1, FPS, PD
427-020-17	15.1	196	7.3	M-3, FPS, PD
427-020-17	0.6	196	7.3	M-3, FPS, PD
427-020-34	4.9	196	5.6/2.5	M-3, PD
427-020-41	18.3	196	5.6	A-1, FPS, PD
427-020-41	55.2	196	7.3	M-3, FPS, PD
427-020-45	141.5	196	7.3	M-3, FPS, PD
428-020-05	24.9	196	7.3	M-3, FPS, PD

[1]The project consists of 28 parcels. Both APNs 427-020-17 and 427-020-41 are bisected by the BNSF Railway which has resulted in different general plan designations and zoning within the same parcel.

[2] Mojave Specific Plan Map Codes

2.5 = Flood Hazard
5.6 = Residential Maximum 2.5 gross acres per unit
7.2 = Service Industrial
7.3 = Heavy Industrial
8.5 = Resource Management, Minimum 20 acres

[3] Zoning Districts

A = Exclusive Agriculture
A-1 = Limited Agriculture
FPS = Floodplain Secondary Combining District
M-2 = Medium Industrial
M-3 = Heavy Industrial
PD = Precise Development Combining District

The project site consists largely of undeveloped lands, comprised primarily of privately-owned parcels, with the exception of two parcels that are leased from the Mojave Public Utilities District. There are several existing and permitted solar energy, wind energy and transmission projects in the region.

The proposed modified project is immediately adjacent to the approved project and is generally undeveloped land with desert vegetation and sparse residential dwellings. Existing development

in the project vicinity includes rural access roads, scattered rural residences, agricultural, and solar energy, and cattle ranching. While there are no residential dwellings on the proposed modified project site, the community of Mojave is directly north of the proposed modified project with the nearest residences located 0.25-mile north of the northern property boundary. There are also rural residences located 0.2-mile west of the western property boundary. Other sensitive receptors within the proposed modified project vicinity include Mojave High School and Mojave East Park, located 0.75-mile and 0.6-mile north of the northern property boundary, respectively.

Staff notes there are no local areas designated as scenic vistas within the vicinity of the proposed modified project site, however, a portion of the Pacific Crest Trail (PCT) is approximately 8.5 miles northwest of the proposed modified project site.

Similar to the approved project, the proposed modified project is located on vacant, undeveloped, open space and is not being used for agricultural purposes. The proposed modified project is not located within the boundaries of an Agricultural Preserve and is not under any Williamson Act Land Use contracts. The project site is not designated by the California Department of Conservation (DOC) as prime Farmland, Farmland of Statewide Importance, or Unique Farmland.

The proposed modified project's solar facility would be located within the Airport Influence Areas of the Mojave Air and Space Port, which is operated by the East Kern Airport District (EKAD) and within the vicinity of Edwards AFB, which is a military aviation installation (see Figure 5, Airport Land Use Control (ALUCP) Map). Section 4.9 of the ALUCP addresses the Mojave Air and Space Port and land uses and procedures relative to its aviation and including height restrictions, and other compatibility criteria. In addition, Section 4.17.3 of the ALUCP requires that the Edwards AFB be notified of development that falls within identified notification categories.

Proposal

Implementation of the proposed modified project would facilitate the development of a photovoltaic (PV) solar facility to generate 220 megawatts (MW) of renewable electrical energy and up to 4 gigawatt-hours (GWh) of energy storage capacity on approximately 1,200 acres of privately and publicly owned land. The applicant is requesting approval of the following:

(a) Conditional Use Permit (CUP) to allow for the construction and operation of a solar photovoltaic electrical generating facility, including energy storage (Section 19.40.030.G) in the M3 PD (Heavy Industrial - Precise Development) and M3 FPS PD (Heavy Industrial - Floodplain Secondary - Precise Development) Districts (CUP No. 60, Map 196); and

(b) Conditional Use Permit (CUP) to allow for the construction and operation of a photovoltaic electrical generating facility, including energy storage in the (Section 19.12.030.G) A (Exclusive Agriculture); (Section 19.14.030.G) A-1 (Limited Agriculture); A-1 FPS PD (Limited Agriculture - Floodplain Secondary - Precise Development Plan), and (Section 19.40.030.G) M3 PD (Heavy Industrial - Precise Development) Districts (CUP No. 61, Map 196).

Implementation of the Proposed Modified Project Requires the Following Actions:

Conditional Use Permits

The project includes two applications for conditional use permits (both in Zone Map 196) to allow for the construction and operation of a solar photovoltaic (PV) power-generating facility and associated infrastructure necessary to generate 220 megawatts (MW) of renewable electrical energy and up to 4 GWh of energy storage capacity in the A (Exclusive Agriculture), A-1 (Limited Agriculture), and M-3 (Heavy Industrial) base Zone Districts accordance with Sections 19.12.030.G, 19.14.030.G, and 19.40.030.G, respectively, of the Kern County Zoning Ordinance.

Modified Project Characteristics

The proposed project facilities at the proposed modified site would include:

- Solar PV modules with solar trackers;
- Energy storage system;
- Collection, inverter, and transformer systems;
- Substation;
- Transmission;
- Operations & Maintenance (O&M) facility;
- Telecommunication and onsite meteorological stations; and
- Site access and security.

Details of each of these project characteristics is detailed below:

Solar PV Modules with Trackers

The proposed modified project would include installation of PV modules that would be mounted on steel support posts that would be pile-driven into the ground and connected to inverters. The modules would be made of a thin film material or polycrystalline silicon material covering the glass panes, which would be dark in color, highly absorptive, and have minimum reflectivity. The modules would be manufactured at an off-site location and transported to the site.

Solar modules for the proposed modified project would be provided on either a fixed-mount array system or a single--axis tracker system. Depending on the type of technology (modules) used, the panels would measure between four (4) and seven (7) feet in length, and the total height of the panel system measured from ground surface would be approximately seven (7) to twelve (12) feet. The length of each row of panels would be approximately 300 feet and would be oriented in the east-west direction in the case of a fixed-mount array being used, and oriented in the north-south direction in the case of single-axis trackers being used.

Spacing between each row would be approximately eight (8) to 22 feet to allow access and reduce shading between rows. Single-axis tracking systems would employ a motor mechanism that would allow the arrays to track the path of the sun (from east to west) throughout the day with a range of up to 120 degrees. The motors would be installed after the horizontal cross-members are in place. In the morning, the panels would face east. The panels would slowly move to the upright position at noon and on to the west at sundown. The panels would stow horizontally overnight, as operational conditions dictate. The panels would reset to the east in the evening or early morning to receive sunlight at sunrise.

Energy Storage System

The proposed energy storage system(s) would use direct current (DC)-coupled and/or alternating current (AC)-coupled battery storage. The DC energy storage system would be distributed and located throughout the solar arrays. The AC energy storage system could be either centralized and located close to the collector substation or distributed throughout the solar arrays. The energy storage batteries within both proposed systems would be housed in a structure or within connex boxes. If a structure is constructed, the maximum height (including any screening for heating, ventilation, and air conditioning [HVAC]) is anticipated to be approximately 30 to 35 feet. The batteries under this configuration would be housed in open-air-style racking (similar to computer racking) approximately 10 to 12 feet high. The associated inverters, transformers, and switchgear would be located immediately adjacent to the structure on concrete pads or driven pier foundations. The energy storage structure would also have a fire rating in conformance with County standards

and specialized fire suppression systems installed for the battery rooms. All non-battery rooms would have County-approved standard sprinkler systems if required. The structure would also have HVAC cooling in the battery room to maintain energy efficiency. Power to the HVAC, lighting, and similar would be provided via a connection to the on-site collector substation service transformer with connection lines installed above ground and/or below ground. The energy storage system would be unstaffed, with remote operational control and periodic inspections and maintenance performed as necessary.

Collection, Inverter, and Transformer Systems

The solar panels would be electrically connected to each other via above- and underground wiring. Underground electrical cables (underground collection system) would be installed from groups of PV arrays that would be arranged into power blocks. The cables would convey DC electricity to inverters, which convert the DC electricity to AC. All electrical inverters and the transformers would be dispersed among the arrays and installed on prefabricated metal skids that would sit on steel pier foundations or concrete foundations, depending on the design. The inverter pad transformers would step up the voltage of the array output, which would be collected at the on-site circuit breakers or switchgear positions. From the circuit breakers or switchgear positions, the medium-voltage collector lines would be routed to the on-site solar step-up collector substation.

Substation

The on-site collector substation is the termination point of the collection system of 34.5-kV AC electricity. The output of the entire field is passed through a final interconnection step-up transformer to convert it to the grid-tie voltage at 230 kV. Additionally, the proposed substation would host the grid intertie safety equipment and switches required to interconnect to the high-voltage transmission system. The open-air collector substation would likely be constructed north of Purdy Avenue. The proposed location of the collector station is shown within the plot plan in Figure 6. The footprint, up to 4 acres, would be sized to accommodate all required equipment with safety-related setbacks and would consist of components up to 80 feet in height.

Transmission

From the 230-kV collector substation, the energy generated would interconnect either with the existing 230-kV Sanborn gen-tie line, which heads west to the SCE-owned Windhub substation, or with a new gen-tie line built within the same gen-tie corridor as the approved Sanborn line. If interconnected with the existing Sanborn gen-tie line, the interconnection would be via the existing Sanborn and Edwards switching station or via a direct tap into the existing line. If a new gen-tie line is built, a 230-kV to 500-kV step-up substation will be built north of SCE's Windhub substation. The final design, layout, and required interconnection components would be determined at the detailed engineering stage.

Operations and Maintenance Facilities

The proposed modified project would include an on-site O&M building to be unmanned and monitored remotely 24 hours per day, seven days a week.

Telecommunication and On-Site Meteorlogical Stations

The proposed modified project will utilize a fiber-optic transmission system, and a telephone, radio, or other means of communication such as radio links and phase loop communication systems. The SCADA system functions as a remote start, stop, reset, and tag out for the facility, thus minimizing

labor and site diagnostic information generated from the panels. The SCADA system would also control the collector substation, allowing for fully centralized operation of the proposed modified project to meet all California Independent System Operator and utility interconnection requirements.

The proposed modified project would use local exchange carrier services for telecommunication to support remote monitoring requirements. The proposed modified project would connect to telecommunication fiber-optic lines owned and managed by AT&T or alternative provider. The cabinet holding the connection equipment would have a base of approximately four (4) feet by two (2) feet and would be approximately five (5) feet in height. From the point of demarcation, an underground fiber-optic cable would be installed within the proposed modified project footprint to connect the cabinet to the SCADA equipment within the solar collector substation.

Site Access and Security

The proposed modified project can be accessed from various separate roadways. Interstate 5 is the largest highway that would provide regional access to the site from the north and the south, along with SR-14, SR-58, and SR-138 to local roads. The solar facility can be accessed via Purdy Avenue, Myer Road, and Lone Butte Road. The proposed modified project ingress and egress locations are shown in the preliminary plot plan in Figure 6.

Fencing would be installed around the perimeter of each site, substation, switchyard, and other areas requiring controlled access for safety and security purposes. The fencing would remain for the life of the proposed modified project.

Permanent motion-sensitive, directional security lights would be installed to provide adequate illumination around the substation areas, points of ingress/egress and at the inverter stations. All lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. All lighting would conform to applicable County night-sky ordinance requirements. Lighting would be used from dusk to dawn once the facilities are operational. Motion-sensitive cameras may also be installed throughout each solar facility at the inverters for added security. The cameras would be mounted on poles approximately 20 feet in height.

Water Usage

The proposed modified project's construction water demand (primarily for dust control) is estimated to be approximately 200 acre-feet over an estimated 18-month construction period. The modified project's water demand during the operational phase of the project is not expected to be more than 25 acre-feet per year (AFY) throughout the anticipated life of the project primarily for panel washing activities, fire suppression, and site maintenance. The proposed modified project's construction and operational water demands would be met by importing water from the MPUD, which derives all or most of it's supply from the underlying Fremont Valley Groundwater Basin, or from a local water purveyor.

Work Force

During the estimated 18-month construction phase the average workforce is expected to be approximately 475 average daily workers, with a conservative peak of 800 workers for short periods of time, which is typically a few weeks. During the operational phase, the proposed modified project would have approximately six (6) permanent full-time staff employees to maintain the O&M facility and perform administration duties and repair and maintenance activities such as semi- and annual services. Two (2) to five (5) additional staff would be needed for panel washing,

which is expected to take 10 days to complete per wash, up to four times per year, or a total of 40 days per year.

The same Mitigation Measures adopted for the approved project would be applied to the proposed modified project, with the exception of the modifications as shown below, with text proposed to be added in underline font, and text proposed to be deleted in ~~strikeout~~ font.

Mitigation Measure MM 4.14-2 was further revised after preparation of the addendum to the previously certified EIR for the Sanborn Solar Project. This revision is shown below with proposed text in **bold/double underline** font and deleted text in ~~strikeout~~ font. This revision is a result of the project proponent's uncertainty to commit to a full buildout out of the proposed 4 GWh of battery storage due to the California Independent System Operator (CalISO) decision limiting the ability for battery storage projects to connect to the Tehachapi Renewable Transmission Project line. The County will require a $550 per net acre annual payment for the Cumulative Impact Charge (CIC). The CIC is required for the project impacts to public services to be found less than significant. Cumulative property tax losses on solar projects from the State of California Active Solar Energy Exclusion from assessment on solar equipment affects surrounding communities by using land that would otherwise generate property taxes for essential services. Such services can not be provided, and the communities have experienced decline in business attraction and resulting blight.

MM 4.4-1 (revised): Prior to the issuance of grading or building permits, the project proponent/operator shall conduct preconstruction surveys to map the location and quantify the number of Joshua trees, Wiggins' cholla, and beavertail prickly pear.

a) The project proponent/operator shall pay the required fee to remove Wiggins' cholla, beavertail pricklypear, and Joshua tree in accordance with the California Desert Native Plants Act prior to construction activities.

    i. If, at the commencement of project construction, Joshua trees are still considered a CESA candidate species or have been listed as threatened or endangered under CESA:

        1) The project proponent/operator shall consult with California Department of Fish and Wildlife (CDFW) regarding the take of Joshua trees and shall comply with all avoidance, minimization, and compensatory mitigation requirements set forth any incidental take permit issued for the Project. If avoidance and minimization requirements imposed by CDFW through issuance of an incidental take permit for the Project are more stringent than the requirements of this mitigation measure, the incidental take permit's requirements shall supersede the requirements set forth below.

        2) The project proponent/operator shall provide compensatory mitigation for the take of Joshua trees at a minimum ratio of 1.5:1 based on the total acreage of canopy coverage of Joshua trees taken by the project. This requirement shall be superseded by any more stringent compensatory mitigation requirements that may be imposed by CDFW through issuance of an incidental take permit for the Project.

    ii. To avoid and minimize Project impacts on Joshua trees, the project proponent/operator shall implement the following measures:

        1) Project proponent/operator shall protect all Joshua trees in the Project Site that will be preserved by fencing, flagging, or staking establishing a buffer to protect the dripline plus no less than 5 feet from the dripline. Project proponent/operator shall maintain and/or replace those temporary protection measures as needed during construction. All vegetation removed from the Project shall be distributed away from Joshua trees identified for preservation.

2) The Project proponent/operator shall ensure that preserved Joshua trees on the Project site are protected from disturbance during operations and maintenance activities performed in the vicinity of preserved trees. The trees shall be protected during such activities by installing temporary fencing, flagging, or stakes establishing a buffer to protect the dripline plus no less than 5 feet from the dripline.

b) All alkali mariposa lilies that cannot feasibly be avoided in final project design shall have bulbs collected prior to construction. Additionally, a transplantation plan for alkali mariposa lily will be submitted and approved by the County prior to ground disturbance and bulb collection. The plan will include the following:

i. Identify an area of occupied habitat either on site or off site to be preserved and where transplantation of bulbs will occur; and methods for preservation, restoration, enhancement, and/or translocation.

ii. Indicate a replacement ratio and success standard of 1:1 for impacted to individuals.

iii. Establish a monitoring program to ensure mitigation success.

iv. Create an adaptive management and remedial measures in the event that performance standards are not achieved.

v. Ensure financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity.

c) Temporary ground disturbance associated with the transmission lines shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity) and revegetated with an application of a native seed mix prior to or during seasonal rains to promote passive restoration of the area to pre-project conditions. However, if invasive plant species were present, these species would not be restored. An area subjected to temporary ground disturbance means any area that is disturbed but will not be subjected to further disturbance as part of the project. This does not include areas already designated as urban/developed. Prior to seeding temporary ground disturbance areas, the qualified biologist will review the seeding palette to ensure that no seeding of invasive plant species, as identified in the most recent version of the California Invasive Plant Inventory for the region, will occur.

MM 4.4-6 (revised): ~~Prior to construction in the southern portion of the site, the project proponent/operator shall conduct preconstruction desert tortoise surveys in accordance with the U.S. Fish and Wildlife Service protocol (2010).~~ If no occupied burrows, fresh sign, or desert tortoise are discovered during preconstruction surveys conducted pursuant to Mitigation Measure MM 4.4-5, no further mitigation under this mitigation measure is necessary. A survey report shall be submitted outlining the survey results.

If occupied burrows, fresh sign, or desert tortoise are discovered during preconstruction surveys conducted pursuant to Mitigation Measure MM 4.4-5, a permanent tortoise proof exclusion fence shall be installed around portions of the project cleared of occupied burrows, fresh sign or desert tortoise. If an occupied burrow, fresh sign, or desert tortoise are observed during preconstruction surveys or incidentally prior to or during construction activities, within the construction area, the project proponent/operator shall redesign the project layout so that the location of the occupied burrow, fresh sign, or desert tortoise would be avoided by the project and construction. For occupied burrows, an additional 300-foot buffer from the burrow would be avoided by the project and construction. The permanent tortoise proof exclusion fence would be installed so that any occupied burrow (and its 300-foot buffer), fresh sign, or desert tortoise is outside of the exclusion fence to prevent tortoise from entering the site.

The permanent tortoise proof exclusion fence shall be installed around all construction and operation areas prior to the initiation of earth disturbing activities, in coordination with a qualified biologist. The fence shall be designed in such a manner to allow other wildlife to access through the permanent security fence and be constructed of 1-inch horizontal by 2-inch vertical mesh hardware cloth and extend 22-24 inches above ground and 12 inches below ground. Ultimate fence design must allow for desert kit fox pups to move in and out of the site, and species as large as coyotes access, but still protect the site from possible desert tortoise incursions (e.g., cinder block steps to a raised gap or opening in the fence). Where burial of the fence is not possible, the lower 12 inches shall be folded outward against the ground and fastened to the ground so as to prevent desert tortoise entry. The fence shall be supported sufficiently to maintain its integrity, be checked at least monthly during construction and operations, and maintained when necessary by the project operator to ensure its integrity. Provisions shall be made for minimizing the potential for tortoise entry by placement of tortoise guards at the site entry. Common raven perching deterrents shall be installed as part of the fence construction.

A qualified biologist shall conduct a preconstruction survey for desert tortoise within the construction site, as well as before and after installation of desert tortoise exclusionary fencing (if required to be installed) and of project security fencing. A qualified biologist has the appropriate education and experience to accomplish biological monitoring and mitigation tasks and is approved by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. Two surveys without finding any desert tortoises or new desert tortoise sign shall occur prior to declaring the site clear of desert tortoises.

A qualified biologist shall remain on site until all vegetation necessary for the construction of the project is cleared and, at a minimum, conduct site and fence inspections on a monthly basis throughout construction in order to ensure project compliance with mitigation measures.

A qualified biologist shall remain on-call throughout fencing and grading activities in the event a desert tortoise wanders onto the project site.

MM 4.5-2 (revised): The project proponent shall ensure the following measure is implemented for the prehistoric archaeological site located within the northern site (SS-S-110) as well as prehistoric Site-005:

a) Prior to conducting initial ground disturbance in the vicinity of the archaeological site SS-S-110, as well as the newly identified prehistoric archaeological site (Site-005), and in coordination with the Lead Archaeologist and Native American monitor(s), an exclusion area, consisting of the significant deposits located at SS-S-110 and prehistoric archaeological site (Site-005), and a 50-foot buffer around each of the sites, shall be temporarily marked with exclusion markers or protective fencing as determined by the Lead Archaeologist and Native American monitor. In the event avoidance is not feasible, a testing plan to confirm resource boundaries and the presence of subsurface materials, and a data recovery plan, if required, shall be prepared by a professional archaeologist that is reviewed and approved by the County in consultation with the Native American monitor.

MM 4.11-1 (revised): Prior to issuance of any building permit, the project operator shall provide a Decommission Plan 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 Natural Resources Department.

The financial institution or Surety Company shall give the County at least ~~120~~ 180 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 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 Natural Resources Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources 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 4.14-2 (revised): ~~The project proponent/operator shall implement the following mitigation steps at the project site:~~

~~a. For facility operation, the project proponent/operator shall pay for impacts on countywide public protection, sheriff's patrol and investigative services, and fire services at a rate of $29.59 per 1,000 square feet of panel-covered ground for the facility operation and related onsite structures for the entire covered area of the project. The total amount shall be divided by 20and paid on a yearly basis. Any operation that continues past 20 years will pay the same yearly fee. If completed in phases, the annual amount shall be based on the square footage of ground covered by April 30 of each year. The amount shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year for each and every year of operation. Copies of payments made shall be submitted to the Kern County Planning and Natural Resources Department.~~

The following Cumulative Impact Charge (CIC) shall be implemented as an annual payment due every year for the life of the project or as a lump sum payment for multiple years until the project is decommissioned and the Conditional Use Permit is voided.

a. Submittal of Building Permit

i. Any building permit submitted shall be accompanied by a map and legal description of the entire approved Conditional Use Permit area.

ii. The map shall calculate the CIC net acreage as follows:

a) Total gross acreage of the approved Conditional Use Permit.

b) Total acres for Operations and Maintenance building and permanent accessory improvements.

c) Total acres for Energy Storage structure and permanent accessory improvements.

d) Total acres of recorded easements.

iii. Formula: Net Acreage = (ii)a minus the sum of [(ii)b + (ii)c + (ii)d].

iv. Temporary storage areas or non-permanent commercial coaches or cargo containers for construction or operations are not eligible for inclusion under (ii)b or (ii)c, above.

v. All areas of buildings, accessory improvements, and easement used in the calculations shall be shown on the submitted Map.

b. Calculation and Payment of Cumulative Impact Charge (CIC)

1. A payment of ~~$320~~ **$550** per net acre shall be paid annually for all acres in the approved Conditional Use Permit regardless of phased implementation of building permits, the total number of building permits, or type of building permit issued. ~~If a future project phase or phases become subject to state property taxes, the annual CIC paid by the developer shall be based upon the acreage within the approved Conditional Use Permit that is not subject to state property taxes. In addition, annual CIC payments made for acres in future phases before these acres are developed shall be credited against on-going CIC obligations on developed acres that continue to be exempt from state property taxes.~~

2. The first payment is due upon issuance of the first building permit. If it is not paid within 30 days after issuance of the first building permit, all such permits shall be suspended until the fee is paid in full.

3. Annual payments are due every year on the date of the first building permit issuance.

4. Payments shall be made to the Planning and Natural Resources Department for transfer directly to the County Administrative Office Fiscal Division (CAO) and labeled Cumulative Impact Charge (CIC) with the project name, location, and APNs.

5. Any acres denoted for an operation and maintenance building or energy storage that is not built, cannot be used for solar panels unless payment is provided for the Cumulative Impact Charge (CIC).

6. An advance payment option for a lump sum of all payment years, 5 or more years, or a reduction in each year's payment for 5 or more years, may be requested by submittal of a written request to the Planning and Natural Resources Department with details of the offer

no later than 60 days before the yearly payment is due. A 10% discount in the lump sum amount will be applied if the advance payment option is accepted by the County Administrative Office Fiscal Division (CAO) by written response.

MM 4.14-3 (revised): ~~b.~~ Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company with assessed taxes that total less than ~~$1,000~~ $3,000 per megawatt per year, then ~~that entity shall pay the taxes plus the 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~~ a Supplemental Cumulative Charge (SCIC) shall be paid for the difference annually up to $3,000 per megawatt. The SCIC payments shall be made annually directly to the County Administrative Office (CAO) Fiscal Division and labeled "Supplemental Cumulative Impact Charge (SCIC)" with the project name and phase number.

MM 4.14-4 (revised): ~~c.~~ The project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.

MM 4.14-5 (revised): ~~d.~~ Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. The project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.

Addendum Environmental Impact Report (EIR)

An addendum to the previously certified EIR for the Sanborn Solar Project (State Clearinghouse No. 2019060259) was prepared for the proposed modified 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 proposed modified project. This Addendum EIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA. A copy of this Addendum EIR may be accessed at the Department's website at: https://kernplanning.com/environmental-doc/sanborn-solar-project/

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.

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 the background of the proposed modified project; explains the rationale for preparing an Addendum to the EIR as the appropriate form of environmental review pursuant to CEQA; and explains the purpose, scope, and content of the Addendum.

- Chapter 2, Modified Project Description, describes the location and details of the proposed modified project.

- Chapter 3, Environmental Analysis, evaluates whether the proposed modifications to the approved project would result in new or substantially more severe significant environmental impacts compared with the impacts disclosed in the certified EIR.

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

- Chapter 5, References, lists the documents and individuals consulted during preparation of the Addendum.

The Final Sanborn Solar Project EIR and the 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 the proposed Sanborn 2.0 Solar modified project Addendum:

Addendum Scope of Environmental Review

The Addendum evaluated the potential for the proposed modified project to result in new or substantially more severe significant impacts compared to the impacts disclosed in the EIR prepared for the approved project. The environmental analysis provided below describes the information that was considered in evaluating the questions contained in the Kern County California Environmental Quality Act (CEQA) Checklist. The information used in this evaluation

includes the certified EIR, the modified proposed project description, new technical studies, literature reviews, and field reconnaissance.

The modified project would incorporate and implement all mitigation measures identified in the certified Sanborn Solar Project EIR, with exception to the proposed modifications to specific mitigation measures noted above. Specific mitigation measures relevant to a particular impact of the modified project are cited in the same manner as in the EIR and the associated Mitigation Measure Monitoring Program adopted in conjunction with the previous Sanborn Solar Project approvals.

The certified EIR assessed environmental impact of the previously approved Sanborn Solar Project, which allowed for the construction and operation of a photovoltaic (PV) power-generating facility on 2,006 acres. Components of the Sanborn Solar Project included:

- Installation of approximately 300-MW of solar PV modules made of crystalline-silicon or thin-film material covered by glass, mounted on a galvanized metal fixed tilt racking or single axis tracking systems embedded into the ground.
- Battery energy storage facilities and accessory infrastructure that would provide the ability to store up to 3GWh of energy for the electric grid.
- An onsite solar substation not to exceed 3 acres in size.
- An on-site manned O&M building.
- Onsite access roads.
- Perimeter security fencing 6- to 8-feet high.
- Meteorological data collection systems and supervisory control and data acquisition (SCADA).
- Telecommunication equipment (both on site and off site) including underground and overhead fiber optics and wireless communications infrastructure such as cell, satellite, or microwave tower.

The potential impacts of the Sanborn Solar Project were assessed in the 2020 Sanborn Solar Project Final Certified EIR and approved in:

- Amendment of Zone Map 196, Zone Change Case (ZCC) No. 56, consisting of changes in the zone classification from A-1 (Limited Agriculture) to A (Exclusive Agriculture) on approximately 325.11 number of acres and from A-1 H (Limited Agriculture – Airport Approach Height Combining) to A H (Exclusive Agriculture - Airport Approach Height Combining) on approximately 49.34 acres (Resolution No. 2020-147 and Ordinance G-8956).

- Amendment of Zone Map 212, ZCC No. 2 consisting of changes in the zone classification from A-1 (Limited Agriculture) to A (Exclusive Agriculture) on approximately 658.41 acres (Resolution No. 2020-148 and Ordinance G-8957).

- Amendment of Zone Map 213, ZCC No. 59 consisting of changes in the zone classification from A-1 (Limited Agriculture) to A (Exclusive Agriculture) on approximatley 284.82 acres and from A-1 FPS (Limited Agriculture - Floodplain Secondary Combining) to A FPS (Exclusive Agriculture - Floodplain Secondary Combining) on approximately 40.77 acres (Resolution No. 2020-149 and Ordinance G-8969).

- Conditional Use Permit No. 45, Map 196 to allow for the construction and operation of a solar photovoltaic electrical generating facility, including energy storage (Section 19.12.030.G) in the A (Exclusive Agriculture), A H (Exclusive Agriculture - Airport Approach Height Combining) District (Resolution No. 2020-150).

- Conditional Use Permit No. 5, Map 212 to allow for the the construction and operation of a photovoltaic electrical generating facility, including energy storage (Section 19.12.030.G) in the A (Exclusive Agriculture) and A FPS (Exclusive Agriculture - Floodplain Secondary Combining) Districts (Resolution No. 2020-192).

- Conditional Use Permit No. 66, Map 213 to allow for the the construction and operation of a photovoltaic electrical generating facility, including energy storage (Section 19.12.030.G) in the A (Exclusive Agriculture) and A FPS (Exclusive Agriculture - Floodplain Secondary Combining) Districts (Resolution No. 2020-193).

- Amendment to the Circulation Element of the Mojave Specific Plan No. 30, Map 196 to remove a portion of the designated, but not constructed, arterial roadway of Purdy Avenue from United Street to Fifth Street (Resolution No. 2020-194).

The proposed modified Sanborn 2.0 Solar Project is like the approved project in all material respects, only smaller and, therefore, less impactful.

As discussed in the Sanborn Solar Project Final Certified EIR, the following impacts have a less than significant or no impact regarding the environmental impact areas to Population and Housing and Recreation. Since the proposed modified project would have similar facilities located in the same geographic vicinity, the impacts of the proposed modified project would also have less than significant or no impact with regard to these impact thresholds. Therefore, these impacts were not further analyzed in the Addendum:

- Population and Housing
- Recreation

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

- Agriculture and Forestry Resources (Project and Cumulative);
- Biological Resources (Project);
- Cultural Resources (Project and Cumulative);
- Energy (Project and Cumulative);
- Geology and Soils (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 (Cumulative);
- Public Services (Project and Cumulative);
- Transportation and Traffic (Project and Cumulative);

- Tribal Cultural Resource (Project and Cumulative);
- Utilities and Service Systems (Project and Cumulative); and
- Wildfires (Project).

The Sanborn Solar Project Final Certified EIR established that 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 as a result of changes to visual character of the site and its surroundings as well as impacts associated with light and glare;
- Air Quality (Project and Cumulative) - Significant project-level and cumulative impacts as a result of construction-period air pollution;
- Biological Resources (Cumulative) - Significant cumulative impacts as a result of reduction or loss of habitat;
- Noise (Project) – Temporary significant project-level impacts during construction and decommissioning activities as a result of noise greater than the Kern County General Plan standard; and
- Wildfire (Cumulative) - Significant cumulative impacts as a result of the project's additional infrastructure in a rural environment resulting in an incremental contribution to wildfire risks.

The Addendum addresses changes resulting from implementation of the proposed modified Sanborn 2.0 Solar Project on each of the environmental resource areas previously analyzed in the Final Certified EIR.

Aesthetics (Project and Cumulative)

The visual setting of the proposed modified project and its surrounding area is the same as that presented in the certified EIR for the approved project site. The land surrounding the proposed modified project is mostly undeveloped land or scattered residential development and renewable energy projects (solar and wind).

It was determined in the certified EIR and by the Board of Supervisors through its approval on June 16, 2020, the project would result in a significant and unavoidable impact to aesthetics due to changes to the existing open and undeveloped desert landscape character of the site and surrounding area at a project and cumulative level.

The project modification would not generate substantially more adverse impacts to aesthetics 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.

Air Quality (Project and Cumulative)

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

The 1,200-acre proposed modified project site is an area approximately 800 acres smaller to be developed than the approved Sanborn Solar Project site. This will result in less ground disturbance and shorter periods in which emissions are produced during the proposed modified project's construction and decommissioning phases. However, construction and decommissioning of the modified project would also result in temporary increases of PM_{10} that would exceed EKAPCD's significance thresholds. As a result, construction- and decommissioning-generated emissions along with other cumulative projects located within the project area, would exceed EKAPCD's significance thresholds. In addition, as the Mojave Desert Air Basin (MDAB) is in nonattainment for PM_{10} and the project would result in significant temporary levels of PM_{10} emissions during construction, the project could conflict with or delay the attainment of the standard. Furthermore, construction- and decommissioning-generated emissions along with other cumulative projects located within the project area would cumulatively exceed EKAPCD's significance thresholds. Of particular concern with regard to regional air quality impacts are emissions of PM_{10}, for which the regional is designated nonattainment. For these reasons, cumulative regional air quality impacts associated with short-term construction and decommissioning activities would be considered significant and unavoidable.

The project modification would not generate substantially more adverse impacts to air quality 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.

Biological Resources (Cumulative)

The environmental setting for biological resources is the same as described in the certified EIR. There are a number of special-status species that currently utilize the project site and surrounding vicinity. Implementation of the project in addition to the other projects under way or proposed within Kern County would impact wildlife species, including desert tortoise, burrowing owl, raptors, desert kit fox, and migratory birds known to occur or with potential to occur on the project site. The project site contains habitat that support insects, rodents, and small birds that provide a prey base for raptors and terrestrial wildlife. In addition, based on the literature review and database search completed for the approved and modified project, the region is known to support a diversity of special-status species, most of which are expected to utilize the project site on at least a transient basis. Given the number of present and reasonably foreseeable future development projects in the Antelope Valley, the modified project, when combined with other projects, would result in a significant and unavoidable cumulative loss of foraging and nesting habitat for special-status species.

The project modification would not generate substantially more adverse 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.

Noise (Project)

The environmental setting for noise is the same as described in the certified EIR. The proposed modified project is immediately adjacent to the approved project and is generally undeveloped land with desert vegetation and sparse residential dwellings. Existing development in the project vicinity includes rural access roads, scattered rural residences, agricultural, and solar energy. Multiple residences are immediately adjacent to the approved project, many within approximately 100 feet of the approved project boundary. The nearest residential noise-sensitive receptors to the proposed modified project are located at a greater distance of approximately 1,050 feet to the west and approximately 1,060 feet north.

The certified EIR determined that temporary noise from construction and decommissioning of the approved project would be significant and unavoidable due to the close proximity of residences to the approved project site. Although most construction would occur during County-approved daytime hours, certain limited construction activities on an infrequent basis could take place outside

these time periods and could generate noise greater than the standard 65dB(a) for the Kern County General Plan and Mojave Specific Plan for short period of times.

The expected construction noise levels for the proposed modified project of 84 dBA would result in potential noise impacts at the nearest sensitive noise receptors, located approximately 1,050 feet west and 1,060 feet north of the proposed modified project site. However, at this distance, construction-related noise would attenuate to approximately 58 dBA, below the standard exterior noise level, and are no longer significant and unavoidable. Further, these noise impacts will be temporary in nature and will cease once construction or decommissioning activities are completed.

The project modification would not generate substantially more adverse impacts to noise 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.

Wildfire (Cumulative)

The environmental setting for wildfire is the same as described in the certified EIR. Like the approved project, the modified project site is located in a Moderate Local Responsible Area based on the CAL FIRE FHSZ maps and is not considered by CAL FIRE as having substantial or very high risk. Moderate zones are typically areas of low fire potential. The proposed modified project consists of undeveloped lands and is surrounded by undeveloped land with some rural access roads, scattered rural residences, mining, wind and solar energy, and is sparsely vegetated.

The certified EIR concluded that the impacts of the approved project, when combined with the impacts of past, present, and reasonably foreseeable projects, will potentially result in a cumulative wildfire impact, resulting in a significant and unavoidable cumulative impact. These cumulative projects are required to provide adequate emergency access consistent with local and state Fire Code and Building Code requirements and develop/implement emergency response/Fire Safety plans. The cumulative projects will require infrastructure such as roads, fuel breaks, and power lines that mayexacerbate fire risk. These projects, along with the proposed modified project, will require entitlements from Kern County (land use/zoning, grading and building permits, and similar). This permitting process ensures the necessary infrastructure complies with applicable fire/building codes, minimizing the potential fire risk.

Cumulative projects may be proposed in areas that may result in downstream flooding/landslides from post-fire slope instability. As the proposed modified and cumulative projects are reasonably foreseeable or are undergoing permitting, they will be required to comply with the County's zoning requirements, state/local fire and building codes/regulations associated with stormwater drainage and site stability. These laws, ordinances, regulations, and standards are implemented to reduce the potential risk to people or structures from downstream flooding or landslides. As applicable, projects (proposed and cumulative projects) will require site-specific hydrology and drainage study to develop an effective drainage design. The proposed modified and cumulative projects may potentially result in a cumulative impact exposing people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Therefore, the proposed modified and cumulative projects may result in a significant cumulative impact.

The project modification would not generate substantially more adverse impacts to wildfire 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 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, biological resources, noise and wildfire impacts are included in the Statement of Overriding Considerations. The Statement of Overriding Considerations 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.

The following benefits and considerations outweigh such significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the Final certified EIR and the proposed modified project Addendum EIR, and the record of proceedings for the project.

The project would utilize approximately 1,200 acres of vacant land in unincorporated Kern County, with little water, for a renewable energy project over 30 to 35 years which will pay property taxes and fees to the General Fund for the benefit of unincorporated Kern County. With implementation of the adopted mitigation, the project will contribute an estimated $606,100 annually to the General Fund over the 30-year project life and an estimated $18 million in sales tax revenue for the Board of Supervisors' use in benefiting the residence of unincorporated Kern County. In addition, battery storage adds significant fiscal benefits to the project as the solar tax exclusion does not apply. An estimated property tax of $5 million per year will be paid for battery storage at buildout of proposed 4 GWh. This equates to an estimated total of $5,168,000 in annual property taxes for both the solar and battery portions of the project area, which equates to an estimated $155 million over a 30-year project life.

A breakdown of the projected estimated fiscal benefits of the project to unincorporated County are summarized as follows:

- Cumulative Impact Charge (annual): $606,100 (over 30 years ~ $18,000,000)
- Sales Tax (one-time): ~$197,350
  - Solar equipment and components: $140,000
  - Battery equipment and components: $57,350
- Property Tax (annual): $5,168,000 (over 30 years ~$155,000,000)
  - Land Taxes: $168,000
  - Battery Taxes: $5,000,000

The proposed modified project would produce up to 220 MW of electricity from a renewable source, including up to 4 GWh of energy storage, which would assist the State of California in achieving the Renewable Portfolio Standard (RPS) consistent with the timeline established by Senate Bill 100 (De León, also known as the "California Renewables Portfolio Standard Program: emissions of greenhouse gases") as approved by the California legislature and signed by Governor Brown in September 2018, which increases RPS in 2030 from 50 percent to 60 percent and establishes a goal of 100 percent RPS by 2045, by providing a significant new source of renewable energy (California State Assembly Bill (AB) 32, Senate Bill (SB) 1078, SB 107, SB 350, and SB 2); 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.

Environmental effects of the modified project have been minimized by using existing electrical distribution facilities, rights-of-way, roads, and other existing infrastructure, where practicable and locating the project facilities in an area with compatible zoning and land uses while assuring consistency with the goals and policies of Section 5.4.5, "Solar Energy Development" in the Kern County General Plan.

Construction of the modified project would result in an average of approximately 475 personnel, with a maximum of approximately 800 personnel for short periods of time. During the operational

phase, the project would have up to six full-time equivalent staff that 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, with proposed revisions, has been prepared and is attached for your review and consideration as Exhibit C.

Memorandum of Understanding (MOU)

Section 53091 of the California State Government Code provides certain limited exemptions from local building and zoning ordinances for certain projects by public agencies, including but not limited to, cities and counties (collectively hereafter Public Agencies), related to electrical energy, among other uses. Additionally, 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 and Public Agencies. To ensure conformance to the land use regulations adopted and implemented by this County, wind and solar renewable energy projects proposed in Kern County include a Memorandum of Understanding/Agreement 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 permit, and the Mitigation Measure Monitoring Program regardless of any exemption they may have under Section 53091, or any other provision of law.

Additionally, mitigation measure MM 4.14-3, as revised, requires the project proponent to provide the County with written verification of ownership by April 15 of each calendar year. If the project is sold to a Public Agency or utility company that pays assessed taxes that equal less than $3,000 per megawatt per year, then a Supplemental Cumulative Impact Charge (SCIC) shall be paid for the difference annually up to $3,000 per megawatt. The SCIC payments shall be made annually directly to the County Administrative Office (CAO) Fiscal Division.

These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project. A signed copy of the MOU Agreement (2021 Version) is attached for your review. The applicant's signature reflects acceptance to these mechanisms and mitigation measures.

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, two (2) comment letters have been received. Copies of all correspondence have been attached for your Board's reference.

1. **Kern County Public Works Department – Floodplain Management Section** requested conditions of approval that have been incorporated into the draft Resolution attached to your staff report.

2. **Kern County Fire Department** commented that the project will require Fire Department plan review prior to construction to ensure requirements set forth in the KCFD Solar Panel Standard and all Battery Energy Storage Systems must be applied for directly with the KCFD for separate

permitting and pre-construction approval. These requirements have been incorporated as conditions of approval of the draft Resolutions attached to your staff report.

Planning and Natural Resources Department Conclusions

CEQA Environmental Analysis. Staff has reviewed the project with regard to environmental concerns and it is Staff's opinion that the Addendum EIR prepared for the request has concluded there are no new potential impacts that were not covered in the previously certified (2020) 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 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 commercial solar project for a variety of reasons. The project is sited within the western edge of the Antelope Valley area of Kern County which is especially appropriate for commercial solar development due to a lack of dense urban development. Additionally, the site has available access via existing roads in the area which means that no new off-site roads would be constructed as a direct result of the project.

The project is also well sited because it proposes to share the previously approved gen-tie route of the approved Sanborn Solar project. By siting this project in close proximity to and connecting to the existing Windhub Substation, the project capitalizes on the efficient use of power infrastructure. In addition, future energy needs could influence the need for expansion in the area and this would be expedited with this project's location in close proximity to the existing Windhub Substation. It also can reduce other impacts, such as hydrology and water quality, air quality, geology, etc., by using existing infrastructure rather than constructing new facilities.

Additionally, the project is consistent with the Public Services Goals and Policies. MM 4.14-2, as revised, requires the Cumulative Impact Charge (CIC) shall be implemented as payment on approved Conditional Use Permit net acreage. Calculation and payment of the CIC requires an annual payment of $550 per net acre for the map shown with the building permit submittal shall be paid upon issuance of the first building permit. If it is not paid within 30 days after the issuance of the first building permit, all permits shall be suspended until the fee is paid in full. Using a conservative estimate of a 1,200-acre site with a net acreage of 1,102 acres (i.e. subtracting therefrom 12 acres of Energy Storage and another 86 acres due to recorded easements), Staff estimates that the project proponent would pay approximately $606,100 annually.

Consistency with the Kern County General and Mojave Specific Plan. Your Board approved a Kern County Renewable Energy Goal for the production of 10 gigawatts from wind and solar facilities by 2015. The goals included projects in all Kern County jurisdictions: cities, school, and water districts; and would create an estimated 8,000 construction jobs, 1,500 operational jobs, and up to $25 billion of investment in the County's future, as well as provide power for over seven million people. Currently, Kern County has reached this goal and the current proposal would continue this goal of promoting renewable energy in Kern County by adding 220 MW of renewable energy production and 4 GWh of energy storage to the County's renewable energy portfolio. Staff believes this project is consistent with the California Renewable Portfolio Standard that requires

investor-owned utilities to increase the sale of electricity produced by renewable energy sources to 60 percent by the end of 2030, continues the goal of the Kern County Board of Supervisors of promoting renewable energy in Kern County, and maintains Kern County's position as a leader in renewable energy.

Staff notes during the construction phase, the average workforce is expected to be approximately 475 personnel, with the workforce estimated to peak at approximately 800 individuals for short periods of time, which is typically a few weeks. During the operational phase, the project would require approximately six (6) full-time employees to perform operations and maintenance duties.

The proposed project will reduce the amount of electricity generated using fossil fuels and, therefore, result in an offset of greenhouse gas emissions (CO_2e) per year. The proposed project's construction greenhouse gas emissions are estimated at 3,524 CO_2e and operational emissions are estimated to total 99.4 metric tons of CO_2e per year, which is significantly less than the EKAPCD threshold of 25,000 metric tons of CO_2e per year. Because the project would replace the creation of energy through other methods, the operational greenhouse gas emissions would result in a net reduction of overall greenhouse gas emissions. Quantifying the reduction of emissions from fossil-fuel electric generation facilities reveals that the project would potentially displace up to 9,753,130 metric tons CO_2e over the proposed project's 30-year lifespan.

Staff has reviewed the project with regard to land use compatibility and consistency with the Kern County General and Mojave Specific Plans and notes the project is a compatible use and consistent with the goals and policies of these plans.

Conditional Use Permit Requests. As previously indicated, two (2) conditional use permit requests are under consideration by your Board to allow for the construction and operation of a solar photovoltaic electrical generating facility and associated infrastructure, including energy storage, which would produce a combined total of 220 MW of electricity with up to 4 GWh of energy storage on approximately 1,200 acres in unincorporated Kern County.

The project is located within the Exclusive Agriculture (A), Limited Agricultural (A-1), and Heavy Industrial (M-3) Base Districts, with some areas containing the Floodplain Secondary Combining (FPS) 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 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 purpose of the Limited Agricultural (A-1) District is to designate areas suitable for a combination of estate-type residential development, agricultural uses, and other compatible uses. Again, solar electrical generation facilities are considered to be compatible with ongoing agricultural activity. Permitted land uses in the A-1 District include agricultural uses, commercial uses, institutional 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 19.14.030.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-1 District with approval of a conditional use permit.

The purpose of the Heavy Industrial (M-3) District is to designate areas suitable for heavy manufacturing and industrial uses which have the greatest potential for producing undesirable or adverse by-products, including traffic, noise, odors, dust, and vibrations. Solar electrical generation facilities are considered to be compatible with industrial activity. Permitted land uses in the M-3 District include agricultural uses, commercial uses, industrial uses, transportation facilities, waste facilities, institutional 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 19.40.030.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 M-3 District with approval of a conditional use permit.

The Floodplain Secondary Combining (FPS) District is meant to protect the public health and safety and minimize property damage by designating areas that are subject to flooding with relatively low velocities or depths and by establishing reasonable restrictions on land use in such areas.

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.

It is Staff's determination there is adequate justification to support the request for the conditional use permits. The Kern County Zoning Ordinance lists solar facilities as a permitted use within the A, A-1, and M-3 Districts with approval of a conditional use permit. In order to ensure that operation of the solar facility is executed in a safe manner, multiple mitigation measures and conditions of approval have been included. The proposed conditional use permits do not appear to be materially detrimental to the public health, safety, or welfare of property or residents in the vicinity. Therefore, Staff recommends approval of the requested conditional use permits, subject to the listed mitigation measures and conditions of approval.

Kern County Planning and Natural Resources Department Recommendation. The request for your Board's consideration is comprised of two Conditional Use Permits. Today's request also includes approval of the MOU/Agreement described above requiring any buyer or operator of the proposed Sanborn 2.0 Solar Facility to agree to be bound by the Kern County Zoning Ordinance, including Kern County building permit requirements, the conditions of the conditional use permit, and the Mitigation Measure Monitoring Program regardless of any exemption they may have. Given that the project has a MOU/Agreement for consideration of approval along with the requested Conditional Use Permits, which would have had final approval by the Planning Commission hearing body, this item was scheduled straight for consideration by your Board as only your Board can enter into agreements.

As noted above, the project meets the necessary findings for the requested conditional use permits. Additionally, Staff has determined the project is sited in a location appropriate for commercial solar development and recommends approval as identified below.

PUBLIC INQUIRY OR CORRESPONDENCE: Kern County Public Works Department – Floodplain Management; Kern County Fire Department

CEQA ACTION: Environmental Review; Addendum Environmental Impact Report

PLANNING DEPARTMENT RECOMMENDATION: Adopt Section 15091 Findings of Fact and Section 15093 Statement of Overriding Considerations; adopt Mitigation Measure Monitoring Program; adopt resolutions and recommended findings approving Conditional Use Permits subject to recommended conditions; approve Memorandum of Understanding/Agreement and authorize the Board of Supervisors Chairman to sign

RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NOs. 60, and 61, MAP NO. 196:

(1) Conditional Use Permit Case No. 60, Map No. 196 and Conditional Use Permit Case No. 61, Map No. 196 authorize the construction and operation of a photovoltaic (PV) power-generating facility generating approximately 220 megawatts (MW) of electricity with up to four (4) gigawatt hours (GWh) of energy storage on 1,200 acres of land in unincorporated Kern County.

(2) Any additional on-site development or expansion activities beyond those items described in the staff report and approved Addendum associated with initial approval of this Conditional Use Permit, and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources 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 this Conditional Use Permit or the approval of a new conditional use permit at the discretion of the Director of the Kern County Planning and Natural Resources Department.

(3) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the modified project Sanborn 2.0 Solar Project by Sanborn Solar, LLC (Conditional Use Permit Case No. 60, Map No. 196, and Conditional Use Permit Case No. 61, Map No. 196), 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) **<u>Prior to the issuance of building or grading permits</u>, 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 (MMMP).

(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.

1. All Battery Energy Storage Systems must be applied for directly with the Kern County Fire Department for separate permitting and pre-construction approval.

(d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the County of Kern Public Works Department/Floodplain Management Section, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary.

1. Associated flood hazard requirements will need to be incorporated into the design of the project per the Kern County Floodplain Management Ordinance.

(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 Natural Resources Department.

(f) The project proponent shall encourage all contractors for the project to hire at least 50 percent 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) Solar panel support/foundation structures shall be constructed in such a 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 Planning and Natural Resources Director.

(i) The project proponent shall consult with the County of Kern Public Works Department/Building and Development Division the requirement for issuance of an encroachment permit, at locations to be approved by the Public Works Department, to construct paved private road approaches to prevent damage to County-owned roads. Any required improvements shall comply with requirements of the County of Kern Public Works Department/Building and Development Division and shall be accomplished at no cost to the County.

(j) All survey monuments shall be tied out by a Licensed Land Surveyor and a corner record for each monument or record of survey shall be summited to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's Act.

(k) The project proponent shall submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17 and obtain a Federal Aviation Administration issued "Determination of No Hazard to Air Navigation." This documentation shall include written concurrence from the military authority responsible for operations in the flight area depicted in the Kern County Zoning Ordinance Section 19.08.160 that all project components in the flight area would create no significant military mission impacts.

(l) The project proponent shall provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plans has been provided to the operators of the Mojave Air and Space Port.

(m) For portions of the project that abut residentially zoned areas, there shall be an additional aesthetics setback of 100 feet from the residential property line. No solar panels or equipment shall be placed in this area. The project proponent shall be responsible for dust controls and weed maintenance in this area. An approved site plan showing the designated Additional Aesthetics Setback shall be submitted to Kern County Planning and Natural Resources Department for approval.

(n) The project operator shall process the required Memorandum of Understanding/Agreement (MOU) with the Kern County Board of Supervisors. When executed, the project proponent shall submit a copy of the signed MOU to the Kern County Planning and Natural Resources Department.

(7) **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 survey monuments that were destroyed during construction shall be re-set or have a suitable witness corner set. A post construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing, per Section 8771 of the Professional Land Surveyor's Act.

(b) 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.

(d) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.

(e) 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 Natural Resources Department.

(f) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.

(8) **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) If any previously unknown oil, gas or injection wells are discovered, work in the area of discovery shall be stopped and the Department of Conservation/Division of Oil, Gas, and Geothermal Resources/Bakersfield office contacted by the project proponent to obtain information on the requirements of, and approval to perform, remedial operations implemented prior to resumption of work in the area of discovery.

(c) If any abandoned wells are found during the grading and construction process, the applicant shall contact the Kern County Public Health Services Department/Land and Water Division for permitting and destruction procedures.

(d) If any previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and a qualified archaeologist contacted to evaluate the find. A copy of the archaeologist's evaluation shall be submitted to the Kern County Planning and Natural Resources Development Department upon its issuance and any measures recommended by the archaeologist shall be implemented prior to resumption of work in the area of discovery.

(e) All exterior lighting shall comply with Chapter 19.81 (Outdoor Lighting "Dark Skies Ordinance") of the Kern County Zoning Ordinance. Light fixtures 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 30 feet in height above grade. Light fixtures shall be maintained in sound operating conditions at all times. A lighting plan, including glare shield details, shall be submitted and approved by the Kern County Planning and Natural Resources Department.

(f) All storage and pressure tanks shall be painted an earthen hue color.

(g) 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.

(h) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.

(i) All survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the Professional Land Surveyor's Act and Civil Code 846.5(a).

(9) 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-year period.

(10) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.

(11) At the time building permits are applied for, a filing fee 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 the appropriate hourly rate.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR CONDITIONAL USE PERMIT NOs. 60 and 61, MAP NO. 196:

(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) An Environmental Impact Report for the Sanborn Solar Project (SCH No. 2019060259) was prepared and certified by the Kern County Board of Supervisors on June 16, 2020.

(3) Now, in compliance with California Code of Regulation Title 14, Chapter 3 (CEQA Guidelines) Section 15164(a), and with regards to the proposed modified project (Sanborn 2.0 Solar Project), this Board finds:

(a) The project will not result in substantial changes requiring major revisions of the previously certified EIR.

(b) Substantial changes have not occurred with respect to the circumstances under which the project is undertaken.

(c) No new information of substantial importance has been identified, which was not known and could not have been known with the exercise of reasonable diligence at the time the previously certified EIR was completed, showing that:

1. The project will have significant effects not discussed in the previously certified EIR;

2. No significant effects previously examined will be substantially more severe than shown in the previously certified EIR;

3. No mitigation measures or alternatives previously found not to be feasible are now feasible; and

4. No mitigation measures or alternatives considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

(4) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Addendum Environmental Impact Report, and this Board 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 Board 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.

(5) 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 Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

(6) In accordance with CEQA, the Lead Agency may conclude that certain mitigation measures identified are infeasible or otherwise ineffective during 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 Final Environmental Impact Report under CEQA and do not create new significant effects on the environment.

(7) Pursuant to CEQA Section 15088.5, implementation of the proposed clarification to mitigation measures 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 that implementation of the proposed clarifications are considered equivalent and more effective towards the mitigation of impacts and are in full compliance with CEQA.

(8) The proposed project is a compatible use and consistent with the goals and policies listed in the Land Use, Open Space and Conservation Element of the Kern County General Plan.

(9) The proposed project is consistent with the goals and policies listed in the Energy Element of the Kern County General Plan.

(10) The proposed use is consistent with the goals and policies of the Mojave Specific Plan.

(11) The proposed use is consistent with the purpose of the applicable district or districts.

(12) 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.

(13) The proposed project is consistent with the A (Exclusive Agriculture), A-1 (Limited Agriculture), and M-3 (Heavy Industrial) base districts which it is located. Pursuant to Sections 19.12.030.G, 19.14.030.G, and 19.40.030.G of the Kern County Zoning Ordinance, solar facilities and miscellaneous accessory structures are permitted in the Exclusive Agriculture (A), Limited Agricultural (A-1), and Heavy Industrial (M-3) districts, respectively, with approval of a Conditional Use Permit. Solar electrical generation facilities are considered to be compatible with ongoing agricultural and industrial activity.

(14) The project is located within the Airport Influence Area Compatibility Zones C and E-1 of the Mojave Air and Space Port and is consistent with the Airport Land use Compatibility Plan policies to protect the public health, safety, and welfare of the users of the airport and the surrounding land, by ensuring the orderly expansion ad operations of airports and military aviation and the adoption of land use measures that minimize the public's exposure to excessive noise, safety and overflight hazards within areas around public use airports and military aviation operations to the extent these areas are not already devoted to incompatible uses.

(15) 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.

(16) 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.

(17) Approval of the requested Conditional Use Permits are consistent with continuing the Board of Supervisors' adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.

(18) Implementation of the proposed conditional use permit will facilitate development of a 220-megawatt solar photovoltaic facility with up to four (4) gigawatt hours of energy storage. This use is consistent with existing rural residential character of Western Antelope Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.

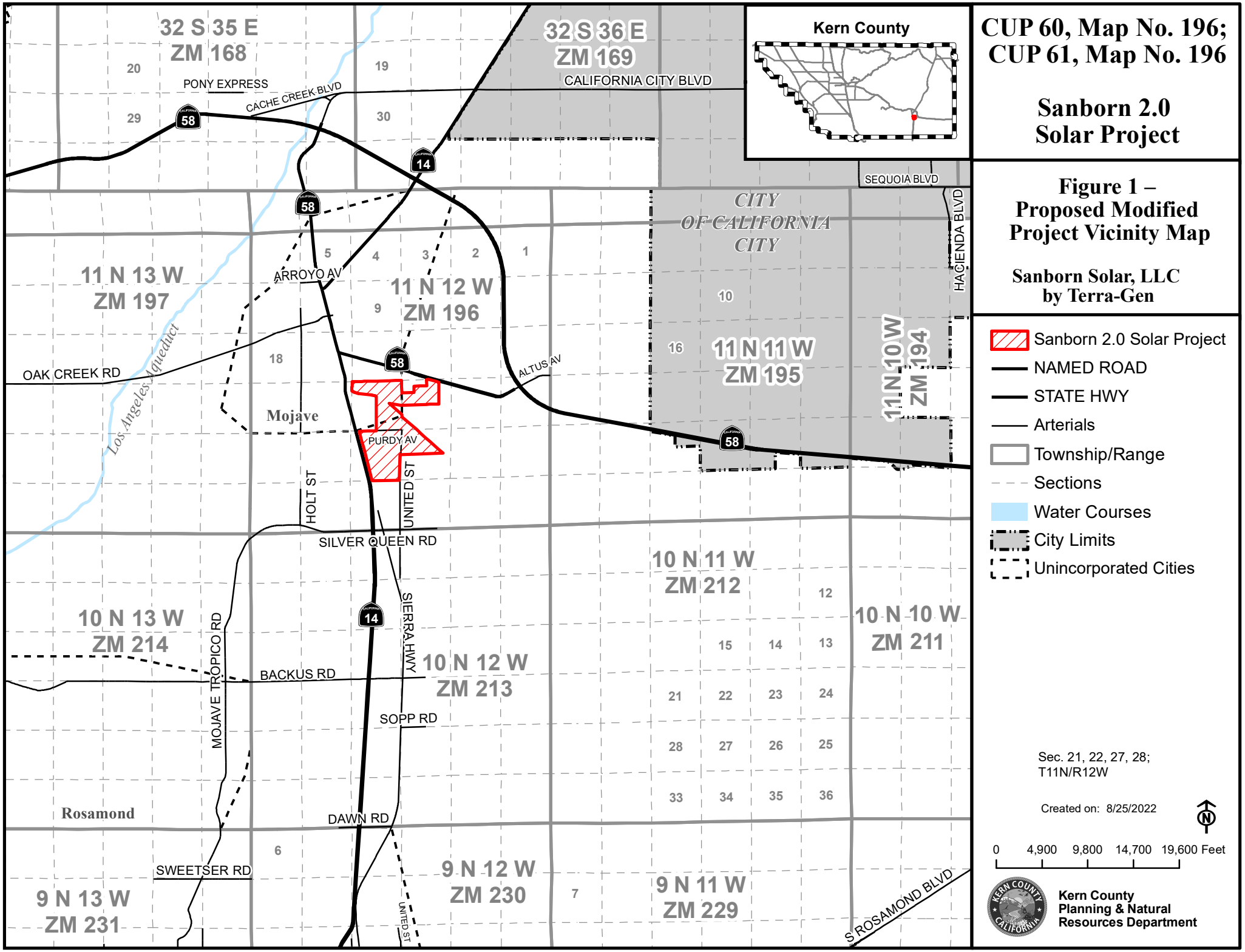
(19) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.

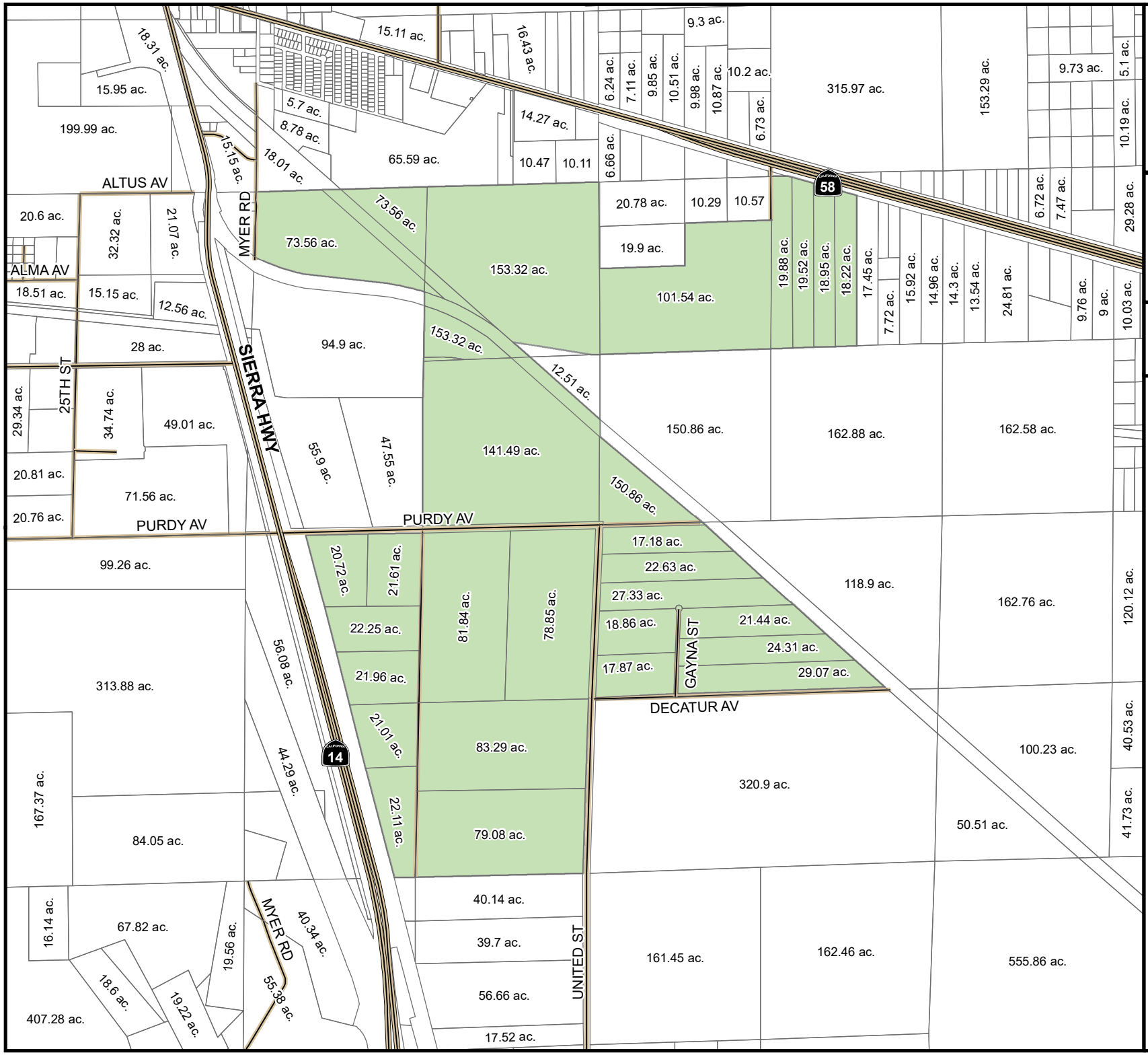
(20) The fee required by the California Department of Fish and Game Code Section 711.4 has been previously paid for the processing of the previously certified Environmental Impact Report for this project, and under Section 711.4(g), we find that the project is not tiered or phased as set forth in Sections 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.

KS:TJS:an

Attachments

FIGURES


32 S 35 E
ZM 168
32 S 36 E
ZM 169
CALIFORNIA CITY BLVD
PONY EXPRESS
CACHE CREEK BLVD
SEQUOIA BLVD
HACIENDA BLVD
CITY OF CALIFORNIA CITY
11 N 13 W
ZM 197
11 N 12 W
ZM 196
11 N 11 W
ZM 195
11 N 10 W
ZM 194
ARROYO AV
ALTUS AV
OAK CREEK RD
Los Angeles Aqueduct
Mojave
PURDY AV
HOLT ST
UNITED ST
SILVER QUEEN RD
10 N 13 W
ZM 214
10 N 12 W
ZM 213
10 N 11 W
ZM 212
10 N 10 W
ZM 211
SIERRA HWY
MOJAVE TROPICO RD
BACKUS RD
SOPP RD
Rosamond
DAWN RD
SWEETSER RD
9 N 13 W
ZM 231
9 N 12 W
ZM 230
9 N 11 W
ZM 229
S ROSAMOND BLVD
Kern County
CUP 60, Map No. 196;
CUP 61, Map No. 196
Sanborn 2.0
Solar Project
Figure 1 –
Proposed Modified
Project Vicinity Map
Sanborn Solar, LLC
by Terra-Gen
Sanborn 2.0 Solar Project
NAMED ROAD
STATE HWY
Arterials
Township/Range
Sections
Water Courses
City Limits
Unincorporated Cities
Sec. 21, 22, 27, 28;
T11N/R12W
Created on: 8/25/2022
0 4,900 9,800 14,700 19,600 Feet
Kern County
Planning & Natural
Resources Department



CUP 60, Map No. 196; CUP 61, Map No. 196

Sanborn 2.0 Solar Project

Figure 2 – Assessor Parcelization Map

Sanborn Solar, LLC by Terra-Gen

Sanborn 2.0 Solar Project

2022 parcels

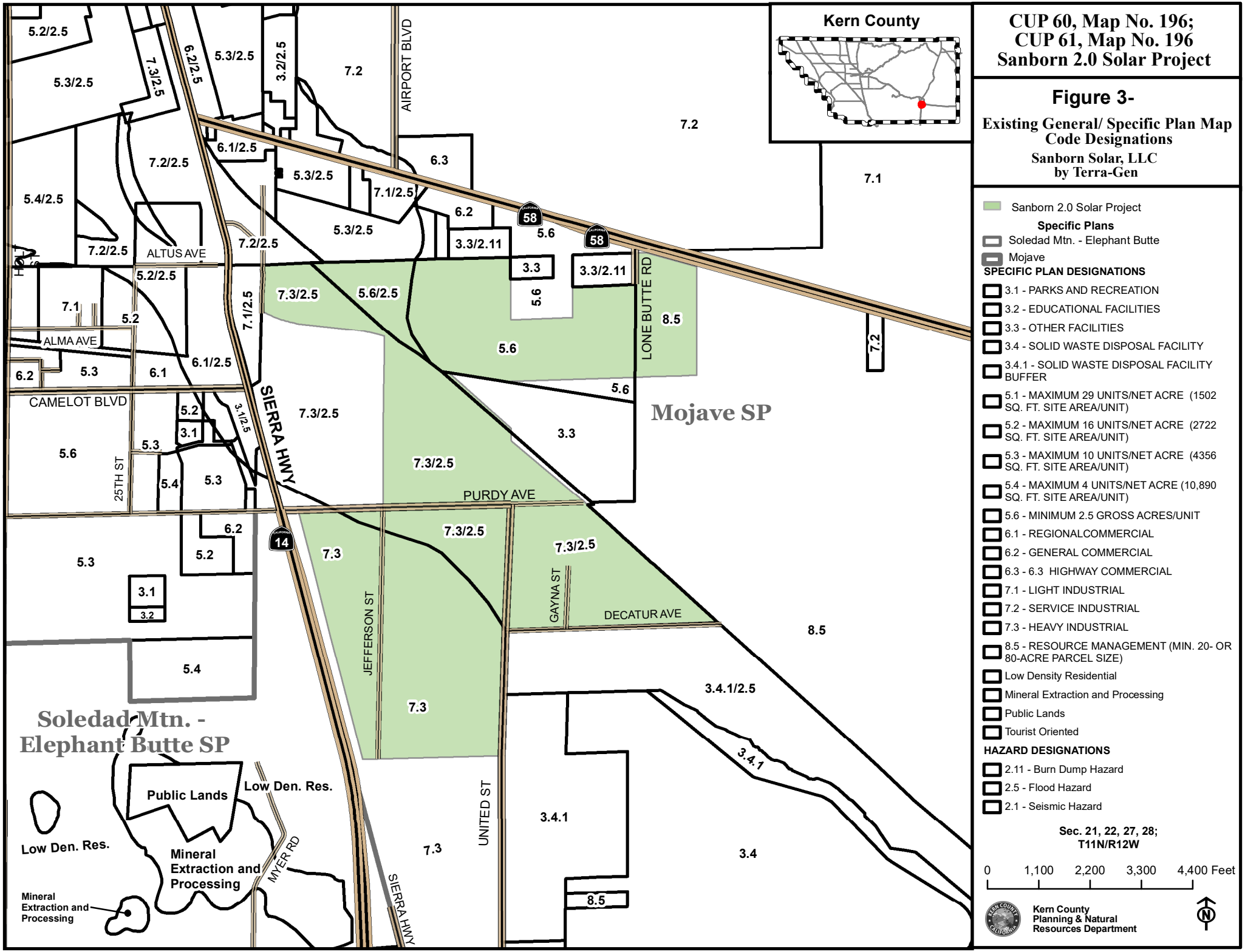
APN'S

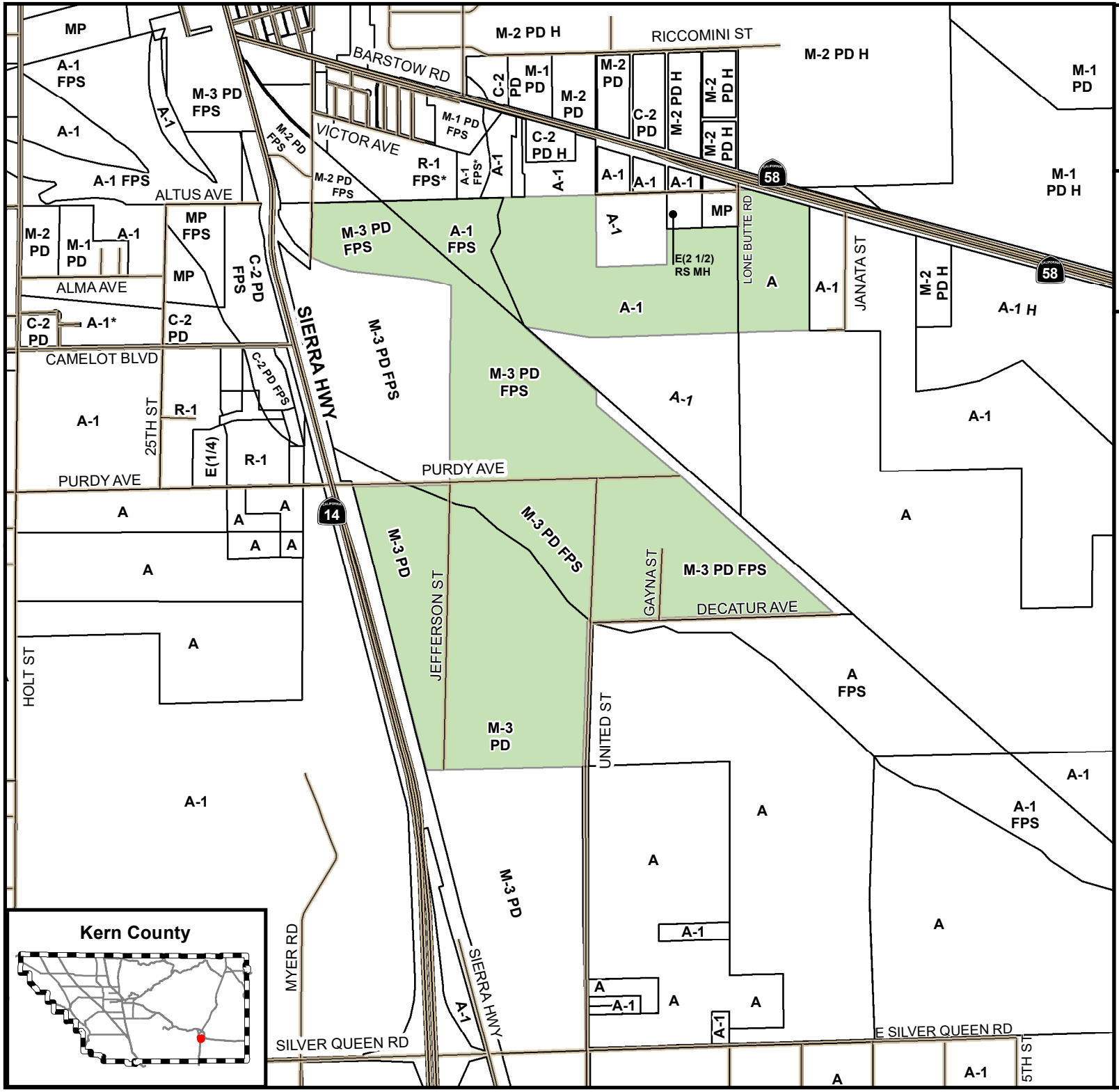
427-020-17	428-020-05
427-020-18	428-030-20
427-020-30	428-030-21
427-020-34	428-030-22
427-020-41	428-030-23
427-020-45	428-030-24
427-030-28	428-030-25
427-030-29	428-030-26
427-030-30	428-030-27
427-030-31	428-140-04
427-030-32	428-140-05
427-030-33	428-140-06
427-410-01	428-140-07
427-410-02	428-140-08
427-410-03	
427-410-04	

Sec. 21, 22, 27, 28; T11N/R12W

0 1,300 2,600 ft

Kern County Planning & Natural Resources Department


Kern County
CUP 60, Map No. 196;
CUP 61, Map No. 196
Sanborn 2.0 Solar Project
Figure 3-
Existing General/ Specific Plan Map Code Designations
Sanborn Solar, LLC
by Terra-Gen
Sanborn 2.0 Solar Project
Specific Plans
Soledad Mtn. - Elephant Butte
Mojave
SPECIFIC PLAN DESIGNATIONS
3.1 - PARKS AND RECREATION
3.2 - EDUCATIONAL FACILITIES
3.3 - OTHER FACILITIES
3.4 - SOLID WASTE DISPOSAL FACILITY
3.4.1 - SOLID WASTE DISPOSAL FACILITY BUFFER
5.1 - MAXIMUM 29 UNITS/NET ACRE (1502 SQ. FT. SITE AREA/UNIT)
5.2 - MAXIMUM 16 UNITS/NET ACRE (2722 SQ. FT. SITE AREA/UNIT)
5.3 - MAXIMUM 10 UNITS/NET ACRE (4356 SQ. FT. SITE AREA/UNIT)
5.4 - MAXIMUM 4 UNITS/NET ACRE (10,890 SQ. FT. SITE AREA/UNIT)
5.6 - MINIMUM 2.5 GROSS ACRES/UNIT
6.1 - REGIONALCOMMERCIAL
6.2 - GENERAL COMMERCIAL
6.3 - 6.3 HIGHWAY COMMERCIAL
7.1 - LIGHT INDUSTRIAL
7.2 - SERVICE INDUSTRIAL
7.3 - HEAVY INDUSTRIAL
8.5 - RESOURCE MANAGEMENT (MIN. 20- OR 80-ACRE PARCEL SIZE)
Low Density Residential
Mineral Extraction and Processing
Public Lands
Tourist Oriented
HAZARD DESIGNATIONS
2.11 - Burn Dump Hazard
2.5 - Flood Hazard
2.1 - Seismic Hazard
Sec. 21, 22, 27, 28;
T11N/R12W
0 1,100 2,200 3,300 4,400 Feet
Kern County
Planning & Natural
Resources Department
Mojave SP
Soledad Mtn. -
Elephant Butte SP
AIRPORT BLVD
ALTUS AVE
ALMA AVE
CAMELOT BLVD
25TH ST
SIERRA HWY
LONE BUTTE RD
PURDY AVE
JEFFERSON ST
GAYNA ST
DECATUR AVE
UNITED ST
MYER RD
Public Lands
Low Den. Res.
Low Den. Res.
Mineral Extraction and Processing
Mineral Extraction and Processing



CUP 60, Map No. 196; CUP 61, Map No. 196

Sanborn 2.0 Solar Project

Figure 4 – Existing Zoning Map

Sanborn Solar, LLC by Terra-Gen

Sanborn 2.0 Solar Project

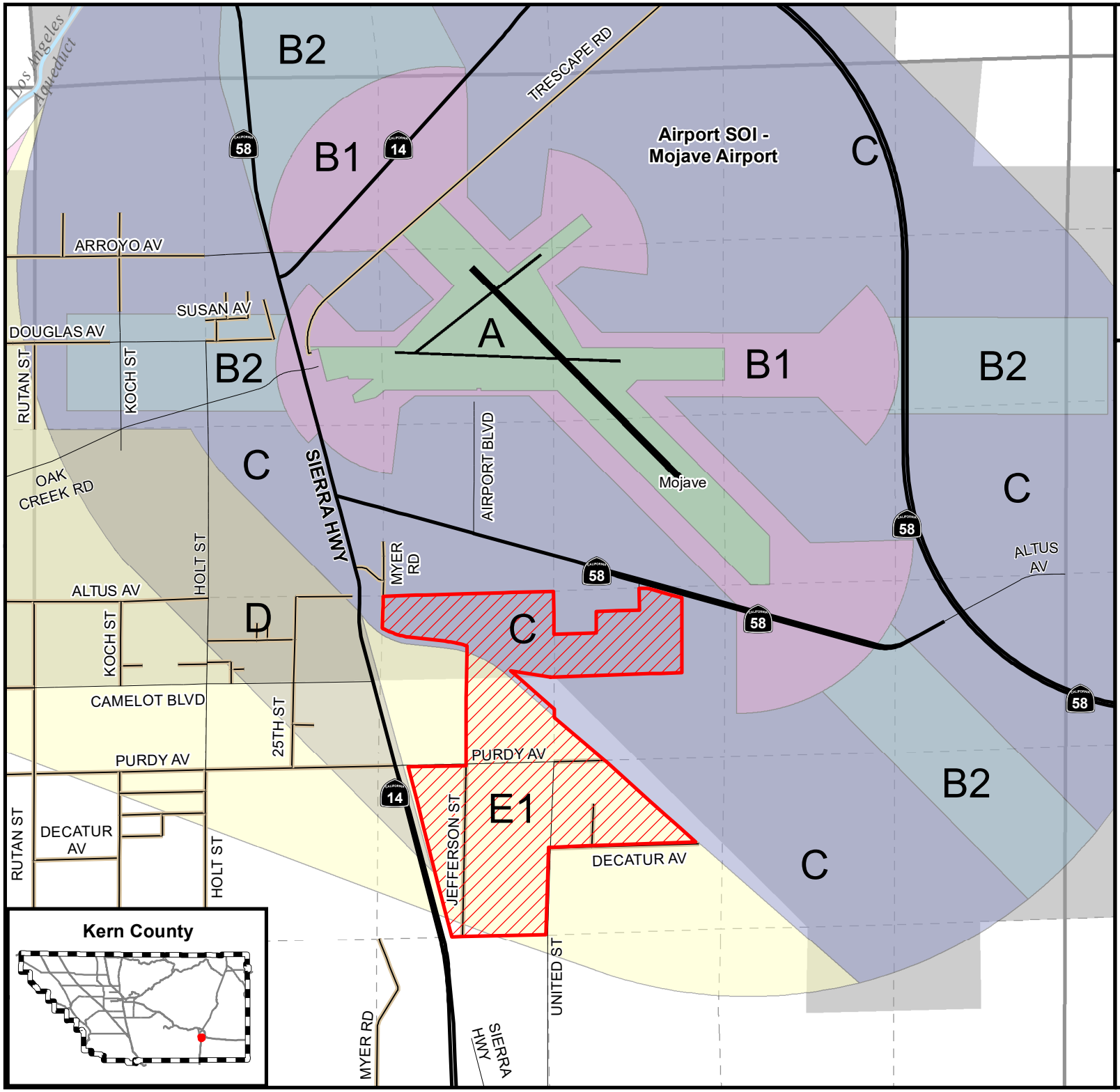
KERN COUNTY ZONING DESIGNATIONS

- A - Exclusive Agriculture
- A-1 - Limited Agriculture
- C-2 - General Commercial
- CH - Highway Commercial
- CO - Commercial Office
- E(1/4) - Estate (.25 acre)
- E(2 1/2) - Estate (2.5 acres)
- E(5) - Estate (5 acres)
- M-1 - Light Industrial
- M-2 - Medium Industrial
- M-3 - Heavy Industrial
- MP - Mobilehome Park
- OS - Open Space
- R-1 - Low Density Residential
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- FPS - Floodplain Secondary Combining
- H - Airport Approach Height
- MH - Mobilehome Combining
- PD - Precise Development Combining
- RS - Residential Suburban Combining
- FPS - Floodplain Secondary Combining
- H - Airport Approach Height
- MH - Mobilehome Combining
- PD - Precise Development Combining

Sec. 21, 22, 27, 28; T11N/R12W

0 920 1,840 2,760 3,680 Feet

Kern County Planning & Natural Resources Department



CUP 60, Map No. 196; CUP 61, Map No. 196

Sanborn 2.0 Solar Project

Figure 5 – Airport Land Use Compatibility Plan (ALUCP) Map

Sanborn Solar, LLC by Terra-Gen

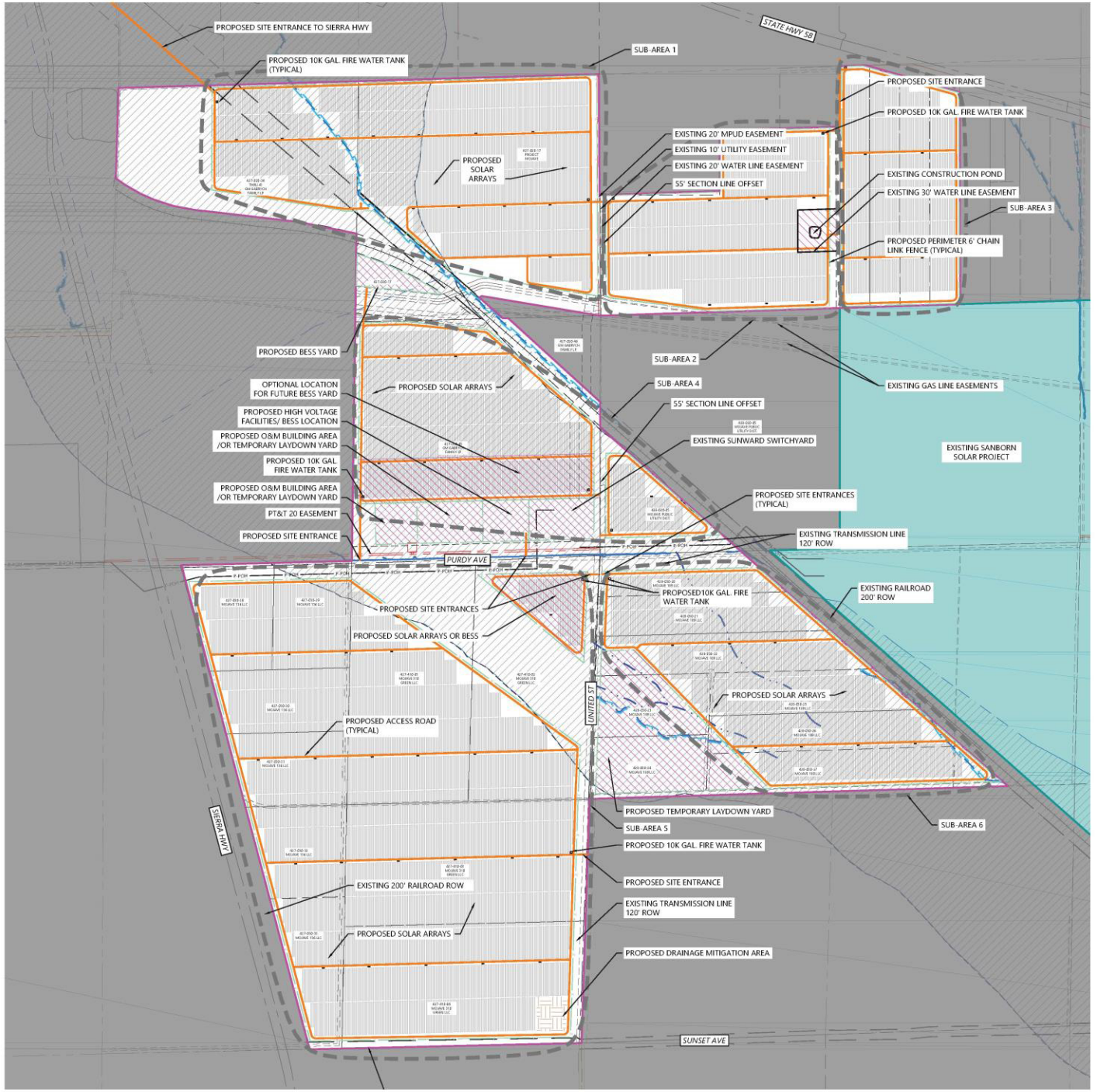
- Sanborn 2.0 Solar Project
- Water Courses
- Runways
- ALUCP - Zone A
- ALUCP - Zone B1
- ALUCP - Zone B2
- ALUCP - Zone C
- ALUCP - Zone D
- ALUCP - Zone E1
- ALUCP - Zone E2
- Airport SOI - Mojave Airport
- Township/Range
- Sections

Sec. 21, 22, 27, 28; T11N/R12W

Created on: 8/25/2022

0 1,400 2,800 4,200 5,600 Feet

Kern County Planning & Natural Resources Department



LEGEND:

- PROJECT BOUNDARY
- EX. PARCEL LINES
- EX. RIGHT-OF-WAY LINES
- EX. EASEMENT LINES
- EX. OVERHEAD POWER
- EX. NATURAL GAS LINE
- EX. FENCE
- EX. GRAVEL ROAD
- EX. RAILROAD
- EX. STREAM CENTER LINE
- EX. DELINEATED WETLAND
- EX. FEMA FLOODPLAIN
- EX. RESIDENTIAL SETBACK
- JURISDICTIONAL WASH AND 15' SETBACK
- PR. SOLAR ARRAY
- PR. ELECTRICAL EQUIPMENT
- PR. ACCESS ROAD
- PR. FENCE
- PR. FACILITY
- PR. DRAINAGE MITIGATION AREA
- NON-PARTICIPATING PARCELS
- SANBORN SOLAR PROJECT AREA

NOTES:

1. THIS PLAN IS CONCEPTUAL AND IS SUBJECT TO CHANGE. NOT FOR CONSTRUCTION.
2. RECEIPT OF CURRENT TITLE DOCUMENTATION AND ALTA SURVEYS MAY REVEAL INFORMATION REQUIRING ALTERATION OF THIS LAYOUT.
3. CONSTRUCTION STAGING AREA TO BE DETERMINED DURING DETAILED ENGINEERING.
4. CONSTRUCTION WATER SOURCE FROM OFFSITE WELL OR EXISTING CONSTRUCTION POND.
5. AVAILABLE FEMA, FLOOD HAZARD, NATIONAL WETLANDS INVENTORY (NWI), USGS KARST DATA, USGS TOPOGRAPHIC DATA, AND AERIAL PHOTO DATA HAVE BEEN ANALYZED IN DETERMINING CONSTRAINTS.
6. ARRAY LAYOUT IS PRELIMINARILY BASED ON 3-STRING, 84 MODULE TRACKERS AND 2-STRING, 56 MODULE TRACKERS.
7. DRAINAGE MITIGATION MEASURES MAY BE REQUIRED. THE SIZING OF THESE AREAS IS PRELIMINARY.
8. ROAD AND GATE WIDTHS ARE ASSUMED TO BE 20'. ACCESS ROADS, PARKING AREAS, SIGNS, AND POINT OF INGRESS AND EGRESS TO BE DETERMINED DURING DETAILED ENGINEERING.

PROJECT OVERVIEW

- 5,259 TOTAL RACKS
  - (3,920) 3-STRING RACKS
  - (1,339) 2-STRING RACKS
- 14,438 TOTAL STRINGS
- 404,264 TOTAL MODULES
- 196.07 MW-DC PEAK POWER (485W MODULES)

	STRINGS	MODULES	MW-DC PEAK POWER 485w MODULE
SUB-AREA 1	2,366	66,248	32.13
SUB-AREA 2	1,188	33,264	16.13
SUB-AREA 3	1,107	30,996	15.03
SUB-AREA 4	1,673	46,844	22.72
SUB-AREA 5	6,177	172,956	83.88
SUB-AREA 6	1,927	53,956	26.17

CUP 60, MAP NO. 196; CUP 61, MAP NO. 196

SANBORN SOLAR, LLC BY TERRA-GEN

FIGURE 6 - SANBORN SOLAR 2.0 SITE PLAN

SEC. 21, 22, 27, 28; T11N/R12W

0' 600' 1200' 1800'

Sanborn 2.0 Solar Project

Kern County, California

CORRESPONDENCE

Office Memorandum

KERN COUNTY

To: Planning and Natural Resources Department
Janice Mayes

Date: August 15, 2022

From: Public Works Department
Floodplain Management Section
Kevin Hamilton, by Brian Blase

Phone: (661) 862-5083
Email: BlaseB@kerncounty.com

Subject: Notice of Public Hearing – Board of Supervisors
Sanborn 2.0 Solar Project – Conditional Use Permit #60, Map #196

Our section has reviewed the attached subject documents and has the following comments:

The runoff of storm water from the site will be increased due to the increase in impervious surface generated by the proposed development.

The subject property is subject to flooding.

Therefore, this section recommends the following be included as Conditions of Approval for this project:

The applicant shall provide a plan for the disposal of drainage waters originating on site and from adjacent road right-of-ways (if required), subject to approval of the Public Works Department, per the Kern County Development Standards.

Associated flood hazard requirements will need to be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

Office of the Fire Marshal
Kern County Fire Department

Fire Prevention
2820 M St. • Bakersfield, CA 93301 • www.kerncountyfire.org
Telephone 661-391-3310 • FAX 661-636-0466/67 • TTY Relay 800-735-2929

August 17, 2022

Kern County Planning and Natural Resources Department
2800 M St., Bakersfield, CA 93301
Attn.: Janice Mayes

Re: Kern County Fire Department Comments Regarding Planning Department Project

To Whom It May Concern,

The Kern County Fire Department (KCFD), as the local fire authority, has received a request for comments regarding CUP 60 & CUP 61, Map 196. Upon initial review, it has been determined that all ground mounted solar array projects over 1MW will require Fire Department plan review prior to construction and meet requirements set forth in KCFD Solar Panel Standard. Solar array projects over 20MW will require special fee calculation from KCFD prior to permit issuance. All Battery Energy Storage Systems must be applied for directly with KCFD for separate permitting and pre-construction approval. All proposed batteries must be UL9540A 2019 4th Edition tested for large scale burns to determine adequate design and mitigation measures.

A more detailed review and project comments will be conducted when the building permit is pulled and plans are submitted to KCFD.

Please feel free to call our Fire Prevention Office at 661-391-3310 with any questions.

Sincerely,
Michael Nicholas
Assistant Fire Marshal
Kern County Fire Department

Exhibit A
15091 Findings of Fact

EXHIBIT A

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

***CEQA Guidelines* Section 15091**

Sanborn Solar Project

By Sanborn Solar, LLC (PP19102)

ZCC No. 56, Map No. 196
ZCC No. 2, Map No. 212
ZCC No. 59, Map No. 213
CUP No. 45, Map No. 196
CUP No. 5, Map No. 212
CUP No. 66, Map No. 213
Mojave SPA No. 30, Map No. 196

Final Environmental Impact Report

SCH# 2019060259

Addendum 1 for the Sanborn 2.0 Solar Project

By Sanborn Solar, LLC (PP22403)

CUP No. 60, Map No. 196
CUP No. 61, Map No. 196

Lead Agency: Kern County Planning and Natural Resource Department

EXHIBIT A

SECTION I. INTRODUCTION

On June 16, 2020 the Kern County Board of Supervisors certified the Sanborn Solar EIR, approved the Sanborn Solar Project ("approved project"), an approximately 300 megawatt (MW) photovoltaic solar energy generation facility and up to 3 gigawatt-hours (GWh) of energy storage capacity proposed for development on an approximately 2,006-acre site, adopted findings pursuant to CEQA Guidelines section 15091 regarding the approved project's environmental impacts, and adopted a statement of overriding considerations pursuant to CEQA Guidelines section 15093. The proposed Sanborn 2.0 Solar Project ("proposed modified project") would require approval of Conditional Use Permit No. 60, Map No. 196 and Conditional Use Permit No. 61, Map No. 196, to allow construction and operation of approximately 220 MW of solar energy, and up to 4 GWh of battery energy storage capacity on approximately 1,200 acres adjacent to approved Sanborn Solar Project. The Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Project EIR considered the potential impacts of the proposed modified project and concluded it would not cause any new or substantially more severe environmental impacts than those identified in the certified Sanborn Solar EIR.

The following findings of fact are based in part on the information contained in the certified Final Environmental Impact Report (EIR) for the Sanborn Solar Project, the proposed modified Sanborn 2.0 Solar Project Addendum, as well as additional facts found in the complete record of proceedings. The certified EIR and Sanborn 2.0 Solar Project Addendum are hereby incorporated by reference and are available for review at the Kern County Planning and Natural Resource Department (Planning Department), 2700 M Street, Suite 100, Bakersfield, California 93301, during normal business hours, and is also available on the Planning and Natural Resource Department's website.

SECTION II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED MODIFIED SANBORN 2.0 SOLAR PROJECT

The following findings concern the potential impacts of the proposed modified project and demonstrate consistency between the impacts of the approved and proposed modified projects. By adopting these findings, the Board of Supervisors does not rescind, readopt, or otherwise modify the findings adopted by the Kern County Board of Supervisors in connection with its approval of the approved project.

With respect to all impacts identified as "less than significant" or as having "no impact" in the certified EIR and the Addendum, the Board of Supervisors 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 certified EIR and Addendum nevertheless 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 Board of Supervisors 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 certified EIR and Addendum 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 Board of Supervisors finds that those impacts have been described accurately and are less than significant with the implementation of mitigation or are significant and unavoidable.

EXHIBIT A

AESTHETICS

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 approved project would not have a substantial adverse effect on a scenic vista (Impact 4.1-1).

The approved 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).

The proposed modified project does not change the findings in the certified EIR of less than significant for Impact 4.1-1 and 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 approved project could create a new source of substantial light or glare which would adversely affect daytime or night time views in the area (Impact 4.1-4). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

As discussed in Section 4.1, *Aesthetics,* of the certified EIR, lighting would be provided during construction and would be installed for use during project operation. Operational lighting, including lighting at access gates, near the operations and maintenance building, adjacent to the substation, along the gen-tie line, in addition to lighting for the solar facility provided for operation and maintenance personnel, would be designed to provide the minimum illumination needed to achieve safety and security objectives. Lighting would be directed downward, shielded and limited so that light spillover on the adjacent properties would be minimal. However, under particularly adverse conditions, spillover lighting causes annoyance, discomfort, or loss in visual performance because of its intensity, direction, or source type and visibility. All lighting would be to focus illumination on the desired areas, in compliance with the Kern County Dark Skies Ordinance. Impacts resulting from lighting would be minimized through compliance with all development standards, the Kern County Zoning Ordinance, and the goals, policies, and implementation measures of the Kern County General Plan. Compliance with the Dark Skies Ordinance would be required. In addition, Mitigation Measure MM 4.1-5 would ensure compliance with the applicable provisions of the Dark Skies Ordinance. Therefore, impacts related to lighting would be less than significant.

With respect to glare impacts during construction, glare would occur on focused areas of the project site from project vehicles and equipment as construction progresses and any sources of glare would not be stationary for a prolonged period of time. During operation, potential new sources of glare would include solar panels and the operations and maintenance (O&M) building, energy storage facility, and optional collector substation. Mitigation Measure MM 4.1-6 would require the project proponent to demonstrate that solar panels and hardware are designed to minimize glare and spectral highlighting and Mitigation Measure MM 4.1-7 would require the use of use of non-reflective materials and would require approval by the Kern County Planning and Natural Resources Department prior to final activation of the solar facility. Therefore, the impacts related to glare are less than significant.

Impacts of the Proposed Modified Project

Similar to the approved project, the proposed modified project would primarily be built during daylight hours and comply with all development standards, the Kern County Zoning Ordinance Chapter 19.81 (Outdoor Lighting "Dark Skies Ordinance"), as well as the goals, policies and implementation measures of the Kern County General Plan, and Mitigation Measures MM 4.1-5 through MM 4.1-7. Therefore, impacts related to lighting would be less than significant for the proposed modified project.

Finding

Like the approved project, the proposed modified project has the potential to create a new source of substantial light or glare that would adversely affect day or night time views in this area. However, implementation of Mitigation Measures MM 4.1-5 through MM 4.1-7, described below, would reduce this impact to a less-than-significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.1-5 through MM 4.1-7, impacts would be less than significant.

Brief Explanation of the Rational for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to creating a new source of substantial light or glare that would adversely affect day or nighttime views in the project area. Implementation of Mitigation Measures MM 4.1-5 through MM 4.1-7, described below, would reduce impacts to a less-than-significant level.

MM 4.1-5: Prior to final activation of the solar facility, the project proponent shall demonstrate to Kern County Planning and Natural Resources Staff that the project site complies with the applicable provisions of the *Dark Skies Ordinance* (Chapter 19.81 of the Kern County Zoning Ordinance), 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 be exposed or extend below the shields.

MM 4.1-6: Prior to the issuance of building permits, the project proponent shall demonstrate the solar panels and hardware are designed to minimize glare and spectral highlighting. Emerging technologies shall be used, such as diffusion coatings and nanotechnological innovations, to effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient with respect to converting incident sunlight into electrical power while also reducing the amount of glare generated by the panels. Specifications of such designs shall be submitted to the Kern County Planning and Natural Resources Department.

MM 4.1-7: Prior to final activation of the solar facility, the project operator shall demonstrate that all onsite buildings utilized non-reflective materials, as approved by the Kern County Planning and Natural Resources Department.

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

Significant Effect

The approved project would, in nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Impact 4.1-3). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Construction activities associated with the project would create temporary changes in views of the project site. The influx of construction vehicles, equipment, and worker vehicles would create visible contrast within the rural and primarily undeveloped setting of the northern and southern sites. The visual effects associated with the presence of construction vehicles, equipment, and workers in the project area landscape would be limited in duration and would be spatially limited at any given time to the active area of construction. Therefore, impacts to existing visual character or quality of the project site and surrounding area during construction of the project would be less than significant.

Although implementation of the project (specifically the solar facility) would introduce an industrial visual character into the viewshed as seen from all the KOPs for the life of the project, as shown in Tables 4.1-4 through 4.1-8 of the certified EIR, all key observation points (KOPs) have an "average" or "above average" pre-visual quality rating according to the using the Bureau of Land Management (BLM) rating scale. As discussed in the "Rating Visual Quality" section of Section 4.1.4, *Impacts and Mitigation Measures*, of the EIR, views with a pre-development score of 11 or fewer points are considered average and views with scores of 12 to 15 points are considered above average. As shown in Tables 4.1-4 and 4.1-8 of the certified EIR, implementation of the project would result in potentially significant impacts as viewed from KOPs 1 through 5, resulting from a substantial change to the site's visual quality and visual character. Specifically, the project site's visual quality, currently undeveloped desert and rural lands, would be altered by the addition of solar panels, mechanical equipment, transmission lines, substations, and other facilities on up to 2,006 acres. Site specific impacts to visual character would be significant and unavoidable.

The project would also include construction of a gen-tie line from the proposed solar facility. Gen-tie lines would be carried overhead on utility poles up to 185 feet in height that would be spaced every 600 feet. The presence of these vertical elements would add man-made elements in the landscape that currently do not exist, resulting in significant aesthetic impacts. Mitigation Measures MM 4.1-1 through MM 4.1-4, as described below, are incorporated to reduce visual impacts. However, because there are no feasible mitigation measures that can be implemented to preserve the existing open space landscape character at the project site while at the same time developing a solar energy facility, impacts to the existing visual character or quality of the site and its surroundings would be significant and unavoidable, despite implementation of these mitigation measures.

Impacts of the Proposed Modified Project

The proposed modified project would result in similar visual impacts to the existing character of the surrounding area. In order to determine whether the proposed modified project would substantially degrade the existing visual quality of the site, a visual simulation was prepared comparing the existing visual setting with simulated portrayals of the post-project visual conditions.

The proposed modified project would be subject to Mitigation Measures MM 4.1-1 through MM 4.1-4. However, as with the approved project, visual impacts as a result of the proposed modified project would be potentially significant. While these mitigation measure would reduce visual impacts, they would not change the finding in the certified EIR of a significant and unavoidable impact related to the visual character of the site.

Finding

Like the approved project, the proposed modified project has the potential to substantially degrade the existing visual character or quality of the site and its surroundings. However, implementation of Mitigation Measures MM 4.1-1 through MM 4.1-4 (below), and MM 4.1-6 (above), would help to reduce this impact, but not to less-than-significant levels.

Level of Significance

Impacts would be significant and unavoidable with implementation of mitigation.

Brief Explanation of the Rational for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to substantially degrading the existing visual character or quality of the project site and its surroundings. Even with implementation of Mitigations Measures MM 4.1-1 through MM 4.1-4 and MM 4.1-6, impacts would be significant and unavoidable.

MM 4.1-1: Prior to issuance of a grading or building permit, a Maintenance, Trash Abatement, and Pest Management Program shall be submitted for review and approval to the Kern County Planning and Natural Resources Department. The program shall include, but not be limited to the following:

a. The project proponent/operator shall clear debris from the project area at least four times per year; this can be done in conjunction with regular panel washing and site maintenance activities.

b. The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris. Correspondence with such requests and responses shall be submitted to the Kern County Planning and Natural Resources Department.

c. The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during construction and operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans.

d. Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.

MM 4.1-2: The project proponent shall install metal fence slats or similar view-screening materials, as approved by the Kern County Planning and Natural Resources Department, in all on-site

perimeter fencing for any portion of the solar site that is adjacent to parcels zoned for residential use, including 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 proponent (to be verified by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Natural Resources Department requesting this requirement to be waived. Should the project proponent sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.

MM 4.1-3: Prior to the issuance of the building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the Kern County Panning and Natural Resources Department, that will ensure all project facilities including operations and maintenance buildings, gen-tie poles, array facilities, etc. blend in with the colors found in the natural landscape. All color treatments shall result in matte or nonglossy finishes.

MM 4.1-4: Wherever possible, within the proposed project boundary, the natural vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. All natural vegetation adjacent to the proposed project boundary shall remain in place as permitted by Fire Code. Prior to the commencement of project operations and decommissioning, the project proponent/operator shall submit a Landscape Revegetation and Restoration Plan for the project site to the Kern County Planning and Natural Resources Department for review and approval. The plan shall include the measures detailed below.

a. In areas temporarily disturbed during construction and decommissioning (including grading or removal of root balls resulting in loose soil), the ground surface shall be revegetated with a native seed mix or native plants (including Mohave creosote scrub habitat) and/or allowed to re-vegetate with the existing native seed bank in the top soil where possible to establish revegetation. Areas that contain permanent features such as perimeter roads, maintenance roads or under arrays do not require revegetation.

b. The plan must include but is not limited to: (1) the approved California native seed mix that will be used onsite, (2) a timeline for seeding the site, (3) the details of which areas are to be revegetated, (4) a list of the consultation efforts completed, (5) the methods and schedule for installation of fencing that complies with wildlife agency regulations, and a clear prohibition of the use of toxic rodenticides.

c. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place, as needed to establish re-vegetation. The seed mix or native plants shall be determined through consultation with professionals such as landscape architect(s), horticulturist(s), botanist(s), etc. with local knowledge as shown on submitted resume and shall be approved by the Kern County Planning and Natural Resources Department prior to planting. Phased seeding may be used if a phased construction approach is used (i.e., the entire site need not be seeded all at the same time).

d. Vegetation/ground cover shall be continuously maintained on the site by the project operator.

e. The re-vegetation and restoration of the site shall be monitored annually for a three-year period following restoration activities that occur post-construction and post-decommissioning. Based on annual monitoring visits during these three-year periods, an annual evaluation report shall be submitted to the Kern County Planning and Natural Resources Department for the three-year period. Should efforts to revegetate with the existing native seed bank in the top soil prove in the second year to not be successful by 75 percent cover rate, re-evaluation of revegetation methods shall be made in consultation with the Kern County Planning and Natural Resources Department and an additional year shall be added to the monitoring program to ensure coverage is achieved. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, establishes perennials, and is consistent with conditions prior to implementation of the proposed project, where feasible.

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

Cumulative impacts related to scenic vistas and scenic resources would be less than significant for the approved project. The proposed modified project does not change the finding in the certified EIR for this impact.

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

Significant Effect

The approved project would result in a cumulatively considerable aesthetic impact to visual character and light and glare. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Of the cumulative projects presented in Chapter 3, *Project Description*, of the certified EIR, there are 73 solar and non-solar projects proposed throughout the Antelope Valley in Kern County and 27 solar and non-solar projects proposed in Los Angeles County. These have the potential to result in cumulative impacts to aesthetics when considered together with the project. The "scarcity" rating criterion is likely to be impacted by widespread development in the area, as unobstructed views of regional topographical features and undeveloped lands would be less available as acreage is developed with PV panels, wind energy projects, and new transmission lines are constructed.

As the discussion provided above indicates, the project would result in significant and unavoidable impacts related to visual character despite implementation of mitigation. As shown in Figure 3-5, *Surrounding Solar Projects*, provided in Chapter 3, *Project Description*, of the EIR, the Edward Air Force Base (AFB) Solar Project is located immediately south of the previously approved southern site, and several other solar projects, including RE Columbia Solar Project, RE Columbia Two Solar Project, and the Windhub Solar Project are immediately adjacent to the gen-tie study area. Other nearby solar projects include RE Clearwater Solar Project and RE Yakima Solar Project, SEPV Solar Project, Columbia Solar Three, and Rio Grande Project. While other projects in the region would also be required to implement various mitigation measures to reduce impacts, the conversion of thousands of acres in a presently rural area to

solar and wind energy production uses cannot be mitigated to a degree that impacts are no longer significant. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-4, the project's contribution to significant impacts associated with visual character in the Antelope Valley would be significant and unavoidable.

Like the approved project, the proposed modified project would result in less than significant impacts to related to light and glare with the implementation of Mitigation Measures MM 4.1-5 through MM 4.1-7. Similarly, cumulative project in the region would also be required to implement various mitigation measures to reduce lighting impacts. However, given the number of proposed cumulative projects directly adjacent to and within proximity of the project and the conversion of thousands of acres of land in a presently rural area, even with implementation of mitigation, the project and cumulative projects combined would result in significant and unavoidable cumulative impacts related to light and glare.

Finding

Like the approved project, the proposed modified project in combination with other projects would result in significant and unavoidable cumulative aesthetics impacts. Even with the implementation of Mitigation Measures MM 4.1-1 through MM 4.1-7, described above, cumulative impacts would be significant and unavoidable.

Level of Significance

Cumulative impacts would be significant and unavoidable, even with implementation of mitigation.

Brief Explanation of the Rational for 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 4.1-7, described above, would reduce impacts but not to less-than-significant levels. Impacts would remain significant and unavoidable.

AGRICULTURE AND FOREST RESOURCES

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 approved project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use (Impact 4.2-1).

The approved project would not conflict with existing zoning for agricultural use or Williamson Act Contract (Impact 4.2-2).

The approved project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g) (Impact 4.2-3).

The approved project would not result in the loss of forestland or conversion of forest land to non-forest use (Impact 4.2-4).

The approved project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use (Impact 4.2-5).

The approved project would not result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 or Farmland Security Zone Contract for any parcel of 100 acres or more (Section 15206(b)(3) Public Resources Code (Impact 4.2-6).

The proposed modified project does not change the findings in the certified EIR of less than significant for Impacts 4.2-1 through 4.2-6.

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

The approved project would not have any environmental effects related to agriculture and forestry resources that are potentially significant and no mitigation is required. The proposed modified project does not change the findings in the certified EIR related to these impacts.

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

The approved project would not have any environmental effects on agriculture and forestry resources that cannot be mitigated to a less-than-significant level. The proposed modified project does not change the findings in the certified EIR related to these impacts.

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

Significant Effect

Like the approved project, the proposed modified project would not have a cumulative environmental impact on agriculture and forestry resources.

Description of Significant Impact

Impacts of the Approved Project

No parcels within or immediately adjacent to the project site are subject to Williamson Act contracts. Therefore, the project would not incrementally contribute to the conversion of Williamson Act lands to nonagricultural uses. The project would not conflict with existing zoning for agricultural use. Therefore, the project would not incrementally contribute to the rezoning of lands currently zoned for agricultural use. The project would result in no impacts on existing zoning for agricultural use or Williamson Act contracts under the cumulative scenario. The project would not be located on land currently used for agricultural purposes and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use. Therefore, impacts of the project would not have the potential to combine with impacts of other projects to result in cumulative impacts related to the conversion of Williamson Act contracts or other farmland to nonagricultural uses or forest land to non-forest use.

Impacts of the Proposed Modified Project

As described in the Addendum, the proposed modified project does not change the findings in certified EIR related to potential cumulative impacts on agricultural and forestry resources.

Finding

Like the approved project, the proposed modified project has the potential to result in less-than-significant cumulatively considerable impacts related to agriculture and forestry resources. Since these impacts would be less than significant, no mitigation measures are required.

Level of Significance

Cumulative 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. However, impacts would be less than significant and no mitigation measures are required.

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

The approved project would not have a significant and unavoidable cumulative environmental impact on agriculture and forestry resources. The proposed modified project does not change the findings in the certified EIR related to these impacts.

AIR QUALITY

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

None of the approved project's environmental effects on air quality have been found to result in no impacts or only less-than-significant impacts without mitigation incorporated. The proposed modified project does not change the findings in the certified EIR related to these impacts.

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

The approved project would result in operational impacts that are less than significant, as discussed below in Findings for Impacts 4.3-1 and 4.3-2, below. The proposed modified project does not change the findings in the certified EIR related to these impacts.

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

Significant Effect

The approved project would conflict with or obstruct implementation of the applicable air quality plan (Impact 4.3-1). The proposed modified project does not change the findings in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

In general, a project would not interfere with the applicable air quality plan if it is consistent with growth assumptions used to form the applicable air quality plan and if the project implements all reasonably available and feasible air quality control measures.

Table 4.3-8, *Unmitigated Annual Construction Emissions*, under Impact 4.3-3 of the previously certified EIR, construction of the project on an annual basis would exceed the Eastern Kern Air Pollution Control District (EKAPCD) significance thresholds for PM_{10}. In addition, based on the Ambient Air Quality Analysis (AAQA), provided in Appendix C1 of the certified EIR and as shown in Table 4.3-5, Unmitigated Construction Ambient Air Quality Impact Assessment Results, under Impact 4.3-2 of the certified EIR, impacts would be potentially significant for PM_{10} and $PM_{2.5}$. As such, the project would implement Mitigation Measure MM 4.3-1, which would require implementation of Environmental Protection Agency (EPA) Tier 3 or higher engines, among other measures. The project would also implement Mitigation Measure MM 4.3-2, which would require implementation of a Fugitive Dust Control Plan during construction of the project. While the implementation of these mitigation measures would reduce emissions of PM_{10} and $PM_{2.5}$ during construction of the project, these emissions would not be reduced below the EKACPD significance threshold.

As the Mojave Desert Air Basin (MDAB) is in non-attainment for PM_{10} and the project would result in significant temporary levels of PM_{10} emissions during construction, the project could conflict with or delay the attainment of the standard. Therefore, the project would result in a significant and unavoidable temporary impact.

The project is anticipated to operate for 30 to 35 years, after which the land could be converted to other uses in accordance with applicable land use regulations in effect at that time if its condition use permit is not extended. The project would be required to develop a decommissioning plan and financial assurances for review and approval by the Kern County Planning and Natural Resources Department. All decommissioning and restoration activities would adhere to the requirements of the appropriate governing authorities and in accordance with all applicable federal, State, and County regulations.

At such time as the facility is decommissioned, equipment operation and site restoration activities would result in impacts to air quality. Given the fact that much of the construction equipment necessary to construct the project would also be required to decommission the site, it is reasonable to assume that decommissioning activities would be similar in nature to activities associated with construction of the project. Impacts would be less than those of construction, as no grading would occur. Even though no grading would occur during decommissioning of the project, it is conservatively assumed that decommissioning would similarly have a potentially significant and unavoidable temporary impact related to emissions PM_{10} and $PM_{2.5,}$ as with construction of the project. However, as with construction of the project, while emissions are considered temporary and not a long-term emissions source, short-term exceedances during decommissioning could obstruct EKAPCD's ability to achieve further progress toward attainment of ambient air quality standards. Therefore, similar to construction, the project would conflict with or obstruct the air quality planning goals set forth by EKAPCD, and decommissioning would result in a significant and unavoidable temporary impact.

Short-term construction-related emissions would exceed the EKAPCD threshold for PM_{10} and could potentially obstruct implementation of an applicable air quality plan. Construction and decommissioning impacts would be significant and unavoidable. Long-term operational impacts would be less than significant and would not obstruct implementation of an applicable air quality plan.

Impacts of the Proposed Modified Project

The proposed modified project would result in development of a smaller area over a shorter construction period when compared to the approved project. Because construction of the proposed modified project is not expected to begin until construction of the approved project is complete, emissions and potential impacts resulting from construction of the proposed modified project and approved project would not be concurrent. As with the approved project, Mitigation Measures (MM) 4.3-1 through MM 4.3-4 would be implemented during construction of the proposed modified project to further reduce impacts to air quality in the area. These mitigation measures provide various means by which diesel exhaust emissions, dust generation, and potential exposure to Valley Fever would be reduced. like the approved project, even with implementation of these mitigation measures, impacts would still be significant and unavoidable.

Finding

Like the approved project, the proposed modified project would result in conflict or obstruction of the implementation of applicable air quality plans. Even with the implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2, described below, construction and decommissioning impacts would be significant and unavoidable.

Level of Significance

With implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2, impacts would be significant and unavoidable.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the conflict or obstruction of the implementation of applicable air quality control plans. Even with implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2, described below, impacts would be significant and unavoidable.

MM 4.3-1: **Implement Diesel Emission-Reduction Measures During Construction.** To control particulate matter emissions during construction, the project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the project, subject to verification by the County:

a. Off-road equipment engines over 25 horsepower shall be equipped with U.S. Environmental Protection Agency Tier 3 or higher engines unless Tier 3 construction equipment is not locally available.

b. All equipment shall be maintained in accordance with the manufacturer's specifications.

c. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.

d. Notification shall be provided to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes.

e. Electric equipment shall be used to the extent feasible in lieu of diesel or gasoline-powered equipment.

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

g. On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.

h. Existing electric power sources shall be used to the extent feasible. This measure would minimize the use of higher polluting gas or diesel generators.

i. The hours of operation of heavy-duty equipment and/or the quantity of equipment in use shall be limited to the extent feasible.

MM 4.3-2: **Implement Fugitive Dust Control Plan During Construction.** To control fugitive particulate matter emissions during construction, prior to the issuance of grading or building permits and any earthwork activities, the project proponent shall prepare a comprehensive Fugitive Dust Control Plan for review by the Kern County Planning and Natural Resources Department. The plan shall include all Eastern Kern Air Pollution Control District-recommended measures, including but not limited to, the following:

a. All soil being actively excavated or graded shall be sufficiently water to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soils areas. Watering shall take place a minimum of three times daily where soil is being actively disturbed, unless dust is otherwise controlled by rainfall or use of a dust suppressant.

b. Vehicle speed for all on site (i.e., within the project boundary) construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads.

c. Vehicle speeds on all offsite unpaved roads (i.e., outside the project boundary) for construction vehicles shall not exceed 25 mph. Signs identifying vehicle speed limits shall be posted along unpaved site access roads and at the site entrance/exit.

d. All onsite unpaved roads and offsite unpaved public project-site access road(s) shall be effectively stabilized of dust emissions using water or Eastern Kern Air Pollution Control District-approved dust suppressants/palliatives, sufficient to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. If water is used, watering shall occur a minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered immediately prior to periods of high use (e.g., worker commute periods, truck convoys). Reclaimed (non-potable) water shall be used to the extent available and feasible.

e. The amount of the disturbed area (e.g., grading, excavation) shall be reduced and/or phased where possible.

f. All disturbed areas shall be sufficiently watered or stabilized by Eastern Kern Air Pollution Control District-approved methods to prevent excessive dust. On dry days, watering shall occur a minimum of three times daily on actively disturbed areas. Watering frequency shall be increased whenever wind speeds exceed 15 mph or, as necessary, to prevent wind-blown dust exceeding 20 percent opacity at nearby

residences or public roads. Reclaimed (non-potable) water shall be used to the extent available and feasible.

g. All clearing, grading, earth moving, and excavation activities shall cease during periods when dust plumes of 20 percent or greater opacity affect public roads or nearby occupied structures.

h. All disturbed areas anticipated to be inactive for periods of 30 days or more shall be treated to minimize wind-blown dust emissions. Treatment may include, but is not limited to, the application of an Eastern Kern Air Pollution Control District-approved chemical dust suppressant, gravel, hydro-mulch, revegetation/seeding, or wood chips.

i. All active and inactive disturbed surface areas shall be compacted, where feasible.

j. Equipment and vehicle access to disturbed areas shall be limited to only those vehicles necessary to complete the construction activities.

k. Where applicable, permanent dust control measures shall be implemented as soon as possible following completion of any soil-disturbing activities.

l. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate methods sufficient to reduce visible dust emissions to a limit of 20 percent opacity. If necessary and where feasible, three-sided barriers shall be constructed around storage piles and/or piles shall be covered by use of tarps, hydro-mulch, woodchips, or other materials sufficient to minimize wind-blown dust.

m. Water shall be applied prior to and during the demolition of onsite structures sufficient to minimize wind-blown dust.

n. Where acceptable to the fire department and feasible, weed control shall be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.

o. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with California Vehicle Code Section 23114.

p. Gravel pads, grizzly strips, or other material track-out control methods approved for use by the Eastern Kern Air Pollution Control District shall be installed where vehicles enter or exit unpaved roads onto paved roadways.

q. Haul trucks and off-road equipment leaving the site shall be washed with water or high-pressure air, and/or rocks/grates at the project entry points shall be used, when necessary, to remove soil deposits and minimize the track-out/deposition of soil onto nearby paved roadways.

r. During construction paved road surfaces adjacent to the site access road(s), including adjoining paved aprons, shall be cleaned, as necessary, to remove visible accumulations of track-out material. If dry sweepers are used, the area shall be sprayed with water prior to sweeping to minimize the entrainment of dust. Reclaimed water shall be used to the extent available.

s. Portable equipment, 50 horsepower or greater, used during construction activities (e.g., portable generators, temporary concrete batch plant) shall require California statewide portable equipment registration (issued by the California Air Resources Board) or an Eastern Kern Air Pollution Control District permit.

t. The Fugitive Dust Control Plan shall identify a designated person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures, as necessary, to minimize the transport of dust off site and to ensure compliance with identified fugitive dust control measures. Contact information for a hotline shall be posted on site any should any complaints or concerns be received during working hours and holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the Eastern Kern Air Pollution Control District Compliance Division prior to the start of any grading or earthwork.

u. Signs shall be posted at the project site entrance and written notifications shall be provided a minimum of 30 days prior to initiation of project construction to residential land uses located within 1,000 feet of the project site. The signs and written notifications shall include the following information: (a) Project Name; (b) Anticipated Construction Schedule(s); and (c) Telephone Number(s) for designated construction activity monitor(s) or, if established, a complaint hotline.

v. The designated construction monitor shall document and immediately notify the Eastern Kern Air Pollution Control District of any air quality complaints received. If necessary, the project operator and/or contractor will coordinate with the Eastern Kern Air Pollution Control District to identify any additional feasible measures and/or strategies to be implemented to address public complaints.

Significant Effect

The approved project would expose sensitive receptors to substantial pollutant concentrations (Impact 4.3-2). The proposed modified project does not change the findings in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

Sensitive receptors are particularly sensitive to air pollution because they are persons that are ill, elderly, or have lungs that are not fully developed. Locations where such persons reside, spend considerable amount of time, or engage in strenuous activities are also referred to as sensitive receptors. Typical sensitive receptors include inhabitants of long-term healthcare facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, childcare centers, and athletic facilities. As discussed previously, the project is located in a rural area and the nearest sensitive receptors consisting of single family residences are located 58 feet north of the project site.

An Ambient Air Quality Analysis (AAQA), as provided in Appendix C2 of the certified EIR, was performed to determine whether the project's construction emissions would cause or contribute to exceedances of any California Ambient Air Quality Standards (CAAQS) or National Ambient Air Quality Standards (NAAQS) during construction. As provided in Table 4.3-5, *Unmitigated Construction Ambient*

Air Quality Impact Assessment Results, of the previously certified EIR, construction of the project would result in construction activities that could generate ambient constructions of PM10 and PM2.5 above the applicable thresholds.

The project would implement Mitigation Measure MM 4.3-1, which would serve to reduce emissions of PM_{10} and $PM_{2.5}$ during construction of the project through compliance with EKAPCD Rules and Regulations for dust-control measures. While the implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2 would reduce emissions of PM_{10} and $PM_{2.5}$ during construction of the project, these emissions would not be reduced below the EKACPD significance threshold, as shown in Table 4.3-6 of the certified EIR, Mitigated Construction Ambient Air Quality Impact Assessment Results. Therefore, the project would result in a significant and unavoidable temporary impact. With implementation of Mitigation Measure MM 4.3-1 and MM 4.3-2, temporary construction and decommissioning impacts would be significant and unavoidable.

The project has the potential to generate fugitive dust and suspend Valley Fever spores with the dust that could then reach nearby sensitive receptors. It is possible that onsite workers could be exposed to valley fever as fugitive dust is generated during construction. As such, the risk of exposure and contraction of Valley Fever as a result of the project would be increased from the existing conditions, and Mitigation Measure MM 4.3-3 is required to ensure that construction workers take the proper precautions to avoid Valley Fever exposure. In addition, Mitigation Measure MM 4.3-4 is proposed to ensure appropriate public awareness regarding Valley Fever. Therefore, implementation of the Mitigation Measure MM 4.3-3 and MM 4.3-4 would minimize the exposure to Valley Fever during construction and impacts would be reduced to less-than-significant levels.

Impacts of the Proposed Modified Project

The proposed modified project would result in development of a smaller area over a shorter construction period when compared to the approved project and is located further from sensitive receptors than the approved project. As with the approved project, the proposed modified project would not create localized CO hotspots, emit dust at levels significantly contributing to visibility impacts, and cause cancer or chronic health risks above the EKAPCD's significance thresholds resulting from potential exposure to diesel particulate matter emitted during construction. As with the approved project, Mitigation Measures (MM) 4.3-1 through MM 4.3-4 would be implemented during construction of the proposed modified project to further reduce impacts to air quality in the area. These mitigation measures provide various means by which diesel exhaust emissions, dust generation, and potential exposure to Valley Fever would be reduced. Like the approved project, even with implementation of these mitigation measures, impacts related to criteria air pollutants would still be significant and unavoidable. Other impacts related to the exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.

Finding

Like the approved project, the proposed modified project would result in temporary construction and decommissioning impacts related to criteria air pollutants. Even with the implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2, described above, construction- and decommissioning-related impacts would be significant and unavoidable. With implementation of Mitigation Measures MM 4.3-3 and MM 4.3-4, described below, impacts related to Valley Fever would be less than significant.

Level of Significance

Impacts related to criteria air pollutants during construction and decommissioning would be significant and unavoidable with implementation of mitigation. Impacts related to Valley Fever would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to the exposure of sensitive receptors to substantial pollutant concentrations. Even with implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2, described above, impacts related to criteria air pollutants during construction and decommissioning would be significant and unavoidable. With implementation of Mitigation Measures 4.3-3 and 4.3-4, described below, impacts related to Valley Fever would be less than significant.

MM 4.3-3: **Minimize Exposure to Potential Valley Fever–Containing Dust.** To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during project construction:

a. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved off site to other work locations.

b. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground.

c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area.

d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust shall leave the area until a truck can resume water spraying.

e. All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a high efficiency particulate-filtered air system.

f. Workers shall receive training to recognize the symptoms of Valley Fever, and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department.

g. A Valley Fever informational handout shall be provided to all onsite construction personnel. The handout shall, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.

h. On-site personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health–approved respirators shall be provided to on-site personal, upon request. Evidence of training shall be provided to the Kern County Planning.

MM 4.3-4: Prior to the issuance of grading permits, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of $3,200 for Valley Fever public awareness programs.

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

Operation of the approved project would result in cumulative effects on air quality that would be less than significant, as discussed below. The proposed modified project does not change the findings in the certified EIR related to this impact.

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

Significant Effect

Construction and decommissioning of the project would result in a cumulatively considerable net increase of any criteria pollutant for which the projects' region is nonattainment under applicable federal or State ambient air quality standards (Impact 4.3-3). The proposed modified project does not change the findings in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

The discussion provided in the certified EIR evaluates localized impacts, including projects located within a 1- and 6-mile radius; evaluates consistency with existing air quality plans; and compares project emissions to CARB emission projections for the region, consistent with the criterion provided in Kern County Planning Department's Guidelines for Preparing an Air Quality Assessment for Use in Environmental Impact Reports.

Mitigated emissions for construction related to ambient air quality impacts are summarized in Table 4.3-6 of the certified EIR. While the implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2 would reduce emissions of PM_{10} and $PM_{2.5}$ during construction of the project, these emissions would not be reduced below the EKACPD significance threshold. In addition, implementation of these mitigation measures would also reduce annual emissions of PM_{10} during construction of the project, the emissions for PM_{10} would not be reduced below the EKACPD significance threshold, as illustrated in Table 4.3-9 of the certified EIR. Mitigation measures would ensure use of only Tier 3 off-road equipment to address exhaust emissions of PM10.

While the project's emissions would be negligible in comparison to the air basin's total emissions, the project would still exceed the EKCAPD's annual threshold for PM_{10}. Therefore, the project could delay the attainment of the standard. Additionally, construction of other projects in the proximity that could further contribute to the exceedance of the PM_{10} threshold. Therefore, there would be a temporary cumulative impact during construction of the project.

Impacts of the Proposed Modified Project

Although the construction period for the proposed modified project would be shorter than for the approved project, the proposed modified project would itself exceed the significance threshold for PM_{10}. Therefore, the proposed modified project will make a cumulatively considerable contribution to significant and

unavoidable cumulative impacts during the construction period, when combined with other potential related projects in the air basin. Criteria air pollutant thresholds are inherently cumulative, and the proposed modified project would not create a substantially larger cumulatively considerable contribution to significant cumulative impacts than disclosed in the certified EIR or have a new or substantially more significant health impact from criteria air pollutants.

Finding

Like the approved project, the proposed modified project in combination with other projects would result in temporary significant and unavoidable cumulative impact during construction and decommissioning of the project. Even with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-4, described above, cumulative impacts would be significant and unavoidable.

Level of Significance

Cumulative impacts would be temporarily significant and unavoidable during construction and decommissioning of the project after implementation of Mitigation Measures MM 4.3-1 through MM 4.3-4. Cumulative impacts related to operation 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. Implementation of Mitigation Measures MM 4.3-1 through MM 4.3-4, described above, would reduce impacts during construction and decommissioning but not to a less-than-significant level. Impacts would remain significant and unavoidable.

BIOLOGICAL RESOURCES

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 approved project would not have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Impact 4.4-3).

The approved project would not 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 4.4-4).

The approved project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (Impact 4.4-6).

The proposed modified project does not change the findings in the certified EIR related to these impacts.

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

Significant Effect

The approved project could have a substantial adverse effect, 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 Wildlife or U.S. Fish and Wildlife Service (Impact 4.4-1). The proposed modified project does not change the finding in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

The approved project has the potential to impact special-status plants and wildlife through the loss of habitat, as well as direct and indirect impacts on species, such as mortality of individuals, interference with reproductive success, introduction of invasive species, and habitat degradation. Potential impacts to special-status plants and wildlife from construction, operation and maintenance, and decommissioning are discussed in detail in Section 4.4, *Biological Resources*, of the previously certified EIR.

One special-status plant species was identified at the project site: alkali mariposa lily. A total of eight alkali mariposa lilies were observed, with one individual observed in the northern portion of the project site and the remaining seven individuals observed in the southern portion of the project site. Direct impacts to the alkali mariposa lilies and their habitat may include mortality of individuals as a result of permanent removal or damage to root structures during the construction phase of the project through activities like clearing vegetation and removal of suitable habitat. Indirect impacts may include construction-generated dust and sedimentation into adjacent habitat supporting these plants that may affect photosynthetic uptake processes as a result of dust covering leaves or water uptake processes as a result of sedimentation around individual plants and their habitat. These indirect impacts can impact the success of individual plants. Impacts to alkali mariposa lily would be considered significant without mitigation. While impacts to these special-status plant species are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-1 through MM 4.4-5, which requires measures such as alkali mariposa lily avoidance, bulb transplantation plan, minimization measures, construction monitoring by a qualified biologist, implementation of an Environmental Awareness Training and Education Program, general avoidance and protective measures designed to avoid impacts to special-status wildlife during construction, operations and maintenance, and decommissioning activities, and preconstruction surveys for special-status species including special-status plants. With the implementation of Mitigation Measures MM 4.4-1 through MM 4.4-5, impacts would be reduced to a less-than-significant level.

Special-status wildlife species either confirmed present or may be present on the project site include desert tortoise, burrowing owl, Swainson's hawk, loggerhead shrike, LeConte's thrasher, and desert kit fox. In addition, the pallid bat, Townsend's big-eared bat, and American badger have a high potential to occur at the project site. Golden eagle, ferruginous hawk, prairie falcon, and Lawrence's goldfinch have a moderate potential to occur at the project site. Suitable habitat for several migratory birds and raptors protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGC) are also present. Construction of the project could result in the direct impacts of these special-status species if any are present.

While impacts to desert tortoises are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-2 through MM 4.4-7, which requires construction

monitoring by a qualified biologist, implementation of an Environmental Awareness Training and Education Program, general avoidance and protective measures designed to avoid impacts to special-status wildlife during construction, operations and maintenance, and decommissioning activities, preconstruction surveys for special-status species including desert tortoise and establishment of a suitable buffer by a qualified biologist, desert tortoise clearance surveys and the development of a desert tortoise translocation plan, and development of a Raven Management Plan. Due to absence of live tortoise occurrence on the project site and its position at the periphery of the species' current range, and the quality of immediately surrounding habitats as well as the abundance of suitable habitat to the east of the project site where the largest primary population in the Mojave Desert is located, the loss of up to 1,035 acres of poor suitable habitat is considered less than significant and mitigation is not required. With implementation of Mitigation Measures MM 4.4-2 through MM 4.4-7, impacts to desert tortoise would be less than significant.

While impacts to burrowing owls are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-8, which requires construction monitoring by a qualified biologist, implementation of an Environmental Awareness Training and Education Program, general avoidance and protective measures designed to avoid impacts to special-status wildlife during construction, operations and maintenance, and decommissioning activities, preconstruction surveys for special-status species including burrowing owl and establishment of a suitable buffer by a qualified biologist, and preconstruction burrowing owl surveys to identify any active or potential burrows that may require avoidance. Implementation of Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-8 would ensure that no nesting or foraging burrowing owls are impacted during construction or compensatory mitigation occurs; therefore, impacts to burrowing owl would be less than significant.

While impacts to Swainson's hawk are potentially significant, impacts would be reduced through the implementation of Mitigation Measure MM 4.4-11, which requires power lines to be installed per Avian Power Line Interaction Committee (APLIC) standards. With implementation of Mitigation Measure MM 4.4-11, impacts to Swainson's hawk would be less than significant.

While impacts to the desert kit fox are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-10, which requires construction monitoring by a qualified biologist, implementation of an Environmental Awareness Training and Education Program, general avoidance and protective measures designed to avoid impacts to special-status wildlife during construction, operations and maintenance, and decommissioning activities, preconstruction surveys for special-status species, including desert kit fox, and establishment of a suitable buffer by a qualified biologist, and the development of an avoidance or passive relocation program for desert kit fox. Additionally, Mitigation Measure MM 4.1 5 would require compliance with Kern County's Dark Skies Ordinance to minimize nighttime lighting in unincorporated areas of Kern County. With implementation of Mitigation Measures MM 4.4-2 through 4.4-5, MM 4.4-10, and MM 4.1-5, impacts to desert kit fox would be less than significant.

While impacts to the American badger are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-10, which requires construction monitoring by a qualified biologist, implementation of an Environmental Awareness Training and Education Program, general avoidance and protective measures designed to avoid impacts to special-status wildlife during construction, operations and maintenance, and decommissioning activities, preconstruction surveys for special-status species including American badger and establishment of a suitable buffer by a qualified biologist, and the development of an avoidance or passive relocation program for American badger. With implementation of Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-10, impacts to American badger would be less than significant.

While impacts to the golden eagle are potentially significant, impacts to golden eagle would be reduced through the implementation of Mitigation Measure MM 4.4-11, which requires power lines to be installed per APLIC standards. With implementation of this Mitigation Measure MM 4.4-11, impacts to golden eagle would be less than significant.

While impacts to the ferruginous hawk and prairie falcon are potentially significant, impacts to ferruginous hawk and prairie falcon would be reduced through the implementation of Mitigation Measure MM 4.4-11, which requires power lines to be installed per APLIC standards. With implementation of this Mitigation Measure MM 4.4-11, impacts to ferruginous hawk and prairie falcon would be less than significant.

While impacts to Lawrence's goldfinch are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-2 through MM 4.4-4 and MM 4.4-9, which requires construction monitoring by a qualified biologist, implementation of an Environmental Awareness Training and Education Program, general avoidance and protective measures designed to avoid impacts to special-status wildlife during construction, operations and maintenance, and decommissioning activities, and avian nesting surveys that would detect any nesting Lawrence's goldfinch within the project vicinity. With implementation of Mitigation Measures MM 4.4-2 through MM 4.4-4 and MM 4.4-9, impacts to Lawrence's goldfinch would be less than significant.

While impacts to the aforementioned raptors are potentially significant, impacts would be reduced through the implementation of Mitigation Measures 4.4-11 and MM 4.4-12. Swainson's hawks are not expected to nest within the project site because they show nest site fidelity, and no nests were detected during protocol-level surveys. Therefore, they would only be present during migration and the project would not impact their behavior as they could migrate through adjacent areas. Golden eagles would only be present during winter and dispersing through the project site; therefore, the project would not impact their behavior as they could winter and disperse through adjacent areas. Ferruginous hawks would only be present during the wintering season as a migrant. Therefore, they would only be present during migration and the project would not impact their behavior as they could migrate through adjacent areas. Prairie falcon have the potential to forage within the project site, but because it was not detected during surveys, it is unlikely that this species forages exclusively within the project site. Therefore, with development of the project site, the majority of the foraging habitat for this species would remain, and impacts would be less than significant. Mitigation Measure MM 4.4-11 requires power lines to be installed per APLIC standards, reducing the likelihood of collision and/or electrocution from power lines. In order to determine if the operational phase of the project would result in a significant amount of avian mortality, Mitigation Measure MM 4.4-12 requires implementation of a monitoring program. The program would monitor avian mortality at the project site during operations and maintenance and provide quarterly reporting and recommendations to reduce the level of avian mortality. The project is unlikely to be large enough to result in raptor mortality impacts that exceeds background levels enough to have an adverse effect on the overall population. Impacts would be less than significant.

While impacts to migratory birds are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.1-5 and MM 4.4-12. As discussed previously, solar panels have the potential to create a lake effect, potentially resulting in avian impacts from collisions, stranding, or other forms of distress. Mitigation Measure MM 4.1-5 would require all solar panels and hardware to be designed to minimize glare and spectral highlighting. In order to determine if the operational phase of the project is resulting in a significant amount of avian mortality, a monitoring program would be implemented, as described in Mitigation Measure MM 4.4-12. The program would monitor avian mortality at the project site during operations and maintenance and provide quarterly reporting and adaptive management recommendations to reduce the level of avian mortality to less than significant levels.

Upon decommissioning of the approved project after approximately 35 years, the project site would be disturbed, devoid of native habitat, and have compacted soil from years of vehicle traffic. The post-project condition of the project site as a result of project construction and operation would be different than pre-project conditions. If special-status species have recolonized the project site during operation, decommissioning could impact these species. Impacts to these species would be considered significant without mitigation.

Impacts of the Proposed Modified Project

No USFWS-designated critical habitat, sensitive natural communities, or natural aquatic habitats would be affected by the Project. No desert tortoise or desert tortoise sign was observed in the surveys of the proposed modified project site. Biologists identified 37 special-status wildlife species having the potential to occur on the proposed modified project site. Of the 37 special-status wildlife species, 6 were incidentally observed during field surveys and presumed present in the study area: burrowing owl (*Athene cunicularia*), Cooper's hawk (*Accipiter cooperii*), desert kit fox (*Vulpes macrotis arsipus*), Le Conte's thrasher (*Toxostoma lecontei*), loggerhead shrike (*Lanius ludovicianus*), and northern harrier (*Circus hudsonius*). Six other special-status species have moderate potential to use the study area: American badger (*Taxidea taxus*), ferruginous hawk (*Buteo regalis*), pallid bat (*Antrozous pallidus*), prairie falcon (*Falco mexicanus*), southern grasshopper mouse (*Onychomys torridus ramona*), and Townsend's big-eared bat (*Corynorhinus townsendii*). Suitable habitat for several migratory birds and raptors protected under the Migratory Bird Treaty Act (MBTA) and the CDFW are also present or have potential to occur.

While impacts to desert tortoise are potentially significant, as with the approved project, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-2 through MM 4.4-7. Mitigation Measure MM 4.4-6 from the certified EIR required the completion of preconstruction desert tortoise surveys on the southern portion of the approved project site in accordance with USFWS protocol (2010). The mitigation measure has been revised to remove reference to that requirement and to instead premise further mitigation for desert tortoise impacts on whether desert tortoise or desert tortoise sign is found during preconstruction surveys completed pursuant to Mitigation Measure MM 4.4-5. Implementation of these mitigation measures would be obligatory and impacts to desert tortoise would be less than significant.

Similar to the approved project, it was determined that there is low potential for Mohave ground squirrel to occur within the proposed modified project site and region. No further mitigation is necessary for the proposed modified project.

Bloom Biological Inc. confirmed that there were no known Swainson's hawk nests within 5 miles of the proposed modified project and that the site provides poor habitat for Swainson's Hawk with no little or no breeding habitat and low-quality foraging habitat. While impacts to Swainson's hawk are potentially significant, as with the approved project, impacts would be reduced through the implementation of Mitigation Measure MM 4.4-11, which requires power lines to be installed per Avian Power Line Interaction Committee standards. Implementation of this mitigation measure would be obligatory and impacts to Swainson's hawk would be less than significant.

Appropriate mitigation for American badger was included in the certified EIR as Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-10. As with the approved project, implementation of these mitigation measures would be obligatory for the proposed modified project and impacts to American badger would be less than significant.

Appropriate mitigation for burrowing owl impacts was included in the certified EIR as Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-8. As with the approved project, implementation of these mitigation measures would be obligatory and impacts to burrowing owl would be less than significant.

While impacts to the desert kit fox are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-2 through MM 4.4-5 and MM 4.4-10. In addition, Mitigation Measure MM 4.1-5 would require compliance with Kern County's Dark Skies Ordinance to minimize nighttime lighting in unincorporated areas of Kern County. As with the approved project, implementation of these mitigation measures would be obligatory with the Project and impacts to desert kit fox would be less than significant.

While impacts to the golden eagle are potentially significant, impacts to golden eagle would be reduced through the implementation of Mitigation Measure MM 4.4-11, which requires power lines to be installed per Avian Power Line Interaction Committee standards. As with the approved project, implementation of this mitigation measure would be obligatory and impacts to golden eagle would be less than significant. No further mitigation is necessary for the Project.

While impacts to the loggerhead shrike and LeConte's thrasher are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-2 through MM 4.4-4 and MM 4.4-9 and impacts to loggerhead shrike and LeConte's thrasher would be less than significant. As with the approved project, implementation of these mitigation measures would be obligatory with the Project to reduce potential impacts to loggerhead shrike and LeConte's thrasher.

Pallid bat and Townsend's big-eared bat are known to occur in the study area vicinity and have a moderate potential to forage over the study area. However, it is likely that both species forage in the project area at low levels because of the low insect production in the desert communities at most times of the year. Additional suitable foraging habitat would remain surrounding the study area; therefore, there would be no significant impacts to pallid and Townsend's big-eared bat foraging habitat as a result of the proposed modified project.

While impacts to the ferruginous hawk and prairie falcon are potentially significant, impacts to ferruginous hawk and prairie falcon would be reduced through the implementation of Mitigation Measure MM 4.4-11, which requires power lines to be installed per Avian Power Line Interaction Committee standards. As with the approved project, implementation of this mitigation measure would be obligatory and impacts to ferruginous hawk and prairie falcon would be less than significant.

While impacts to the southern grasshopper mouse are potentially significant, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-3 through MM 4.4-5 from the certified EIR, which includes development of a training plan, general avoidance and protective measures, preconstruction monitoring and construction monitoring. In addition, Mitigation Measure MM 4.1-5 would require compliance with Kern County's Dark Skies Ordinance to minimize nighttime lighting in unincorporated areas of Kern County. Nighttime lighting can disrupt the activity patterns of nocturnal species like the southern grasshopper mouse. MM 4.1-5 would minimize lighting impacts to desired work areas only and avoid lighting adjacent areas. As with the approved project, implementation of these mitigation measures would be obligatory and impacts to southern grasshopper mouse would be less than significant.

Mitigation measures for nesting birds and raptors were included in the certified EIR as Mitigation Measures MM 4.4-2 through MM 4.4-4, MM 4.4-9, and MM 4.4-11. As with the approved project, implementation of these mitigation measures would be obligatory for the Project and impacts to nesting migratory birds and raptors would be less than significant.

The certified EIR was approved prior to western Joshua tree being considered a CESA candidate species. Western Joshua tree individuals are present at the approved project site, but no western Joshua tree woodland habitat was documented. Western Joshua tree was not a CESA candidate species when the EIR was certified; therefore, Mitigation Measure 4.4-1 required the approved project to comply with the

California Desert Native Plant Act for removal of Joshua trees, and did not include other mitigation requirements related to Joshua tree impacts. For the proposed modified project, botanists conducted western Joshua tree surveys of the study area during the spring of 2021 and did not identify any Joshua Tree woodlands on the proposed modified project site. No other special-status plant species were observed during the 2022 botanical resources survey. Six special-status plants have low potential of occurring in the study area: alkali mariposa lily, recurved larkspur (*Delphinium recurvatum*), Barstow woolly sunflower (*Eriophyllum mohavense*), Latimer's woodland gilia (*Saltugilia latimeri*), pale-yellow layia (*Layia heterotricha*), and sagebrush loeflingia (*Loefingia squarrosa* var. *artemisiarum*). The most common vegetation type in the study area is allscale saltbush (*Atriplex polycarpa*) scrub.

The proposed modified project would result in environmental impacts similar to those of the approved project discussed in the certified EIR related to special-status plants. Mitigation Measure 4.4-1 was modified to address the Joshua tree's status as a CESA candidate species and ensure impacts to the species are fully mitigated. While the proposed modified project's impacts to special-status plants are potentially significant, as with the approved project, impacts would be reduced through the implementation of Mitigation Measures MM 4.4-1 through MM 4.4-5, including the proposed modifications to Mitigation Measures MM 4.4-1 set forth above. Implementation of these mitigation measures would be obligatory for the Project and the impacts to special-status plant species, including alkali mariposa lily and Joshua trees, would be less than significant.

As summarized above, the proposed modified project would not cause new or substantially more severe impacts on special status plants and animals than the approved project.

Finding

Like the approved project, the proposed modified project has the potential to impact special-status wildlife and plant species through the loss of habitat as well as direct and indirect impacts on wildlife. These impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.1-5, described above in Findings for Aesthetics, and Mitigation Measures MM 4.4-1 through MM 4.4-12, described below with modifications to MM 4.4-1 and MM 4.4-6 as described pertaining to the modified project.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Measure MM 4.1-5, described above in Findings for Aesthetics, and Mitigation Measures MM 4.4-1 through MM 4.4-12, described below, would reduce impacts to less-than-significant levels.

MM 4.4-1 (revised): Prior to the issuance of grading or building permits, the project proponent/operator shall conduct preconstruction surveys to map the location and quantify the number of Joshua trees, Wiggins' cholla, and beavertail pricklypear.

a. The project proponent/operator~~e~~ shall pay the required fee to remove Wiggins' cholla, beavertail pricklypear, and Joshua tree in accordance with the California Desert Native Plants Act prior to construction activities.

i If, at the commencement of project construction, Joshua trees are still considered a CESA candidate species or have been listed as threatened or endangered under CESA:

(1) The project proponent/operator shall consult with California Department of Fish and Wildlife (CDFW) regarding the take of Joshua trees and shall comply with all avoidance, minimization, and compensatory mitigation requirements set forth any incidental take permit issued for the Project. If avoidance and minimization requirements imposed by CDFW through issuance of an incidental take permit for the Project are more stringent than the requirements of this mitigation measure, the incidental take permit's requirements shall supersede the requirements set forth below.

(2) The project proponent/operator shall provide compensatory mitigation for the take of Joshua trees at a minimum ratio of 1.5:1 based on the total acreage of canopy coverage of Joshua trees taken by the project. This requirement shall be superseded by any more stringent compensatory mitigation requirements that may be imposed by CDFW through issuance of an incidental take permit for the Project.

ii To avoid and minimize Project impacts on Joshua trees, the project proponent/operator shall implement the following measures:

(1) Project proponent/operator shall protect all Joshua trees in the Project Site that will be preserved by fencing, flagging, or stakes establishing a buffer to protect the dripline plus no less than 5 feet from the dripline. Project proponent/operator shall maintain and/or replace those temporary protection measures as needed during construction. All vegetation removed from the Project shall be distributed away from Joshua trees identified for preservation.

(2) The Project proponent/operator shall ensure that preserved Joshua trees on the Project site are protected from disturbance during operations and maintenance activities performed in the vicinity of preserved trees. The trees shall be protected during such activities by installing temporary fencing, flagging, or stakes establishing a buffer to protect the dripline plus no less than 5 feet from the dripline.

b. All alkali mariposa lilies that cannot feasibly be avoided in final project design shall have bulbs collected prior to construction. Additionally, a transplantation plan for alkali mariposa lily will be submitted and approved by the County prior to ground disturbance and bulb collection. The plan will include the following:

i. Identify an area of occupied habitat either on site or off site to be preserved and where transplantation of bulbs will occur; and methods for preservation, restoration, enhancement, and/or translocation.

ii. Indicate a replacement ratio and success standard of 1:1 for impacted to individuals.

iii. Establish a monitoring program to ensure mitigation success.

iv. Create an adaptive management and remedial measures in the event that performance standards are not achieved.

v. Ensure financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity.

c. Temporary ground disturbance associated with the transmission lines shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity), and revegetated with an application of a native seed mix prior

to or during seasonal rains to promote passive restoration of the area to pre-project conditions. However, if invasive plant species were present, these species would not be restored. An area subjected to temporary ground disturbance means any area that is disturbed but will not be subjected to further disturbance as part of the project. This does not include areas already designated as urban/developed. Prior to seeding temporary ground disturbance areas, the qualified biologist will review the seeding palette to ensure that no seeding of invasive plant species, as identified in the most recent version of the California Invasive Plant Inventory for the region, will occur.

MM 4.4-2: Prior to the issuance of grading or building permits from the County, the project proponent/operator shall retain a qualified biologist(s) who meets the qualifications of an authorized biologist as defined by U.S. Fish and Wildlife Service to oversee compliance with protection measures for all listed and other special-status species that may be affected by the construction of the project. The following measures pertain to qualified biologist(s) on site:

a. The qualified biologist(s) shall be on the project site during construction of perimeter fencing, clearing of vegetation, grading activities, and similar ground-disturbance activities that will be associated with the construction phase.

b. The qualified biologist(s) shall have the right to halt all activities that are in violation of the special-status species mitigation measures, as well as any regulatory permits from the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service. Work shall proceed only after hazards to special-status species are removed and the species is no longer at risk.

c. The qualified biologist(s) shall have in her/his possession a copy of all the compliance measures while work is being conducted on the project site.

d. Prior to issuance of grading or building permits, contact information for the qualified biologist(s) shall be submitted to the Kern County Planning and Natural Resources Department.

e. Any individuals who undertake biological monitoring and mitigation tasks shall be supervised by the qualified biologist(s) and shall have the appropriate education and experience to accomplish biological monitoring and mitigation tasks. Biological monitors shall comply with the above measures.

MM 4.4-3: Prior to the issuance of grading or building permits from the County, and for the duration of construction activities, and within a minimum of one-week initial ground disturbance, all construction workers shall attend an Environmental Awareness Training and Education Program that will be developed by a qualified biologist. Any personnel associated with construction that did not attend the initial training shall be trained by the authorized biologist or designee approved by the authorized biologist prior to working on the project site.

Any employee responsible for the operations and maintenance or decommissioning of the project facilities shall also attend the Worker Environmental Awareness Training and Education Program prior to starting work on the project and on an annual basis.

The Program will be developed and presented by the project qualified biologist(s) or designee approved by the qualified biologist(s) during construction. The Program shall include the components described below:

a. Information on the life history of the alkali mariposa lily, desert tortoise, burrowing owl, Swainson's hawk, loggerhead shrike, LeConte's thrasher, nesting birds, and desert kit fox; as well as other wildlife, special-status plant species, and the California Department of Fish and Wildlife-regulated drainages that may be affected during construction activities. The program shall also discuss the legal protection status of each species, the definition of "take" under the Federal Endangered Species Act and California Endangered Species Act, measures the project proponent/operator shall implement to protect the species, reporting requirements, specific measures for workers to avoid take of special-status plant and wildlife species, and penalties for violation of the requirements outlined in the California Environmental Quality Act mitigation measures and agency permit requirements.

b. An acknowledgement form signed by each worker indicating that the Worker Environmental Awareness Training and Education Program has been completed shall be kept on file at the construction site.

c. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the Worker Environmental Awareness Training and Education Program and signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department.

d. A copy of the training transcript, training video, or informational binder for specific procedures shall be kept available for all personnel to review and be familiar with as necessary.

e. A sticker shall be placed on hard hats indicating that the worker has completed the Worker Environmental Awareness Training and Education Program. Construction workers shall not be permitted to operate equipment within the construction areas unless they have attended the Worker Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker.

f. The construction crews and contractor(s) shall be responsible for preventing unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits. Unauthorized impacts may result in project stoppage, and/or fines depending on the impact and consultation with the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service.

MM 4.4-4: During construction, operations and maintenance, and decommissioning, the project proponent/operator and/or contractor(s) shall implement the general avoidance and protective measures described below.

a. Prior to conducting vegetation clearing or grading activities associated with construction or decommissioning, a qualified biologist or biological monitor that has been approved by the qualified biologist shall perform pre-construction visual surveys of the area immediately prior to conducting these activities to ensure that no special-status animals are present. The qualified biologist or biological monitor shall

monitor all initial construction and decommissioning ground disturbance activities. A report of those activities shall be submitted to the Kern County Planning and Natural Resources Department within 30 days of completion of activities.

b. All proposed impact areas, including solar fields, generation-tie lines, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid sensitive biological resources (i.e., special-status species, jurisdictional drainages, nesting birds, etc.) where possible. Construction-related activities outside of the impact zone shall be avoided.

c. Access roads that are planned for use during construction shall not extend beyond the planned impact area. All vehicle traffic shall be contained within the planned impact area or in previously disturbed areas. Where new access routes are required, the route will be clearly marked (i.e., flagged and/or staked) prior to construction.

d. The project proponent/operator shall minimize the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be demarcated and disturbance activities, vehicles, and equipment shall be confined to these areas.

e. Spoils shall be stockpiled in disturbed areas that lack native vegetation. Best Management Practices shall be employed to prevent erosion in accordance with the project's approved Stormwater Pollution Prevention Plan (see Section 4.7, *Geology and Soils*, for more details on Stormwater Pollution Prevention Plan requirements). All detected erosion shall be remedied as described in the Erosion Control Plan of the Stormwater Pollution Prevention Plan. Spoils that have been stockpiled and inactive for greater than 10 days shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing the spoils.

f. To prevent inadvertent entrapment of desert tortoises, desert kit foxes, American badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks that are no less than 12 inches wide and secured at the top, and placed a minimum of every 100 feet within the open trench. Covered and non-covered holes or trenches shall be thoroughly inspected for trapped animals by a qualified biologist or their biological monitor at the beginning and end of each day. Immediately before such holes or trenches are filled, they shall again be thoroughly inspected by trained staff approved by the retained qualified biologist for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow for their escape. If a listed species is trapped, the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife, as appropriate for the species, and Kern County Planning and Natural Resources Department shall be contacted immediately.

g. Desert tortoises, burrowing owls, mammals, and nesting birds may use construction pipes, culverts, or similar structures for refuge or nesting. Therefore, all construction pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at the construction site for one or more overnight periods and without endcaps shall be thoroughly inspected by a qualified biologist for special-status wildlife or nesting birds

before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by a qualified biologist holding the appropriate handling permits from the Resource Agencies.

h. No vehicle or equipment parked on the project site shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of wildlife. If present, the animal shall be left to move on its own.

i. Vehicular traffic to and from the project site shall use existing routes of travel. Cross country vehicle and equipment use outside designated work areas shall be prohibited.

j. A speed limit of 15 miles per hour shall be enforced within the limits of the proposed project. If night work occurs on the proposed project, the speed limit will be 10 miles per hour.

k. Fueling of equipment shall take place within existing roads. No refueling within or adjacent to drainages (within 150 feet) shall be permitted. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.

l. The project proponent/operator shall submit a Maintenance, Trash Abatement, and Pest Management Program to the Kern County Planning and Natural Resources Department for review and approval. The program shall include, but not be limited to the following:

    i. The project proponent/operator shall clear debris from the project area at least twice per year once the project is operational; this can be done in conjunction with regular panel washing and site maintenance activities.

    ii. Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.

    iii. The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris. Correspondence with such requests and responses shall be submitted to the Kern County Planning and Natural Resources Department.

    iv. The project proponent/operator shall implement a regular trash removal and recycling program once per month on an ongoing basis during construction, including a recycling program. Barriers/locking systems to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans.

m. Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife.

n. Intentional killing or collection of any plant or wildlife species shall be prohibited.

o. No rodenticides shall be used on the project site.

p. Perimeter fencing during operations and maintenance shall be made wildlife friendly, but can be built to exclude desert tortoise.

MM 4.4-5: To protect special status species from disturbance during construction, the actions described below shall occur.

a. A qualified biologist (approved by the appropriate agency) shall monitor all initial ground-disturbance activities and remain on-call throughout construction in the event a special-status species wanders into the project site.

b. Preconstruction surveys for special-status species shall be conducted within the project boundaries of the project site, as well as within a minimum of 500 feet from the project site to account for any inadvertent impacts to adjacent areas, by the qualified biologist within a maximum of 14 days of the start of any ground disturbing activities, such as geotechnical drilling vegetation clearing and/or grading. Methodology for preconstruction surveys shall be conducted as appropriate for special-status plants, desert tortoise, burrowing owl, Swainson's hawk, loggerhead shrike, Le Conte's thrasher, desert kit fox, and migratory birds, and shall follow U.S. Fish and Wildlife Service and/or the California Department of Fish and Wildlife survey protocol guidelines, where appropriate. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days of the portion of the project site that will be disturbed. If evidence of occupation by a special-status species is observed, a suitable buffer shall be established by a qualified biologist that results in sufficient avoidance.

MM 4.4-6 (revised): ~~Prior to construction in the southern portion of the site, the project proponent/operator shall conduct preconstruction desert tortoise surveys in accordance with the U.S. Fish and Wildlife Service protocol (2010).~~ If no occupied burrows, fresh sign, or desert tortoise are discovered during preconstruction surveys conducted pursuant to Mitigation Measure MM 4.4-5, no further mitigation under this mitigation measure is necessary. A survey report shall be submitted outlining the survey results.

If occupied burrows, fresh sign, or desert tortoise are discovered during preconstruction surveys conducted pursuant to Mitigation Measure MM 4.4-5, a ~~A~~ permanent tortoise proof exclusion fence shall be installed around portions of the project cleared of occupied burrows, fresh sign or desert tortoise. If an occupied burrow, fresh sign, or desert tortoise are observed during preconstruction surveys or incidentally prior to or during construction activities, within the construction area, the project proponent/operator shall redesign the project layout so that the location of the occupied burrow, fresh sign, or desert tortoise would be avoided by the project and construction. For occupied burrows, an additional 300-foot buffer from the burrow would be avoided by the project and construction. The permanent tortoise proof exclusion fence would be installed so that any occupied burrow (and its 300-foot buffer), fresh sign, or desert tortoise is outside of the exclusion fence to prevent tortoise from entering the site.

The permanent tortoise proof exclusion fence shall be installed around all construction and operation areas prior to the initiation of earth disturbing activities, in coordination with a qualified biologist. The fence shall be designed in such a manner to allow other wildlife to access through the permanent security fence and be constructed of 1-inch horizontal by 2-inch vertical mesh hardware cloth and extend 22-24 inches above ground and 12 inches below ground. Ultimate fence design must allow for desert kit fox pups to move in and out of the site, and species as large as coyotes access, but still protect the site from possible desert tortoise incursions (e.g., cinder block steps to a raised gap or opening in the fence). Where burial of the fence is not possible, the lower 12 inches shall be folded outward against the ground and fastened to the ground so as to prevent desert tortoise entry. The fence shall be supported sufficiently to maintain its integrity, be checked at least monthly during construction and operations, and maintained when necessary by the project operator to ensure its integrity. Provisions shall be made for minimizing the potential for tortoise entry by placement of tortoise guards at the site entry. Common raven perching deterrents shall be installed as part of the fence construction.

A qualified biologist shall conduct a preconstruction survey for desert tortoise within the construction site, as well as before and after installation of desert tortoise exclusionary fencing (if required to be installed) and of project security fencing. A qualified biologist has the appropriate education and experience to accomplish biological monitoring and mitigation tasks and is approved by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. Two surveys without finding any desert tortoises or new desert tortoise sign shall occur prior to declaring the site clear of desert tortoises.

A qualified biologist shall remain on site until all vegetation necessary for the construction of the project is cleared and, at a minimum, conduct site and fence inspections on a monthly basis throughout construction in order to ensure project compliance with mitigation measures.

A qualified biologist shall remain on-call throughout fencing and grading activities in the event a desert tortoise wanders onto the project site.

MM 4.4-7: Prior to the issuance of grading or building permits, a Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. This plan shall include but is not limited to:

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

b. Weekly inspection under all nests in the project area for evidence of raven predation on local wildlife (bones, carcasses, etc.), and, if evidence of predation is noted, submit a report to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the Kern County Planning and Natural Resources Department within 5 calendar days;

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

d. The project proponent/operator shall be required to participate in the regional comprehensive raven management plan to address biological resources; the project proponent/operator shall be subject to compensation through the payment of a one-

time fee not to exceed $150 and no less than $105 per disturbed acre, as established by the Desert Managers Group. Payment shall be made prior to starting construction activities. Evidence of the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife determination and payment of any required fees shall be submitted to the Kern County Planning and Natural Resources Department.

MM 4.4-8: The project proponent/operator shall implement the following measures, based on the recently updated California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation, to ensure potential impacts to burrowing owl resulting from project implementation, operation and maintenance, and decommissioning activities will be avoided and minimized to less than significant level:

a. A qualified wildlife biologist shall be on site during all initial grading and construction, pre-construction ground disturbing activities, and decommissioning activities. A qualified wildlife biologist (i.e., a wildlife biologist with the ability to identify the species and possessing previous burrowing owl survey and avoidance and minimization protection experience) shall conduct pre-construction surveys of all areas that will be permanently or temporary impacted, plus a 200-meter (approximately 656-foot) buffer, to locate active breeding or wintering burrowing owl burrows.

b. The survey(s) shall occur no more than 14 days prior to ground-disturbing activities (i.e., vegetation clearance, grading). The survey methodology shall be consistent with the methods outlined in the 2012 California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting and mapping any potential burrows with burrowing owl signs or presence of burrowing owls.

c. As each burrow is investigated, project biologists shall also look for signs of American badger and desert kit fox. Surveys may also be conducted concurrently with desert tortoise preconstruction surveys. A biologist shall prepare a preconstruction survey report that shall be submitted to the California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department.

d. A qualified biologist shall conduct an additional preconstruction survey of all impact areas plus an approximately 200-meter buffer no more than 24 hours prior to start or restart (as the case may be) of ground disturbing activities associated with construction or decommissioning activities as authorized by this approval to identify any additional burrowing owls or burrows necessitating avoidance, minimization, or mitigation measures.

e. If burrowing owls are detected onsite, no ground-disturbing activities shall be permitted within 200 meters of an occupied burrow during the breeding season (February 1–August 31), unless authorized by the California Department of Fish and Wildlife. During the non-breeding season (September 1–January 31), no ground-disturbing activities shall be permitted within 50 meters (165 feet) of an occupied burrow. Depending on the level of disturbance, a smaller buffer may be established in consultation with the California Department of Fish and Wildlife.

f. If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E1 (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation,

g. If passive relocation is required, the qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and Mitigation Land Management Plan in accordance with 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation. The Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation Land.

h. If passive relocation is required, the project proponent shall implement the Mitigation Land Management Plan and permanently conserve in a conservation easement offsite habitat suitable for burrowing owl at ratio of 15 acres per passively relocated burrowing owl pair, not to exceed the size of the final project footprint. Land identified to mitigate for passive relocation of burrowing owl may be combined with other offsite mitigation requirements of the proposed project if the compensatory habitat is deemed suitable to support the species. The Passive Relocation Compensatory Mitigation habitat shall be approved by California Department of Fish and Wildlife. If the proposed project is located within the service area of a California Department of Fish and Wildlife-approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits in lieu of placing offsite habitat into a conservation easement, if acceptable to California Department of Fish and Wildlife.

MM 4.4-9: To mitigate for potential impacts to nesting birds, special-status birds, and birds protected under the Migratory Bird Treaty Act and California Fish and Game Code during construction and decommissioning activities, the following measures shall be implemented as part of the approval for a grading or building permit.

a. During the avian nesting season (February 1–August 31), a qualified biologist shall conduct a preconstruction avian nesting survey no more than 14 days prior to initial vegetation clearing. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur within 14 days prior to clearing or disturbance in specific areas of the site. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. At no time shall the qualified biologist be allowed to handle the nest or its eggs. The survey shall cover all reasonably potential nesting locations on and within 500 feet of the project site, including ground nesting species, such as horned lark and killdeer, nests in shrubs that could support nests, and suitable raptor nest sites such as nearby trees, windrows, and power poles. Access shall be granted on private offsite properties prior to conducting surveys on private land. If access is not obtainable, the biologist shall survey these areas from the nearest vantage point with use of spotting scopes or binoculars.

b. If construction is scheduled to occur during the non-nesting season (September 1–February 1), no preconstruction surveys or additional measures are required for non-listed avian species.

c. If active nests are found, a 100-foot no-disturbance buffer shall be created around non-listed avian species' nests unless adjusted by the qualified biologist based on the needs and sensitivities of individual species, and a 300-foot no-disturbance buffer around non-listed raptor species' nests (or a suitable distance otherwise determined in consultation with the California Department of Fish and Wildlife). Any nest of a federally or state-listed bird species shall require consultation with the appropriate agency (U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife) to determine the appropriate buffer distance surrounding the nest to provide adequate nest protection. These buffers shall remain in effect until a qualified biologist has determined that the birds have fledged or the project component(s) have been redesigned to avoid the area. All no-disturbance buffers shall be delineated in the field with visible flagging or fencing material.

MM 4.4-10: The project proponent/operator shall implement the following measures to ensure potential impacts to desert kit foxes and American badger resulting from project implementation and decommissioning activities will be avoided and minimized to less than significant levels:

a. A qualified biologist shall be on site during all initial grading and construction, preconstruction ground disturbing activities, and decommissioning activities. A qualified biologist (i.e., a biologist with the ability to identify the species and possessing previous mammal survey and avoidance and minimization protection experience) shall conduct pre-construction surveys of all areas that will be permanently or temporary impacted, plus a 500-foot buffer, to locate unoccupied and occupied dens.

b. Unoccupied potential dens for desert kit fox or American badger shall have a minimum 30-foot avoidance buffer established.

c. An occupied den outside of the pup-rearing season shall be flagged and ground-disturbing activities avoided within 100 feet of the occupied den. An occupied den during the pup-rearing season, also known as a maternity den, should not be disturbed and a minimum 500-foot avoidance buffer established.

   i. Desert kit fox pup-rearing season: February 1–August 1.

   ii. American badger pup-rearing season: March 15–July 31.

d. If outside the pup-rearing season, an occupied den cannot be avoided, passive relocation program can occur. The program shall consist of determining status of the den (confirming it's a non-maternity den through remote camera monitoring), excluding desert kit fox or American badger from occupied non-maternity den by installation of one-way doors at burrow entrances, monitoring of the den for 7 days to confirm usage has been discontinued, and excavation and collapse of the den. Passive relocation occurs by slowly excavating the burrow (either by hand or by mechanized equipment) under the direct supervision of a qualified biologist and removing no more than 4 inches of soil at a time. Passive relocation cannot occur during the pup-rearing season unless remote camera monitoring has documented the

den as a non-maternity den. A written report documenting the passive relocation shall be provided to the Kern County Planning and Natural Resources Department within 30 days of relocation.

e. Dens or burrows that are determined to be inactive as determined by a qualified biologist within the project site, shall be collapsed by a qualified biologist to prevent occupation of the den between the time of the preconstruction survey and construction activities.

MM 4.4-11: The project proponent/operator shall install power lines in conformance with Avian Power Line Interaction Committee standards for electrocution-reducing techniques as outlined in suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee 2006), and for collision-reducing techniques as outlined in Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (Avian Power Line Interaction Committee 2012), or any superseding document issued by Avian Power Line Interaction Committee.

MM 4.4-12: During the operations and maintenance phase of the project, an Avian Mortality Monitoring Program shall be developed in coordination with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service and implemented to systematically and periodically determine the extent of mortality occurring due to collisions with solar arrays. The measures listed below apply to the program:

a. The Avian Mortality Monitoring Program shall be developed following the Mortality Monitoring Design for Utility-Scale Solar Power Facilities and include methods to achieve Objective 1 (monitoring to estimate total bird and bat mortality). Methods include using a trained and skilled team of authorized biologists to systematically sample the project site by walking transects through the solar arrays scanning for deceased birds.

b. Data shall be collected on any encountered deceased wildlife species including species, condition of the carcass, approximate age, presence of feathers, etc.

c. Additionally, maintenance personnel working on the project site that encounter injured or deceased birds (or any other wildlife) should be trained to collect data and photograph the encountered species.

d. Mortality monitoring shall be conducted for a minimum 1-year period following the commencement of the operations and maintenance phase of the project. Quarterly reporting of results shall be prepared and provided to state and federal agencies, if requested.

e. Appropriate performance standards for mitigation of impacts to any species regulated by the Bald and Golden Eagle Protection Act, Endangered Species Act, and California Endangered Species Act exist through required consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife under their respective regulatory and permitting frameworks. If, after 2 years of mortality monitoring, project impacts to any other avian species caused by the project are shown to result in a substantial, long-term reduction in the demographic viability of the population of the species in question, then adaptive management must be

implemented to reduce impacts to below this threshold. Adaptive management measures may include but not be limited to passive avian diverter installations, the use of sound, light or other means to discourage site use consistent with legal requirements, on site habitat management or control measures consistent with applicable legal requirements, or modification to support structures to exclude nesting birds.

Significant Effect

The approved project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Impact 4.4-2). The proposed modified project does not change the finding in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

There are no sensitive natural communities per the California Department of Fish and Wildlife (CDFW) (CDFW, 2018c) in the project site. Therefore, no impacts to sensitive natural communities would result from implementation of the approved project. Although there are no wetlands or waters of the U.S. delineated on the project site, approximately 5.1 acres of CDFW- and Regional Water Quality Control Board- (RWQCB-) jurisdictional areas are present on the project site; specifically, there are 2.2 acres in the northern and southern sites and 2.7 acres in the gen-tie area. Ground disturbing activities, such as pole placement, road maintenance, laydown/assembly areas, and string pulling sites, could impact up to 2.9 acres of CDFW- and RWQCB-jurisdictional areas. Additional temporary direct impacts to these CDFW- and RWQCB-jurisdictional areas could result from unintentional clearing, trampling, or grading outside of the proposed impact area during construction. Indirect impacts could include generation of fugitive dust, changes in hydrology resulting from construction, sedimentation and erosion, the release of chemical pollutants, and adverse effects of invasive plant species. These potential short-term or temporary direct impacts to CDFW- and RWQCB-jurisdictional areas are considered significant without mitigation.

If complete avoidance is not feasible, impacts to jurisdictional areas would be considered significant but mitigatable through implementation of Mitigation Measures MM 4.4-13 a report identifying all ephemeral drainages and how they would be avoided during the life of the project, and MM 4.4-14, development of compensatory mitigation if avoidance is not feasible. With the implementation of Mitigation Measures MM 4.4-13 and MM 4.4-14, impacts to CDFW- and RWQCB-jurisdictional areas would be less than significant.

Impacts of the Proposed Modified Project

No riparian habitat or CDFW sensitive natural communities are present in the proposed modified project study area. Approximately 0.3 acre of CDFW- and Regional Water Quality Control Board (RWQCB)-jurisdictional areas are present on the study area. While impacts to CDFW- and RWQCB-jurisdictional areas are potentially significant, as with the approved project, the Project's impacts to CDFW- and RWQCB-jurisdictional areas would be reduced through implementation of Mitigation Measures MM 4.4-13 and MM 4.4-14. Implementation of these mitigation measures would be obligatory and impacts to CDFW- and RWQCB-jurisdictional areas would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to impact sensitive natural communities identified in the local or regional plans policies and regulations or by the CDFW and USFWS. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.4-13 and MM 4.4-14, described below.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.4-13 and MM 4.4-14, described below, would reduce impacts to less-than-significant levels.

MM 4.4-13: Prior to issuance of any grading or building permit, the project proponent/operator shall submit a report detailing how all identified ephemeral drainages are avoided and will be continually complied with during the life of the project. A copy of this report shall also be provided to the Lahontan Regional Water Quality Control Board and the County. The report shall include information as shown below as a plan if necessary and shall outline compliance to the following:

a. Potential jurisdictional features (ephemeral drainages) identified in the jurisdictional delineation report shall be avoided. This may be shown in plan form.

b. Any material/spoils generated from project activities shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.

c. 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.

d. Any spillage of material will be stopped if it can be done safely. The contaminated area will be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative will be notified.

MM 4.4-14: If potential jurisdictional features cannot be avoided, the project proponent/operator shall be subject to provisions as identified below:

a. If avoidance is not practical, prior to ground disturbance activities that could impact these aquatic features, the project proponent/operator shall file a complete Report of Waste Discharge with the Regional Water Quality Control Board to obtain Waste Discharge Requirements and shall also consult with the California Department of Fish and Wildlife on the need for a streambed alteration agreement. Copies of the final report shall be submitted to the County.

b. Based on consultation with the Regional Water Quality Control Board and California Department of Fish and Wildlife, if permits are required for the project site, appropriate permits shall be obtained prior to disturbance of jurisdictional resources.

c. Compensatory mitigation for impacts to unvegetated streambeds/washes shall be identified prior to disturbance of the features at a minimum 1:1 ratio, as approved by the Regional Water Quality Control Board or California Department of Fish and Wildlife either through onsite or offsite mitigation, or purchasing credits from an approved mitigation bank.

d. The project proponent/operator shall comply with the compensatory mitigation required and proof of compliance, along with copies of permits obtained from the Regional Water Quality Control Board and/or California Department of Fish and Wildlife, shall be provided to the County.

e. 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 Wildlife.

   i. If onsite mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site, such as relocated drainage routes, that contain suitable characteristics (e.g., hydrology) for restoration. Determination of mitigation adequacy shall be based on comparison of the restored habitat with similar, undisturbed habitat in the site vicinity (such as upstream or downstream of the site).

   ii. The Habitat Mitigation and Monitoring Plan shall include remedial measures in the event that performance criteria are not met.

   iii. If mitigation is implemented offsite, mitigation lands shall be comprised of similar or higher quality and preferably located in Kern County. Offsite land shall be preserved through a deed restriction or conservation easement and the Habitat Mitigation and Monitoring Plan shall identify an approach for funding assurance for the long-term management of the conserved land. Alternatively, the applicant may purchase credits from an approved mitigation bank.

   iv. Copies of any coordination, permits, etc., with the Regional Water Quality Control Board and California Department of Fish and Wildlife shall be provided to the County.

Significant Effect

The approved project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Impact 4.4-5). The proposed modified project does not change the finding in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

As currently designed, the approved project is considered consistent with the Land Use, Open Space, and Conservation Element of the Kern County General Plan. The project would implement mitigation measures

to reduce potential project-related impacts to sensitive biological resources including special-status species and jurisdictional features. While the California Desert Native Plants Act is a state act, the Kern County administers the permit program for removal of the species covered in the act. The applicant would pay the required fee to remove Wiggins' cholla, beavertail pricklypear, and Joshua tree as stated in Mitigation Measure MM 4.4-1. Additional, temporary ground disturbance would be reseed as stated in Mitigation Measure MM 4.4-1. With the implementation of Mitigation Measures MM 4.4-1 through MM 4.4-14, impacts to any local policies or ordinances would be less than significant.

The project is also within the Mojave Specific Plan. The Mojave Specific Plan encourages the preservation of Joshua trees, Joshua tree woodlands, wildflower displays, or other biologically sensitive flora. There are no Joshua tree woodlands in the study area and, thus, no impacts to Joshua tree woodlands would result from implementation of the approved project. Additional, temporary ground disturbance would be reseed as stated in Mitigation Measure MM 4.4-1. Therefore, the project would have no impact to any local policies or ordinances.

Impacts of the Proposed Modified Project

As with the approved project, the proposed modified project would implement mitigation measures to reduce potential project-related impacts to sensitive biological resources including special-status plant and wildlife species and jurisdictional features. No special-status plants, other than western Joshua tree, were observed during the 2022 biological resource survey. The County administers the permit program for removal of the species covered in the California Desert Native Plants Act. The Applicant would pay the required fee to remove cactus, such as Wiggins' cholla (*Cylindropuntia echinocarpa*) and beavertail pricklypear (*Opuntia basilaris* var. *basilaris*) as stated in Mitigation Measure MM 4.4-1.

The proposed modified project is also within the Mojave Specific Plan. The Mojave Specific Plan encourages the preservation of western Joshua trees, western Joshua tree woodlands, wildflower displays, or other biologically sensitive flora. With the implementation of Mitigation Measures MM 4.4-1 through MM 4.4-14, including the proposed revisions to Mitigation Measure MM 4.4-1 and Mitigation Measure MM 4.4-6 described above, impacts related to any local policies or ordinances would be less than significant.

Finding

Like the approved project, the proposed modified project would potentially conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. However, with the implementation of Mitigation Measures MM 4.4-1 through MM 4.4-14, with modifications to MM 4.4-1 and MM 4.4-6 described above, impacts would be less than significant.

Level of Significance

Impacts would be less than significant for the project with implementation of mitigation.

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 4.4-1 through MM 4.4-14, described above, would further reduce impacts to a less-than-significant level.

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

The approved and proposed modified 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 approved and proposed modified project would not have any cumulative effects on biological resources that would be less than significant.

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

Significant Effect

The approved project would have a cumulative environmental impact on biological resources. The proposed modified project does not change the finding in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

Cumulative impacts for the approved project would be significant if the incremental effects of the individual project are considerable when combined with the effects of past projects, other current projects, and probable future projects. As described above, the project-specific impacts would be less than significant with implementation of Mitigation Measure MM 4.1-5 and MM 4.4-1 through MM 4.4-14.

As large-scale energy projects and urbanization pressures increase within Kern County, impacts to biological resources within the region are expanding on a cumulative level. As described in Chapter 3, *Project Description*, of the certified EIR, approximately 100 projects, including other utility-scale energy production facilities, are presently underway or proposed within Kern County and Los Angeles County. The geographic scope for analysis of project-related cumulative impacts on biological resources includes the western portion of the Antelope Valley, generally bounded by the foothills of the San Gabriel Mountains to the south, the foothills of the Tehachapi Mountains to the north and west, and Edwards Air Force Base to the east. In general, bioregions are defined through physical and environmental features, including watershed boundaries and soil and terrain characteristics. Areas to the north and west of the Tehachapi Mountains, and to the south of the San Gabriel Mountains, are within a different bioregion and are separated from the project site by the natural geography that these ranges present. SR-14, at the eastern end of the Western Antelope Valley, also acts as a barrier to wildlife movement.

As described above, there are a number of special-status species that currently utilize the project site and surrounding vicinity. Implementation of the project in addition to the other projects underway or proposed within Kern County would impact transient wildlife species, including burrowing owls, desert tortoise, raptors, American badger, and desert kit foxes. The project site contains habitat that support insects, rodents, and small birds that provide a prey base for raptors and terrestrial wildlife. In addition, based on the literature review and database search completed for the project, the region is known to support a diversity of special-status species, most of which are expected to utilize the project site on a transient basis, if at all.

Given the number of present and reasonably foreseeable future development projects in the Antelope Valley, the approved project, when combined with other projects, would have an incremental contribution to cumulative loss of foraging and nesting habitat for special-status species. Implementation of Mitigation Measures would reduce impacts to biological resources to less-than-significant levels on the project-level

scale. However, the approved project, when combined with other related development projects proposed throughout the County, the cumulative impact would be significant and unavoidable.

In addition, common raven numbers have grown substantially in the past few decades in the western Mojave Desert. Ravens are predators of the desert tortoise and burrowing owl, and compete with, as well as prey on, many special-status raptors and birds. Raven numbers are such that they pose a serious threat to many desert species. Additionally, the common raven population growth is directly attributed to human development and the subsidies it creates that support this adaptable species. When considered within the cumulative context of related projects as described above, the project's contribution to maintaining artificially high common raven populations when combined with other related projects, is potentially significant. However, the contribution of the project with mitigation incorporated as described in Mitigation Measure MM 4.4-7, would not be cumulatively considerable because project impacts to special-status wildlife would be reduced.

The residual effects on migratory birds of the project were determined to be less than significant. This cumulative analysis analyzes the potential for these incremental impacts of the project to combine with other past, present, and reasonably foreseeable projects to cause or contribute to a significant cumulative effects within the Central Valley portion of the Pacific Flyway for the duration of the project. Identified cumulative projects that involve the installation of PV panels have the potential to cause impacts to migratory birds associated with collisions. Further, as take authorization for migratory bird species is not available. Therefore, the approved project, in combination with all identified cumulative projects, would result in a cumulatively significant impact on migratory birds that may remain significant and unavoidable after implementation of mitigation.

Impacts of the Proposed Modified Project

As with the approved project, the proposed modified project would contribute to significant and unavoidable cumulative biological resources impacts. Implementation of Mitigation Measures MM 4.1-5 and MM 4.4-1 through MM 4.4-14, including the proposed revisions to Mitigation Measure MM 4.4-1 and Mitigation Measure 4.4-6 described above, would reduce the project-specific biological resources impacts to less-than-significant levels on the project-level scale and would ensure the proposed modified project does not result in new significant cumulative impacts or a substantial increase in the severity of the significant and unavoidable cumulative biological resources impacts identified in the certified EIR. The proposed modified project 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.

Finding

Like the approved project, the proposed modified project in combination with other projects would cause cumulatively considerable impacts on biological resources. Even with implementation of Mitigation Measure MM 4.1-5, described above in Findings for Aesthetics, and Mitigation Measures MM 4.4-1 through MM 4.4-14, with modifications to MM 4.4-1 and MM 4.4-6 described above**,** cumulative impacts would be significant and unavoidable.

Level of Significance

Despite implementation of the mitigation, cumulative impacts would be 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 Measure MM 4.1-5, described above in Findings for Aesthetics, and Mitigation Measures MM 4.4-1 through MM 4.4-14, described above would reduce impacts but not to a less-than-significant level.

CULTURAL RESOURCES

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

None of the approved project's or proposed modified project's environmental effects on cultural resources 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 approved project could cause a substantial adverse change in the significance of a historical resource, as defined in *CEQA Guidelines* Section 15064.5 (Impact 4.5-1). The proposed modified project does not change the finding in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

The construction, operation and maintenance, and decommissioning of the approved project would result in direct impacts to known cultural resources. Many of these impacts would be significant prior to mitigation. A total of 80 cultural resources were recorded within the project site. These include 36 archaeological sites, eight historic built environment resources, and 36 isolates. Of the 36 archaeological sites, 35 are recommended not eligible for listing in the California Register of Historic Resources (CRHR) and, therefore, do not qualify as historical resources pursuant to CEQA. The remaining archaeological is recommended eligible for listing in the CRHR and qualifies as a historical resource pursuant to CEQA. Of the eight identified built environment resources, two are determined eligible and two are recommended eligible for listing in the CRHR and, therefore, qualify as historical resources pursuant to CEQA. The remaining four resources have not been evaluated for the CRHR, but have the potential to qualify as historical resources.

The 36 identified isolates lack archaeological context and, therefore, generally do not provide sufficient information to be considered significant resources. As such, the isolates documented as part of the survey are recommended not eligible for listing in the CRHR, and do not qualify as historical resources pursuant to CEQA.

Overall, 80 cultural resources identified within the project site, one archaeological site (SS-S-110 [prehistoric habitation site and historic-period refuse scatter]) and eight historic-period built environment resources (P-15-002050 [Union Pacific Railroad], -003528 [Wagon Road], -003534 [unnamed road], -003537 [Oak Creek Road], -003549 [Los Angeles Aqueduct], -003929 [Los Angeles Owens River Road], -017305 [SR-14/Aerospace Highway], and -018681 [LADWP Owens Gorge 230 kV transmission line) are eligible or potentially eligible for listing in the CRHR and qualify as historical resources. Resource SS-S-

110 is located within the northern site portion of the project site and would be avoided through project design. Therefore, no impacts to SS-S-110 are anticipated as a result of project implementation. The eight historic-period built resources that bisect various segments of the gen-tie alignments would also be avoided by current project design and, thus, no impacts to these resources are anticipated.

Although 35 of the 36 archaeological sites do not qualify as historical resources, there exists the possibility that these sites may be underlain by subsurface deposits not identified during the testing. The project site is covered by Holocene alluvium, which has been deposited over the course of known human occupation in the region, possibly burying prehistoric archaeological sites that once existed on the surface. Therefore, there is the potential that the known archaeological sites contain buried archaeological deposits that could be encountered during project-related excavation. Similarly, previously unknown archaeological deposits may underlie the ground surface. Should buried archaeological deposits be uncovered during project implementation, and should such resources qualify as historical resources under CEQA, they could be subject to significant impacts. To reduce potential impacts to less than significant, Mitigation Measures MM 4.5-1 through MM 4.5-4 require cultural resources sensitivity training for construction workers, establishment of an exclusion area around archaeological site SS-S-110, archaeological and Native American monitoring during construction, and appropriate treatment of unearthed archaeological resources during construction.

Impacts of the Proposed Modified Project

During pedestrian survey of the proposed modified project site, archaeologists identified 81 newly identified resources, consisting of 14 archaeological sites, and 67 archaeological isolates. Of the 14 new archaeological sites, 8 are prehistoric sites (Site-001 through Site-005, Site-007 through Site-008, and Site-015). Only one of the eight newly identified prehistoric archaeological sites (Site-005) qualifies as historical resources for purposes of CEQA for this project. Archaeological isolates are not eligible for inclusion in the CRHR, and the other resources are recommended not eligible for listing in the CRHR or considered historical resources for purposes of CEQA.

To reduce impacts to a level less than significant, Mitigation Measures MM 4.5-1, MM 4.5-3, and MM 4.5-4 from the certified EIR will be implemented. In addition, Mitigation Measure, MM 4.5-2, has been revised to include the newly identified prehistoric archaeological site. Overall, these mitigation measures, including the revised MM 4.5-2 require implementation of cultural resources sensitivity training, establishment of exclusion areas, archaeological and tribal monitoring, and protocols to temporarily cease work in the event of a find.

Finding

Like the approved project, the proposed modified project has the potential to cause a substantial adverse change in the significance of a historical resource. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.5-1 through 4.5-4, described below with modifications to MM 4.5-2 pertaining to the modified project. These would ensure that both known and unknown resources that could be discovered during construction of the project are properly treated and that any significant impacts are mitigated. Therefore, none of the identified resources would be affected in such a way that the provided mitigation would be insufficient to resolve project-related effects.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.5-1 through MM 4.5-4, described below, would reduce impacts to less-than-significant levels.

MM 4.5-1: The project proponent/operator shall retain a Lead Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological and unique historical resources. The contact information for this Lead Archaeologist shall be provided to the Kern County Planning and Natural Resources Department prior to the commencement of any construction activities onsite. Further, the Lead Archaeologist shall be responsible for ensuring the following employee training provisions are implemented during implementation of the project:

a. Prior to commencement of any ground disturbing activities, the Lead Archaeologist in consultation with the Native American monitor(s) shall develop a Cultural Resources Sensitivity Training for all personnel working on the proposed project. A Cultural Resources Sensitivity Training Guide approved by the Lead Archaeologist shall be provided and discussed with all personnel. The training guide may be presented in video form. A copy of the proposed training materials shall be provided to the Planning and Natural Resources Department prior to the issuance of any grading or building permit.

   The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Lead Archaeologist and/or Native American monitor(s) for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources.

b. A copy of the Cultural Resources Sensitivity Training Guide/Materials shall be kept onsite and available for all personnel to review and be familiar with as necessary. It is the responsibility of the Project Owner to ensure all employees receive appropriate training before the work onsite.

MM 4.5-2 <u>(revised)</u>: The project proponent shall ensure the following measure is implemented for the prehistoric archaeological site located within the northern site (SS-S-110) <u>as well as prehistoric Site-005</u>:

a. Prior to conducting initial ground disturbance in the vicinity of the archaeological site SS-S-110, <u>as well as newly identified prehistoric archaeological site (Site-005),</u> and in coordination with the Lead Archaeologist and Native American monitor(s), an exclusion area, consisting of the significant deposits located at SS-S-110 <u>and prehistoric archaeological site (Site-005)</u> and a 50-foot buffer <u>around each of the sites</u>, shall be temporarily marked with exclusion markers or protective fencing as determined by the Lead Archaeologist in consultation with the Native American monitor. In the event avoidance is not feasible, <u>a testing plan to confirm resource boundaries and the presence of subsurface materials, and</u> a data recovery plan, <u>if</u>

required, shall be prepared by a professional archeologist that is reviewed and approved by the County in consultation with the Native American monitor.

MM 4.5-3: During implementation of the project, the services of Native American Tribal Monitor(s) working under the supervision of the Lead Archaeologist, as identified through consultation with appropriate Native American tribes, shall be retained by the project proponent/operator to monitor all initial ground-disturbing activities associated with project-related construction activities, as follows:

a. All initial excavation and ground-disturbing activities shall be monitored by archaeological and Native American monitors.

b. The Lead Archaeologist, archaeological monitors, and Native American monitors shall be provided all project documentation related to cultural resources within the project site 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 Lead Archaeologist, archaeological monitor, and Native American monitor.

c. The archaeological monitor(s) shall keep monitoring logs and the Lead Archaeologist shall submit monthly written updates to the Kern County Planning and Natural Resources Department. After monitoring has been completed, the Lead Archaeologist shall prepare a monitoring report detailing the results of monitoring, which shall be submitted to the Kern County Planning and Natural Resources Department and to the southern San Joaquin Valley Information Center at California State University, Bakersfield.

MM 4.5-4: During implementation of the project, in the event archaeological materials are encountered during the course of grading or construction beyond those already documented and found to be not significant for listing in the California Register of Historical Resources, the project contractor shall cease any ground disturbing activities within 50 feet of the find. The area of the discovery shall be marked off by temporary fencing that encloses a 50-foot radius from the location of discovery. Signs shall be posted that establish it as an Environmentally Sensitive Area and all entrance to the area shall be avoided until the discovery is assessed by the Lead Archaeologist, as well as the Native American monitor if the discovery involves resources of interest to Native American tribes, including but not limited to prehistoric archaeological sites or tribal cultural resources. The Lead Archaeologist in consultation with the Native American monitor, if appropriate, shall evaluate the significance of the resources and recommend appropriate treatment measures. If further treatment of the discovery is necessary, the Environmentally Sensitive Area shall remain in place until all work is completed. Per California Environmental Quality Act Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with California Environmental Quality Act Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the Lead Archaeologist in consultation with the Native American monitor shall develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The County 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 curation facility. The Lead Archaeologist, in consultation with a designated Native American monitor, shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to the southern San Joaquin Valley Information Center at California State University, Bakersfield.

Significant Effect

The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5 (Impact 4.5-2). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

As discussed above, the 36 isolates identified within the approved project site lack archaeological context and, therefore, generally do not provide sufficient information to be considered significant resources. Based on the results of subsurface testing, one of the 36 archaeological sites (SS-S-110) is considered a historical resource and, therefore, cannot qualify as a unique archaeological resources. The remaining 35 archaeological sites do not contain adequate subsurface deposits to qualify as unique archaeological resources.

As discussed above, there is a potential for the approved project to impact previously unknown, buried archaeological deposits. Since the project site is covered by Holocene-age alluvium. Given that the Holocene alluvium was deposited during the course of human occupation of the region, there is a possibility that the sediments may have buried archaeological sites. As such, buried archaeological sites may be encountered during project-related excavation. In the event that unknown archaeological resources are discovered during project construction, significant impacts could occur. However, with implementation of Mitigation Measures MM 4.5-1 through 4.5-4, which require cultural resources sensitivity training for construction workers, archaeological and Native American monitoring during construction, exclusion area around known archeological site, and appropriate treatment of unearthed archaeological resources during construction, potential impacts would be reduced to less than significant.

Impacts of the Proposed Modified Project

One of the eight newly identified prehistoric archaeological sites (Site-005) on the proposed modified project site is being assumed to qualify as a historical resource for purposes of CEQA. Additionally, buried archaeological sites may be encountered during excavation. In the event that unknown archaeological resources are discovered during construction, significant impacts could occur. However, with implementation of Mitigation Measures MM 4.5-1, and 4.5-3 through 4.5-5, which require cultural resources sensitivity training for construction workers, archaeological and Native American monitoring during construction, exclusion area around known archaeological sites, and appropriate treatment of unearthed archaeological resources during construction, potential impacts would be reduced to less than significant.

Finding

Like the approved project, the proposed modified project has the potential to impact an archaeological resource. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, described above, with modification to MM 4.5-2 pertaining to the modified project.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Mitigation Measures MM 4.5-1 through MM 4.5-4, described above, would reduce impacts to less-than-significant levels.

Significant Effect

The approved project could disturb human remains, including those interred outside of formal cemeteries. (Impact 4.5-3). The proposed modified project does not change the finding in the certified EIR related to this impact.

Description of Significant Impact

Impacts of the Approved Project

There is no indication, either from the archival research results or the archaeological survey, that any particular location within 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 construction activities, the human remains could be damaged or disturbed, which would be a significant impact. Implementation of Mitigation Measure MM 4.5-5 would ensure that any human remains encountered during project implementation are properly treated, thus reducing impacts to a less-than-significant level.

Impacts of the Proposed Modified Project

No human remains were identified during a pedestrian survey of the proposed modified project site. There is no indication, either from the archival research results or the archaeological survey, that any particular location within the proposed modified project site has been used for human burial purposes in the recent or distant past. Therefore, the proposed modified project will not result in the disturbance of any human remains, including those interred outside of dedicated cemeteries.

While no human remains were identified within the proposed modified project site, underground excavations could uncover human remains. In the event that human remains are inadvertently discovered during construction activities, the human remains could be damaged or disturbed, which would be a significant impact. Implementation of Mitigation Measure MM 4.5-5 will ensure that any human remains encountered are properly treated, thus reducing impacts to a less-than-significant level.

Finding

Like the approved project, the proposed modified project has the potential to disturb human remains. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.5-5.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Measure MM 4.5-5, described below, would reduce impacts to less-than-significant levels.

MM 4.5-5: If human remains are uncovered during project construction, the project contractor shall immediately halt work within 100 feet of the find, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4(e)(1) of the California Environmental Quality Act Guidelines. If the County Coroner determines that the remains are Native American, the coroner 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 Assembly Bill 2641). The Native American Heritage Commission shall designate a Most Likely Descendent for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner shall ensue 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 with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply.

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

The approved and proposed modified 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 approved project could have a cumulative environmental impact on cultural resources. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The geographic area of analysis of cumulative impacts for cultural resources includes the western portion of the Antelope Valley. The western Antelope Valley includes a portion of the southeast corner of Kern County and a portion of northern Los Angeles County. Archaeological and historical resources within this area are expected to be similar to those that occur on the project site because of their proximity, and because of their similar environments, landforms, and hydrology would result in similar land-use and site types. Multiple projects, including solar energy production facilities, are proposed throughout the western Antelope Valley. Potential impacts of the project to cultural resources, in combination with other projects in the area, could contribute to a cumulatively significant impact due to the overall loss of historical and archaeological artifacts unique to the region. However, mitigation measures are included in the certified EIR to reduce potentially significant project impacts to cultural resources during construction of the approved project. Therefore, with implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, the project would not have a cumulatively considerable contribution to impacts to unique archaeological or historical resources. Cumulative impacts to human remains would be less than significant with implementation of Mitigation Measure MM 4.5-5.

Impacts of the Proposed Modified Project

As discussed above, impacts to archaeological sites on the proposed modified project site would be reduced to less-than-significant levels through implementation of Mitigation Measures MM 4.5-1, and 4.5-3 through 4.5-5, which require cultural resources sensitivity training for construction workers, archaeological and Native American monitoring during construction, exclusion area around known archaeological sites, and appropriate treatment of unearthed archaeological resources during construction, potential impacts would be reduced to less than significant. As with the approved project, implementation of these mitigation measures would ensure the proposed modified project would not have a cumulatively considerable contribution to impacts to unique archaeological or historical resources. Also as with the approved project, cumulative impacts to human remains resulting from the proposed modified project would be less than significant with implementation of Mitigation Measure MM 4.5-5.

Finding

Like the approved project, the proposed modified project has the potential to result in cumulative impacts with regard to cultural resources. The implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, described above, with modification to MM 4.5-2 pertaining to the modified project, would reduce impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5.

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 4.5-1 through MM 4.5-5, described above, would reduce impacts to less-than-significant levels.

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

The approved and proposed modified project would not have a significant and unavoidable cumulative environmental impact on cultural resources.

ENERGY

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 conflict with or obstruct a state or local plan for renewable energy or energy efficiency (Impact 4.6-2). The proposed modified project does not change the findings in the certified EIR for this impact.

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

Significant Effect

The approved project could result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (Impact 4.6-1). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impacts

Impacts of the Approved Project

Construction and decommissioning of the approved project could result in the wasteful, inefficient, or unnecessary consumption of fuel. Electricity used at the project site during construction would be minimal and limited to the duration of the construction activities. The electricity used for construction activities would be temporary and minimal; therefore, impacts would be less than significant. Natural gas is not anticipated to be required during construction of the project. Any minor amounts of natural gas that may be consumed as a result of project construction would be temporary and negligible, and would not have an adverse effect; therefore, impacts would be less than significant. The consumption of petroleum and fuel during construction could result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources

Although construction and decommissioning activities would be temporary, the consumption of petroleum and fuel during these times would be irreversible and the project proponent does not propose any energy control measures during construction. As a result, this impact would be potentially significant. Implementation of Mitigation Measure MM 4.3-1 would require the use of energy-efficient and alternatively-fueled equipment during project construction. Implementation of Mitigation Measure MM 4.3-1 would also ensure compliance with Title 13, California Code of Regulations, Section 2449 et seq., which imposes construction equipment idling restrictions. Compliance with Title 13 would also help to reduce unnecessary fuel consumption during project construction. With implementation of this mitigation, the project would not result in the wasteful, inefficient, or unnecessary consumption of transportation fuels and impacts would be reduced to less than significant.

During project operations, the project would generate 300 MW of renewable electricity and would have the energy storage capacity of up to 3 GWh. This would greatly offset the small amount of energy consumed by the project during operations. Impacts during operations would be less than significant.

Impacts of the Proposed Modified Project

Like the approved project, construction and decommissioning of the proposed modified project could result in the wasteful, inefficient, or unnecessary consumption of fuel. However, electricity used during construction would be minimal, and natural gas is not anticipated to be used during construction. The consumption of petroleum and fuel during construction could result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, but implementation of Mitigation Measure MM 4.3-1 would require the use of energy-efficient and alternatively-fueled equipment during project construction. Implementation of Mitigation Measure MM 4.3-1 would also ensure compliance with Title 13, California Code of Regulations, Section 2449 et seq., which imposes construction equipment idling restrictions. Compliance with Title 13 would also help to reduce unnecessary fuel consumption during project construction. With implementation of this mitigation, the project would not result in the wasteful, inefficient, or unnecessary consumption of transportation fuels and impacts would be reduced to less than significant.

Finding

Like the approved project, during construction and decommissioning, the proposed modified project has the potential to inefficiently or wastefully consume petroleum and fuel. The implementation of Mitigation Measure MM 4.3-1, described above in Findings for Air Quality impacts, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Measure MM 4.3-1, described above in Findings for Air Quality impacts, would reduce impacts to less-than-significant levels.

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

The approved project would not have any environmental effects related to energy that cannot be mitigated to a less-than-significant level. The proposed modified project does not change the finding in the certified EIR for this impact.

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

Significant Effect

The approved project would not have a cumulative environmental impact on energy. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Cumulative projects in the project area listed in Table 3-5, *Cumulative Projects List*, within a 1-mile and 6-mile radius largely consist of utility-scale solar power generation facilities. The nature of these projects is such that, like the project, they would be consistent with the strategies of the Climate Change Scoping Plan. In order to meet the AB 32 GHG emissions reduction mandate, the Climate Change Scoping Plan relies on achievement of the RPS target of 33 percent of California's energy coming from renewable sources by 2020. In order to meet the SB 32 GHG emissions reduction mandate, the 2017 Scoping Plan relies on achievement of the RPS target of 50 percent of California's energy coming from renewable sources by 2030. SB 100 further increased California's RPS and required retail sellers and local publicly owned electric utilities to procure eligible renewable electricity for 44 percent of retail sales by the end of 2024, 52 percent by the end of 2027, and 60 percent by the end of 2030; and that CARB should plan for 100 percent eligible renewable energy resources and zero-carbon resources by the end of 2045. The project and other similar projects are essential to achieving the RPS goals.

The main contribution of energy consumption from the project would be from construction equipment usage, haul truck trips, and employee trips during the construction phase and panel washing activities, maintenance trips, and employee trips during project operation of the project as well as electricity and natural gas used for the O&M Building. The project's emissions would, therefore, contribute to the increase in emissions in the transportation sector as well as electricity and natural gas generation sector. Construction emissions would be finite and temporary and would cease at the end of construction activities.

Although the project would result in a contribution to cumulative energy consumption in California, construction of the project would implement Mitigation Measure MM 4.3-1 which would require the use of energy-efficient and alternatively-fueled equipment during project construction. In addition, operation of the project could offset emissions from the electricity generation sector estimated at 920,400 megawatt-hour (MWh) of renewable electricity annually. As stated above, a majority of the related projects within a 1-mile and 6-mile radius are solar projects that would have similar energy use that would be offset by renewable energy generation, would generate a marginal demand of natural gas, and would have minimal operational trips to and from the sites. Overall, the project clearly would not contribute to cumulative energy consumption in California because operation of the project would provide electric power with negligible operational energy consumption over the long term when compared to traditional fossil-fueled generation technologies. Thus, the project would not have a cumulatively considerable impact on energy consumption, would not conflict with any renewable energy plans, and cumulative impacts would be less than significant.

Impacts of the Proposed Modified Project

The proposed modified project, when combined with impacts of past, present, and reasonably foreseeable projects would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Like the approved project, the proposed modified project would implement Mitigation Measure MM 4.3-1, which would require the use of energy-efficient and alternatively-fueled equipment during project construction. Cumulative impacts related to energy resources would remain less-than-significant.

Finding

Like the approved project, the proposed modified project has the potential to result in cumulative impacts in regards to energy. The implementation of Mitigation Measures MM 4.3-1, described above in Findings for Air Quality, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 MM 4.3-1, described above in Findings for Air Quality, would reduce impacts to a less-than-significant level.

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

The approved project would not have a significant and unavoidable cumulative environmental impact on energy. The proposed modified project does not change the finding in the certified EIR for this impact.

GEOLOGY AND SOILS

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 approved project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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 4.7-1).

The approved project would not have 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 4.7-6).

The proposed modified project does not change the findings in the certified EIR for these impacts.

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

Significant Effect

The approved project would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking (Impact 4.7-2). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impacts

Impacts of the Approved Project

The project site is in a highly seismic region that could experience one or more substantive seismic events in the future. Depending on the magnitude, distance to the source, and duration of shaking, damage to the PV modules, the O&M building, or other ancillary facilities and injury to workers or visitors could result. However, because the approved project would not establish a permanent on-site population beyond the approximate six employees at the O&M facility during operations and maintenance, damage to these on-

site structures would not expose a substantial number of people to potential adverse effects due to strong seismic ground shaking.

In addition, prior to the issuance of grading permits, the project proponent would be required to design project infrastructure to withstand substantial ground shaking in accordance with all applicable ordinances of the Kern County Building Code (Chapter 17.08) and the current California Building Code (CBC). In addition, Mitigation Measure MM 4.7-1 requires that a geotechnical study to evaluate soil conditions and geologic hazards be performed by a qualified geotechnical engineer on the project site. Mitigation Measure MM 4.7-2 requires that a California geotechnical engineer be hired by the proponent to design the project facilities to withstand probable seismically induced ground shaking. All grading and construction onsite would adhere to the specifications, procedures, and site conditions contained in the final design plans, which would be fully compliant with the seismic recommendations provided by the California-registered professional engineer in accordance with California and Kern County Building Code requirements. The required measures would encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural designs would be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements would be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. A copy of the approved design would be submitted to the Kern County Planning and Natural Resources Department. Further, the facilities would be constructed in accordance with all applicable codes, which require property line and public roadway setbacks that would protect the general public and onsite staff from potential hazards associated with the facilities that could result from an earthquake. Adherence to the requirements of the Kern County Building Code the CBC and Mitigation Measures MM 4.7-1 and MM 4.7-2 would ensure that seismic hazards would be minimized; impacts related to ground shaking would be less than significant.

Impacts of the Proposed Modified Project

Similar to the approved project, because the proposed modified project would not establish a permanent on-site population, potential damage to these on-site structures would not expose a substantial number of people to potential adverse effects due to strong seismic ground shaking.

Prior to the issuance of grading permits, the applicant would be required to design project infrastructure to withstand substantial ground shaking in accordance with all applicable ordinances of the Kern County Building Code (Chapter 17.08) and the current California Building Code. Additionally, the certified EIR imposed Mitigation Measure MM 4.7-1, which requires that a geotechnical study to evaluate soil conditions and geologic hazards be performed by a qualified geotechnical engineer on the project site, and Mitigation Measure MM 4.7-2, which requires that a California geotechnical engineer be hired by the Applicant to design the proposed modified project to withstand probable seismically induced ground shaking. All grading and construction onsite would adhere to the specifications, procedures, and site conditions contained in the final design plans, which would be fully compliant with the seismic recommendations provided by the California-registered professional engineer in accordance with California and Kern County Building Code requirements. Thus, the proposed modified project would not result in new or substantially more severe significant impacts related to the exposure of people or structures to substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking and does not change the findings in the certified EIR.

Finding

Like the approved project, the proposed modified project has the potential to be impacted by ground shaking. Adherence to the requirements of the Kern County Building Code the CBC and Mitigation Measures MM 4.7-1 and MM 4.7-2, described below, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.7-1 and MM 4.7-2, described below, would reduce impacts to less-than-significant levels.

MM 4.7.1: Prior to the issuance of building or grading permits for the project, the project proponent shall conduct a full geotechnical study to evaluate soil conditions and geologic hazards on the project site and submit it to the Kern County Public Works Department for review and approval.

1. The geotechnical study must be signed by a California-registered and licensed professional geotechnical engineer or engineering geologist and must include, but not be limited to, the following:
    a. Location of fault traces and potential for surface rupture and groundshaking potential;
    b. Maximum considered earthquake and associated ground acceleration for design;
    c. Potential for seismically induced liquefaction, landslides, differential settlement, and unstable soils;
    d. Stability of any existing or proposed cut-and-fill slopes;
    e. Collapsible or expansive soils;
    f. Foundation material type;
    g. Potential for wind erosion, water erosion, sedimentation, and flooding;
    h. Location and description of unprotected drainage that could be impacted by the proposed development; and,
    i. Recommendations for placement and design of facilities, foundations, and remediation of unstable ground.
2. The project proponent shall determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent shall not locate project facilities on or immediately adjacent to an active fault trace.
3. The Kern County Public Works Department shall evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.

MM 4.7-2: Prior to the issuance of grading permits, the project proponent shall retain a California registered and licensed geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction onsite 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.

1. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried metal.
2. 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 Natural Resources Department.

Significant Effect

The approved project could result in substantial soil erosion or the loss of topsoil (Impact 4.7-3). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Construction of the project and associated improvements would involve earth-disturbing activities that could expose soils to the effects of wind or water erosion. Although the project study area consists of relatively flat topography and would not involve substantive cut and fill operations, earthmoving and construction activities could loosen soil, and the removal of existing minimal vegetation could contribute to soil loss and erosion. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented per the requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit Program. The SWPPP would detail that existing vegetation and topography are to be preserved to the maximum extent possible. The SWPPP would also specify various types of BMPs including erosion control BMPs to prevent soil from moving offsite; all temporary erosion control measures required by the Kern County Grading Code (Chapter 17.28.140) would be incorporated into the SWPPP (see Mitigation Measure MM 4.7-3). Also, per Mitigation Measure MM 4.7-4, the project would be required to submit grading plans accompanied by a soils engineering report, engineering geology report, and drainage calculations pursuant to the Kern County Grading Code (Section 17.28.070) to the Kern County Engineering and Survey Services Department in order to obtain required grading permits. Compliance with Mitigation Measure MM 4.7-4 would ensure that excessive grading does not occur. As a result, project construction would have less-than-significant impacts related to erosion with implementation of Mitigation Measures MM 4.7-3 and MM 4.7-4.

Project operations would include the periodic cleaning of the panels with water; however, this is not expected to result in soil erosion because infrequency of these activities and limited volumes of water involved; water is expected to infiltrate into the ground and not generate substantial erosion or soil loss. Project operations would not require ground disturbance. As a result, project operation would have a less-than-significant impact with relation to soil erosion.

Impacts of the Proposed Modified Project

Like the approved project, construction of the proposed modified project and associated improvements would involve earth-disturbing activities that could expose soils to the effects of wind or water erosion. Although the proposed modified project consists of relatively flat topography and would not involve substantive cut and fill operations, earthmoving and construction activities could loosen soil, and the

removal of existing minimal vegetation could contribute to soil loss and erosion. Like the approved project, the proposed modified project would be required to comply with Mitigation Measures MM 4.7-3 and MM 4.7-4, described above. With implementation of these mitigation measures construction of the proposed modified project would cause less-than-significant impacts related to erosion or topsoil loss.

As with the approved project, proposed modified project operations would include the periodic cleaning of the panels with water; however, this is not expected to result in soil erosion because infrequency of these activities and limited volumes of water involved; water is expected to infiltrate into the ground and not generate substantial erosion or soil loss. Proposed modified project operations would not require ground disturbance. Thus, proposed modified project operation would have a less-than- significant impact with relation to soil erosion.

Finding

Like the approved project, the proposed modified project has the potential to be impacted by substantial soil erosion or the loss of topsoil. The implementation of Mitigation Measures MM 4.7-3 and MM 4.7-4 described below, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.7-3 and MM 4.7-4, described below, would reduce impacts to less-than-significant levels.

MM 4.7-3: The construction contractor shall incorporate Best Management Practices consistent with National Pollutant Discharge Elimination System General Construction Permit Program for all construction projects that would not retain all stormwater onsite and the Kern County Grading Code. The project proponent shall prepare an Erosion and Sedimentation Control Plan as well as a Stormwater Pollution Prevention Plan. The plan shall be prepared by a Qualified Stormwater Pollution Prevention Plan Developer and submitted for review and approval by the applicable Regional Water Quality Control Board. The Stormwater Pollution Prevention Plan Best Management Practices shall include, but not be limited to, the following:

- Scheduling to avoid construction during rain events to the maximum extent possible
- Preservation of existing vegetation and topography to the maximum extent practicable
- Stabilized construction entrances and exits
- Erosion control (including all pertinent temporary erosion control practices as specified in Chapter 17.28.140 of the Kern County Grading Code), such as mulching, temporary drains and cullies, sandbag barrier, geotextiles and mats, silt fences, brush or rock filters, earth dikes, straw bale barriers, and sediment traps
- Sediment control
- Waste management

- Good housekeeping
- Post-construction site stabilization

Prior to initial construction mobilization, preconstruction surveys shall be performed and sediment and erosion controls shall be installed in accordance with the approved Stormwater Pollution Prevention Plan. A copy of the approved Stormwater Pollution Prevention Plan shall be submitted to the Kern County Planning and Natural Resources Department.

MM 4.7-4: The project proponent shall limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent shall retain a California registered and licensed professional engineer to submit final grading earthwork and foundation plans to the Kern County Public Works for approval.

Significant Effect

The approved project would be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (Impact 4.7-4). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The approved project would result in no impact related to landslides. The geotechnical report prepared for the certified EIR concluded that the liquefaction potential on the project site is low, largely based on the groundwater depth in the area which is reportedly greater than 100 feet below ground surface. As a result, combined with the relatively flat topography the low liquefaction potential indicates a low potential for lateral spreading. While the preliminary geotechnical report does not discuss the collapse potential at the site, it does describe the surface soils as loose to very dense sand. Therefore, any substantive areas containing loose sands could potentially be susceptible to collapse. Further pre-construction subsurface exploration to confirm the subsurface conditions was recommended in the preliminary geotechnical report. This site-specific exploration would be included as part of the design level geotechnical investigation required by Mitigation Measure MM 4.7-2. The subsurface data would be use to complete the final design of the project and associated structures in consultation with the County in a manner that meets applicable State and County building, grading and construction codes, ordinances and standards. Therefore, since the project site itself has not been identified by the County as being prone to subsidence and the full geotechnical study required by Mitigation Measure MM 4.7-1 would be prepared for the approved project to identify and remedy any soil conditions considered to be geologic hazards, including liquefaction, collapse and subsidence. Based on the conclusions of the report, recommended mitigation measures would be implemented to minimize geologic hazard-related impacts. With implementation of Mitigation Measures MM 4.7-1 and MM 4.7-2, impacts would be less than significant.

Impacts of the Proposed Modified Project

As the proposed modified project is immediately adjacent to the approved project, it is anticipated that the proposed modified project would result in no impacts related to landslides. A project -specific exploration would be included as part of the design level geotechnical investigation required by Mitigation Measure MM 4.7-1. The subsurface data would be used to complete the final design of the proposed modified project

and associated structures in consultation with the County in a manner that meets applicable State and County building, grading and construction codes, ordinances, and standards. Mitigation Measure MM 4.7-2 further requires the proposed modified project to retain a California registered and licensed geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. Therefore, with implementation of Mitigation Measures MM 4.7-1 and MM 4.7-2, impacts would remain less than significant.

Finding

Like the approved project, the proposed modified project has the potential to result in liquefaction, collapse, and subsidence. The implementation of Mitigation Measure MM 4.7-1 and MM 4.7-2, described above, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.7-1 and MM 4.7-2, described above, would reduce impacts to less-than-significant levels.

Significant Effect

The approved project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), potentially creating substantial risks to life or property (Impact 4.7-5). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The preliminary geotechnical report for the project site concluded that based on a previous report for a portion of the site, the underlying soils have a moderate potential for expansion. The shrink swell behavior of expansive soils can lead to damage of project improvements over time if not addressed appropriately prior to construction. However, as described above, Mitigation Measure MM 4.7-1 requires that a geotechnical study to evaluate soil conditions and geologic hazards be performed by a qualified geotechnical engineer on the project site. Mitigation Measure MM 4.7-1 requires that a California geotechnical engineer include an evaluation for expansive soils and provide recommendations consistent with CBC requirements to reduce potential adverse effects from expansive soils. All grading and construction onsite would adhere to the specifications, procedures, and site conditions contained in the final design plans, which would be fully compliant with the recommendations provided by the California-registered professional engineer in accordance with California and Kern County Building Code requirements. The required measures would encompass site preparation such as treatment of expansive soils or replacement with engineered fill. The final designs would be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements would be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. Therefore, with implementation of Mitigation Measure MM 4.7-1, impacts would be less than significant.

Impacts of the Proposed Modified Project

Similar to the approved project, all grading and construction onsite for the proposed modified project would adhere to the specifications, procedures, and site conditions contained in the final design plans, which would be fully compliant with the recommendations provided by the California-registered professional engineer in accordance with California and Kern County Building Code requirements. The required measures would encompass site preparation such as treatment of expansive soils or replacement with engineered fill. The final designs would be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements would be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. Therefore, with implementation of Mitigation Measure MM 4.7-1, impacts would be less than significant.

Finding

Like the approved project, the proposed modified project site contains soils that may be expansive. The implementation of Mitigation Measure MM 4.7-1, described above, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Measure MM 4.7-1, described above, would reduce impacts to a less-than-significant level.

Significant Effect

The approved project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, as defined in *CEQA Guidelines* Section 15064 (Impact 4.7-7). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Most of the surficial deposits within the project site consist of Holocene-age Quaternary alluvium which is typically not paleontologically sensitive, but may be underlain by older Quaternary alluvium, which has a higher potential to contain paleontological resources. Based on the paleontological records search performed for the project site, the paleontological reconnaissance, and geological map and paleontological literature review, the project site is considered to have low paleontological sensitivity on the surface in areas mapped as Quaternary alluvium or sand deposits, but that increases to high with depth in areas underlain by Quaternary older alluvium. There is no paleontological sensitivity in areas underlain by igneous rocks of the Gem Hill Formation. If significant vertebrate fossils are encountered during project implementation, disturbance of such resources would result in a potentially significant impact to paleontological resources. Therefore, excavations within older Quaternary alluvium (whether on the surface or encountered underlying younger Quaternary alluvium) could impact significant vertebrate fossil resources and would be considered a potentially significant impact to paleontological resources. However, with implementation of Mitigation Measures MM 4.7-5 through MM 4.7-7, which would require Paleontological Resources Awareness

Training for construction workers, use of a qualified paleontological monitor during construction activities, and appropriate treatment of inadvertently uncovered paleontological resources, impacts to paleontological resources would be reduced to less than significant.

Impacts of the Proposed Modified Project

Like the approved project, the proposed modified project footprint is underlain by of Holocene-age Quaternary alluvium; therefore, the Project will have similar paleontological resource potential. Based on the paleontological records search performed for the proposed modified project and the paleontological reconnaissance, and geological map and paleontological literature review, the project is considered to have low paleontological sensitivity on the surface in areas mapped as Quaternary alluvium or sand deposits, but that increases to high with depth in areas underlain by Quaternary older alluvium excavations within older Quaternary alluvium (whether on the surface or encountered underlying younger Quaternary alluvium) could impact significant vertebrate fossil resources and would be considered a potentially significant impact to paleontological resources. However, as with the approved project, with implementation of Mitigation Measures MM 4.7-5 through MM 4.7-7, which would require Paleontological Resources Awareness Training for construction workers, use of a qualified paleontological monitor during construction activities, and appropriate treatment of inadvertently uncovered paleontological resources, impacts of the proposed modified project on paleontological resources would be reduced to less than significant.

Finding

Like the approved project, the proposed modified project **c**ould directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The implementation of Mitigation Measures MM 4.7-5 through MM 4.7-7, described below, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.7-5 through MM 4.7-7, described below, would reduce impacts to a less-than-significant level.

MM 4.7-5: The project proponent shall retain a qualified paleontologist, defined as a paleontologist meeting the Society for Vertebrate Paleontology's Professional Standards (Society for Vertebrate Paleontology, 2010), to carry out all mitigation measures related to paleontological resources.

1. Prior to the start of any ground disturbing activities, the qualified paleontologist shall prepare a Paleontological Resources Awareness Training program for all construction personnel working on the project. A Paleontological Resources Awareness Training Guide approved by the qualified paleontologist shall be provided to all personnel. A copy of the Paleontological Resources Awareness Training Guide shall be submitted to the Kern County Planning and Natural Resources Department. The training guide may be presented in video form.
2. Paleontological Resources Awareness Training may be conducted in conjunction with other awareness training requirements.

3. The training shall include an overview of potential paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of paleontological resources.

4. The Paleontological Resources Awareness Training Guides shall be kept onsite and available for all personnel to review and be familiar with as necessary.

MM 4.7-6: A qualified paleontologist or designated monitor shall be onsite initially to spot-check excavations below a depth of one foot below the ground surface in a given area. If it is determined that sediments consist of older alluvium, then full-time paleontological monitoring shall ensue. If sediments are determined to consist of Holocene Quaternary alluvium, paleontological monitoring shall be suspended until an excavation depth of five feet below the ground surface is reached in the area.

a. The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the Kern County Planning and Natural Resources Department, and shall be based on a review of geologic maps and grading plans.

   i. During the course of monitoring, if the paleontologist can demonstrate based on observations of subsurface conditions that the level of monitoring should be reduced, the paleontologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances, as warranted.

b. 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.

c. Following the completion of construction, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources onsite. 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 Natural Resources Department and to an appropriate repository such as the Natural History Museum of Los Angeles County.

MM 4.7-7: If a paleontological resource is found, the project contractor shall cease ground-disturbing activities within 50 feet of the find. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. 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. Any fossils encountered and recovered shall be catalogued and donated to a public, non-profit institution with a research interest in the materials. Accompanying notes, maps, and photographs shall also be filed at the repository.

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

The approved project and proposed modified 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.

Significant Effect

The approved project would not have a cumulative environmental impact on geology and soils. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Impacts of the project would be considered cumulatively considerable if they would have the potential to combine with other past, present, or reasonably foreseeable projects to become significant. Cumulative projects listed in Table 3-5, *Cumulative Projects List* (see Certified EIR) would be subject to relatively similar seismic hazards as that of the approved project. However, the effects of these projects are not of a nature to cause cumulatively significant effects from geologic impacts or on soils because such impacts are site specific and would only have the potential to combine with impacts of the project if they occurred in the same location as the project.

Development of the project, with implementation of the regulatory requirements discussed above, would result in less-than-significant impacts related to exposing persons or structures to geology, soils, or seismic hazards. Although the entire region is a seismically active area, geologic and soil conditions vary widely within a short distance, making the cumulative context for potential impacts resulting from exposing people and structures to related risks one that is more localized or even site-specific. Similar to the project, other projects in the area would be required to adhere to the same California and Kern County Building Codes which would reduce the risk to people and property to less-than-significant levels. While future seismic events cannot be predicted, adherence to all federal, State, and local programs, requirements and policies pertaining to building safety and construction would limit the potential for injury or damage to a less-than-significant level. Therefore, the project, combined with past, present, and other foreseeable development in the area, would not result in a cumulatively significant impact by exposing people or structures to risk related to geologic hazards, soils, and/or seismic conditions. Therefore, the project would result in less-than-significant cumulative impacts related to geology and soils.

Surficial deposits, namely erosion and sediment deposition, can be cumulative in nature, depending on the type and amount of development proposed in a given geographical area. The cumulative setting for soil erosion consists of existing, planned, proposed, and reasonably foreseeable land use conditions in the region. However, construction constraints are primarily based on specific sites within a proposed development and on the soil characteristics and topography of each site. Individual projects are required to comply with applicable codes, standards, and permitting requirements (e.g., preparation of a SWPPP) to mitigate erosion impacts. The approved project's compliance with these codes, standards and permitting requirements are required by Mitigation Measures MM 4.7-1 through MM 4.7-4. Other cumulative scenario projects would be required to adhere to similar requirements, thereby minimizing cumulative scenario erosion impacts. Specifically, all planned projects in the vicinity of the project are subject to environmental review and would be required to conform to the Kern County General Plan and Building Code, and would

implement additional mitigation of seismic hazards to ensure soil stability, especially related to seismically induced erosion. With implementation of Mitigation Measures MM 4.7-1 through MM 4.7-4, the project would not contribute to any cumulative impacts for geologic, seismic hazards or related events. Cumulative impacts related to geology and soils are less than significant.

The geographic scope for cumulative effects to paleontological resources includes the north-central portion of the Antelope Valley that surrounds the area of the approved project. Given similarities in geologic formations, this area is expected to contain similar types of paleontological resources. There is no temporal scope because direct impacts to paleontological resources are permanent. Cumulative impacts to paleontological resources in the study area could occur if other related projects, in conjunction with the approved project, had or would have impacts on paleontological resources that, when considered together, would be significant. Development of the approved project, in combination with other projects in the area, has the potential to contribute to a cumulatively significant paleontological resources impact due to the potential loss of paleontological resources unique to the region. However, mitigation measures are included in the certified EIR to reduce potentially significant project impacts to paleontological resources during construction of the approved project. Implementation of Mitigation Measure MM 4.7-5 requires paleontology sensitivity training for construction workers and Mitigation Measure MM 4.7-6 requires appropriate monitoring of construction activities for potential paleontological resources that may be encountered. Although project construction has the potential to disturb paleontological resources, the implementation of Mitigation Measure MM 4.7-7 would ensure the appropriate protocol is followed with regard to identifying and handling remains. Implementation of these mitigation measures would reduce potential impacts to paleontological resources to a less-than-significant level.

With implementation of Mitigation Measures MM 4.7-5 through MM 4.7-7, the project would not result in significant impacts to paleontological resources. Given this minimal impact and the requirement for similar mitigation for other projects in the Antelope Valley, cumulative impacts to paleontological resources would be less than significant.

Impacts of the Proposed Modified Project

As with the approved project, the proposed modified project's impacts related to geology and soils would also be site specific, its structures would follow building code requirements, and it would not cause a significant impact on geologic or soil resources. The proposed modified project would also comply with Mitigation Measures MM 4.7-1 through MM 4.7-4, thereby ensuring cumulative impacts to geologic and soil resources would remain less than significant.

Consistent with the certified EIR, the proposed modified project would also be required to implement Mitigation Measures MM 4.7-5 through MM 4.7-7 and would not result in significant impacts to paleontological resources. Given this minimal impact and the requirement for similar mitigation for other projects in the Antelope Valley, cumulative impacts to paleontological resources would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to result in cumulative impacts in regards to geology and soils. The implementation of Mitigation Measures MM 4.7-1 through MM 4.7-7, described above, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 MM 4.7-1 through MM 4.7-7, described above, would reduce impacts to a less-than-significant level.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact related to geology and soils.

GREENHOUSE GAS EMISSIONS

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

The approved project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (Impact 4.8-1).

The approved project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas (Impact 4.8-2).

The proposed modified project does not change the findings in the certified EIR for these impacts.

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

The approved project and proposed modified project would not have any environmental effects related to greenhouse gas emissions that are potentially significant and no mitigation is required.

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

The approved project and proposed modified project would not have any environmental effects on 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.

Significant Effect

The approved project would not have a significant cumulative environmental impact on greenhouse gas emissions. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Although the approved project would result in a short-term contribution to cumulative GHG emissions in California, operation of the project would offset emissions from the electricity generation sector. It is

estimated that the project would displace approximately 9,800,190 metric tons of carbon dioxide equivalent ($MTCO_2e$) over the project's maximum 30-year lifespan (refer to Table 4.8-4, *Displaced GHG Emissions Over 30-Year Operational Lifetime*). Overall, the project would not contribute to cumulative GHG emissions in California because operation of the project would provide electric power with negligible operational GHG emissions over the long term when compared to traditional fossil-fueled generation technologies. Thus, the project would not have a cumulatively considerable impact on global climate change, and cumulative impacts would therefore be less than significant.

Impacts of the Proposed Modified Project

Like the approved project, the proposed modified project would result in a short-term contribution to cumulative GHG emissions in California, and operation of the project would offset emissions from the electricity generation sector. It is estimated that, while the proposed modified project will have minimal emissions of GHGs during construction and operation, the Project would displace approximately 9,753,130 metric tons of CO_2e over the Project 's maximum 30-year lifespan.

Overall, the proposed modified project would not make a cumulatively considerable contribution to significant cumulative GHG emissions in the world, because operation of the project would provide electric power with negligible operational GHG emissions over the long term when compared to traditional fossil-fueled generation technologies. Thus, the proposed modified project would not have a cumulatively considerable impact on global climate change, and cumulative impacts would be less than significant.

Finding

Like the approved project, the proposed modified project would not have a cumulatively considerable impact on greenhouse gas emissions.

Level of Significance

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. However, impacts would be less than significant and no mitigation measures are required.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact on greenhouse gas emissions.

HAZARDOUS MATERIALS AND SAFETY

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

The approved project would not emit hazardous emissions or involves handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school (Impact 4.9-3).

The approved project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment (Impact 4.9-4).

The approved project would not generate vectors (flies, mosquitoes, rodents, etc.) or have a component that includes agricultural waste (Impact 4.9-8).

The proposed modified project does not change the findings in the certified EIR for these impacts.

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

Significant Effect

The approved project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Impact 4.9-1). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Construction of the approved project (solar facilities, connection to previously approved interconnection lines, and associated appurtenances) would not involve the routine transport, use, or disposal of significant quantities of hazardous materials, as defined by the Hazardous Materials Transportation Uniform Safety Act. Most of the hazardous materials use and hazardous waste generated by the project would occur during the temporary construction period. Likely uses would include cleaning fluids, solvents, petroleum products, dust palliative, and herbicides. Some solid hazardous waste, such as welding materials and dried paint, may also be generated during construction. These materials would be transported to the project site during construction, and any hazardous wastes that are produced as a result of the construction of the project would be collected and transported away from the site. During construction of the project, material safety data sheets for all applicable materials present at the site would be made readily available to onsite personnel in accordance with required BMPs as part of a Stormwater Pollution Prevention Plan (SWPPP) (see Section 4.10, *Hydrology and Water Quality*, of the certified EIR). Workers would be trained to properly identify and handle all hazardous materials. Hazardous waste would be either recycled or disposed of at a permitted and licensed treatment and/or disposal facility. All hazardous waste shipped offsite for recycling or disposal would be transported by a licensed and permitted hazardous waste hauler and disposed of at an approved location. During construction of the facilities, non-hazardous construction debris would be generated and disposed of in local landfills. Sanitary waste would be managed using portable toilets located at a reasonably accessible onsite location. Mitigation Measure MM 4.17-1 would require debris and waste generated to be recycled to the extent feasible during construction, operation, and decommissioning and the designation of a Recycling Coordinator to facilitate recycling of all waste through coordination with the onsite contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.

Hazardous materials such as petroleum fuels and lubricants used on field equipment would be subject to the Material Disposal and Solid Waste Management Plan, and Spill Prevention, Control, and Countermeasure (SPCC) plan and other measures to limit releases of hazardous materials and wastes (see further discussion of BMP requirements in Section 4.10, *Hydrology and Water Quality*, of the certified EIR). Recyclable materials including wood, shipping materials, and metals would be separated when possible for recycling. Liquids and oils in the transformer and other equipment would be used in accordance with applicable regulations. The disposal of all oils, lubricants, and spent filters would be performed in

accordance with all applicable regulations including the requirements of licensed receiving facilities. Overall the relatively limited use and small quantities of hazardous materials, and subsequently transport and disposal of such materials, during construction would be controlled through compliance with applicable regulations including the Kern County and Incorporated Cities Hazardous Waste Management Plan. As such, impacts during construction would be less than significant.

O&M activities associated with photovoltaic (PV) solar facilities are relatively minor when compared to conventional power plants or even other industrial land uses, and would require very limited use of hazardous materials and generation of hazardous waste. Any hazardous materials that would be used would be stored onsite and in designated areas in accordance with a Hazardous Materials Business Plan (HMBP). The project site would be secured and enclosed by a fence surrounding each site to prevent public access to hazardous materials and the PV panels. The interconnection (power line) portions of the project would largely use previously approved gen-tie lines and these connections would not require use of hazardous materials during operation (see electromagnetic field discussion below).

Primary O&M activities that would occur on the project site during operation would consist of panel washing but would also include without limitation: liaison and remote monitoring; administration and reporting; semi-annual and annual services; remote operations of inverters; site security and management; additional communication protocol; and repair and maintenance of solar facilities and other project facilities. No heavy equipment would be necessary during normal project operation. O&M vehicles would include trucks (pickup, flatbed), forklifts, and loaders for routine and unscheduled maintenance, and water trucks for solar panel washing. Large heavy-haul transport equipment and cranes may be brought to the project site infrequently for equipment repair or replacement. Long-term maintenance and equipment replacement would be scheduled in accordance with manufacturer recommendations. Solar panels are warranted for 25 years or longer and are expected to have a life of 30 or more years. Moving parts, such as motors and tracking module drive equipment, motorized circuit breakers and disconnects, and inverter ventilation equipment, would be serviced on a regular basis, and unscheduled maintenance would be conducted as necessary. Mitigation Measure MM 4.9-1, which requires the preparation of a Hazardous Materials Business Plan that would describe proper handling, storage, transport, and disposal techniques and methods to be used to avoid spills and minimize impacts in the event of a spill, would ensure that all handling, storage, and disposal of hazardous materials would be conducted in accordance with proven practices to minimize exposure to maintenance workers and/or the public.

The PV modules installed on the project site could utilize Cadmium Telluride (CdTe) thin film technology and/or mono crystalline panels. As described above in the Environmental Setting, in the event that CdTe thin film technology is selected, it is generally bound to a glass sheet by a vapor transport deposition during the manufacturing process, followed by sealing the CdTe layer with a laminate material, and then encapsulating it in a second glass sheet. It has been demonstrated that standard operation of CdTe PV systems does not result in cadmium emissions to air, water, or soil. The modules meet rigorous performance testing standards demonstrating durability in a variety of environmental conditions. The PV modules with CdTe thin film technology conform to the International Electrotechnical Commission (IEC) test standards IEC 61646 and IEC61730 PV as tested by a third party testing laboratory certified by the IEC. In addition, the PV modules also conform to Underwriters Laboratory (UL) 1703 a standard established by the independent product safety certification organization. In accordance with UL 1703, the PV modules undergo rigorous accelerated life testing under a variety of conditions to demonstrate safe construction and monitor performance. During normal operations, CdTe PV modules do not present an environmental risk. CdTe releases are also unlikely to occur during accidental breakage or fire due to the high chemical and thermal stability of CdTe. Disposal risks of end-of-life CdTe PV modules are minimized because of the low solubility of CdTe and because the modules can be effectively recycled at the end of their approximately 30-year life. Studies indicate that unless the PV module is purposefully ground to a fine dust, use of CdTe in PV modules do not generate any emissions of CdTe. The project includes operational and

maintenance protocols that would be used to identify and remove damaged or defective PV modules during annual inspections. The PV module manufacturer created the first global and comprehensive module collection and recycling program in the PV industry in 2005. Therefore, in the event the use of a CdTe PV system is selected for the project it would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during normal operations.

Project operations would require the use of transformer oil at the project substations and the energy storage facility could contain battery acids, as well as lithium ion, lead acid, sodium sulfur, and sodium or nickel hydride. All transformers would be equipped with spill containment areas and battery storage would be in accordance with Occupational Safety and Health Administration (OSHA) requirements such as inclusion of ventilation, acid resistant materials, and spill response supplies. All components would have a comprehensive SPCC plan, in accordance with all applicable federal, State, and local regulations. Dust palliatives and herbicides, if used during operations to control vegetation, may be transported to the project site. These materials would be stored in appropriate containers to prevent accidental release. SR-14 would be the likely designated route for the transport of hazardous materials located on or immediately adjacent to the project site. In addition, implementation of Mitigation Measure MM 4.17-1 and MM 4.9-1, would further reduce impacts related to hazards to a less-than-significant level.

Further, implementation of the project would not result in the significant risk of EMFs associated with overhead power lines, as each facility would interconnect into an existing substation. To the extent commercially feasible, the Project intends to utilize previously approved and/or existing interconnection facilities associated with other generating and transmission projects to minimize potential environmental impacts. In addition, the project would not construct sensitive uses under the existing lines but would adhere to applicable California Public Utilities Commission (CPUC) requirements on location of any gen-tie lines or gen-tie connections. As the State has not adopted any specific limits or regulations regarding EMF levels from electric power facilities, impacts in this regard would be less than significant.

During the decommissioning and disposal process, it is anticipated that all project structures would be fully removed from the ground. Above-ground equipment that would be removed would include electrical wiring, equipment on the inverter pads, and the interconnection transformer pad and associated equipment. Equipment would be de-energized prior to removal, salvaged (where possible), placed in appropriate shipping containers, and secured in a truck transport trailer for shipment offsite. Removal of the PV modules would include removal of the racks on which the solar panels are attached, and their placement in secure transport crates and a trailer for storage, for ultimate transportation to another facility.

Once the PV modules have been removed, the racks would be disassembled, and the structures supporting the racks would be removed. All other associated site infrastructure would be removed, including fences, concrete pads that may support the inverters, transformers and related equipment, and underground conduit/electrical wiring. The fence and gate would be removed, and all materials would be recycled to the extent feasible. The area would be thoroughly cleaned and all debris removed. As discussed above, most panel materials would be recycled, with minimal disposal to occur in landfills in compliance with all applicable laws.

The PV module manufacturer would likely provide module collection and recycling services. In any case, current PV modules pass federal leaching criteria for non-hazardous waste, due in part to the low solubility of, which means they would not pose a significant risk for cadmium leaching if they reached a landfill. Several peer-reviewed studies have evaluated the environmental, health, and safety aspects of PV modules. Disposal risks of end-of-life PV modules are minimized because of the low solubility of PV panel materials and because the modules can be effectively recycled at the end of their approximately 30-year life. Studies indicate that unless the PV module is purposefully ground to a fine dust, use of PV modules do not generate

any emissions. These studies have consistently concluded that use of PV modules do not present an environmental risk.

As described in Section 4.17, *Utilities and Service Systems*, of the certified EIR, Mitigation Measure MM 4.17-1 requires that an onsite recycling coordinator be designated by the project proponent to facilitate recycling of all waste through coordination with the onsite contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The onsite 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 Planning and Natural Resources Department prior to issuance of building permits. Given that the normal use and disposal of PV modules would not present an environmental risk, project implementation would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials during decommissioning and disposal activities. In addition, implementation of Mitigation Measure MM 4.17-1, would further reduce impacts related to hazards to a less-than-significant level.

Impacts of the Proposed Modified Project

Like the approved project, most of the hazardous waste generated by the proposed modified project would occur during the temporary construction period and would consist of liquid waste, including cleaning fluids, solvents, petroleum products, dust palliative, and herbicides. The proposed modified project would comply with MM 4.9-1 to minimize the potential hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. This mitigation measures ensures that all handling, storage, and disposal of hazardous materials would be conducted as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, and requires preparation and submittal of a Hazardous Materials Business Plan covering the life of the project (construction through decommissioning).

Once operational, the proposed modified project would be similar in characteristics as the approved project. Project operations would require the use of transformer oil at the project substations and the energy storage facility could contain battery acids, as well as lithium ion, lead acid, sodium sulfur, and sodium or nickel hydride. All transformers would be equipped with spill containment areas and battery storage would be in accordance with OSHA requirements such as inclusion of ventilation, acid resistant materials, and spill response supplies.

The proposed modified project's decommissioning activities would also be similar to those of the approved project, and the PV module manufacturer would likely provide module collection and recycling services. Mitigation Measure MM 4.17-1 would require debris and waste generated to be recycled to the extent feasible during construction, operation, and decommissioning and the designation of a Recycling Coordinator to facilitate recycling of all waste through coordination with the onsite contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.

The proposed modified project would comply with Mitigation Measures MM 4.9-1 and MM 4.17-1, thus ensuring impacts would be less-than-significant.

Finding

Like the approved project, the proposed modified project has the potential create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Implementation of Mitigation Measures MM 4.17-1, described below in Findings for Utilities and Service

Systems, and Mitigation Measure MM 4.9-1, described below, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Mitigation Measures MM 4.17-1, described below in Findings for Utilities and Service Systems, and Mitigation Measure MM 4.9-1, described below, would reduce these impacts to a less-than-significant level.

MM 4.9-1: During the life of the project, including decommissioning, the project operator shall prepare and maintain a Hazardous Materials Business Plan, as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System at http://cers.calepa.ca.gov/ for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section. 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 operation
- Establish public and agency notification procedures for spills and other emergencies including fires
- Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site

The project proponent shall ensure that all contractors working on the project are familiar with the facility's Hazardous Materials Business Plan as well as ensure that one copy is available at the project site at all times. In addition, a copy of the accepted Hazardous Materials Business Plan from the California Environmental Reporting System shall be submitted to the Kern County Planning and Natural Resources Department for inclusion in the projects permanent record.

Significant Effect

The approved project could 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 4.9-2). The proposed modified project does not change the findings in the certified EIR for this impact.

EXHIBIT A

Description of Significant Impact

Impacts of the Approved Project

Potential impacts that may result from construction of the project includes the accidental release of materials, such as cleaning fluids and petroleum products including lubricants, fuels, and solvents. Implementation of Mitigation Measure MM 4.9-1, which would provide methods to be used to avoid spills and minimize impacts in the event of a spill by providing procedures for handling and disposing hazardous materials as well as public and agency notification procedures for spills and other emergencies including fires, would reduce this impact to a less-than-significant level.

Despite the relatively open spaces surrounding the approved project site, nearby sensitive receptors could be exposed to pollutant emissions during construction of the project, resulting in a potentially significant impact. An adverse risk related to exposure to hazardous materials could result from the installation and use of transformers, grading of the site, the application of herbicides, or other construction or operation processes because of the distance between the sensitive receptors and the project site. Implementation of Mitigation Measure MM 4.9-2, which regulates the use of herbicides as described below, would reduce impacts related to sensitive receptors to a less-than-significant level.

The PV modules and inverters would produce no hazardous waste during operation. Each enclosed transformer at the substation would include mineral oil, but secondary containment would be provided in accordance with applicable federal, State, and local laws and regulations. The mineral oil contained in each transformer does not normally require replacement, and mineral oil disposal would be in accordance with all applicable federal, State, and local laws and regulations.

As stated in the environmental setting above, it has been demonstrated that standard operation of polycrystalline silicon PV systems does not result in pollution emissions to air, water, or soil. Polycrystalline silicon panels removed from the site would be recycled or otherwise disposed at an appropriate waste disposal facility. Hazardous materials are unlikely to occur during accidental breakage of the polycrystalline silicon solar panels. Similarly, fire damage would not result in the release of hazardous materials. The polycrystalline silicon PV panel does not pose a threat to nearby residences.

In the event that CdTe PV modules are used for the project, the CdTe PV module releases are unlikely to occur from accidental breakage of or fires involving the PV modules. CdTe is a highly stable semiconductor compound due to strong chemical bonding that translates to extremely low solubility in water, low vapor pressure, and a melting point greater than 1,000 degrees Celsius (°C). Potential impacts to soil, air, and groundwater quality from broken CdTe PV modules are highly unlikely to pose a potential health risk as they are below both human health screening levels and background levels.

Potential CdTe emissions from fire are unlikely to occur at the project site because of the lack of fuel to support a sustained wildfire. Grass fires are the most likely fire exposure scenario for ground-mounted PV systems, and these fires tend to be short-lived due to the thinness of grass fuels. As a result, these fires are unlikely to expose PV modules to prolonged fire conditions or to temperatures high enough to volatilize CdTe, which has a melting point of 1,041°C. Moreover, even if a desert wildfire could reach that temperature, the actual CdTe emissions from a PV module would be insignificant (~0.04 percent) due to encapsulation in the molten glass matrix.

Potential CdTe emissions from broken PV modules exposed to precipitation are also unlikely. Based on warranty return data, the breakage rate of CdTe PV modules is low, one percent over 25 years, which translates to an average of 0.04 percent per year. This breakage rate is an overestimate because over one-third of PV module breakage occurs during shipping and installation. Modules that break during shipping

and installation are removed from the construction site and returned to a manufacturing facility for recycling. Even if the CdTe semiconductor layer becomes exposed to the environment, it strongly resists being released from the PV module into the environment, and CdTe has an extremely low solubility in water.

The CdTe PV modules do not pose a threat to nearby residences. In the event CdTe PV modules are selected at the project site, it would not result in human or aquatic exposure of cadmium. A recent research article, Fate and Transport Evaluation of Potential Leaching Risks from Cadmium Telluride Photovoltaics, further substantiates that during operation, CdTe PV modules do not pose a threat to human health or the environment due to its construction. The study evaluates the worst-case scenario to estimate potential exposures to CdTe compounds in soil, air or groundwater. The results show that exposure point concentrations in soil, air, and groundwater are one to six orders of magnitude below human health screening levels and below background levels, indicating that it is highly unlikely that exposures would pose potential health risks to onsite workers or offsite residents.

In addition, the hazardous materials that would be present in the energy storage facility would be contained within specifications that follow applicable federal State and local requirements. OSHA requirements call for the inclusion of appropriate ventilation, acid resistant materials, and presence of spill protection supplies.

Removal and/or maintenance of vegetation may require herbicide use during both construction and operation. If not handled properly, use of these products could create a hazard to the public (construction workers, maintenance employees, and nearby residences), resulting in a potentially significant impact. Mitigation Measure MM 4.9-2 would reduce impacts related to use of pesticides and herbicides to a less-than-significant level.

As noted above, the project would not involve the routine transport, use, or disposal of substantive quantities of hazardous materials, as defined by the Hazardous Materials Transportation Uniform Safety Act. The closest designated route for the transport of hazardous materials is SR 14, which is located adjacent to the project site. Adherence to regulations and standard protocols during the storage, transportation, and usage of any hazardous materials would minimize and avoid the potential for significant impacts related to upset and accident conditions.

Overall, adherence to regulations and standard protocols during the storage, transportation, and usage of any hazardous materials, and implementation of Mitigation Measure MM 4.9-2 would minimize or reduce potential impacts related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials, to a less-than-significant level.

The decommissioning and disposal process is described under Impact 4.9-1, above. Most panel materials would be recycled to the extent feasible, with minimal disposal to occur in landfills in compliance with all applicable laws. The PV module manufacturer provides module collection and recycling services. In any case, current PV modules pass federal leaching criteria for non-hazardous waste, due in part to the low solubility of PV modules, which means they would not pose a significant risk for cadmium leaching if they reached a landfill. Batteries within the energy storage facility would also be recycled to the extent feasible, with minimal landfill disposal.

Mitigation Measure MM 4.17-1 requires that an onsite recycling coordinator be designated by the project proponent to facilitate recycling of all waste through coordination with the onsite contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. The onsite 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 Planning and Natural Resources Department prior to issuance of building permits.

Impacts of the Proposed Modified Project

Phase I and II environmental site assessments completed for the proposed modified project site did not identify any likely environmental concerns or human health risks on the site. Like the approved project, proposed modified project operations would include limited hazardous materials on the site. Impacts of the proposed modified project would be similar to those of the approved project. Like the approved project, the proposed modified project would comply with Mitigation Measure MM 4.9-1 and MM 4.17-1, which provides methods to be used to avoid spills and minimize impacts in the event of a spill by providing procedures for handling and disposing hazardous materials as well as public and agency notification procedures for spills and other emergencies including fires. Additionally, in order to minimize an adverse risk related to exposure to hazardous materials resulting from the grading of the site, the application of herbicides, or other construction or operation processes because of the distance between the sensitive receptors and the project site, the proposed modified project would implement Mitigation Measure MM 4.9-2 to regulate the use of herbicides.

The proposed modified project's battery energy storage system would also be designed to minimize potential fire-related risks. The battery energy storage containers would have a fire rating in conformance with NFPA and County standards and specialized thermal runaway management systems per UL 9540A test results. The Project would utilize pre-engineered battery storage systems designed to meet UL 9540 and tested in compliance with UL 9540A. UL 9540 contains safety standards for the system's construction (e.g., frame and enclosure, including mounting, supporting materials, barriers and more); the insulation, wiring, switches, transformers, spacing and grounding; safety standards for performance of over twenty different elements, such as tests for temperature, volatility, impact, overload of switches, and an impact drop test; and standards for manufacturing, ratings, markings, and instruction manuals. In addition to the many individual standards referenced, California Fire Code (CFC) compliance requires a Failure Mode and Effects Analysis be performed and requires a test to ensure safe compatibility of the system's parts. This includes the UL 1973 standard, in which a battery manufacturer must prove that a failed cell inside will not cause a fire outside the system. The Project will comply with the CFC, UL 9540/9540A requirements, and industry standards for adequate separations, cascading protections, and suppression systems to limit failure to a single cell or module. In the unlikely event of thermal runaway, the Project's preventative measures and fire and safety systems are designed to limit the event to a single battery module as well as reduce the duration and intensity of an event, if it occurs. The Project is also subject to the requirements of Chapter 12 of the CFC which requires that all battery energy storage systems use an Energy Management System for monitoring and balancing cell voltages, currents and temperatures. The system must transmit an alarm signal if potentially hazardous temperatures or other conditions such as short circuits, over voltage or under voltage, are detected. The CFC also requires the use of appropriate fire detection and suppression systems, which will be incorporated into each of the Project's battery enclosures.

Finding

Like the approved project, the proposed modified project has the potential to 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. Implementation of Mitigation Measures MM 4.9-1, described above, MM 4.9-2, described below, and MM 4.17-1, described below in Findings for Utilities and Service Systems, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.9-1, described above, MM 4.9-2, described below, and MM 4.17-1, described below in Findings for Utilities and Service Systems, would reduce these impacts to a less-than-significant level.

MM 4.9-2: The project proponent/operator shall continuously comply with the following:

a. The construction contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service for use in California and are appropriate for application adjacent to natural vegetation areas (i.e., non-agricultural use). Personnel applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.

b. Herbicides shall be mixed and applied in conformance with the manufacturer's directions.

c. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and 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.

d. 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.

e. 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.

f. A written record of all herbicide applications on the site, including dates and amounts, shall be furnished annually to the Kern County Planning and Natural Resources Department.

Significant Effect

The approved project could result in a safety hazard or excessive noise for people residing or working in the project area, for a project located within the vicinity of a private airstrip (Impact 4.9-5). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The County's Airport Land Use Compatibility Plan (ALUCP) requires that projects located within the planning boundary or Airport Influence Area for each airport comply with the height restriction standards

and procedures set forth in FAA Part 77. Section 4.9.5 of the ALUCP defines policies associated with the Mojave Air and Space Port, including requirements regarding the height of proposed structures as well as certain land use characteristics, such as glare. The northern portion of the project is located within the Airport Influence Area of the Mojave Air and Space Port, within Compatibility Zones B1, B2, and C. The southernmost portion of the project directly abuts the northern boundary of the Edwards Air Force Base.

As stated in Chapter 3, *Project Description*, of the certified EIR solar energy would be captured by PV panels, with the single axis tracker solar panels aligned in rows in the north south direction or in an east-west direction if a fixed tilt racking system were used instead. The maximum height of the single axis tracker solar panels would be up to 12 feet above grade at the beginning and end of each day. In addition, the project includes an onsite substation, located on the northwest portion of the northern site in Compatibility Zone B1. The substation would not exceed three acres in size and equipment would generally be between 15 and 35 feet tall, with the exception of the transmission tower, which would be a maximum of 60 feet in height and a lightning protection mast, which would not exceed 75 feet in height (transmission tower plus 15 feet). Poles associated with the get-tie line may be up to 180 feet tall, which would exceed the 100-foot height limit for structures in Zone E1. However, Section 4.9.5(1)(b) of the ALUCP provides an exemption to these height requirements for gen-tie lines and are subject to review on a case by case basis. Therefore, heights of the project components would not conflict with the requirements of the ALUCP and therefore, the project is not expected to result in a safety hazard.

Therefore, the project would be required to comply with the County's ALUCP and applicable Federal Aviation Administration (FAA) regulations regarding project approval to ensure that there is no conflict with airport operations and no safety hazards are presented.

Section 1.7.1 of the ALUCP requires that, prior to approval of any type of land use development, findings shall be made that such development is compatible with training and operational missions of relevant military operations. Section 4.17.3 of the ALUCP requires the notification of construction of the project to Edwards Air Force Base. Therefore, notification requirements would also apply for Edwards Air Force Base to ensure no conflict with their operations. As a result, with adherence to project notification requirements the proposed impact related to the Airport Land Use Compatibility Plan would be less than significant.

Furthermore, the approved project would not result in an increase in air traffic levels or a change in location of air traffic patterns that would result in a substantial safety risk, as air traffic patterns would not be affected (the only mode of transport affected by the approved project is automobile/truck operations). As previously discussed, and further detailed in Section 4.1, *Aesthetics*, of the certified EIR, the proposed solar panels would be composed of anti-reflective material; therefore, glare resulting from the panels is not expected to be a concern for pilots. For the reasons described above the approved project would not result in safety or operational hazards to aircraft that would represent a safety hazard to people residing or working in the area. In addition, the nature of operation of the solar facilities is not known to result in any operational issues or safety hazards to aircraft that would be a safety hazard to people.

Implementation of Mitigation Measure MM 4.9-3 would ensure the approved project would be consistent with the ALUCP and General Plan policies of Kern County by requiring the developer to coordinate with the Department of Defense (DoD) and obtain approval from FAA and the public airports and military installations in the area. Impacts would be less than significant.

Impacts of the Proposed Modified Project

The proposed modified project is located within the Airport Influence Area of the Mojave Air and Space Port, within Compatibility Zones C and E1. Like the approved project, the proposed modified project would

not result in an increase in air traffic levels or a change in location of air traffic patterns that would result in a substantial safety risk, as air traffic patterns would not be affected. As with the approved project, the proposed modified project would be required to comply with the County's ALUCP and applicable Federal Aviation Administration (FAA) regulations regarding project approval to ensure that there is no conflict with airport operations and no safety hazards are presented. The proposed solar panels would also be composed of anti-reflective material; therefore, glare resulting from the panels is not expected to be a concern for pilots. For these reasons, the proposed modified project would not result in safety or operational hazards to aircraft that would represent a safety hazard to people residing or working in the area. Implementation of Mitigation Measure MM 4.9-3 would ensure the proposed modified project would be consistent with the ALUCP and General Plan policies of Kern County by requiring the developer to coordinate with DoD and obtain approval from FAA and the public airports and military installations in the area. Impacts would be less-than-significant.

Finding

Like the approved project, the proposed modified project has the potential to result in a safety hazard or excessive noise for people residing or working in the project area, for a project located within the vicinity of a private airstrip. The implementation of Mitigation Measure MM 4.9-3, described below, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. The implementation of Mitigation Measure MM 4.9-3, described below, would reduce these impacts to a less-than-significant level.

MM 4.9-3: Prior to the issuance of building and grading permits, the project proponent/operator shall comply with the following:

a. Submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17.

b. Obtain a Federal Aviation Administration issued "Determination of No Hazard to Air Navigation." This documentation shall include written concurrence from the military authority responsible for operations in the flight area depicted in the Kern County Zoning Ordinance Figure 19.08.160 that all project components in the flight area would create no significant military mission impacts.

c. Provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plans has been provided to the operators of Mojave Air Space and Port.

Significant Effect

The approved project could impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan (Impact 4.9-6). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

As discussed in Section 4.15, *Transportation*, of the certified EIR, the project site is located in a rural area with the primary access roads (Backus Road, Lone Butte Road, and Purdy Avenue) allowing adequate egress/ingress to the site in the event of an emergency. Additionally, as part of the project, additional onsite access roadways (internal to the site) would be constructed. Therefore, the development of the approved project would not physically interfere with emergency vehicle access or personnel evacuation from the site.

As further described in Section 4.15, *Transportation*, of the certified EIR, increased project-related traffic would not cause a significant increase in congestion and or significantly worsen the existing service levels at intersections on area roads; therefore, project-related traffic would not affect emergency access to the project site or any other surrounding location. The approved project would not require closures of public roads, which could inhibit access by emergency vehicles. For these reasons construction and operation would have a less-than-significant impact on emergency access.

While impacts would be less than significant, Mitigation Measure MM 4.15-1 would provide further assurances for emergency access. Mitigation Measure MM 4.15-1 requires the preparation of a Construction Traffic Control Plan that considers access for emergency vehicles to the project site. During project operation, Mitigation Measure MM 4.15-1 requires the project operator obtain Kern County approval of all proposed access road designs prior to construction, further ensuring onsite emergency access is adequate.

Impacts of the Proposed Modified Project

Like the approved project, the proposed modified project is located in a rural area. The site can be accessed by Myer Road, United Street, Purdy Avenue, Lone Butte Road, and from SR-14. Like the approved project, Project-related traffic would not affect emergency access to the proposed modified project site or any other surrounding location. Mitigation Measure MM 4.15-1 would provide further assurances for emergency access. Mitigation Measure MM 4.15-1 requires the preparation of a Construction Traffic Control Plan that considers access for emergency vehicles to the project site. During project operation, Mitigation Measure MM 4.15-1 requires the project operator obtain Kern County approval of all proposed access road designs prior to construction, further ensuring onsite emergency access is adequate. The proposed modified project is similarly located in a relatively sparsely populated area and would have adequate ingress/egress to the site for emergency vehicles. In addition, the proposed modified project is not expected to result in a large increase in vehicle traffic during construction. Once operational, there would be minimal truck trips to the site, which would be for routine maintenance. The proposed modified project would implement Mitigation Measure MM 4.15-1, and impacts would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The implementation of Mitigation Measure MM 4.15-1, described below in Findings for Transportation, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Measure 4.15-1, described below in Findings for Transportation, would reduce impacts to a less-than-significant level.

Significant Effect

The approved project would expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (Impact 4.9-7). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The project site is not located within a high fire hazard severity zone. However, there is sparse vegetation onsite and site preparation would involve the removal of additional vegetation, although natural vegetation may be maintained if it does not interfere with project construction or the health and safety of onsite personnel. The project would also include an energy storage facility component which, while they generally burn with difficulty, can in fact burn or become damaged by fire and generate fumes and gases that are extremely corrosive. Dry chemical, carbon dioxide, and foam are the preferred methods for extinguishing a fire involving batteries as water is not useful in extinguishing battery fires. As discussed further in Section 4.14, *Public Services*, of the certified EIR, the project proponent would implement Mitigation Measure MM 4.14-1, which would require the preparation and submittal of a Fire Safety Plan to the Kern County Fire Department for review and approval. The purpose of the Fire Safety Plan would be to eliminate causes of fire, prevent loss of life and property by fire, to comply with County and County Fire Protection District standards for solar facilities, and to comply with the OSHA standard of fire prevention, 29 Code of Federal Regulations (CFR) 1910.39. The fire safety plan would address fire hazards of the different components of the project, including the energy storage facility, and would include BMPs to reduce the potential for fire and extinguishment techniques if a fire were to occur. As discussed in more detail in Section 4.18, *Wildfire*, the project would not place the gen-tie and electrical collection system, energy storage facility, or internal/perimeter dirt maintenance roads within a high fire hazard zone, and would clear all necessary vegetation, which would reduce fire risks.

The project site is not adjacent to urbanized areas; however, there are isolated residences in proximity to the project site. While the project is not anticipated to significantly increase the risk of wildfire, Mitigation Measure MM 4.14-1 would be implemented which includes the development and implementation of a fire safety plan for construction and operation of the project. With mitigation, potential impacts from wildfire would be reduced to a less than significant level.

Impacts of the Proposed Modified Project

The proposed modified project site is not in a high or very high fire hazard area, has sparse vegetation onsite and site preparation would involve the removal of additional vegetation, although natural vegetation may be maintained if it does not interfere with project construction or the health and safety of onsite personnel.

The project would include an energy storage facility component which, while they generally burn with difficulty, can in fact burn or become damaged by fire and generate fumes and gases that are extremely corrosive. Dry chemical, CO_2, and foam are the preferred methods for extinguishing a fire involving

batteries as water is not useful in extinguishing battery fires. As with the approved project, the proposed modified project would implement MM 4.14-1 and comply with all local, State and federal regulations related to fire suppression and safety. The project battery energy storage system would be designed, constructed, operated, and maintained in accordance with applicable best practices and regulatory requirements, including fire safety standards. Batteries would be housed in an enclosure that contains integrated fire safety system and controls. If smoke, heat or flammable gas were detected, an alarm would sound, strobes would flash, and any thermal runaway mitigation systems present, would be activated. The containers would have a fire rating, if required based on large-scale fire test results. Final fire safety design would follow applicable codes and referenced standards and would be specific to the battery technology that is ultimately implemented. The containers would have a fire rating in conformance with National Fire Protection Association (NFPA) and County standards and specialized fire suppression systems. Final fire safety design would follow applicable standards and would be specific to the battery technology that is ultimately implemented. Impacts would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The implementation of Mitigation Measure MM 4.14-1, described below in Findings for Public Services, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Measure 4.14-1, described below in Findings for Public Services, would reduce impacts to a less-than-significant level.

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

The approved project and proposed modified project would not have any environmental effects related to hazardous materials and safety 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 approved project would not have a cumulative environmental impact on hazards and hazardous materials. The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

As described in certified EIR Chapter 3, *Project Description*, multiple projects, including several utility-scale solar and wind energy production facilities, are proposed throughout Kern County. As shown in certified EIR Table 3-5, *Cumulative Project List*, other solar energy projects are either operational, in construction or proposed within the region. The geographic scope of impacts associated with hazardous materials generally encompasses the project site and a 0.25-mile-radius area around the site. A 0.25-mile-radius area allows for a conservative cumulative analysis that ensures that all potential cumulative impacts will be assessed. Similar to other potential impacts, such as those related to geology and soils, risks related to hazards and hazardous materials are typically localized in nature since they tend to be related to onsite existing hazardous conditions and/or hazards caused by the project's construction or operation. A geographic scope of a 0.25-mile-radius area also coincides with the distance used to determine whether hazardous emissions or materials would have a significant impact upon an existing or proposed school, as discussed above. The project's compliance with Mitigation Measures MM 4.17-1 and MM 4.9-2 is similar to existing regulatory requirements that other projects would be required to adhere to and would avoid hazardous material-related impacts from occurring at any of the schools of the area.

Impacts regarding the handling, use, and/or storage of hazardous materials would be project specific and would not cumulatively contribute to impacts. An accident involving a hazardous material release during project construction or operation through upset or accident conditions including site grading and the use and transport of petroleum-based lubricants, solvents, fuels, batteries, herbicides, and pesticides to and from the project site would be location specific. Conformance with existing State and County regulations, as well as project safety design features and the implementation of Mitigation Measures MM 4.17-1 and MM 4.9-2 identified above would further reduce cumulative impacts. In addition, implementation of appropriate safety measures during construction of the project, as well as other cumulative projects, would reduce the impact to a level that would not contribute to cumulative effects. Given the minimal risks of hazards at the project site, cumulative impacts are unlikely to occur. Therefore, impacts would not be cumulatively significant.

Hazardous materials to be used during decommissioning and removal activities are of low toxicity and would consist of fuels, oils, and lubricants. Because these materials are required for operation of construction vehicles and equipment, BMPs would be implemented to reduce the potential for or exposure to accidental spills or fires involving the use of hazardous materials. Impacts from minor spills or drips would be avoided by thoroughly cleaning up minor spills as soon as they occur. While foreseeable projects have the potential to cause similar impacts, it is assumed these projects would also implement similar BMPs. Conformance with existing State and County regulations, as well as implementation of Mitigation Measures MM 4.9-2 and MM 4.14-1 of Section 4.14, *Public Services*, MM 4.15-1 and MM 4.17-1 of Section 4.17, *Utilities and Service Systems*, would further reduce the potential for cumulative impacts. In addition, implementation of appropriate safety measures during construction of the project, as well as any other cumulative project, would reduce the impact to a level that would not contribute to cumulative effects.

Therefore, impacts related to hazardous materials would not be cumulatively significant.

The project site is located within the Mojave Air and Space Port airport land use plan influence area and would be required to comply with the ALUCP policies and FAA notification and approval requirements listed in Mitigation Measure MM 4.9-3, just as any other project within the influence would. Thus, the project would not combine with any other to become cumulatively significant and there would be less than significant cumulative impacts associated with airports or airstrip land use plans or air traffic hazards.

Impacts of the Proposed Modified Project

Impacts of the proposed modified project would be similar to those of the approved project. While foreseeable projects have the potential to cause similar impacts, it is assumed these projects would also implement similar BMPs. Conformance with existing State and County regulations, as well as implementation of Mitigation Measures MM 4.9-1, MM 4.9-2, MM 4.9-3, MM 4.14-1, MM 4.15-1, and MM 4.17-1, would further reduce the potential for cumulative impacts. In addition, implementation of appropriate safety measures during construction of the approved project, as well as any other cumulative project, would reduce the impact to a level that would not contribute to cumulative effects. Therefore, impacts related to the use of hazardous materials would not be cumulatively significant.

Finding

Like the approved project, the proposed modified project has the potential to result in cumulatively considerable impacts related to hazards and hazardous materials. However, implementation of Mitigation Measures MM 4.9-1, MM 4.9-2, MM 4.9-3, described above, MM 4.15-1, described below under Findings for Transportation, MM 4.14-1, described below under Findings for Public Services, and MM 4.17-1, described below under Findings for Utilities and Service Systems, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.9-1, MM 4.9-2, MM 4.9-3, described above, MM 4.15-1, described below under Findings for Transportation, MM 4.14-1, described below under Findings for Public Services, and MM 4.17-1, described below under Findings for Utilities and Service Systems, would reduce these impacts to a less-than-significant level.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact on hazards and hazardous materials.

HYDROLOGY AND WATER QUALITY

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 approved 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 4.10-2).

The approved project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Impact 4.10-8).

The proposed modified project does not change the findings in the certified EIR for these impacts.

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

Significant Effect

The approved project could violate water quality standards or waste discharge requirements, or otherwise degrade water quality (Impact 4.10-1). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Potential impacts on water quality from erosion and sedimentation are expected to be localized and temporary during construction. Stormwater runoff from the project site would not discharge to waters of the United States since the project area is within a watershed that is not hydrologically connected to a navigable waterway. However, according to the Kern County Public Works Department NPDES applicability form, the project would be required to implement a SWPPP during construction. Per Mitigation Measure MM 4.7-3 in Section 4.7, *Geology and Soils*, of the certified EIR, the SWPPP would include BMPs designed to prevent the occurrence of soil erosion and discharge of other construction-related pollutants that could contaminate water quality, and would be applicable to all areas of the project, including the solar fields and the gen-tie line. In addition, prior to the commencement of construction activities, the project proponent would be required to adhere to the requirements of the Kern County Grading Code. This includes implementation of various measures designed to prevent erosion and control drainage onsite, thereby further preventing the potential sedimentation and subsequent degradation of stormwater.

During project construction, any activity that results in the accidental release of hazardous or potentially hazardous materials could result in water quality degradation. Further, any construction activity that results in the accidental release of pollutants, hazardous or potentially hazardous materials could result in water quality degradation. Materials that could contribute to this impact include, but are not limited to, diesel fuel, gasoline, lubricant oils, hydraulic fluid, antifreeze, transmission fluid, lubricant grease, cement slurry, and other fluids utilized by construction and maintenance vehicles and equipment. Motorized equipment could leak hazardous materials such as motor oil, transmission fluid, or antifreeze due to inadequate or improper maintenance, unnoticed or unrepaired damage, improper refueling, or operator error.

As noted in Section 4.9, *Hazards and Hazardous Materials*, of the certified EIR, Mitigation Measure MM 4.9-1 would require the project proponent to provide a Hazardous Materials Business Plan that would 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. With implementation of this mitigation measure, the potential for the accidental release of hazardous materials would be reduced. Therefore, with implementation of Mitigation Measures MM 4.7-3 and MM 4.9-1, impacts to water quality would be less than significant during construction.

The solar facilities would require limited use of certain hazardous materials for routine operations and maintenance. Accidental release of such materials could include fuels, paints, coatings, lubricants, and transformer oil, which would result in water quality degradation should the materials become entrained in stormwater. This would result in a potentially significant impact on water quality. However, as described above, implementation of Mitigation Measure MM 4.9-1 would require the implementation of a Hazardous

Materials Business Plan that would ensure safe handling of hazardous materials onsite and provide the means for prompt cleanup in the event of an accidental hazardous material release. There would be no hazardous materials associated with the interconnections to the gen-tie lines.

Water quality could also be degraded by non-hazardous materials during operation activities. During dry periods, impervious surfaces (i.e., hardscape surfaces such as foundations and buildings) can collect greases, oils, and other vehicle-related pollutants. During storm events, these pollutants can mix with stormwater and degrade water quality. However, per Mitigation Measure MM 4.10-1, a drainage plan would be prepared in accordance with the Kern County Development Standards and Kern County Code of Building Regulations. Therefore, the drainage plan would include post-construction structural and nonstructural BMPs that could include features such as drainage swales for collection of runoff prior to offsite discharge. Adherence to these requirements would minimize potential for operation period water quality degradation. Apart from infrequent cleaning of panels with water that would result in minimal runoff, no other discharges would occur when the project is operational. Therefore, with the implementation of Mitigation Measures MM 4.9-1 and MM 4.10-1, project operation would not violate water quality standards or waste discharge requirements, or otherwise degrade water quality.

Impacts of the Proposed Modified Project

The proposed modified project is similar to the approved project in all respects, both during construction and operations. The proposed modified project would result in a minimal increase in impervious surfaces on the site from development including the equipment foundations as well as the O&M buildings, substations, and energy storage facilities. The access roads would not be paved. The panels are not considered impervious surfaces; stormwater falling on the panels would dripoff and infiltrate into the ground below or run off during larger storm events into constructed drainage basins. Therefore, the proposed modified project would leave large areas of pervious surfaces that would absorb stormwater runoff and would not result in a significant reduction of groundwater infiltration rates associated with precipitation. Therefore, with the implementation of Mitigation Measures MM 4.7-3, MM 4.9-1, and MM 4.10-1 of the certified EIR, project construction and operation would not violate water quality standards or waste discharge requirements, or otherwise degrade water quality, and impacts would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to violate water quality standards or waste discharge requirements. However, implementation of Mitigation Measures MM 4.7-3, described above in Findings for Geology and Soils, MM 4.9-1, described above in Findings for Hazards and Hazardous Materials, and MM 4.10-1, described below, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 violating water quality standards or waste discharge requirements. Implementation of Mitigation Measures MM 4.7-3, described above in Findings for Geology and Soils, MM 4.9-1, described above in Findings for Hazards and Hazardous Materials, and MM 4.10-1, described below, would reduce these impacts to a less-than-significant level.

MM 4.10-1: Prior to the issuance of a grading permit, the project proponent/operator shall complete a final drainage plan designed to evaluate and minimize potential increases in runoff from the project site. The study shall include, but is not limited to the following:

1. Numerical stormwater model for the project site, and would evaluate existing and proposed (with project) drainage conditions during storm events ranging up to the 100-year event.
2. The study shall also consider potential for erosion and sedimentation in light of modeled changes in stormwater flow across the project area that would result from project implementation.
3. The drainage plan would include engineering recommendations to be incorporated into the project design and applied within the site boundary. Engineering recommendations will include measures to offset increases in stormwater runoff that would result from the project, as well as implementation of design measures to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding onsite or offsite.
4. The final design of the solar arrays shall include one-foot of freeboard clearance above the calculated maximum flood depths for the solar arrays or the finished floor of any permanent structures. Solar panel sites located within a 100-year floodplain shall be installed on piers so that the panels are located one-foot above the calculated maximum flood depths or graded to direct potential flood waters without increasing the water surface elevations more than one foot or as required by Kern County's Floodplain Management Ordinance.
5. The hydrologic study and drainage plan shall be prepared in accordance with the Kern County Grading Code and Kern County Development Standards, and approved by the Kern County Public Works Department prior to the issuance of grading permits.

Significant Effect

The approved project could substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner that would result in substantial erosion and/or sedimentation on-site or off-site (Impact 4.10-3). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Signs of surface flow within the project site are limited to poorly defined/shallow swales, which are often apparent only by an increase in shrub density, and discontinuous ephemeral channels primarily located along the medians of paved roads, within unmaintained dirt roads, and alongside the railroad embankment. Throughout the project site, drainage features are scattered and discontinuous, in that defined channels can abruptly become indistinguishable from the valley floor as concentrated flow is dispersed as sheet flow. This morphology suggests that there is a propensity for surface runoff events to be both brief and infrequent, with rapid infiltration into the sandy substrate, and/or shallow ponding in low-lying areas quickly followed by high evaporation. The hummocky terrain has caused surface flows to be impounded in small ephemeral

playas. A well-defined continuous channel does not take shape until approximately 1.5 miles downstream from the project's easternmost boundary. This channel parallels Mojave Boulevard until it reaches the community of Edwards Air Force Base where flow is conveyed through drainage ditches paralleling streets until it reaches Rogers Dry Lake.

The project would include limited grading such that off-site flow that enters the site would continue to flow through the site much as it does currently. However, installation of the proposed facilities discussed in Chapter 3, *Project Description*, of the certified EIR, could alter existing on-site drainage patterns and flowpaths to some degree and could alter the way that stormwater from upgradient flows across the project site during major events. Given the unconsolidated and erosive nature of soils within the project area and its vicinity, these changes could result in increased erosion on site. Additionally, if the project controls stormwater run-on to the site through berms or other engineered channels, increased concentration of flows could cause head cutting, scour, and other erosional processes. Increases in erosion could result in sedimentation downstream. Finally, the new impervious surfaces created by development of the project would generate additional stormwater runoff on site. This could exacerbate potential erosion and sedimentation on site or downstream.

As described above, the approved project would implement a SWPPP per Mitigation Measure MM 4.7-3 that would require preservation of existing vegetation and topography to the maximum extent feasible, as well as include erosion and sediment control BMPs designed to prevent erosion and sedimentation from occurring during project construction. Compliance with the Kern County Grading Code requires erosion prevention measures be implemented. With regard to erosion and sedimentation during project operation caused by increased runoff from impervious surfaces, large amounts of pervious ground surface would remain during project operation that would continue to absorb the majority of surface flows. Further, Mitigation Measure MM 4.10-1 would require the submittal of a final drainage plan for the project and would evaluate and minimize potential increases in runoff and ensure that the retention basins and other stormwater management features are implemented consistent with existing regulatory requirements. With implementation of Mitigation Measures MM 4.7-3 and MM 4.10-1, impacts would be less than significant.

Impacts of the Proposed Modified Project

As with the approved project, the proposed modified project would be required to develop and implement a SWPPP as required by as required by Mitigation Measure MM 4.7-3. Also, as with the approved project, once constructed, soil at the proposed modified project site will be pervious with minimal paved areas. Access roads within the project site may be set with gravel where high traffic volumes are expected. Accounting for a slight increase in impervious surfaces, the net change between pre-developed and post-developed on-site runoff will be mitigated with a retention basin. The proposed modified project would also be required to implement Mitigation Measure MM 4.10-1, which requires preparation of a hydrologic drainage plan to minimize runoff, surface water pollution, and the potential for impeding or redirecting flood flows. With implementation of these measures, impacts would be less-than-significant.

Finding

Like the approved project, the proposed modified project has the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation and/or flooding onsite or off site. Implementation Mitigation Measures MM 4.7-3 described above in Findings for Geology and Soils, and MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.7-3, described above in Findings for Geology and Soils, and MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Significant Effect

The approved project could 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 that would result in flooding onsite or offsite (Impact 4.10-4). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

As discussed under Impact 4.10-3 above, grading and installation of project facilities could alter existing onsite drainage patterns and flowpaths. This could cause localized flooding during major events along the margins of the project area, or within the project area, depending upon how stormwater is managed under final project design. During operation of the project, large amounts of pervious ground surface would remain onsite that would continue to absorb the majority of surface flows. According to the hydrology study for the site, the modeled flow patterns on the site under the proposed conditions would result in a measured increase in peak discharge for two of the four drainage basins identified on the site. Basin 100 would experience an increase in peak discharge of just 0.4 percent (7.3 cubic feet per second [cfs]), while Basin 400 would experience a 1.2 percent increase (9.5 cfs). For total runoff volume, there is an anticipated increase in runoff volume only from Basins 100 (4.1 acre-feet, or 0.8 percent) and 400 (3.4 acre-feet, or 2.2 percent). The total increase from the four drainage basins, to the point where flow coalesces in a channel 1.5 miles downstream from the project site, is just an estimated 0.1 percent increase in both peak discharge (16.8 cfs) and total runoff volume (7.5 acre-feet). In addition, Mitigation Measure MM 4.10-1 would require the preparation of a final drainage plan prior to issuance of a grading permit that would detail the design and implementation of any necessary stormwater control features to onsite that would ensure runoff is not substantially increased by the proposed facilities. Mitigation Measure MM 4.10-1 would also require that grading for the project facilities does not alter the ground surface such that the extent of flooding during flood events is substantially increased. Therefore, with the implementation of Mitigation Measure MM 4.10-1, project impacts related to flooding would be less than significant.

Impacts of the Proposed Modified Project

Similar to the approved project, there are no streams or rivers on or in the vicinity of the proposed modified project, so the project would not alter the courses of any such features. Grading and installation of proposed modified project facilities could alter existing onsite drainage patterns and flowpaths. However, most of the improvements consist of solar panels, mounted on steel support posts which spread out across the project site and would not be expected to impede or redirect flood flows. The hydrology study for the approved project determined that the anticipated increase in peak discharge rates and total volume during the 100-year 24-hour storm event would only increase 0.1 percent over the existing conditions. Given that stormwater flows analyzed for the approved project flow across the Project before reaching the approved

project, the peak discharge rates and volumes for the project would be consistent with those of the approved project. In addition, for other improvements including the O&M building, implementation of Mitigation Measure MM 4.10-1 would require preparation of a drainage plan that would design project facilities to have one foot of freeboard clearance above the calculated maximum flood depths for the solar arrays or the finished floor of any permanent structures. Additionally, per Mitigation Measure MM 4.10-1, grading for the proposed modified project would be designed so that water surface elevations during flood events would not be increased by more than one foot. Impacts would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to 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 that would result in flooding onsite or offsite. Implementation of Mitigation Measures MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Significant Effect

The approved project could create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (Impact 4.10-5). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The project site is located in a remote, rural region with no existing or planned stormwater infrastructure. There are no existing stormwater drainage systems on the project site, and no stormwater drainage systems are proposed as part of the project. The project would be required to adhere to Kern County Public Works Department storm water requirements, which include measures to address stormwater controls on both management of runoff volume and water quality, including controlling erosion and protection of water quality of stormwater runoff. During operation, most of the project site would remain as pervious surfaces thus allowing infiltration of the runoff produced by the new minor impervious surfaces. The project would not exceed the capacity of any existing or planned infrastructure and the implementation of Mitigation Measure MM 4.10-1 would minimize potential increases in stormwater flow and other project-induced changes to drainage patterns to less-than-significant levels.

Impacts of the Proposed Modified Project

Identical to the approved project, the proposed modified project site is located in a remote, rural region with no existing or planned stormwater infrastructure. There are no existing stormwater drainage systems on the project site, and no stormwater drainage systems are proposed as part of the proposed modified project. The

proposed modified project would be required to adhere to Kern County Public Works Department storm water requirements, which include measures to address stormwater controls on both management of runoff volume and water quality, including controlling erosion and protection of water quality of stormwater runoff. During operation, most of the project site would remain as pervious surfaces thus allowing infiltration of the runoff produced by the new minor impervious surfaces. The proposed modified project would not exceed the capacity of any existing or planned infrastructure and the implementation of Mitigation Measure MM 4.10-1 would minimize potential increases in stormwater flow and other project-induced changes to drainage patterns to less-than-significant levels.

Finding

Like the approved project, the proposed modified project has the potential to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Implementation of Mitigation Measures MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. The project has the potential to create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Implementation of Mitigation Measures MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Significant Effect

The approved project would place within a 100-year flood hazard area structures that could impede or redirect flood flows (Impact 4.10-6) The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

As noted in Section 4.10, *Hydrology and Water Quality*, of the certified EIR, the Federal Emergency Management Agency (FEMA) Floor Insurance Rate Maps (FIRMs) show that approximately 25 acres of the northern section and 100 acres of the southern section of the project site are located within a FEMA Special Flood Hazard Area. The project would introduce structures on the project site such as the operation and maintenance building and the solar panel supports that could impede or redirect flood flows. However, most of the improvements of the project consist of solar panels, mounted on steel support posts which spread out across the project site and would not be expected to impede or redirect flood flows. The hydrology study for the site, determined that the anticipated increase in peak discharge rates and total volume during the 100-year 24-hour storm event would only increase 0.1 percent over the existing conditions. In addition, for other improvements including the operations and maintenance building, implementation of Mitigation Measure MM 4.10-1 would require preparation of a drainage plan that would design project facilities to have one-foot of freeboard clearance above the calculated maximum flood depths for the solar arrays or the finished floor of any permanent structures. Additionally, per Mitigation Measure

MM 4.10-1, grading for the project would be designed so that water surface elevations during flood events would not be increased by more than one foot. Therefore, impacts related to flooding would be less than significant.

Impacts of the Proposed Modified Project

Similar to the approved project, portions of the proposed modified project site are located in Zones A and AO, which indicates Special Flood Hazard. Implementation of the drainage plan required by Mitigation Measure MM 4.10-1 would ensure that improvements that include hazardous materials storage would have at least 1 foot of freeboard above the calculated flood depth. The proposed modified project is not expected to use, store, or dispose of significant quantities of hazardous materials. In addition, the site is located a significant distance from large water bodies and far from the ocean or any enclosed or semi enclosed water body that could present a potential threat from tsunami or seiche hazards. Therefore, impacts would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to impede or redirect flood flows. Implementation of Mitigation Measure MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. The project has the potential to impede or redirect flood flows. Implementation of Mitigation Measure MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Significant Effect

The approved project could result in a flood hazard, tsunami, or seiche zone, and risk release of pollutants due to project inundation (Impact 4.10-7). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

As described above, the approved project site does include 25 acres in the northern site and 100 acres in the southern site that are in the 100-year flood zone. As noted above, implementation of the drainage plan required by Mitigation Measure MM 4.10-1 would ensure that improvements that would include the storage of hazardous materials would be required to have at least one foot of freeboard above the calculated flood depth. As discussed more thoroughly in Section 4.9, *Hazards and Hazardous Materials*, of the certified EIR, the project would not include the use, storage, or disposal of significant quantities of hazardous materials. In addition, the project site is located well inland and far from the ocean or any enclosed or semi-enclosed water body such that there would be no potential threat from tsunami or seiche hazards. Therefore, considering the limited area of the site that is in the flood hazard area, the limited amount of storage of hazardous materials at the site, and with the implementation of the drainage plan required by Mitigation

Measure MM 4.10-1, which would provide flood protection measures, the potential for release of pollutants due to project inundation would be less than significant.

Impacts of the Proposed Modified Project

Similar to the approved project, portions of the proposed modified project site are located in Zones A and AO, which indicates Special Flood Hazard. Implementation of the drainage plan required by Mitigation Measure MM 4.10-1 would ensure that improvements that include hazardous materials storage would have at least 1 foot of freeboard above the calculated flood depth. The proposed modified project is not expected to use, store, or dispose of significant quantities of hazardous materials. In addition, the site is located a significant distance from large water bodies and far from the ocean or any enclosed or semi enclosed water body that could present a potential threat from tsunami or seiche hazards. Therefore, impacts would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to risk release of pollutants due to project inundation. Implementation of Mitigation Measure MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. The project has the potential to risk release of pollutants due to project inundation. Implementation of Mitigation Measure MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

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

The approved project and proposed modified 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 approved project would not have a cumulative environmental impact on hydrological resources. The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

As described in Chapter 3, *Project Description*, of the certified EIR, 73 cumulative projects are proposed throughout the Antelope Valley in Kern County and in the desert portion of Kern County outside the Antelope Valley, and an additional 27 cumulative projects proposed throughout Lancaster, Palmdale, and

Unincorporated Los Angeles County. Of the approximately 73 total projects in Kern County, 43 would be located within 6 miles of the project site and 35 would be located within 1 mile of the project site. All projects except for those in Lancaster, Palmdale, and Unincorporated Los Angeles County are located within the Antelope Valley Hydrologic Unit and FVGB.

Similar to the approved project, all cumulative projects would not discharge to waters of the United States due to their location within the Antelope Valley, which is a closed basin with no outlet to the Pacific Ocean. All projects that would not retain all runoff onsite would be required to prepare a SWPPP, just as with the approved project under Mitigation Measure MM 4.7-3, which would include BMPs designed to prevent the mixture of sediment and other pollutants with stormwater and degrading water quality. Furthermore, the approved project would implement a Hazardous Materials Business Plan as part of Mitigation Measure MM 4.9-1 that would require appropriate handling of hazardous materials onsite to ensure they do not come into contact with stormwater and affect water quality. All other projects in the vicinity that would handle hazardous materials would also be required to comply with hazardous material regulations. Therefore, cumulative scenario impacts associated with water quality degradation would not be cumulatively considerable, and the project would not contribute to a cumulative impact on water quality.

With regard to water supply, the approved project would have some options but would primarily obtain its water supply from the FVGB. The Basin is not in a state of overdraft and currently considered a low priority basin by the SGMA. The rating is based on low population density, negative growth projections, low numbers of private and public supply wells, and a lack of irrigated agriculture within the FVGB. The Water Supply Assessment determined that there are sufficient supplies for both approved project construction and operation until 2040. Further, the Basin has relatively recently (December 2018) developed a groundwater management plan for the basin which is considered a preliminary step towards developing a Groundwater Sustainability Plan (GSP). GSPs are currently only required for medium and high priority basins under SGMA, but low priority basins are anticipated to eventually need a GSP. Groundwater levels appeared to stabilize after the 1980s after declining levels of the 1950s and 60s and have started recovering since that time as a result of decreased groundwater pumping for agriculture and imported surface water deliveries to urban users being introduced to the Plan area. Therefore, considering the relatively low demand associated with solar projects in general and the increasing monitoring and management of the basin through development and implementation of a groundwater management plan, together with the projected surplus for water supplies as determined in the Water Supply Assessment, the approved project would not combine with the cumulative projects to create an adverse effect to water supplies of the FVGB. The cumulative impact would be less than significant.

With respect to erosion, drainage, and flooding, the project would implement Mitigation Measure MM 4.10-1, which would minimize direct impacts on erosion, drainage, and flooding. It is anticipated that other cumulative scenario projects would be required to implement similar measures, in order to minimize erosion, drainage, and flooding related impacts. Additionally, drainage related impacts from cumulative scenario projects would be primarily localized. Therefore, cumulative scenario impacts on erosion, drainage, and flooding are not anticipated to be cumulatively considerable, and the project would not contribute to a cumulative impact on flooding, erosion, or drainage.

Impacts of the Proposed Modified Project

The proposed modified project would not introduce different or substantially more equipment or facilities than what was analyzed in the certified EIR. As with the approved project, the proposed modified project would implement Mitigation Measures MM 4.7-3, MM 4.9-1, and MM 4.10-1, which include the preparation of a Hazardous Materials Business Plan, a SWPPP and adherence to the requirements of the Kern County Statewide NPDES requirements, Kern County Grading Code and Floodplain Management Ordinance. For these reasons, and as with the approved project, implementation of the proposed modified

project would not create new or substantially more severe cumulative impacts related to hydrology and water quality. Cumulative impacts would remain less-than-significant.

Finding

Like the approved project, the proposed modified project has the potential for cumulative impacts to hydrology and water quality. Implementation of Mitigation Measures MM 4.7-3, described above in Findings for Geology and Soils, MM 4.9-1, described above in Findings for Hazards and Hazardous Materials, and MM 4.10-1, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

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 Mitigation Measures MM 4.7-3, described above in Findings for Geology and Soils, MM 4.9-1, described above in Findings for Hazards and Hazardous Materials, and MM 4.10-1, described above, would reduce these impacts to less-than-significant levels.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact on hydrology and water quality.

LAND USE AND PLANNING

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 approved project would not physically divide an established community (Impact 4.11-1). The proposed modified project does not change the findings in the certified EIR for this impact.

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

Significant Effect

The approved project could cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Impact 4.11-2). The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The northern portion of the project site is located within the Airport Influence Area of the Mojave Air and Space Port, within ALUCP Compatibility Zones B1, B2, and C. Additionally, the southernmost portion of the project site directly abuts the northern boundary of the Edwards Air Force Base. The project would be

required to comply with the County's ALUCP and applicable Federal Aviation Administration (FAA) regulations regarding project approval to ensure that there would be no conflict with airport operations and no safety hazards are presented. As discussed in Section 4.9, *Hazards and Hazardous Materials*, of the certified EIR, implementation of Mitigation Measure MM 4.9-3 and Mitigation Measure 4.11-2 would ensure the approved project would be consistent with the ALUCP and General Plan policies of Kern County by requiring the developer to coordinate with the Department of Defense (DoD) and obtain approval from FAA and the public airports and military installations in the area. With implementation of this mitigation measure, impacts would be less than significant. For a more detailed discussion of consistency with the ALUCP, see Impact 4.9-5 within Section 4.9, *Hazards and Hazardous Materials*, of the certified EIR. Impacts related to conflicts with the Kern County General Plan, the Mojave Specific Plan, the West Edwards Road Settlement Specific Plan, the Kern County Zoning Ordinance, and the West Mojave Habitat Conservation Plan would be less than significant and no mitigation would be required.

Impacts of the Proposed Modified Project

The proposed modified project would require conditional use permits to allow for the construction and operation of solar photovoltaic facilities on an additional approximately 1,200 acres in conjunction with the certified Sanborn Solar Project in the A, A-1, M-2, and M-3 Zone Districts pursuant to the Kern County Zoning Ordinance, Sections 19.12.030 G, 19.14.030 G, 19.38.030 G and 19.40.030 G, respectively (ZM No. 196). With approval of these actions, the proposed modified project would also be consistent with the County's land use plans, policies, and regulations. As with the approved project, upon approval of all requested CUPs, the proposed modified project would be consistent with the zoning for the project site, as well as for zoning in the surrounding area, and would be consistent with existing land use plans, policies, and regulations applicable to the site, including, but not limited to, the Kern County General Plan, the KCZO, and the Mojave Specific Plan.

Like the approved project, the proposed modified project would be required to comply with the County's ALUCP and applicable Federal Aviation Administration (FAA) regulations regarding project approval to ensure that there is no conflict with airport operations and no safety hazards are presented. Implementation of Mitigation Measure MM 4.9-3 would ensure the proposed modified project would be consistent with the ALUCP and General Plan policies of Kern County by requiring the developer to coordinate with DoD and obtain approval from FAA and the public airports and military installations in the area. Impacts would be less-than-significant.

Finding

Like the approved project, the proposed modified project has the potential to result in impacts related to land use consistency, specifically in regards to consistency with the ALUCP. Implementation of Mitigation Measure MM 4.9-3, described above in the Findings for Hazardous and Hazardous Materials, would reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Measure MM 4.9-3, described above in Findings for Hazards and Hazardous Materials, would reduce impacts to a less-than-significant level.

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

The approved project and proposed modified 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 approved project would not have a cumulative environmental impact on land use and planning. The proposed modified project does not change the findings in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The geographic scope of cumulative analysis for the approved project is the Western Antelope Valley. This scope was selected to analyze the cumulative impact to regional land use patterns of project development in the area, and because there is some uniformity to existing land use patterns in these regions. As described in more detail in Table 3-4 in Chapter 3, *Project Description*, of the certified EIR, 73 projects are proposed within the geographic scope, including 40 solar projects and 33 non-solar projects. While the surrounding area is still relatively rural in nature, the project, along with other proposed projects, has the potential to contribute to a cumulative influence on proposed land uses in and around the project site.

The anticipated impacts of the project in conjunction with cumulative development in the area of the project would increase the urbanization and result in the loss of open space. As discussed above, the project would generally be located in an undeveloped and unincorporated area of Kern County with little residential development, and would not divide an established community. Related projects in Kern County would be developed in similarly low-populated and relatively undeveloped areas. However, potential land use impacts require evaluation on a case-by-case basis because of the interactive effects of a specific development and its immediate environment. As described in Table 4.11-2, Table 4.11-3, and Table 4.11-4, of the certified EIR, the approved project would be consistent with the goals and policies of the Kern County General Plan, Mojave Specific Plan, and the West Edwards Road Settlement Specific Plan, respectively. In addition, with approval of the CUPs, development of solar facilities for the approved project would be an allowable use that would not conflict with the land use or zoning classification for the project site. Therefore, as proposed the project would be consistent with the goals and policies of the Kern County General Plan and the Kern County Zoning Ordinance and would therefore not contribute to a cumulatively considerable impact regarding land use.

Furthermore, all related projects would be required to separate undergo environmental review on a case-by-case basis in accordance with the requirements of CEQA. Each related project would also be required to demonstrate consistency with all applicable planning documents governing the project site, including the Kern County General Plan, the Kern County Zoning Ordinance, Mojave and West Edwards Road Settlement Specific Plans, and the Kern County ALUCP. Should potential impacts be identified, appropriate mitigation would be prescribed that would likely reduce potential impacts to less-than-significant levels. While the potential is low for the related projects to be within the Kern County ALUCP and potentially combine with the approved project to result in impacts, implementation of Mitigation Measure MM 4.9-3 would ensure that the project's contribution to potential impacts in an airport land use plan influence area is less than significant. Additionally, should any related projects be within the Kern

County ALCUP or an airport land use plan influence area, each would be required to comply with the policies and regulations of the Kern County ALUCP and FAA requirements, similar to the approved project. Compliance with such regulations would ensure that cumulative impacts are less than significant.

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 economic factors, could result in the abandonment of such facilities. Unlike other facilities that, once constructed, can be retrofitted and utilized for another specific use, solar power generation facilities have little opportunity for other uses should the project not be in operation. The potential for the cumulative effects caused by the abandonment of multiple solar facilities in Kern County could result in impacts on surrounding land uses should it be determined that these facilities are no longer viable commercial operations. Therefore, Mitigation Measure MM 4.11-1, which would require the implementation of a decommissioning plan to be carried out by the project proponent once the life of the project has ended, has been included to establish safeguards to ensure the maintenance of the health, safety, and welfare of the citizens of the County. Mitigation Measure MM 4.11-2 is also being included to ensure that the proposed solar facility does not interfere with the telemetry operations associated with the nearby military installations. While it is the intent of Kern County to promote the use of an alternative to fossil-fuel-generated electrical power in areas of the County that are identified to have suitable characteristics for production of commercial quantities of solar PV-generated electrical power, it is necessary to protect surrounding landowners from potential impacts associated with the abandonment of such facilities. With the implementation of Mitigation Measures MM 4.9-3, MM 4.11-1 and MM 4.11-2, cumulative land use impacts would be considered less than significant.

Impacts of the Proposed Modified Project

As with the approved project, the proposed modified project would comply with Mitigation Measures MM 4.9-3, 4.11-1 (revised) and 4.11-2, which would mitigate cumulative impacts to a level of less than significant.

Finding

Like the approved project, the proposed modified project has the potential to result in cumulatively considerable impacts related to land use consistency, specifically in regards to abandonment or conflicts with airport land use compatibility or DOD operations. Implementation of Mitigation Measure MM 4.9-3, described above in Findings for Hazards and Hazardous Materials, and Mitigation Measures MM 4.11-1 and MM 4.11-2, with modifications to MM 4.11-1 described below, would reduce impacts to a less-than-significant level.

Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

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 Measure MM 4.9-3, described above in Findings for Hazards and Hazardous Materials, and Mitigation Measures MM 4.11-1 and MM 4.11-2, described below, would reduce impacts to a less-than-significant level.

MM 4.11-1 revised): Prior to issuance of any building permit, the project operator shall provide a Decommission Plan 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 Natural Resources Department.

The financial institution or Surety Company shall give the County at least ~~120~~ 180 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 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 Natural Resources Department a written request and justification

for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources 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 4.11-2: 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.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact on land use and planning.

MINERAL RESOURCES

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 approved project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the State (Impact 4.12-1).

The approved project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan (Impact 4.12-2).

The proposed modified project does not change the findings in the certified EIR for these impacts.

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

The approved project and proposed modified project would not have any environmental effects related to mineral resources that are potentially significant and no mitigation is required.

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

The approved project and proposed modified project would not have any environmental effects on mineral 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 approved project would not have a cumulative environmental impact on mineral resources. The proposed modified project does not change the findings in the certified EIR for these impacts.

Description of Significant Impact

Impacts of the Approved Project

Implementation of the approved project would not incrementally contribute to the loss of availability of a known mineral resources that would be of value to the region and residents of the State. The approved project would not incrementally result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, impacts of the approved project would not have the potential to combine with impacts of other projects to result in cumulative impacts related to mineral resources.

Impacts of the Proposed Modified Project

There are no mineral resource zones or lands designated as Mineral and Petroleum areas by the Kern County General Plan or Mojave Specific Plan in the vicinity of the proposed modified project site. Therefore, as with the approved project, the proposed modified project, in conjunction with other related projects, would not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site and would not contribute to any cumulative impacts to mineral resources.

Finding

Like the approved project, the proposed modified project has the potential to result in less-than-significant cumulatively considerable impacts related to mineral resources. Since these impacts would be less than significant, no mitigation measures are required.

Level of Significance

Cumulative 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. However, impacts would be less than significant and no mitigation measures are required.

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

The approved project and the proposed modified project would not have a significant and unavoidable cumulative environmental impact on mineral resources.

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 expose persons to or generate excessive ground borne vibration or ground borne noise levels (Impact 4.13-2).

The project would not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (Impact 4.13-3).

The proposed modified project does not change the findings in the certified EIR for these impacts.

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

The approved project and the proposed modified project would not have any potentially significant effects related to noise that could be mitigated to a less-than-significant level.

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

Significant Effect

The approved project would result in generation of a substantial temporary or permanent increase in the ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies (Impact 4.13-1). The proposed modified project would result in less than significant impacts related to this threshold.

Description of Significant Impact

Impacts of the Approved Project

Daytime ambient noise levels were measured in the project vicinity. Measurements conducted within various areas of the existing wind farm had average noise levels ranging from 34 to 52 dBA Leq, with the highest recorded average noise level (75 dBA Leq) was associated with traffic on SR-14 at a distance of approximately 50 feet from the edge of pavement. As discussed in further detail below, with construction noise levels at the nearest residences ranging from approximately 84 dBA Leq, project construction would cause a temporary or periodic increase in ambient noise levels during the construction, which in some locations could be considered a substantial increase (an increase of 5 dB, or greater, would typically be considered to result in increased levels of annoyance where existing ambient noise levels are less than 60 dBA), and thereby a potentially significant impact.

Construction activities associated with the approved project would generally be limited to the daytime hours in accordance with the hourly limitations specified in the Kern County Code of Ordinances, with certain limited exceptions. To ensure compliance with the County's noise-control ordinance, these hourly limitations have been included in Mitigation Measure MM 4.13-1. Additional components to this mitigation measure have also been included to further minimize noise levels associated with daytime construction activities and potential impacts to occupants of nearby residential dwellings. Implementation of Mitigation Measures MM 4.13-1 and MM 4.13-2 are designed to reduce impacts to the extent feasible during construction activities.

Operation of the project would not be anticipated to generate noise levels which exceed County or Specific Plan Standards, nor which would cause a substantial increase in ambient noise levels compared to existing conditions. Therefore, mitigation would not be required for onsite project operational noise.

Activities associated with a potential decommissioning of the project would result in similar or lower noise levels than those that would be experienced under the loudest phases of construction. Therefore, decommissioning activity noise levels could result in disturbances of noise-sensitive receptors in the project vicinity similar to those during the loudest construction phases, if activities are not restricted to daytime

hours. Thus, similar to construction, impacts during decommissioning of the project are considered significant and unavoidable. Mitigation Measures MM 4.13-1 and MM 4.13-3 would similarly be implemented during decommissioning activities.

To reduce any potential noise impact to offsite sensitive receptors, Mitigation Measures MM 4.13-1 and MM 4.13-2 would be implemented. Impacts during operation and maintenance of the approved project would be less than significant.

Impacts of the Proposed Modified Project

Construction- The proposed modified project is situated in a rural area with few scattered residences and is located further from the residences than the approved project. The expected construction noise levels of 84 dBA Leq would result in potential noise impacts at the nearest sensitive noise receptors, located approximately 3,500 feet east (what appears to be an abandoned, unoccupied dwelling) and approximately 1,050 feet west and 1,060 feet north of the project site. However, at this distance, construction-related noise would attenuate to approximately 58 dBA. In addition, and consistent with the County's code, construction will primarily occur between the hours of 6 am to 9 pm on weekdays and between the hours of 8 am to 9 pm on weekends. Some critical construction activities (such as concrete pours) may occur outside of these times, but these events would be limited and rare and conducted in accordance with the County's Municipal Code, which requires the County Planning Director's approval for construction outside of these hours if the construction will create noise audible within 150 feet of the construction site and if the site is within 1,000 feet of an occupied residence. Accordingly, because project-related construction noise would primarily occur during designated construction hours, and would not occur outside of those hours and within 1,000 feet of a residence without prior approval, the proposed modified project would not result in the generation of a substantial temporary increase in the ambient noise levels in the vicinity of the project in excess of applicable standards. Impacts would be less than significant, and no mitigation would be required.

Construction Traffic- During construction, the rural residences located nearest to the proposed modified project (approximately 1,050 feet to the west and 1,060 feet to the north) would be exposed to vehicle traffic noise associated with construction traffic on local roadways. Traffic noise from daily trips by construction workers commuting to the project would contribute to the existing traffic noise levels along access routes, potentially increasing traffic noise levels. Due to the remote location of the site, similar to the approved project, workers would be encouraged to carpool to the site under a Construction Traffic Control Plan required by Mitigation Measure MM 4.15-1, in Section 4.15 Traffic and Transportation. Over a 24-hour period, the noise levels resulting from construction traffic would not exceed County's average daily noise level of 65 dBA CNEL, and impacts would be less than significant.

Operation- Onsite noise sources associated with the proposed modified project would include pad-mounted inverters and transformers, substation transformers, HVAC equipment for the O&M building, and components of the energy storage system, including inverters, transformers, and HVAC units. Similar to the approved project, overall operational noise levels would range from 37 to 49 dBA Leq at existing sensitive noise receptors in the project vicinity. Using a worst-case scenario that is unrealistic for anticipated operating characteristics, noise levels for 24- hour continuous operation would result in a CNEL of 56 dBA (Ldn of 55 dBA). Thus, even using a continuous 24-hour full operations schedule, the proposed modified project would not have the potential to expose noise-sensitive receptors to noise levels above 65 dBA CNEL, and impacts would be less than significant.

Decommissioning- Activities associated with a potential decommissioning of the proposed modified project would result in similar or lower noise levels than those that would be experienced under the loudest phases of construction. Similar to construction, noise would primarily occur during designated construction

hours and would not occur outside of those hours and within 1,000 feet of a residence without prior County approval. Impacts would be less than significant, and no mitigation would be required.

Finding

During construction and decommissioning activities, the approved project has the potential to expose persons to or generate noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies. With implementation of Mitigation Measures MM 4.13-1 through MM 4.13-3, the proposed modified project would not expose persons to or generate noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies.

Level of Significance

Impacts during construction and decommissioning 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. Despite implementation Mitigation Measures MM 4.13-1 through MM 4.13-3, described below, these impacts of the approved project would be significant and unavoidable. Implementation of Mitigation Measures MM 4.13-1 through MM 4.13-3 would reduce the proposed modified project impacts to a less-than-significant level.

MM 4.13-1: The following measures are to be implemented to further reduce short-term noise levels associated with project construction and decommissioning:

a. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible.

b. Construction equipment shall be fitted with noise-reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer.

c. Construction and decommissioning activities at the project site shall comply with the hourly restrictions for noise-generating construction activities, as specified in the County's Code of Ordinances, Chapter 8.36. Accordingly, construction activities shall be prohibited between the hours of 9 p.m. to 6 a.m. on weekdays, and between 9 p.m. to 8 a.m. on weekends. These hourly limitations shall not apply to activities where hourly limitations would result in increased safety risk to workers or the public, such as commissioning and maintenance activities that must occur after dark

to ensure photovoltaic arrays are not energized, unanticipated emergencies requiring immediate attention, or security patrols.

d. Haul trucks shall not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing).

e. Onsite vehicle speeds shall be limited to 15 miles per hour, or less (except in cases of emergency).

f. Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.

MM 4.13-2: The construction contractor shall establish a Noise Disturbance Coordinator for the project during construction. The Noise Disturbance Coordinator shall be responsible for responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the complaint and shall be required to implement reasonable measures to resolve the complaint. Contact information for the Noise Disturbance Coordinator shall be submitted to the Kern County Planning and Natural Resources Department prior to commencement of any ground disturbing activities.

MM 4.13-3: Prior to commencement of any onsite construction activities (i.e., fence construction, mobilization of construction equipment, initial grading, etc.), the project proponent/operator shall provide written notice to the public through mailing a notice, which shall include:

1. The mailing notice shall be to all residences within 1,000 feet of the project site, 15 days or less prior to construction activities. The notices shall include the construction schedule and a telephone number and email address where complaints and questions can be registered with the noise disturbance coordinator.

2. A minimum of one sign, legible at a distance of 50 feet, shall be posted at the construction site, or adjacent to the nearest public access to the main construction entrance, throughout construction activities that shall provide the construction schedule (updated as needed) and a telephone number where noise complaints can be registered with the noise disturbance coordinator.

3. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.

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

Significant Effect

The approved project would not have a cumulative environmental impact on noise. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

A list of cumulative projects within a 1-mile and 6-mile radius of the project site was provided by Kern County and are listed in Table 3-5, *Cumulative Projects List*, of the certified EIR, and shown in Figure 3-16 of the certified EIR. The cumulative projects are projects that are proposed and in the review process, but not yet fully approved; or, projects that have been approved, but not fully constructed or occupied. Based on review of the project characteristics, status, and location in proximity to the project site, three cumulative projects were identified that would likely add construction traffic noise to the study area roadway segments and potentially generate construction noise in proximity to the project site: Mojave Mobile Home, Service Rock Products Concrete Batch Plant, and Edwards AFB Gen-Tie Line Construction, as detailed in the Project TIA.

As discussed under Impact 4.13-1 of the certified EIR, project construction traffic would not double existing traffic on project roadways (less than a perceptible traffic noise increase), except on Lone Butte Road south of Business East Route 58, where the traffic would increase from 62 to 913 ADT, and on Lone Butte Road north of Trotter Avenue, which would increase from 765 to 1,616 ADT, potentially resulting in a substantial increase in average daily traffic noise levels along these segments of Lone Butte Road. Peak project construction would generate 1,074 daily trips, including 412 AM peak hour trips (396 inbound and 16 outbound), and 412 PM peak hour trips (16 inbound and 396 outbound). The peak hour traffic noise level was estimated at approximately 64.9 dBA Leq based on a construction trip distribution of 50 percent to the north and south segments of Lone Butte Road, respectively. Therefore, over 24 hours (including 14 hours of no construction traffic during the evening and night hours), the CNEL on the analyzed roadway segments during construction would not exceed County's average daily noise level of 65 dBA CNEL. Therefore, overall short-term construction-related traffic noise impacts associated with worker commute and equipment transport to and around the project site would be less than significant.

Project construction combined with cumulative project construction would increase existing traffic to 919 ADT on Lone Butte Road south of Business East Route 58 (an increase of only 8 ADT due to cumulative projects), and to 2,169 ADT on Lone Butte Road north of Trotter Avenue (an increase of 553 ADT) with 125 AM peak hour trips. The peak hour traffic noise level was estimated at approximately 66.6 dBA Leq. However, over 24 hours (including 14 hours of no project or cumulative construction traffic during the evening and night hours), the CNEL on the analyzed roadway segments during construction would not exceed County's average daily noise level of 65 dBA CNEL. Therefore, cumulative short-term construction-related traffic noise impacts associated with worker commute and equipment transport to and around the project site would not result in a significant cumulative construction noise impact.

Construction noise impacts are localized in nature because they are limited to the construction site where construction equipment is operating. As previously discussed, sound levels from typical construction equipment range from 74 dBA to 89 dBA Leq at 50 feet from the source. Construction noise would decrease approximately 6 dBA (hard-site conditions) with every doubling of distance. Therefore, construction noise would be reduced to less than 60 dBA approximately 0.25 miles from the construction site, assuming worst-case construction noise of 89 dBA Leq, hard-site conditions, and no intervening topography or structures. Additionally, construction noise is temporary and would cease at completion of each of the projects within the cumulative project "area of influence". Consequently, only construction projects occurring simultaneously within 0.25 miles of each other could result in a significant cumulative construction noise impact.

As shown on Figure 3-16 of the certified EIR, the closest project is located greater than approximately 0.25 miles from the project site. Therefore, construction of the proposed Sanborn Solar facility and gen-tie

transmission lines would not be located in close proximity to another construction project(s). As a result, while construction of the project would result in significant and unavoidable impacts, these impacts would not have a cumulatively considerable contribution at near-by residences due to the distance of cumulative projects in proximity to the project site. Furthermore, cumulative projects would also be subject to noise standards defined in the applicable ordinance including time of day standards for construction activities, including obtaining a noise variance for certain limited an infrequent construction activities occurring outside of the allowable hours. Therefore, when considered with other past, present, and reasonably foreseeable future projects, the approved project would not result in a cumulatively considerable contribution to construction noise impacts in excess of applicable standards.

Cumulative construction projects may also result in the exposure of people to or the generation of excessive groundborne vibration. The same receptor as identified for construction noise would be the closest to be impacted by all projects with respect to construction-related vibration as well. Due to these distances, and the rapid attenuation of groundborne vibration, the project and the nearest related project are not in close enough proximity to this sensitive receptor such that it would be exposed to substantial groundborne vibration levels. Construction of the gen-tie line, and decommissioning activities would result in similar noise and vibration levels identified for the construction of the approved project. Therefore, cumulative impact in terms of groundborne vibration would be less than significant.

With respect to operational noise, the nearest cumulative project is approximately 1 mile. Given the distance of the nearest sensitive receptor to the nearest cumulative project, cumulative impacts associated with operational noise from both facilities are anticipated to be negligible. During operation, the gen-tie would not generate noise beyond the existing baseline environment. Thus, cumulative operational noise impacts would be less than significant.

Cumulative operation could also result in the exposure of people to or the generation of excessive groundborne vibration. However, since operation of the approved project and related projects would involve operational traffic, including O&M staff and regular maintenance truck (0.076 in/sec PPV), and panel washing activity (not measurable), project-related vibration impacts would not have any measurable effect on the adjacent offsite sensitive receivers. Therefore, cumulative vibrational impacts would be less than significant.

Overall, when considered with other past, present, and reasonably foreseeable future projects, the approved project would not result in a cumulatively considerable contribution to noise impacts.

Impacts of the Proposed Modified Project

The certified EIR determined the approved project will not create a cumulatively significant noise impact. Because the proposed modified project will be constructed and operated in a similar manner as the approved project and is expected to have similar or fewer noise impacts, the proposed modified project's cumulative noise impacts would be less than significant.

Finding

Cumulative impacts with respect to noise would be less than significant. No mitigation measures would be required.

Level of Significance

Cumulative 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. Impacts would be less than significant and no mitigation measures are required.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative noise impacts.

PUBLIC SERVICES

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

certifiedConstruction of the approved project would not adversely affect local schools, park facilities, or other local public facilities, such as post office, courthouse, and library services. Operation of the project would require up to six permanent employees. As a result, no significant impacts to schools, parks, or other public services are anticipated to occur. The proposed modified project does not change the finding in the certified EIR for this impact.

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

Significant Effect

The approved project would result in adverse physical impacts associated with the need for new or physically altered governmental facilities—the construction of which could cause significant environmental impacts—in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services or law enforcement services (Impact 4.14-1). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The average and peak number of construction workers to be onsite would be approximately 350 and 550, respectively. The presence of construction workers at the project site would be temporary, during the construction period lasting approximately 580 construction days, over the course of a 30-month period. The project would include development of a 300 megawatt (MW) solar photovoltaic power generation facility and/or energy storage capacity on approximately 2,006 acres of privately-owned land in unincorporated portions of Kern County, California. As determined by the County, the project site is not within an area of high or very high fire hazard.

Fire protection requirements are based on the number of residents and workers in the KCFD primary service areas. Service demand is primarily tied to population, not building size, because emergency medical calls typically make up the majority of responses provided by the fire department. As the number of residents and workers increases, so does the number of emergency medical calls. There are no residential uses proposed as a part of the project. Therefore, no residents would occupy the project site and an increase in service demands as a result of an increase in residential uses would not occur.

Service demands as a result of personnel onsite would occur during construction of the approved project. Typically, service demands per employee are less than service demands per resident. Nevertheless, the addition of construction personnel on the project site would result in an increase in demand for fire protection services. While this would be an increase above existing levels, the presence of construction workers on the site would be temporary, as the construction period for the approved project would last approximately thirty months.

While construction of the approved project would increase the number of people on the project site, the increase would be temporary and would therefore not substantially increase the service demand for fire protection services in Kern County. In addition, the project site is not located within an area of high or very high fire hazard, as determined by the County or CAL FIRE and would be required to implement a fire safety plan, as stated in Mitigation Measure MM 4.14-1. As required by Mitigation Measure MM 4.14-1, the project proponent would prepare and implement a fire safety plan that contains notification procedures and emergency fire precautions consistent with the 2016 California Fire Code and Kern County Fire Code. The plan would be for use during the thirty-month construction period, as well as during operations, and would include emergency fire precautions for vehicles and equipment as well as implement fire rules and trainings so temporary employees are equipped to handle fire threats. Given the temporary nature of the project's construction phase and implementation of Mitigation Measure MM 4.14-1, impacts to fire protection services and facilities during project construction would be less than significant.

Once constructed, the approved project would have up to six employees onsite on a permanent basis. Employees would only visit the project site for short periods of time to conduct maintenance and panel washing. Although unlikely, maintenance activities could introduce fire risks to the project site from maintenance vehicles. However, all maintenance activities would be required to comply with the fire safety plan implemented per Mitigation Measure MM 4.14-1, which would help reduce fire risks onsite. In addition, all project facilities would have been designed and constructed in accordance with the 2016 California Fire Code and Kern County Fire Code such that fire hazards are reduced and/or avoided.

The approved project includes an energy storage facility that would have a fire rating in conformance with County and California Building Code standards. The energy storage facility will include specialized fire suppression systems installed for the battery rooms to minimize fire risk. In accordance with Mitigation Measure MM 4.14-1, a fire safety plan will be prepared to ensure the energy storage facility is constructed and operated in accordance with County and California Building Code standards that will minimize potential impacts to public services and associated fire hazards.

The approved project would also be required to implement Mitigation Measure MM 4.14-2, which would require the project operator to pay Kern County mitigation fees to compensate for any permanent impacts to fire protection services and facilities resulting from the operation of the approved project. Given the minimal personnel at the operations and maintenance facility and implementation Mitigation Measures MM 4.14-1 and MM 4.14-2, any potential operational impacts on fire protection services would be reduced. Therefore, the approved project would not result in the need for new or physically altered KCFD facilities and impacts would be less than significant.

As described above in Section 4.14.2, *Environmental Setting*, the KCSO provides primary law enforcement protection services for the project site and surrounding areas. The Mojave Substation is located approximately 1.5 miles northwest of the northern site and would provide primary law enforcement services to the project site. Similar to fire protection services, the need for sheriff protection services would increase during construction of the approved project.

The project site is located in a relatively remote location surrounded by undeveloped land and sparse rural residential development and is unlikely to attract attention that would make project facilities susceptible to

crime. Therefore, a large increase for KCSO services is not expected. However, construction activities may temporarily increase traffic volumes along Business East Route 58 and SR-14 during the 30-month construction period. The added traffic associated with workers commuting to the project site, haul routes, deliveries, and other project-related traffic would be temporary and, therefore, would not have a significant adverse effect on the KCSO protective service provision or CHP's ability to patrol the highways.

Additionally, fences would be installed around the perimeter of each site, substation, and other areas requiring controlled access, for safety and security purposes. All fence installation requirements would be evaluated, and the best-fit scenario would be incorporated in the project site based on the County's final determination. The fencing would remain for the life of the project.

While construction of the approved project would increase the number of people on the project site, the increase would be temporary and negligible and, thus, would not substantially increase the service demand for police protection services in Kern County. Therefore, new or physically altered KCSO or CHP facilities would not be required to accommodate the limited increase in needs from the project during construction and impacts to police services are less than significant.

Project operation could attract vandals or present other security risks. As described above, the project site is located in a relatively remote location in a rural community and is thus unlikely to attract attention that would make project facilities susceptible to crime. The security fencing around the perimeter of each site and other areas requiring controlled access, motion-sensitive security cameras, and controlled access gates, would minimize the need for sheriff surveillance and response during project operation. Furthermore, all facility personnel, contractors, agency personnel, and visitors would be logged in and out of the facility at the main office located at the proposed O&M building during normal business hours. Therefore, new or physically altered KCSO facilities would not be required to accommodate the approved project. The additional volume of vehicles associated with workers commuting to the project site during routine maintenance would be minor and is not expected to adversely affect traffic (see Section 4.15, *Transportation*, for more details). Therefore, impacts to the CHP patrol are not anticipated. In addition, as part of Mitigation Measure MM 4.14-2, the project operator would be required to pay mitigation impact fees to offset potential impacts on sheriff protection services. Impacts would be less than significant.

Impacts of the Proposed Modified Project

Impacts of the proposed modified project would be substantially the same as those of the approved project. With implementation of Mitigation Measures MM 4.14-1, any potential construction impacts on public services would be reduced. During construction, the proposed modified project would not result in any new or substantially more adverse fire and law enforcement protection impact than was considered in the certified EIR. The proposed modified project would also be required to implement Mitigation Measure MM 4.14-2, as revised in the Sanborn 2.0 addendum, which would require the Applicant to pay Kern County a cumulative impact charge to compensate for any permanent impacts to fire protection services and facilities resulting from the operation of the proposed modified project. Measures MM 4.14-3 through 4.14-5 would also address potential impacts related to public services. Implementation of these mitigation measures would require the project proponent to pay certain assessed taxes, work with the County to determined how sales and use taxes from project construction can be maximized, and provide a letter detailing efforts encouraging contractors to hire at least 50 percent of works from local Kern County communities. With implementation of these mitigation measures impacts would be less than significant.

Finding

While this impact is considered less than significant without mitigation, Mitigation Measures MM 4.14-1 through MM 4.14-5, with modifications to MM 4.14-2 through MM 4.14-5 described below, would further reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. While this impact is considered less than significant without mitigation, Mitigation Measures MM 4.14-1 and MM 4.14-2, described below, would further reduce impacts to a less-than-significant level.

MM 4.14-1: Prior to the issuance of grading or building permits, the project proponent/operator shall develop and implement a Fire Safety Plan for use during construction, operation and decommissioning.

The project proponent/operator shall submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. A copy of the approved Fire Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department. The Fire Safety Plan shall contain notification procedures and emergency fire precautions including, but not limited to, the following:

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

b. Light trucks and cars with factory-installed (type) mufflers shall 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 shall 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 shall 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 proponent/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.

g. Building plans shall be included for the energy storage system to verify adherence to County and California Building Code standards.

~~**MM 4.14-2:** The project proponent/operator shall implement the following mitigation steps at the project site:~~

~~a. For facility operation, the project proponent/operator shall pay for impacts on countywide public protection, sheriff's patrol and investigative services, and fire services at a rate of $29.59 per 1,000 square feet of panel-covered ground for the facility operation and related onsite structures for the entire covered area of the project. The total amount shall be divided by 20 and paid on a yearly basis.~~ Any operation that continues past 20 years will pay the same yearly fee. ~~If completed in phases, the annual amount shall be based on the square footage of ground covered by April 30 of each year. The amount shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year for each and every year of operation. Copies of payments made shall be submitted to the Kern County Planning and Natural Resources Department.~~

~~b. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company with assessed taxes that total less than $1,000 per megawatt per year, then that entity shall pay the taxes plus the 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 proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.~~

~~d. Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. The project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.~~

MM 4.14-2 (revised): The following Cumulative Impact Charge (CIC) shall be implemented as an annual payment due every year for the life of the project or as a lump sum payment for multiple years until the project is decommissioned and the Conditional Use Permit is voided.

a. Submittal of Building Permit

i. Any building permit submitted shall be accompanied by a map and legal description of the entire approved Conditional Use Permit area.

ii. The map shall calculate the CIC net acreage as follows:

1. Total gross acreage of the approved Conditional Use Permit.

2. Total acres for Operations and Maintenance building and permanent accessory improvements.

3. Total acres for Energy Storage structure and permanent accessory improvements.

4. Total acres of recorded easements.

iii. Formula: Net Acreage = (ii)a minus the sum of [(ii)b + (ii)c + (ii)d].

iv. Temporary storage areas or non-permanent commercial coaches or cargo containers for construction or operations are not eligible for inclusion under (ii)b or (ii)c, above.

v. All areas of buildings, accessory improvements, and easement used in the calculations shall be shown on the submitted Map.

b. Calculation and Payment of Cumulative Impact Charge (CIC)

1. A payment of $ 550 per net acre shall be paid annually for all acres in the approved Conditional Use Permit regardless of phased implementation of building permits, the total number of building permits, or type of building permit issued.

2. The first payment is due upon issuance of the first building permit. If it is not paid within 30 days after issuance of the first building permit, all such permits shall be suspended until the fee is paid in full.

3. Annual payments are due every year on the date of the first building permit issuance.

4. Payments shall be made to the Planning and Natural Resources Department for transfer directly to the County Administrative Office Fiscal Division (CAO) and labeled Cumulative Impact Charge (CIC) with the project name, location, and APNs.

5. Any acres denoted for an operation and maintenance building or energy storage that is not built, cannot be used for solar panels unless payment is provided for the Cumulative Impact Charge (CIC).

6. An advance payment option for a lump sum of all payment years, 5 or more years, or a reduction in each year's payment for 5 or more years, may be requested by submittal of a written request to the Planning and Natural Resources Department with details of the offer no later than 60 days before the yearly payment is due. A 10% discount in the lump sum amount will be applied if the advance payment option is accepted by the County Administrative Office Fiscal Division (CAO) by written response.

MM 4.14-3 (revised): ~~b.~~ Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company with assessed taxes

that total less than ~~$1,000~~ $3,000 per megawatt per year, then ~~that entity shall pay the taxes plus the 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~~ a Supplemental Cumulative Charge (SCIC) shall be paid for the difference annually up to $3,000 per megawatt. The SCIC payments shall be made annually directly to the County Administrative Office (CAO) Fiscal Division and labeled "Supplemental Cumulative Impact Charge (SCIC)" with the project name and phase number.

MM 4.14-4 (revised): ~~c.~~ The project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.

MM 4.14-5: ~~d.~~ Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. The project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.

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

The approved project and proposed modified 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 approved project would not have a cumulative environmental impact on public services. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The cumulative study area is based on the service area for each of the fire, sheriff, and other governmental offices/facilities serving the project site. As discussed above, fire and sheriff service impacts related to the approved project would be less than significant with mitigation. Mitigation Measure MM 4.14-1 requires implementation of a fire safety plan during project construction and operation that would include notification procedures and emergency fire precautions to help reduce fire risks and the consequential need for fire protection services onsite. Mitigation Measure MM 4.14-2 requires the project proponent to pay applicable fees and taxes to reduce significant impacts to fire or law enforcement protection services resulting from the project. With payment of the required mitigation fee as assessed by the Kern County Planning and Natural Resources Department, any slight contribution the project would have on the need for additional fire or police protection services, facilities or personnel required would be appropriately funded. Similar to the approved project, all other past, present, and reasonably foreseeable future projects located within these fire and sheriff service areas were or would be required to pay this mitigation fee, if deemed appropriate by the Kern County Planning and Natural Resources Department. These projects would also be required to undergo environmental review, in compliance with the requirements of CEQA. Should potential impacts to public services be identified, appropriate mitigation would be prescribed that would reduce impacts to less-than-significant levels.

Therefore, because the project would not create a significant impact on public services, and the other related projects would also be expected to avoid or mitigate impacts on public services, this project would comply with the goals, policies, and implementation measures of the Kern County General Plan, Mojave Specific Plan, and West Edwards Road Settlement Specific Plan, thus cumulatively significant impacts are anticipated to be less than significant. Therefore, the project would not create a cumulatively considerable impact related to public services with the incorporation of Mitigation Measures MM 4.14-1 and MM 4.12-2 and would have a less-than-significant cumulative impact.

Impacts of the Proposed Modified Project

Similar to the approved project, the proposed modified project would be required to implement Mitigation Measures MM 4.14-1 through 4.14-5, as modified for MM 4.14-2 through MM 4.14-5, to address potential impacts related to public services. Implementation of these mitigation measures would require the project proponent to develop and implement a Fire Safety Plan, pay Kern County a cumulative impact charge to compensate for any permanent impacts to fire protection services and facilities resulting from the operation of the proposed modified project, pay certain assessed taxes, work with the County to determined how sales and use taxes from project construction can be maximized, and provide a letter detailing efforts encouraging contractors to hire at least 50 percent of works from local Kern County communities. With implementation of these mitigation measures impacts would be less than significant.

Finding

This impact is considered less than significant without mitigation, however, implementation of Mitigation Measures MM 4.14-1 through MM 4.14-5, with modifications to MM 4.14-2 through MM 4.14-5 described above, would further reduce impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. While this impact is considered less than significant without mitigation, implementation of Mitigation Measures MM 4.14-1 through MM 4.14-5, described above, would further reduce impacts to a less-than-significant level.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact on public services.

TRAFFIC AND TRANSPORTATION

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 approved project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, as follows: Kern County General Plan LOS "D" (Impact 4.15-1).

The approved project would not conflict with or be inconsistent with *CEQA Guidelines* Section 15064.3, subdivision (b) (Impact 4.15-2).

The proposed modified project does not change the findings in the certified EIR for these impacts.

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

Significant Effect

The approved project could substantially increase hazards due to a geometric design feature (such as sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Impact 4.15-3). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

During construction, the approved 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. Heavy equipment associated with these components would not be hauled to/from the site daily, but rather would be hauled in and out on an as-needed basis. Nevertheless, 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, which is considered a potentially significant impact.

The approved project would not include a design feature or utilize vehicles with incompatible uses that would create a hazard on the roadways surrounding the project site. The need for and number of escorts, California Highway Patrol escorts, as well as the timing of transport, would be at the discretion of Caltrans and Kern County, and would be detailed in respective oversize load permits. Thus, potential impacts would

be reduced to a less-than-significant level. While impacts would be less than significant, Mitigation Measure MM 4.15-1 would require that all oversize vehicles used on public roadways during construction obtain required permits and obtain approval of a Construction Traffic Control Plan, as well as identify anticipated construction delivery times and vehicle travel routes in advance to minimize construction traffic during AM and PM peak hours and to avoid any potentially hazardous routes. This measure would also ensure that construction-related oversize vehicle loads are in compliance with applicable California Vehicle Code sections and California Street and Highway Codes applicable to licensing, size, weight, load, and roadway encroachment of construction vehicles.

Impacts of the Proposed Modified Project

Similar to the approved project, the proposed modified project may also require oversized or heavy loads, which absent mitigation could increase traffic hazards. However, the proposed modified project will implement MM 4.15-1, which reduces the potential to create hazards to less than significant. The proposed modified project would not alter the existing circulation system and therefore would not create sharp curves or dangerous intersections. Further operational characteristics (a few employee trips by cars or light-duty trucks) are compatible with the surrounding area.

Finding

Like the approved project, the proposed modified project has the potential to increase hazards due to a geometric design feature or incompatible uses. However, implementation of Mitigation Measure MM 4.15-1, described below, would further reduce impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 Measure MM 4.15-1, described below, would reduce impacts to less-than-significant levels.

MM 4.15-1: Prior to the issuance of construction or building permits, the project proponent/operator shall:

a. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, 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. Establish procedures for coordinating with local emergency response agencies to ensure dissemination of information regarding emergency response vehicle routes affected by construction activities;

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. Encourage carpooling among workers to reduce worker commute trips entering and exiting the study area; and

viii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible.

ix. Restrict and distribute PM peak hour traffic flows associated with the construction of gen-tie facilities onto adjacent roadways so that some traffic would use higher capacity facilities, rather than Purdy Avenue, to complete the left-turn movements across SR-14, as follows:

a. All east-bound left turning project traffic related to the gen-tie component shall utilize Silver Queen Road or Oak Creek Road to access SR-14 during the PM peak hour.

b. A portion of the west-bound project traffic, equal to or greater than five vehicles, shall utilize the Backus Road interchange to access SR-14 during the PM peak hour.

Monitoring shall be conducted on a weekly basis by the project proponent/operator and any deficiencies shall be corrected immediately. Proof of compliance shall be available and furnished at the request of the Kern County Public Works Department-Development Review and the California Department of Transportation at any time during construction of gen-tie facilities.

b. Obtain all necessary encroachment permits for 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 Natural Resources Department and the Kern County Public Works Department-Development Review.

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.

d. Submit documentation that identifies the roads to be used during construction. The project proponent/operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction activities. The project proponent/operator shall submit a preconstruction video log and inspection report

regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Development Review and the Kern County Planning and Natural Resources Department.

e. Within 30 days of completion of construction, the project proponent/operator shall 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 proponent/operator's engineer, shall determine the extent of remediation required, if any.

Significant Effect

The project could result in inadequate emergency access (Impact 4.15-4). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The approved project site is located in a rural area with the primary access roads (Backus Road, Lone Butte Road, and Purdy Avenue) allowing adequate egress/ingress to the site in the event of an emergency. Additionally, as part of the project, additional onsite access roadways (internal to the site) would be constructed. Therefore, the development of the approved project would not physically interfere with emergency vehicle access or personnel evacuation from the site.

As described above, increased project-related traffic would not cause a significant increase in congestion or significantly worsen the existing service levels at intersections on area roads; therefore, project-related traffic would not affect emergency access to the project site or any other surrounding location. The approved project would not require closures of public roads, which could inhibit access by emergency vehicles. For these reasons construction and operation would have a less-than-significant impact on emergency access.

While impacts would be less than significant, Mitigation Measure MM 4.15-1 would provide further assurances for emergency access. Mitigation Measure MM 4.15-1 requires the preparation of a Construction Traffic Control Plan that considers access for emergency vehicles to the project site. During project operation, Mitigation Measure MM 4.15-1 requires the project operator obtain Kern County approval of all proposed access road designs prior to construction, further ensuring onsite emergency access is adequate.

Impacts of the Proposed Modified Project

The proposed modified project is adjacent to the approved project. Like the approved project, it would not cause a significant increase in congestion or significantly worsen the existing service levels at intersections on area roads. For this reason, the proposed modified project would not affect emergency access to the site or any other surrounding location. Further, the project would not require closures of public roads, which could inhibit access by emergency vehicles, and would comply with all applicable County standards related to site access. Accordingly, construction and operation of the proposed modified project would have a less-than-significant impact on emergency access. While impacts would be less than significant, MM 4.15-1 of would provide further assurances for emergency access. MM 4.15-1 requires the preparation of a Construction Traffic Control Plan that considers access for emergency vehicles to the project. During operation, MM 4.15-1 requires the Applicant obtain Kern County approval of all proposed access road designs prior to construction, further ensuring onsite emergency access is adequate.

Finding

Like the approved project, impacts of the proposed modified project on emergency access are considered less than significant. However, implementation of Mitigation Measure MM 4.15-1, described above, would provide further assurances for emergency access.

Level of Significance

Impacts would be less than significant with mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Mitigation is not required, however implementation of Mitigation Measures MM 4.15-1, described above, would further reduce these impacts to less-than-significant levels.

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

The approved project and proposed modified project would not have any environmental effects on transportation 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 approved project would not have a cumulative environmental impact on transportation. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Projects with overlapping construction schedules and/or operations could result in a substantial contribution to increased traffic levels throughout the surrounding roadway network. As discussed previously, with the addition of project construction- and operation-generated trips, study area intersections and roadway segments near the project site, would continue to operate at an acceptable level of service (LOS) according to the County and Caltrans performance criteria. As such, the approved project would not result in any individual transportation impacts during construction or operation and maintenance activities. However, cumulative impacts could result if the project's incremental effect were combined with impacts of other past, present and reasonably foreseeable future projects.

Cumulative impacts from the project, when considered with nearby, reasonably foreseeable planned projects, would occur only during project construction because project operation traffic would be very minimal. After construction, there would be minimal trip generation and less than significant cumulative impacts during operation of the project.

On the project-level (including the development of the gen-tie line), the approved project would not include a design feature or utilize vehicles with incompatible uses that would create a hazard on the surrounding roadways with implementation of mitigation measures. And, implementation of mitigation measures would

ensure the approved project's contribution to emergency access and design hazards are reduced to a less than cumulatively considerable level.

The SR-14/Purdy Avenue intersection (study intersection no. 2) is projected to operate at LOS E during the PM peak hour as a result of gen-tie construction traffic turning left onto SR-14 from Purdy Avenue. To improve the level of service at this intersection as a result of project traffic added to Cumulative Year (2020) conditions, Mitigation Measure MM 4.15-1 (see above) shall be implemented. Mitigation Measure MM 4.15-1 includes a requirement that the project proponent/operator shall put restrictions in place to shift some construction traffic away from this intersection and onto roadways/through intersections with higher capacities. Implementation of Mitigation Measure MM 4.15-1 would improve the PM peak hour LOS from LOS E to LOS D, thus mitigating the cumulative construction impact in 2020.

Impacts of the Proposed Modified Project

The proposed modified project is located immediately adjacent to the approved project and construction is anticipated to occur once the approved project is complete. The quantity of trips associated with the proposed modified project will be similar to the amount for the approved project, and the proposed modified project's contribution to cumulative traffic impacts would be less than that of the approved project. Nevertheless, the Project, when combined with existing and foreseeable future projects, could create a significant cumulative impact at SR-14/Purdy Avenue absent mitigation. MM 4.15-1 of the certified EIR would reduce this potentially significant cumulative impact to less than significant.

Due to the rural nature of the proposed location, the substantial distances between the proposed modified project and other pending projects, and the different schedules for construction among the various projects, the project is not anticipated to substantially conflict with circulation patterns or operations, including roadway, bicycle, transit, and pedestrian facilities. However, implementation of a MM 4.15-1, the TMP, would be required to ensure that the proposed modified project's contribution to cumulative impacts would remain less than cumulatively considerable.

Cumulative impacts from the proposed modified project after construction, when considered with nearby, reasonably foreseeable planned projects, would be minimal. The proposed modified project would not have any impact on pedestrian, bicycle, or transit facilities and therefore would not combine with any other existing and foreseeable future projects to create significant cumulative impacts on such facilities. The proposed modified project is required to comply with the ALUCP and FAA regulations by existing law and MM 4.9-3, thereby ensuring the project would not adversely impact traffic patterns or combine with existing and foreseeable future projects to impact traffic patterns. The proposed modified project would not create a traffic hazard during construction with MM 4.15-1. The proposed modified project would not impact emergency access and given its location and low operational trips would not combine with existing and reasonably foreseeable future development to create a significant cumulative impact on emergency access.

Finding

Like the approved project, the proposed modified project has the potential to contribute to cumulative impacts on transportation and traffic. Implementation of Mitigation Measures MM 4.15-1, described above, would reduce the cumulative impact of the proposed project to a less-than-significant level.

Level of Significance

Cumulative impacts would be less than significant with implementation of mitigation.

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. Implementation of Mitigation Measures MM 4.15-1, described above, would reduce the cumulative impact of the proposed project to a less-than-significant level.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact on transportation.

TRIBAL CULTURAL RESOURCES

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 approved project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (Impact 4.16-1a).

The approved project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe (Impact 4.16-1b).

With implementation of Mitigation Measures 4.5-1 through 4.5-5 in the certified EIR, the proposed modified project does not change the finding in the certified EIR for this impact.

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

The approved project would not have any environmental effects related to tribal cultural resources that are potentially significant and no mitigation is required.

<u>Significant Effect</u>

The approved project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (Impact 4.16-1a).

With implementation of Mitigation Measures 4.5-1 through 4.5-5 in the certified EIR, the proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The certified EIR found that the SLF search conducted by NAHC indicated the presence of sacred sites within the approved project site but did not provide details on the specific location of the sites. The County's consultation efforts with interested Native American tribes did not result in any additional details or concerns regarding the identified sacred sites. Given that no tribal cultural resources were identified within or immediately adjacent to the project site, the approved project did not cause a substantial adverse change in the significance of a tribal cultural resource and no mitigation would be required.

The Lead Agency contacted the applicable tribal groups in accordance with SB 18 and Assembly Bill (AB) 52 regarding the approved project. No tribal group requested participation in the consultation process, and the certified EIR identified no tribal cultural resources within or immediately adjacent to the project site through the consultation process. Therefore, the approved project's potential impacts to tribal cultural resources were determined to be less than significant.

Impacts of the Proposed Modified Project

The proposed modified project site was surveyed, and eight cultural resources were identified during the survey, including prehistoric thermal feature sites. While no tribal cultural resources have been identified within or immediately adjacent to the approved project site, nonetheless the potential exists for tribal cultural resources to be encountered. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5 would require archaeological monitoring in consultation with Native American monitors and protocols to protect any undiscovered cultural resources and would reduce impacts to a less than significant level.

Finding

Though no tribal cultural resources were identified within the proposed modified project site, the proposed modified project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, described above in the findings for cultural resources impacts, would reduce any potential impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.5-1 through MM 4.5-5, described above, would reduce these impacts to a less-than-significant level.

Significant Effect

The approved project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe (Impact 4.16-1b).

With implementation of Mitigation Measures 4.5-1 through 4.5-5 in the certified EIR, the proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The certified EIR determined that no tribal cultural resources were identified as part of the County's government-to-government notification and consultation efforts with interested Native American groups conducted pursuant to AB 52. Given that no tribal cultural resources have been identified within or immediately adjacent to the project site, the proposed modified project would not cause a substantial adverse change in the significance of a tribal cultural resource and no mitigation would be required.

Impacts of the Proposed Modified Project

No tribal cultural resources have been identified within or immediately adjacent to the approved project site. However, the potential exists for tribal cultural resources to be encountered. As revised, implementation of revised Mitigation Measure MM 4.5-2 along with MM 4.5-1, 4.5-3, 4.5-4 and 4.5-5 of the certified EIR, would reduce impacts to tribal cultural resources to less than significant levels.

Finding

Though no tribal cultural resources were identified within the proposed modified project site, the proposed modified project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, described above in the findings for cultural resources impacts, would reduce any potential impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.5-1 through MM 4.5-5, described above, would reduce these impacts to a less-than-significant level.

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

The approved project and proposed modified project would not have any environmental effects on tribal 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 approved project would not have a significant cumulative environmental impact on tribal cultural resources. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

An analysis of cumulative impacts takes into consideration the entirety of impacts that the project discussed in Chapter 3, *Project Description*, of the certified EIR, would have on tribal cultural resources. The geographic area of analysis for tribal cultural resources includes the Antelope Valley. This geographic scope of analysis is appropriate because the resources within this area are expected to be similar to those that occur on the project area because of their proximity, their similarities in environments and landforms, and their location within the same Native American tribal territories. This is a large enough area to encompass any effects of the project on tribal cultural resources that may combine with similar effects caused by other projects, and provides a reasonable context wherein cumulative actions could affect tribal cultural resources.

Multiple projects, including solar energy production facilities, are proposed throughout the Antelope Valley. Cumulative impacts to tribal cultural resources in the Antelope Valley could occur if other related projects, in conjunction with the approved project, had or would have impacts on cultural resources that, when considered together, would be significant.

Potential impacts of the project to tribal cultural resources, in combination with other projects in the area, could contribute to a cumulatively significant impact due to the overall loss of resources unique to the region. However, as discussed above, no tribal cultural resources have been identified in the project area and the project would not have an impact on tribal cultural resources. Therefore, the project would not have a cumulatively considerable contribution to impacts to tribal cultural resources.

Impacts of the Proposed Modified Project

Excavation and other development activities associated with the proposed modified project in conjunction with other projects in the area, as identified in the approved project cumulative project list, could contribute to the loss of archaeological and historic resources. However, avoidance of known cultural resources and the implementation of Mitigation Measure MM 4.5-1 through MM 4.5-5, as revised, would mitigate the proposed modified project's potential to disturb any cultural resources and human remains, including those interred outside of formal cemeteries. Therefore, the proposed modified project does not change the certified EIR's conclusion that the approved project would not have a cumulatively considerable contribution to impacts to tribal cultural resources. Decommissioning activities for the proposed modified project may also have the potential to contribute to cumulatively significant impacts on cultural resources, though to a lesser extent than construction of the proposed modified project since any archeological or

paleontological resources would most likely be identified during construction. With implementation of applicable regulatory requirements and Mitigation Measures MM 4.5-1 through MM 4.5-5, as revised, the proposed modified project, together with the approved project, would not have a cumulatively considerable contribution to impacts to tribal cultural resources from decommissioning activities.

Finding

Though no tribal cultural resources were identified within proposed modified project site, the proposed modified project could contribute to cumulative impacts to tribal cultural resources. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, described above in the findings for cultural resources impacts, would reduce any potential impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.5-1 through MM 4.5-5, described above, would reduce these impacts to a less-than-significant level.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact on tribal cultural resources.

UTILITIES AND SERVICE SYSTEMS

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 approved project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Impact 4.17-2). The proposed modified project does not change the finding in the certified EIR for this impact.

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

Significant Effect

The approved project could require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects (Impact 4.17-1). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

During construction and operation, impacts related to water supply, wastewater treatment, electrical power, natural gas, and telecommunication facilities would be less than significant.

Water used during construction would runoff into drainage features on the project site, which, as previously mentioned, are scattered and discontinuous. As a result, surface runoff events would generally be brief and infrequent, with rapid infiltration into the sandy substrate, and/or shallow ponding in low-lying areas quickly followed by high evaporation. Nonetheless, as described in Section 4.7, *Geology and Soils*, of the certified EIR, Mitigation Measure MM 4.7-3 would require the implementation of a SWPPP during construction, which would include BMPs designed to prevent the occurrence of soil erosion and discharge of other construction-related pollutants that could contaminate water quality. There are no constructed stormwater drainage systems present onsite and stormwater on the project site either percolates onsite or drains offsite by way of existing ephemeral drainages. Project activities during construction are not expected to substantially alter the ground surface such that new stormwater drainage facilities are needed. No offsite connections to a municipal storm water facility exist or are proposed; thus, impacts during construction would be less than significant.

There are no constructed stormwater drainage systems present onsite. Project activities during operation are not expected to substantially alter the ground surface such that new stormwater drainage facilities are needed. As discussed in Section 4.10, *Hydrology and Water Quality*, of the certified EIR, Mitigation Measure MM 4.10-1 would be implemented as a part of the approved project and requires preparation of a drainage plan to reduce potential increases in stormwater runoff onsite and would detail any necessary physical structures required to control stormwater. Per Mitigation Measure MM 4.10-1, no wells would be located in existing drainage onsite, thereby enabling these drainages to continue to naturally drain stormwater from the site unobstructed. These structures would be developed onsite along with the rest of project construction. No offsite disposal connections to a municipal storm water facility exist or are proposed; thus, impacts during operation and maintenance would be less than significant.

Impacts of the Proposed Modified Project

Similar to the approved project, during construction and operation, impacts related to water supply, wastewater treatment, electrical power, natural gas, and telecommunication facilities would be less than significant. The proposed modified project would require an estimated 200 acre-feet of water over an 18-month construction period, and would meet this demand by importing water from MPUD which derives all or most of its supply from the underlying FVGB. As a result, it would not require or result in the relocation or construction of new water facilities.

Per the certified EIR and similar to the approved project, the proposed modified project would be required to implement a Storm Water Pollution Prevention Plan during construction, which would include BMPs designed to prevent the occurrence of soil erosion and discharge of other construction-related pollutants that could contaminate water quality (Mitigation Measure MM 4.7-3). There are no constructed stormwater drainage systems present onsite and stormwater on the Project will either percolate onsite or drains offsite by way of existing ephemeral drainages. Project activities during construction are not expected to substantially alter the ground surface such that new stormwater drainage facilities are needed. No offsite connections to a municipal stormwater facility exist or are proposed. Therefore, the Project is not expected to exceed the capacity of existing stormwater drainage systems or require/result in relocation or construction of new or expanded stormwater drainage facilities. Impacts during construction would remain less than significant

Like the approved project, operations of the proposed modified project are not expected to substantially alter the ground surface such that new stormwater drainage facilities are needed. Similar to the approved project, Mitigation Measure MM 4.10-1 would be implemented at the proposed modified project and requires preparation of a drainage plan to reduce potential increases in stormwater runoff onsite. The drainage plan would detail any necessary physical structures required to control stormwater. Per Mitigation Measure MM 4.10-1, no wells would be located in existing drainage onsite, thereby enabling these drainages to continue to naturally drain stormwater from the site unobstructed. No offsite disposal connections to a municipal stormwater facility are proposed. The proposed modified project is not expected to exceed the capacity of existing stormwater drainage systems in the area. Therefore, relocation or construction of new or expanded stormwater drainage facilities off-site would not be required during operation. Impacts would remain less than significant with implementation of Mitigation Measure MM 4.10-1.

Finding

Like the approved project, the proposed modified project's potential to require or result in the relocation or construction of new or expanded stormwater drainage facilities, the construction or relocation of which could cause significant environmental effects, is less than significant. However, implementation of Mitigation Measures MM 4.7-3, described above in Findings for Geology and Soils, and MM 4.10-1, described above in Findings for Hydrology and Water Quality, would further reduce impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Mitigation is not required, however implementation of Mitigation Measures MM 4.7-3, described above in Findings for Geology and Soils, and MM 4.10-1, described above in Findings for Hydrology and Water Quality, would further reduce these impacts to a less-than-significant level.

Significant Effect

The approved project could generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (Impact 4.17-3). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

It is anticipated the project would not generate substantial amounts of non-recyclable waste during construction. Currently, the project site is vacant and contains no development and, therefore, there would be no demolition or removal of large debris. Materials brought to the project site would be used to construct facilities, and few residual materials are expected. Solar modules would be delivered to the site via shipping containers packaged via use of wood and cardboard materials. The shipping containers materials for module deliveries would be recycled and are not anticipated to generate non-recyclable waste. Common construction waste may include metals, masonry, plastic pipe, rocks, dirt, cardboard, or green waste related

to land development. Any hazardous waste generated during construction would be disposed of at an approved location.

Non-hazardous construction refuse and solid waste would either be collected and recycled or disposed of at a local landfill. The Mojave-Rosamond Recycling and Sanitary Landfill (approximately 1.7 miles to the west of the southern project site and approximately 1.5 miles from the northern site) is the closest landfill to the project site and, therefore, would be the most likely recipient of project site solid waste. The Mojave-Rosemond Recycling and Sanitary Landfill has a remaining capacity of 76,310,297 cy with an anticipated closure year of 2123. The next closest landfill is the Tehachapi Sanitary Landfill, which is located 13 miles northwest of the northern site and approximately 16 miles northwest of the southern site in Tehachapi, with a remaining capacity of 522,298 cy and anticipated closure date of 2020. Both landfills are Class III landfills and, therefore, accept wastes from construction and demolition as well as industrial sources, but do not accept hazardous waste, hot ashes, and liquids of any kind. As shown in Table 4.17-1 of the certified EIR, both landfills have significant capacity remaining. In addition, with the implementation of Mitigation Measure MM 4.17-1, a recycling coordinator would ensure the separation and proper disposal of recyclable materials and solid waste during construction. Therefore, construction impacts of the project to existing landfills are anticipated to be less than significant.

During operation, little to no solid waste would be generated. The operations and maintenance buildings would include up to six permanent employees, and the only waste generated onsite would result from operations office and maintenance activities. The Tehachapi Sanitary Landfill has a planned cease operation date of 2020, but the Mojave-Rosamond Recycling and Sanitary Landfill has would continue to operate through 2123 and is expected to continue to serve the project throughout the rest of its operation. In addition, with the implementation of Mitigation Measure MM 4.17-1, as discussed below, a recycling coordinator would ensure the separation and proper disposal of recyclable materials and solid waste generated during project operation, thereby further reducing solid waste generated during operation. Therefore, impacts related to landfill capacity would be less than significant with the implementation of Mitigation Measure MM 4.17-1.

Solar PV panels have a lifespan of over 35 years, after which the land could be converted to other uses in accordance with applicable land use regulations in effect at that time. Solar PV panels contain valuable materials that would likely reused and recycled at the end of their useful life. Solar panel manufacturers have identified that approximately ninety percent of materials in solar panel modules can be recycled. Decommissioning of the gen-tie line route would not generate substantial amounts of solid waste. As stated above, the Mojave-Rosamond Recycling and Sanitary Landfill is expected to be in operation through 2123 and would serve as a solid waste disposal location during project decommissioning. Per Mitigation Measure MM 4.17-1, a collection and recycling program would be implemented during decommissioning to recycle project components and minimize disposal of project components in landfills. Following decommissioning, the project site would be returned to predevelopment conditions and would not generate waste. Therefore, impacts related to landfill capacity would be less than significant during decommissioning with the implementation of Mitigation Measure MM 4.17-1.

Impacts of the Proposed Modified Project

Waste generated during construction, operations, and decommissioning of the proposed modified project would be similar to the waste generated by the approved project and described in the certified EIR. Currently, the proposed modified project site contains no development and therefore, there would be no demolition or removal of large debris. As with the approved project, the small amount of solid waste generated is not expected to exceed the capacity of local landfills. Additionally, the proposed modified project would be required to implement Mitigation Measure MM 4.17-1, which requires that a recycling coordinator ensures the separation and proper disposal of recycle materials and solid waste during

construction. As a result, the proposed modified project would not result in new or substantially more severe impacts related to the generation of solid waste.

Finding

Like the approved project, the proposed modified project has the potential to generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. However, implementation of Mitigation Measures MM 4.17-1, described below, would reduce impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.17-1, described below, would reduce these impacts to a less-than-significant level.

MM 4.17-1: During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. The provisions listed below shall apply to the project.

1. An onsite Recycling Coordinator shall be designated by the project proponent/operator to facilitate recycling as part of the Construction, Operation and Maintenance and Decommissioning, Trash Abatement and Pest Management Program.
2. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
3. The onsite Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal
4. Contact information of the coordinator shall be provided to the Kern County Planning and Natural Resources Department prior to issuance of building permits.
5. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction, operations and decommissioning. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site.

Significant Effect

The approved project might not comply with federal, State, and local management and reduction statutes and regulations related to solid waste (Impact 4.17-4). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The approved project would generate solid waste during construction, operation, and decommissioning. Common construction waste may include metals, masonry, plastic pipe, rocks, dirt, cardboard, or green waste related to land development. The 1989 California Integrated Waste Management Act (AB 939) requires Kern County to attain specific waste diversion goals. In addition, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the project. In 2011, the State passed AB 341, which established a policy goal that a minimum of 75 percent of solid waste must be reduced, recycled, or composted by the year 2020. In addition, as part of compliance with CALGreen requirements, Kern County implements the following construction waste diversion requirements:

- Submittal of a Construction Waste Management Plan
- Recycle and/or reuse a minimum 65 percent C&D waste; and
- Recycle or reuse 100 percent of tree stumps, rocks, and associated vegetation and soils resulting from land clearing.

Furthermore, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the project design. Implementation of Mitigation Measure MM 4.17-1 would ensure compliance with all waste diversion and recycling requirements by requiring recycling during construction, operation, and decommissioning of the project. The approved project would be required to comply with all federal, State, and local statutes and regulations related to the handling and disposal of solid waste. Therefore, implementation of the project would result in less-than-significant impacts.

Impacts of the Proposed Modified Project

The proposed modified project would generate solid waste during construction, operation, and decommissioning similar to that analyzed in the certified EIR for the previously approved project. Common construction waste may include metals, masonry, plastic pipe, rocks, dirt, cardboard, or green waste related to land development. Furthermore, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the project design. As with the approved project, the proposed modified project would be required to implement Mitigation Measure MM 4.17-1, which would ensure compliance with waste diversion and recycling requirements by requiring recycling during construction, operation, and decommissioning of the proposed modified project. The proposed modified project would be required to comply with all federal, state, and local statutes and regulations related to the handling and disposal of solid waste. Therefore, the proposed modified project as described, would be in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

Finding

Like the approved project, the proposed modified project has the potential to not comply with federal, State, and local management and reduction statutes and regulations related to solid waste. However, implementation of Mitigation Measures MM 4.17-1, described above, would reduce impacts to less-than-significant levels.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 solid waste management and reduction statutes. Implementation of Mitigation Measure MM 4.17-1, described above, would reduce these impacts to a less-than-significant level.

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

The approved project and proposed modified project would not have any environmental effects related to utilities and service systems 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 approved project would not have a cumulative environmental impact on utilities and service systems. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The geographic scope for impacts to utilities and service systems includes projects within the service area for each of the utility providers described above, which includes demands on water supply, wastewater, stormwater drainage, and solid waste disposal. The scope for impacts to water and wastewater includes projects within the FVGB. The scope for impacts to stormwater drainage and solid waste disposal includes projects that rely on the same infrastructure and solid waste disposal facilities. Impacts of the approved project would be cumulatively considerable if the incremental effects of the approved project when combined with other past, present, or reasonably foreseeable projects would result in a significant cumulative effect.

As described in Chapter 3, *Project Description*, of the certified EIR, 40 solar projects and 33 non-solar projects are proposed in the project vicinity that have the potential to impact existing water supply, if the projects were also to draw water from the FVGB. The water-intensive use period for renewable energy projects is typically the construction phase. Non-solar projects identified are of mixed-uses, which include a kennel training facility, cargo container expansion areas, a secondary residential unit, mobile home, performing arts center, a vehicle wrecking yard, a cell tower, recyclable collection and storage, and a small organic farm which are located within the FVGB and AVGB service area. The non-solar projects could potentially draw from AVEK's existing transmission pipelines, or the MPUD supply, which includes a series of existing wells. Given the limited water supply in the area, other projects are expected to either rely on new or existing water service hydrants, wells (similar to the project), transmission pipelines, or truck in their water supply. Therefore, the cumulative non-solar projects have the potential to result in significant impact on water supply within the local vicinity.

There are no constructed stormwater drainage systems are present onsite and stormwater on the project site either percolates onsite or drains offsite by way of existing ephemeral drainages. Project activities are not expected to substantially alter the ground surface such that new stormwater drainage facilities are needed. Nonetheless, Mitigation Measure MM 4.10-1 would be implemented as a part of the approved project and requires preparation of a drainage plan to reduce potential increases in stormwater runoff onsite and would

detail any necessary physical structures required to control stormwater. Per Mitigation Measure MM 4.10-1, no wells would be located in existing drainage onsite, thereby enabling these drainages to continue to naturally drain stormwater from the site unobstructed. These structures would be developed onsite along with the rest of project construction. Surrounding projects would also be required to prepare a drainage plan in accordance with Kern County Development Standards and Kern County Code of Building Regulations, that would help avoid substantial increases of stormwater generated onsite by their proposed ground disturbance; depending on the findings of their drainage plan, these projects may need to construct stormwater control structures onsite to reduce the potential for increased stormwater runoff. Additionally, as with the approved project, all projects that would not retain all runoff onsite would be required to prepare a SWPPP, per Mitigation Measure MM 4.7-3, which would include BMPs designed to prevent the mixture of sediment and other pollutants with stormwater and degrading water quality. Therefore, the project would not contribute to cumulatively considerable impacts related to stormwater drainage facilities.

The approved project would generate a minimal amount of non-recyclable solid waste. Although the Tehachapi Landfill is expected to cease operation in 2020, the Mojave-Rosamond Landfill is expected to operate until 2123. To ensure that the approved project reduces the amount of waste sent to these landfills, implementation of Mitigation Measure MM 4.17-1 requires that debris and waste generated shall be recycled to the extent feasible, and an onsite recycling coordinator be designated by the project proponent to facilitate recycling efforts. Surrounding projects would also be required to comply with all applicable ordinances in place designed to reduce the amount of solid waste disposed in landfills. Therefore, the approved project would not contribute to a cumulatively considerable impact related to landfill capacity exceedance.

In conclusion, the approved project would be largely self-contained and would not have a significant impact on public utilities. The incremental effects of the approved project would also not be substantial enough to result in a cumulatively considerable impact on utilities and service systems with implementation of Mitigation Measures MM 4.7-3, MM 4.10-1 and MM 4.17-1. Furthermore, the approved project would result in a beneficial impact on utility services and offset future stress on energy service providers as energy demand grows in Kern County and Southern California.

Impacts of the Proposed Modified Project

The proposed modified project would not create a more severe impact on utilities and service systems than the approved project analyzed in the certified EIR. Additionally, the proposed modified project would comply with the certified EIR Mitigation Measures (MM 4.7-3, MM 4.10-1 and MM4.17-1), which require the implementation of drainage plan and ensure that debris and waste generated at the project site be recycled to the extent feasible. The proposed modified project would result in a beneficial impact on utility services and offset future stress on energy service providers as energy demand grows in Kern County and Southern California. Impacts would be less than significant.

Finding

Like the approved project, the proposed modified project has the potential to result in cumulatively considerable impacts related utilities. However, implementation of Mitigation Measures MM 4.7-3, described above in Findings for Geology and Soils, MM 4.10-1, as described above in Findings for Hydrology and Water Quality, and MM 4.17-1, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.7-3, described above in Findings for Geology and Soils, MM 4.10-1, as described above in Findings for Hydrology and Water Quality, and MM 4.17-1, described above, would reduce these impacts to a less-than-significant level.

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

The approved project and proposed modified project would not have a significant and unavoidable cumulative environmental impact on hazards and hazardous materials.

WILDFIRE

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 approved project would not substantially impair an adopted emergency response plan or emergency evacuation plan (Impact 4.18-1). The proposed modified project does not change the finding in the certified EIR for this impact.

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

Significant Effect

The approved project could, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (Impact 4.18-2). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Slope and wind speed and can influence the spread of fires. Upslope topography eventually increases the spread rate of the fire in all fuel beds over flat conditions (International Journal of Wildland Fire 2002, 2010). As described in Chapter 3, *Project Description*, of the certified EIR, elevations across the project site range from approximately 2,660 feet above mean sea level in the northwest portion of the site to approximately 2,500 feet above mean sea level in the southeast portion of the site. As mentioned above, the site has low topographic relief and is relatively flat. The approved project would introduce temporary onsite employees during construction and six permanent employees. The project site classified as LRA Moderate and State Responsibility Area (SRA) Moderate; thus, the potential for wildfire on the project site exists, but is not considered high. Project construction would comply with applicable existing codes and ordinances related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials. As discussed in Section 4.14, *Public Services*, of the certified EIR, the project proponent/operator shall develop and implement a Fire Safety Plan that contains notification procedures and emergency fire precautions consistent with the 2016 California Fire Code and Kern County Fire Code for use during construction, operation and decommissioning, per implementation of Mitigation Measure MM 4.14-1. Under this Fire Safety Plan, construction and maintenance personnel would be trained

and equipped to extinguish small fires, thus reducing the risk of fire onsite. Given the moderate potential for fire, the project site's flat topography, and with implementation of Mitigation Measure MM 4.14-1, the project is not anticipated to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire due to slope, prevailing winds, and other factors and impacts would be less than significant.

Impacts of the Proposed Modified Project

Similar to the approved project, the proposed modified project is relatively flat, sparsely vegetated, and is classified as LRA Moderate and SRA Moderate; thus, the potential for wildfire on the project site exists, but is not considered high. Proposed modified project construction would comply with applicable existing codes and ordinances related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials. As discussed in Section 4.14, Public Services, in the certified EIR, the Project Proponent shall develop and implement a Fire Safety Plan that contains notification procedures and emergency fire precautions consistent with the 2016 California Fire Code and Kern County Fire Code for use during construction, operation and decommissioning, per implementation of Mitigation Measure MM 4.14-1. This plan includes required notification procedures and emergency fire precautions consistent with the 2016 California Fire Code and Kern County Fire Code and requires construction and O&M personnel to be trained to respond to small fires.

Like the approved project, the proposed modified project would install an energy storage facility and appurtenances that would provide energy storage capacity for the electric grid. The storage system would consist of battery banks housed in electrical enclosures and buried electrical conduit. The battery enclosures would have fire suppression equipment installed that would automatically suppress thermal emergencies. Dry chemicals, carbon dioxide, and foam are the preferred methods for extinguishing a fire involving batteries as water is not effective in extinguishing battery fires. Typically, Class D extinguishers are used for lithium-metal and other battery fires. The Kern County Fire Department, which would provide fire protection service to the proposed modified project site, would have the necessary tools to extinguish any fires generated on the proposed modified project site. Implementation of Mitigation Measures 4.14-1, which requires, the Project Proponent shall develop and implement a Fire Safety Plan, and 4.14-2, which provides fees to pay for additional County fire protection services, which would further reduce the fire risks onsite.

Finding

Like the approved project, the proposed modified project could expose occupants to pollutant concentrations from a wildfire or from the uncontrolled spread of a wildfire. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measures MM 4.14-1 and MM 4.14-2, described above in Findings for Public Services impacts.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.14-1 and MM 4.14-2, described above in Findings for Public Services impacts, would reduce impacts to less-than-significant levels.

Significant Effect

The approved project would require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment (Impact 4.18-3). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The project would include the construction of a gen-tie line, an overhead and underground collection system, solar panel arrays, an O&M facility, an energy storage facility, a collector substation, and internal and external roads that could potentially exacerbate fire risk and result in temporary or ongoing impacts to the environment. The 34.5 kilovolt (kV) collection system would connect to the transformers of each array. The collection system would likely be installed along internal access roads to collect power from the rows of panels and deliver it to the switching station. This collection system would likely be installed in subsurface trenches, though in some areas of the site, part or all of the collection system may be housed in above-grade facilities. The collection system would be rated at between 1,000 to 2,000 volts DC until it reached the inverters and a 34.5 kV AC intermediate voltage system between the inverters and the project switching station. Each of the project's facilities would include inverters, underground and overhead electrical collection systems, and fiber optics. Electrical collection systems would be installed in conjunction with panel arrays within the project site, connecting each solar panel to a feeder circuit; each feeder circuit would in turn be connected to the collector substation. The different solar panel circuits would gather into 34.5 kV circuits and either step-up to 230 kV at the United Street conversion station and/or step-up to 230 kV at the onsite substation. The power would then be delivered via 230 kV circuits to a grid interconnection point at the SCE Windhub Substation and/or Westwind Substation.

New internal roads would be constructed to serve as access roads from the existing road network to the solar array blocks. All road improvements would be completed per Caltrans and/or County code and regulations. These roads would be cleared and compacted for equipment and emergency vehicle travel and access to the solar blocks. These project site access roads would remain in place for ongoing operations and maintenance activities after construction is completed. Further, the approved project could also require new unpaved roads to be constructed off site to serve as access roads from the existing road network to the project. All new roads would comply with development requirements for emergency access and, therefore, would not exacerbate fire risk that could result in temporary or ongoing impacts to the environment.

Most fires in the desert are caused by lightning or vehicles. Lighting could hit the collection system or energy storage facility, potentially causing a wildfire. Further, as described above, the use of maintenance vehicles can increase fire risk due to driving heated mufflers over vegetated areas. Additionally, as discussed in the certified EIR, the project proponent/operator shall develop and implement a Fire Safety Plan that contains notification procedures and emergency fire precautions consistent with the 2016 California Fire Code and Kern County Fire Code for use during construction, operation and decommissioning, per implementation of Mitigation Measure MM 4.14-1. Implementation of this plan would ensure that potential impacts related to installation or maintenance of associated infrastructure is reduced and, thus, impacts would be less than significant.

Energy Storage System: An energy storage system with a maximum capacity of up to 3 gigawatt-hour (GWh) is proposed to be located adjacent to the collector substation and/or throughout the solar arrays. The battery system is DC coupled with the PV system, connecting electrically at the DC bus of the inverters. The same inverters, transformers, medium voltage equipment, and AC wiring all serves both the battery

energy storage system and the PV system. The approved project's battery storage would include multiple levels of protections against overcharge. The energy storage systems would be situated internally to the project site, with access from a primary fire apparatus roadway and would be separated from each other per the setback requirements in the California Building Code, Section 608. The proposed energy storage facilities also include the following important monitoring and safety components: (1) Modular battery racks designed for ease of maintenance, (2) Integrated heat and fire detection and suppression system, (3) Integrated air conditioning system and (4) Integrated battery management system. The heat and fire detection system would be linked to an automatic fire suppression system for each energy storage system. Critical information from the battery system, equipment data would be monitored by the battery monitoring system along with the solar plant performance with the SCADA control system. The battery management system would track the performance, voltage and current, and state of charge of the batteries, proactively searching for changes in performance that could indicate impending battery cell failure, and power down and isolate those battery strings in order to avoid potential failures. As discussed in Section 4.14, *Public Services*, of the certified EIR the project proponent/operator will develop and implement a Fire Safety Plan that contains notification procedures and emergency fire precautions consistent with the 2016 California Fire Code and Kern County Fire Code for use during construction, operation and decommissioning, per implementation of Mitigation Measure MM 4.14-1. Implementation of this plan would ensure that potential impacts related to installation or maintenance of associated infrastructure associated with the energy storage system is reduced and, thus, impacts would be less than significant.

Impacts of the Proposed Modified Project

The proposed modified project includes the construction of electrical infrastructure, including a gen-tie, overhead and underground collection system, solar panel arrays and energy storage equipment, a maintenance facility, and access roads (both inside and outside of the project site) that could potentially exacerbate fire risk and result in temporary or ongoing impacts to the environment. However, the certified EIR includes Mitigation Measure MM 4.14-1 that requires the preparation and implementation of a fire safety plan for construction, operation, and decommissioning of the approved project. Implementation of this plan for the proposed modified project would ensure that potential impacts related to installation or maintenance of associated infrastructure is reduced.

Finding

Like the approved project, the proposed modified project has the potential to exacerbate fire risk due to the installation or maintenance of associated project infrastructure. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.14-1, described above in Findings for Public Services impacts.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.14-1, described above in Findings for Public Services impacts, would reduce impacts to less-than-significant levels.

Significant Effect

The approved project could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes (Impact 4.18-4). The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

Development of the approved project would alter existing onsite drainage patterns and flowpaths compared to existing conditions and include the introduction of new impervious surfaces. The project would require implementation of a Stormwater Pollution Prevention Plan (SWPPP), which would include erosion and sediment control BMPs during construction, thereby reducing the potential of erosion and siltation during construction and would control potential flooding events that could occur during construction. Additionally, the proposed new impervious surfaces would generate additional stormwater runoff onsite, albeit in minor quantities compared to existing conditions. However, this could exacerbate potential erosion and sedimentation onsite or downstream. As discussed in Section 4.10, *Hydrology and Water Quality*, of the certified EIR, Kern County requires development of a drainage plan with the site development grading permit, which will manage stormwater and reduce the risk for offsite impacts due to erosion and impacts on water quality, as implemented by Mitigation Measure MM 4.10-1. Design measures are intended to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding on or off site. The drainage plan would include engineer recommendations meant to offset increases in stormwater runoff and would incorporate them into the project design. Since the project site is entirely undeveloped under existing conditions, the project would result in a net increase in the amount of impervious surfaces as a result of constructing equipment foundations, the O&M building and energy storage facilities foundations, and access roads. However, a majority of the project site would remain pervious. Implementation of Mitigation Measure MM 4.10-1 would minimize potential increases in runoff and ensure that the retention basins and other stormwater management features are implemented to minimize erosion and sedimentation to less than significant. As discussed in Section 4.10, *Hydrology and Water Quality*, of the certified EIR, most of the drainage flow within the project site infiltrates into the soils onsite.

The project site is located south and east of the Tehachapi Mountains and is relatively flat. Based on the fire history immediately surrounding the site, moderate zone designation, soil types, and surface hydrology, there is a low potential for the project site to be at risk of post-fire instability or drainage changes.

While the project would introduce new structures to the project site, the structures would not be placed in a highly flammable landscape. Furthermore, with the implementation of Mitigation Measure 4.10-1, any potential impacts from runoff and erosion would be minimized. Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant with the incorporation of Mitigation Measure MM 4.10-1.

Impacts of the Proposed Modified Project

Development of the proposed modified project would alter existing onsite drainage patterns and flow paths compared to existing conditions and include the introduction of new impervious surfaces. The proposed modified project would require implementation of a SWPPP, which would include erosion and sediment control BMPs during construction, thereby reducing the potential of erosion and siltation during construction and would control potential flooding events that could occur during construction. Additionally,

the proposed new impervious surfaces would generate additional stormwater runoff onsite, albeit in minor quantities compared to existing conditions. However, this could exacerbate potential erosion and sedimentation onsite or downstream. As discussed in *Hydrology and Water Quality* (Dudek 2018a), Kern County requires development of a drainage plan with the site development grading permit, which would manage stormwater and reduce the risk for offsite impacts because of erosion and impacts on water quality, as implemented by Mitigation Measure MM 4.10-1. Implementation of Mitigation Measure MM 4.10-1 would minimize potential increases in runoff and ensure that the retention basins and other stormwater management features are implemented to minimize erosion and sedimentation to less than significant.

The proposed modified project is located south and east of the Tehachapi Mountains and is relatively flat. Based on the fire history immediately surrounding the site, moderate zone designation, soil types, and surface hydrology,there is a low potential for the proposed modified project to be at risk of post-fire instability or drainage changes. While the proposed modified project would introduce new structures to the site, the structures would not be placed in a highly flammable landscape. Furthermore, with the implementation of Mitigation Measure MM 4.10-1, any potential impacts from runoff and erosion would be minimized. Therefore, the proposed modified project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Impacts would be less than significant withthe incorporation of Mitigation Measure MM 4.10-1.

Finding

Like the approved project, the proposed modified project has the potential to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. However, these impacts would be reduced to a less-than-significant level with the implementation of Mitigation Measure MM 4.10-1, described above in Findings for Hydrology and Water Quality impacts.

Level of Significance

Impacts would be less than significant with implementation of mitigation.

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 4.10-1, described above in Findings for Hydrology and Water Quality impacts, would reduce impacts to less-than-significant levels.

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

The approved project and proposed modified project would not have any environmental effects related to wildfire 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 approved project and proposed modified project would not have any cumulative effects on wildfire that would be less than significant.

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

Significant Effect

The approved project could result in a cumulatively considerable impact to wildfire. The proposed modified project does not change the finding in the certified EIR for this impact.

Description of Significant Impact

Impacts of the Approved Project

The geographic scope for wildfire impacts is considered the Antelope Valley. This geographic scope was selected because the land within the region possesses relatively similar uses, including sparse desert vegetation, rural access roads, scattered rural residences, producing and non-producing water wells, cattle ranching and maintenance facilities, mining, wind and solar energy uses. As shown in Chapter 3, *Project Description*, Table 3-5, *Cumulative Projects List*, there are approximately 73 projects proposed or approved throughout the Antelope Valley in Kern County and in the desert portion of Kern County outside the Antelope Valley, and an additional 27 projects proposed throughout Lancaster, Palmdale, and Unincorporated Los Angeles County. Of the approximately 73 total projects in Kern County, 43 would be located within 6 miles of the project site and 35 would be located within 1 mile of the project site.

With regard to impairment of an adopted emergency response plan or emergency evacuation plan, all of the related projects would be required to provide adequate emergency access in accordance with County Fire Code and Building Code requirements and prior to the issuance of a building permit. As concluded in the discussion of project impacts above, the project would have a less than significant impact related to impairment of an adopted emergency response or evacuation plan. Nevertheless, given the location in a rural area and limited infrastructure, the project and related projects have the potential to result in a cumulative impact to an adopted emergency response plan or emergency evacuation plan and, thus, would result in a significant and unavoidable cumulative impact.

With regard to cumulative impacts related to exposure of project occupants to pollutant concentrations from a wildfire, while the approved project is not within a LRA, SRA, or FRA identified as having substantial or very high fire risk, some related projects in the area may be. Similar to the approved project, all related projects would be required to implement a Fire Safety Plan similar to the one required by Mitigation Measure MM 4.14-1 and would be required to implement building and landscape design features in accordance with the Fire Code and Building Code to reduce wildfire risk and exposure of occupants to pollutant concentrations from a wildfire. Adherence to the Fire Code and Building Code requirements would minimize potential impacts related to exposure to and the uncontrolled spread of a wildfire. As concluded in the discussion of project impacts above, the project would have a less-than-significant impact related to exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Nevertheless, given the location in a rural area and limited infrastructure, the project and related projects have the potential to result in a cumulative impact related to exposure of project occupants to pollutant concentrations from a wildfire and, thus, would result in a significant and unavoidable cumulative impact.

Related projects may require associated infrastructure such as roads, fuel breaks, and power lines that could exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. These projects would be reviewed by Kern County for land use and zoning consistency and compliance with applicable requirements, and potentially analyzed for environmental impacts. The placement of infrastructure would adhere to all fire codes to minimize the potential fire risk such as siting and design. The approved project

would include the construction of a gen-tie line, an overhead and underground collection system, solar panel arrays, an O&M facility, an energy storage facility, a collector substation, and internal and external roads. While the potential for fire is considered moderate, Mitigation Measure MM 4.14-1 would be implemented to ensure that a Fire Safety Plan is prepared, that contains notification procedures and emergency fire precautions consistent with the 2016 California Fire Code and Kern County Fire Code, for use during project construction, operation and decommissioning. Nevertheless, given the location in a rural area and limited infrastructure, the project and related projects have the potential to result in a cumulative impact related to the installation or maintenance of associated infrastructure and, thus, would result in a significant and unavoidable cumulative impact.

Some related projects could be proposed in areas that could expose people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire instability. Based on the recent fire events in California, all projects would be required to adhere to Kern County's zoning and land use designations and codes, State and local fire codes, and regulations associated with drainage and site stability. These regulations, policies, and codes would reduce the potential for exposing people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire instability. Each project would require site-specific hydrology and drainage studies for effective drainage design. As concluded in the discussion of project impacts above, with the implementation of Mitigation Measure MM 4.10-1, the project would not expose people or structures to significant risks due to post-fire slope instability or drainage changes and would have a less-than-significant impact. Nevertheless, given the location in a rural area and limited infrastructure, the project and related projects have the potential to result in a cumulative impact related to exposing people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes and, thus, would result in a significant and unavoidable cumulative impact.

Impacts of the Proposed Modified Project

Similar to the approved project and for the same reasons, the proposed modified project could contribute to cumulative impacts related to wildfire. The proposed modified project would implement Mitigation Measure MM 4.14-1 and Mitigation Measure MM 4.10-1, which would reduce potential impacts. However, given the location in a rural area and limited infrastructure, the project and related projects have the potential to result in cumulative impacts related to wildfire.

Finding

Like the approved project, the proposed modified project would contribute to cumulative impacts related to wildfire. Even with implementation of Mitigation Measures MM 4.10-1, described above in Findings for Hydrology and Water Quality, and MM 4.14-1, described above in Findings for Public Services, cumulative impacts would be significant and unavoidable.

Level of Significance

Cumulative impacts would be significant and unavoidable, even with implementation of mitigation.

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 4.10-1, described above in Findings for Hydrology and Water Quality, and MM 4.14-1, described above in Findings for Public Services, would reduce impacts but not to a less-than-significant level. Impacts would remain significant and unavoidable.

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 previously certified FEIR are set forth to comply with the requirements of Section 15126.6 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 approved project were considered in evaluating the alternatives. These objectives were as follows:

- Establish a large-scale solar photovoltaic (PV) and energy storage power-generating facility of sufficient size and configuration to produce reliable electricity in an economically feasible and commercially financeable manner that can be marketed to different power utility companies.
- Develop a site that was partially previously disturbed (northern site) in proximity to transmission infrastructure in order to minimize environmental impacts.
- Use proven and established PV and energy storage technology that is efficient, requires low maintenance, and is recyclable.
- Maximize the use of existing transmission infrastructure.
- Ensure that the project can be constructed in a technologically feasible manner and operated in a manner that allows electricity to be provided at a competitive price.
- Assist Kern County in promoting its role as the State's leading producer of renewable energy.
- Provide green jobs to Kern County and the state of California.
- Site and design the project is an environmentally responsible manner consistent with current Kern County guidelines.
- Support California's efforts to reduce greenhouse gas (GHG) emissions consistent with the timeline established in 2006 under California Assembly Bill 32, the Global Warming Solutions Act of 2006, which requires the California Air Resources Board to reduce statewide emissions of GHGs to at least the 1990 emissions level by 2020. This timeline was updated in 2016 under Senate Bill 32, which requires that statewide GHG emissions are reduced to at least 40 percent below the statewide GHG emissions limit by 2030.

ALTERNATIVE 1: NO PROJECT ALTERNATIVE

The *CEQA Guidelines* require EIRs to include a No Project Alternative for the purpose of allowing decision makers to compare the effects of approving the project versus a No Project Alternative. Accordingly, Alternative 1, the No Project Alternative, assumed that the development of the previously approved (up to) 300 MW solar PV facility with up to 3 GWh of energy storage on the 2,006-acre site would not occur. The No Project Alternative would not require Conditional Use Permits (CUPs) for construction and operation of the proposed solar and energy storage project and no physical changes would be made to the project site.

Finding

The No Project Alternative would avoid creating all of the significant and unavoidable impacts associated with the previously approved project. This alternative would result in similar impacts related to tribal cultural resources. This alternative would result in less impact to all remaining environmental issue areas with the exception of GHGs; since this alternative would not offset GHGs through the operation of a solar energy facility, impacts to GHGs would be greater under this alternative.

The No Project Alternative would not achieve any of the previously approve project objectives listed above, including assisting California in meeting its GHG emissions reduction goals. Although this alternative would create less environmental impacts overall, the objectives that shape the project would not be realized under this alternative.

ALTERNATIVE 2: GENERAL PLAN/SPECIFIC PLAN AND ZONING BUILD-OUT ALTERNATIVE

Alternative 2, the General Plan/Specific Plan and Zoning Build-Out Alternative, would develop the previously approved project site to the maximum intensity allowed under the existing Kern County General Plan land use and zoning classifications. According to the Kern County General Plan, the 4.1 (Accepted County Plan Areas) land use designation applies to areas where specific land use plans have already been prepared and approved. In the case of the previously approved project site, the approved project is within the boundaries of both the Mojave Specific Plan and West Edwards Road Settlement Specific Plan. The portion of the project site within the Mojave Specific Plan is designated as Map Codes 8.5 (Resource Management – Minimum 20-Acre Size). The portion of the approved project site within the West Edwards Road Settlement Specific Plan is designated as Map Code 8.5 (Resource Management – Minimum 20-Acre Size) and 8.5/2.4 (Resource Management – Minimum 20-Acre Size/Steep Slope).

The approved project site has various zone classifications which include: A (Exclusive Agriculture), A-1 (Limited Agriculture), and A-1 H (Limited Agriculture – Airport Approach Height Combining), and A-1 FPS (Limited Agriculture – Floodplain Secondary Combining). No solar facilities would be developed under this alternative and, therefore, no zone changes for solar facility construction and operation would be required for this alternative. The approved project site would be developed in accordance with the existing agricultural zone designations.

Implementation of Alternative 2 would consist of developing the project site under the current land use classification of 4.1 (Mojave Specific Plan and West Edwards Road Settlement Specific Plan), 8.5 (Resource Management – Minimum 20-Acre Size) and 8.5/2.4 (Resource Management – Minimum 20-Acre Size/Steep Slope). The 8.5 (Resource Management – Minimum 20-Acre Size) land use designation applies primarily to open space lands containing important resources, such as wildlife habitat, scenic values, or watershed recharge areas. Typical uses include livestock grazing, farming and ranching, nature preserves, water storage and groundwater recharge areas, irrigated croplands, and open space and recreation. The minimum allowable parcel size in the 8.5 (Resource Management – Minimum 20-Acre Size) land use designation is 20 acres gross, except lands subject to a Williamson Act Contract/Farmland Security Zone Contract, in which case the minimum parcel size is 80 gross acres. The 2.4 classification pertains to land with an average slope of 30 percent or steeper.

Finding

Alternative 2 would result in less impact to aesthetics, hazards and hazardous materials, and land use and planning. The alternative would result in similar impacts to agriculture and forestry resources, mineral resources, tribal cultural resources, and wildfires. This alternative would result in greater impacts in all remaining environmental issue areas. This alternative would eliminate aesthetics significant and unavoidable impacts. However, this alternative would not eliminate significant and unavoidable impacts

associated with air quality (project and cumulative), biological resources (cumulative only), noise (project only), and wildfire (cumulative only). This alternative would also create additional significant and unavoidable impacts related to biological resources (project); cultural resources (project) and geology and soils (project).

Alternative 2 would not achieve any of the previously approved project objectives, including the project objective related to assisting California in meeting its greenhouse gas emissions reduction goals by 2020 and 2030 as required by the California Global Warming Solutions Act (Assembly Bill [AB] 32), as amended by Senate Bill 32 in 2016.

ALTERNATIVE 3: REDUCED ACREAGE ALTERNATIVE

Under Alternative 3, the Reduced Acreage Alternative, the northern site of the previously approved project site would be developed with a solar facility and associated infrastructure with the capacity to generate up to 155 MW of renewable electric energy. Under this alternative, the southern site of the approved project would not be developed for solar energy production and would remain undeveloped. The two options for gen-tie interconnection would remain unchanged. Development of the northern site would include an O&M facility, installation of an energy storage facility and associated infrastructure, and an onsite substation that would be located in the northwest portion of the northern site, as under the project. Eliminating development of the southern site from the project would reduce the previously approved project's total generation capacity from 300 MW to 155 MW, and reduce the developed area from approximately 2,006 acres to 1,041 acres. Similar to the project, this alternative would require zone changes and CUPs for construction and operation of a commercial solar electrical generating facility, as well as the amendment to the Mojave Specific Plan Circulation Element to allow for the removal of the future road reservation along Purdy Avenue from United Street to Fifth Street.

Finding

Alternative 3 would be reduced in size compared to the previously approved project, and would generate approximately 155 MW with up to 3 GWh of energy storage, due to the proportional reduction in project size and therefore, all construction and operational methods, workforce, and timing for Alternative 3 would be reduced in comparison with the project. Due to the reduced footprint, Alternative 3 would result in less or similar impacts for many of environmental issue areas. However, this alternative would result in greater impacts to GHG emissions given its reduced solar energy output. In addition, this alternative would not eliminate significant and unavoidable impacts associated with aesthetics (project and cumulative), air quality (project and cumulative), biological resources (cumulative only), noise (project only), and wildfire (cumulative only).

Under Alternative 3, the approved project would not develop the southern site and would reduce the project's footprint from 2,006 acres to 1,041 acres. Although this alternative would achieve some of the project objectives, it would not achieve the goals of developing facilities to produce the necessary amount of clean electricity to help achieve California's renewable energy goals to the degree associated with the project. This alternative would meet the objective of developing the facility in proximity to an available connection to the existing electrical distribution infrastructure and customer loads; minimizing environmental impacts by using existing electrical distribution facilities; minimizing impacts on threatened and/or endangered species; minimizing water use; reducing GHG emissions; and using technology that is available, proven, efficient, and easily maintained, recyclable, and environmentally sound. Because of its reduced size, it is unknown if Alternative 3 would achieve the project objectives of producing reliable electricity in an economically feasible and commercially financeable manner and producing and transmitting electricity at a competitive cost.

ALTERNATIVE 4: NO GROUND-MOUNTED UTILITY-SOLAR DEVELOPMENT – DISTRIBUTED COMMERCIAL AND INDUSTRIAL ROOFTOP SOLAR ONLY ALTERNATIVE

Alternative 4 would involve the development of a number of geographically distributed small to medium solar PV systems (100 kilowatt-hours to 1 MW) within existing developed areas, typically on the rooftops of commercial and industrial facilities situated throughout western Antelope Valley. 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 2,006 acres of total rooftop area) may be required to attain approved project's capacity of 300 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. Alternative 4 would generate 300 MW of electricity, but it would be for onsite 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. Similar to the approved project, this alternative would be designed to operate year-round using PV panels to convert solar energy directly to electrical power. Power generated by such distributed solar PV systems would typically be consumed onsite by the commercial or industrial facility without requiring the construction of new electrical substation or transmission facilities.

Finding

Alternative 4 would result in less impact related to aesthetics, agriculture and forestry resources, air quality, cultural resources, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, public services, transportation, utilities and service systems, and wildfires. Further, this alternative would avoid the significant and unavoidable impacts to aesthetics (project and cumulative), air quality (project and cumulative), biological resources (cumulative only), and noise (project and cumulative) that would occur under the approved project.

This alternative would partially satisfy the project objective of assisting California in meeting its greenhouse gas emissions reduction goals by 2020 and 2030 as required by the California Global Warming Solutions Act (AB 32), as amended by Senate Bill 32 in 2016. However, up to 3 GWh of energy storage (a component of the proposed project) would not be constructed under this alternative. This alternative would not achieve other project objectives including developing on a previously disturbed site that is close to transmission infrastructure in order to minimize environmental impacts and maximizing the use of existing transmission infrastructure. Additionally, there are some drawbacks to this alternative that include, but not limited to those listed below.

- Up to 3 GWh of energy storage would not be included.
- The system would not likely be built out within a timeframe that would be similar to that of the approved 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.
- The project proponent does not have immediate control or access to potential urban sites that could accommodate facilities to generate 300 MW of solar power.
- A distributed system of the scale of the project would be cost-prohibitive.

This alternative theoretically has the potential to generate of up to 300 MW of electricity but it would be used on the sites generating the power, and would not achieve the project objective of assisting California

load-serving entities in meeting their obligations under California's RPS Program. Additionally, this alternative does not include up to 3 GWh of energy storage. Given the size of the approved project, the previously approved project objectives, and the need to arrange a suitable assemblage of participating commercial and industrial properties, it is impractical and infeasible to propose a distributed generation project of this type and still proceed within a reasonably similar timeframe.

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

As presented in the comparative analysis in Chapter 6, *Alternatives*, of the previously certified EIR, and as shown in Table 6-2 of the certified EIR, there are a number of factors in selecting the environmentally superior alternative. An EIR must identify the environmentally superior alternative to the proposed project.

Section 15126.6(e)(2) of the *CEQA Guidelines* states that if the No Project Alternative is found to be environmentally superior, "the EIR shall also identify an environmentally superior alternative among the other alternatives." Because Alternative 1 cannot be the Environmentally Superior Alternative under CEQA, the Environmentally Superior Alternative is considered to be Alternative 4.

This alternative would avoid significant and unavoidable impacts to aesthetics, air quality, and biological resources. Impacts related to GHG emissions would be greater under this alternative due to the lower efficiency of the distributed systems, which would not include solar tracking technology or up to 3GWh of energy storage. This alternative could potentially result in greater impacts to land use and wildfire risks due to the numerous power lines that would be required to harness the distributed solar panel energy. However, this alternative would result in less impact to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, public services, transportation, utilities and service systems and wildfire. Thus, for most environmental issue areas, this alternative would result in fewer environmental impacts, both short-term and long-term, when compared to the project.

It is important to note that it is considered to be impracticable and infeasible to construct the No Ground-Mounted Utility-Solar Development Alternative within the same timeframe and/or with the same efficiency as the project because the project proponent lacks control and access to the sites required to develop 300 MW of distributed solar generated electricity and the required land to support up to 3GWh of energy storage. In addition, this alternative would not achieve the project objective of assisting California load-serving entities in meeting their obligations under California's RPS Program. Nonetheless, because this alternative reduces impacts to a greater degree than the General Plan and Zoning Build-Out Alternative and

Reduced Acreage Alternative, the No Ground-Mounted Utility-Solar Development Alternative is considered the Environmentally Superior Alternative.

Exhibit B
15093 Statement of Overriding Considerations

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS

***CEQA Guidelines* Section 15093**

Sanborn Solar Project

By Sanborn Solar, LLC (PP19102)

ZCC No. 56, Map No. 196
ZCC No. 2, Map No. 212
ZCC No. 59, Map No. 213
CUP No. 45, Map No. 196
CUP No. 5, Map No. 212
CUP No. 66, Map No. 213
Mojave SPA No. 30, Map No. 196

Final Environmental Impact Report

SCH# 2019060259

Addendum 1 for the Sanborn 2.0 Solar Project

By Sanborn Solar, LLC (PP22403)

CUP No. 60, Map No. 196
CUP No. 61, Map No. 196

Lead Agency: Kern County Planning and Natural Resource Department

EXHIBIT B

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 Sanborn Solar Project (previously approved project) and the proposed modified 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 as significant and unavoidable adverse impacts, as discussed in the Final Environmental Impact Report (FEIR), Addendum to the FEIR, and CEQA findings of fact. These proposed modified project's significant and unavoidable impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

1) Like the previously approved project, the proposed modified project would, in nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings. Implementation of the proposed modified project would result in significant visual impacts to the existing visual quality or character of the site and surrounding area. As shown in Figures 4.1-2 through 4.1-6 of the EIR Addendum, the visual change associated with project development would be somewhat muted when viewed from a distance of greater than 1 mile. With distance, the effects associated with removal of vegetation from the northern and southern sites would be masked by dense groupings of solar arrays. Similarly, thousands of solar arrays viewed from distance would begin to appear similar to other dark tones associated with distant terrain in the landscape. However, visual change would be evident from Business Route East 58. Even with distance and diminished visibility, the visual change associated with the introduction of extensive solar development on currently undeveloped desert terrain would likely attract attention. Further, the introduction of thousands of solar panels, the energy storage facility and associated facilities would increase the footprint of solar and electrical transmission development in the Mojave area.

   Mitigation measures would be incorporated to reduce visual impacts including limiting vegetation removal, planting native vegetation, providing privacy fencing adjacent to residential zoned parcels that would reduce the visibility of the project features, and ensuring the site is kept free of trash and debris. Native vegetation would be left in place around the proposed project area where feasible, allowing for a natural screening of project components. Furthermore, the color treatment of buildings would help these components to better blend in with the natural landscape. However, because there are no feasible mitigation measures that can be implemented to maintain the existing open and undeveloped desert landscape character of the project site, impacts to visual resources would remain significant and unavoidable.

2) Like the previously approved project, the proposed modified project would result in cumulative aesthetics impacts related to visual character and light and glare. The proposed modified project in combination with the approved project and cumulative projects would have significant and unavoidable impacts related to aesthetics. As detailed in the Addendum there are several renewable energy projects and electrical infrastructure in the vicinity of the proposed modified project, including the Edwards AFB Solar Project, the RE Columbia Two Solar Project, and the Windhub Solar Project. Other nearby solar projects include RE Clearwater Solar Project, RE Yakima Solar Project, SEPV Solar Project, Columbia Solar Three, and Rio Grande Project. While other projects in the region would also be required to implement various mitigation measures to reduce aesthetic impacts, the conversion of thousands of acres in a presently rural area to solar and wind energy production uses cannot be mitigated to a degree that impacts are no longer significant. Even with

implementation of mitigation, the proposed modified project's contribution to significant impacts associated with visual character in the Antelope Valley would be significant and unavoidable.

The proposed modified project would result in less than significant impacts related to light and glare with the implementation of mitigation. Similarly, cumulative projects in the region would also be required to implement various mitigation measures to reduce light and glare impacts. However, given the number of proposed cumulative projects directly adjacent to and within proximity of the project and the conversion of thousands of acres of land in a presently rural area, even with implementation of mitigation, the proposed modified project, approved project, and cumulative projects combined would result in significant and unavoidable cumulative impacts related to light and glare.

3) Like the previously approved project, the proposed modified project would conflict with or obstruct implementation of the applicable air quality plan. Compliance with Eastern Kern County Air Pollution Control District (EKAPCD) Rule 402 and implementation of standard dust control procedures would substantially reduce effects on air quality resulting from the release of fugitive dust during construction. However, while mitigation measures would be implemented during construction and decommissioning of the proposed modified project that would reduce emissions of criteria air pollutants, emissions of PM_{10} and $PM_{2.5}$ would not be reduced below the EKAPCD significance threshold. Short-term exceedances during construction and decommissioning could obstruct EKAPCD's ability to achieve further progress toward attainment of ambient air quality standards. Therefore, construction and decommissioning of the proposed modified project would conflict with or obstruct the air quality planning goals set forth by EKAPCD, and would result in a significant and unavoidable temporary impact.

4) Like the previously approved project, the proposed modified project would expose sensitive receptors to substantial pollutant concentrations. As mentioned above, while mitigation measures would be implemented during construction and decommissioning of the proposed modified project that would reduce emissions of criteria air pollutants, emissions of PM_{10} would not be reduced below the EKAPCD significance threshold. Therefore, temporary construction and decommissioning impacts of the proposed modified project would be significant and unavoidable.

5) Like the previously approved project, the proposed modified project would result in a cumulatively considerable net increase of a criteria pollutant for which the projects' region (EKAPCD) is nonattainment under applicable federal or state ambient air quality standards (including released emissions that exceed quantitative thresholds for ozone precursors), as documented in the certified EIR. There are a number of projects in the vicinity of the proposed modified project with the potential for overlapping construction schedules. The associated emissions of PM_{10}, when cumulatively considered, could be above the respective significance thresholds and therefore could result in significant impacts related to the generation of fugitive dust, particulate matter exhaust, and ozone precursors. Given the proposed modified project exceeds EKAPCD standard for construction-related PM_{10} emissions, construction and decommissioning of the project would result in a significant and unavoidable cumulative impact, as in the certified EIR.

6) Like the previously approved project, the proposed modified project would result in cumulative air quality impacts. Emissions from the simultaneous construction of multiple cumulative projects in conjunction with the proposed modified project could result in an exceedance of EKAPCD's annual

and/or daily significance thresholds. Given that the proposed modified project area is currently nonattainment of state standards for ozone and PM_{10}, which represents an existing adverse condition, and since the proposed modified project's construction and decommissioning emissions would exceed the EKAPCD annual threshold for PM_{10}, the proposed modified project's contribution to air quality impacts related to temporary construction and decommissioning impacts would be cumulatively considerable, and the associated cumulative impact as it relates to CEQA would be significant and unavoidable even with implementation of mitigation measures.

7) Like the previously approved project, the proposed modified project would result in cumulative biological resources impacts. Given the number of present and reasonably foreseeable future development projects in the Antelope Valley, the proposed modified project, when combined with the approved project and other projects, would have an incremental contribution to cumulative loss of foraging and nesting habitat for special-status species, including migratory birds. Implementation of Mitigation Measures would reduce impacts to biological resources to less-than-significant levels on the project-level scale. However, the proposed modified project in combination with other related development projects proposed throughout the County, would cause significant and unavoidable cumulative impacts. Despite implementation of mitigation, cumulative impacts would be significant and unavoidable to wildlife species, including desert tortoise, burrowing owl, raptors, desert kit fox, and migratory birds known to occur or with potential to occur on the project site.

8) Like the previously approved project, the proposed modified project would result in cumulative wildfire impacts. As described in the Addendum, the proposed modified project would have a less-than-significant impact related to impairment of an adopted emergency response or evacuation plan. Nevertheless, given the location in a rural area and limited infrastructure, the proposed modified project, the approved project, and related projects have the potential to result in a cumulative impact to an adopted emergency response plan or emergency evacuation plan and, thus, would result in a significant and unavoidable cumulative impact.

   With regard to cumulative impacts related to exposure of project occupants to pollutant concentrations from a wildfire, while the proposed project is not within a Local Responsibility Area, State Responsibility Area, or Federal Responsibility Area identified as having substantial or very high fire risk, some related projects in the area may be. Implementation of mitigation and adherence to regulations would minimize potential impacts related to exposure to and the uncontrolled spread of a wildfire. The proposed modified project would have a less-than-significant impact related to exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Nevertheless, given the location in a rural area and limited infrastructure, the proposed modified project, approved project and related projects have the potential to result in a cumulative impact related to exposure of project occupants to pollutant concentrations from a wildfire and, thus, would result in a significant and unavoidable cumulative impact.

   Related projects may require associated infrastructure such as roads, fuel breaks, and power lines that could exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Despite implementation of the mitigation and adherence to all regulations, given the location in a rural area and limited infrastructure, the proposed modified project, approved project, and related projects have the potential to result in a cumulative impact related to the installation or

maintenance of associated infrastructure and, thus, would result in a significant and unavoidable cumulative impact.

Some related projects could be proposed in areas that could expose people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire instability. Each project would require site-specific hydrology and drainage studies for effective drainage design. With the implementation mitigation, the project would not expose people or structures to significant risks due to post-fire slope instability or drainage changes and would have a less-than-significant impact. Nevertheless, given the location in a rural area and limited infrastructure, the proposed modified project, approved project and related projects have the potential to result in a cumulative impact related to exposing people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes and, thus, would result in a significant and unavoidable cumulative impact.

Findings

This Board of Supervisors finds and determines that it has considered the identified means of lessening or avoiding the proposed modified project's significant effects and 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. The Board of Supervisors further finds and determines that the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits of the proposed modified project, as discussed below, outweigh its unavoidable adverse environmental effects. Such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (*CEQA Guidelines* Section 15092(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 Certified EIR, the Addendum to the Final EIR, and the record of proceedings for the proposed modified project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the proposed modified 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 Board of Supervisors 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 proposed modified project, independent of the other benefits, and the Board of Supervisors determines that the adverse environmental impacts of the project are "acceptable" if any of these benefits would be realized. The proposed modified project would provide benefits to the County of Kern as follows:

1) The modified project would utilize approximately 1,200 acres of vacant land in unincorporated Kern County with little water for a renewable energy project over 30 to 35 years, which will pay property taxes and fees to the General Fund for the benefit of unincorporated Kern County. With implementation of the adopted revised mitigation, the project will contribute an estimated annual $600,000 to the General Fund and an estimated one-time $197,000 in sales tax revenue for the Board of Supervisors' use in benefiting the residents of unincorporated Kern County. With build out of the projected 4 gigawatt-hours (GWh) of battery storage, property tax revenue to the

County would produce an estimated five million per year with an estimated total of over $155 million over a 30-year project life.

2) The proposed modified project would establish a solar PV power-generating facility capable of producing approximately 220 megawatts of electricity and up to 4 gigawatt-hours (GWh) of energy storage capacity and help meet the increasing demand of the State of California for clean, renewable electrical power at a competitive cost.

3) The proposed modified project would generate an estimated average of 475 daily average workers during construction, with a peak of up to 800 workers for short periods of time, and up to 6 full time equivalent (FTE) jobs during operations, which would provide increased business for local contractors and vendors.

4) The proposed modified project would minimize environmental effects by:

   a) Using existing electrical facilities, rights-of way, roads, and other existing infrastructure, where practicable;

   b) Minimizing water use; and

   c) Reducing greenhouse gas emissions.

5) The proposed modified project supports California's efforts to reduce greenhouse gas emissions consistent with the timeline established in 2006 under California Assembly Bill 32, the Global Warming Solutions Act of 2006, which requires the California Air Resources Board to reduce statewide emissions of greenhouse gasses to at least the 1990 emissions level by 2020. This timeline was updated in 2016 under SB 32, which requires that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit by 2030.

6) By providing a significant new source of renewable energy, the project would assist the state of California in achieving the Renewables Portfolio Standard goal of 60 percent of electric retail sales be provided by renewable energy by 2030 (California State AB 32, SB 1078, SB 107, SB 350 and SB 2).

Exhibit C
Mitigation Measure Monitoring Program (MMMP)

EXHIBIT C

DRAFT

Mitigation Measure Monitoring Plan (MMMP)

Addendum 1 to the Environmental Impact Report
For the Sanborn Solar Project

Sanborn 2.0 Solar Project
By Sanborn Solar, LLC (PP22403)

CUP No. 60, Map No. 196
CUP No. 61, Map No. 196

Final Environmental Impact Report

SCH# 2019060259

Lead Agency: Kern County Planning Natural Resources Department

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.1	**Aesthetics**				
1.	**MM 4.1-1:** Prior to issuance of a grading or building permit, a Maintenance, Trash Abatement, and Pest Management Program shall be submitted for review and approval to the Kern County Planning and Natural Resources Department. The program shall include, but not be limited to the following: a. The project proponent/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. b. The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris. Correspondence with such requests and responses shall be submitted to the Kern County Planning and Natural Resources Department. c. The project proponent/operator shall implement a regular trash removal and recycling program on an ongoing basis during construction and operation of the project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans. d. Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.	Prior to issuance of building permits and during construction and operation	Kern County Planning and Natural Resources Department; Kern County Waste Management Department; Recycling Coordinator; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. Recycle construction waste to the extent feasible. C. The project proponent shall create and implement a Maintenance, Trash Abatement, and Pest Management Program for review and approval for review and approval by the Kern County Planning and Natural Resources Department. D. Kern County Building Inspection Department will verify in the field during the construction period.			
2.	**MM 4.1-2:** The project proponent shall install metal fence slats or similar view-screening materials, as approved by the Kern County Planning and Natural Resources Department, in all on-site perimeter fencing for any portion of the solar site that is adjacent to parcels zoned for residential use, including 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 proponent (to be verified	During construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval.			

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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.1	**Aesthetics**				
	by the Kern County Planning and Natural Resources Department) or a public or private agency that has submitted correspondence to the Kern County Planning and Natural Resources Department requesting this requirement to be waived. Should the project proponent sell the adjacent property, slat fencing or similar view-screening materials shall be installed prior to the sale.	B. Kern County Planning and Natural Resources Department will verify ownership of adjacent property and will approve metal fence slats or other similar view-screening materials. C. The project proponent shall install metal fence slats or similar view-screening materials.			
3.	**MM 4.1-3:** Prior to the issuance of the building permit for the solar facility, the project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the Kern County Panning and Natural Resources Department, that will ensure all project facilities including operations and maintenance buildings, gen-tie poles, array facilities, etc. blend in with the colors found in the natural landscape. All color treatments shall result in matte or nonglossy finishes.	Prior to issuance of building permits and during construction and operation.	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit a proposed color scheme and treatment plan for approval by the Kern County Panning and Natural Resources Department. C. Kern County Planning and Natural Resources Department will verify compliance prior to the issuance of building permits.			
4.	**MM 4.1-4:** Wherever possible, within the proposed project boundary, the natural vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. All natural vegetation adjacent to the proposed project boundary shall remain in place as permitted by Fire Code. Prior to the commencement of project operations and decommissioning, the project proponent/operator shall submit a Landscape Revegetation and Restoration Plan for the project site to the Kern County Planning and Natural Resources Department for review and approval. The plan shall include the measures detailed below. a. In areas temporarily disturbed during construction and decommissioning (including grading or removal of root balls resulting in loose soil), the ground surface shall be revegetated with a native seed mix or native plants (including Mohave creosote scrub habitat) and/or allowed to re-vegetate with the existing native seed bank in the top soil where possible to establish	During construction and operation and decommissioning	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. Project proponent shall submit a landscape re-vegetation and restoration plan to the Kern County Planning and Natural Resources Department for approval prior to project operation. C. The project proponent shall submit evidence of implementation of compliance to the Kern County Planning and Natural Resources Department with practices as outlined in mitigation.			

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4.1	**Aesthetics**				
	revegetation. Areas that contain permanent features such as perimeter roads, maintenance roads or under arrays do not require revegetation. b. The plan must include but is not limited to: (1) the approved California native seed mix that will be used onsite, (2) a timeline for seeding the site, (3) the details of which areas are to be revegetated, (4) a list of the consultation efforts completed, (5) the methods and schedule for installation of fencing that complies with wildlife agency regulations, and a clear prohibition of the use of toxic rodenticides. c. Ground cover shall include native seed mix and shall be spread where earthmoving activities have taken place, as needed to establish re-vegetation. The seed mix or native plants shall be determined through consultation with professionals such as landscape architect(s), horticulturist(s), botanist(s), etc. with local knowledge as shown on submitted resume and shall be approved by the Kern County Planning and Natural Resources Department prior to planting. Phased seeding may be used if a phased construction approach is used (i.e., the entire site need not be seeded all at the same time). d. Vegetation/ground cover shall be continuously maintained on the site by the project operator. e. The re-vegetation and restoration of the site shall be monitored annually for a three-year period following restoration activities that occur post-construction and post-decommissioning. Based on annual monitoring visits during these three-year periods, an annual evaluation report shall be submitted to the Kern County Planning and Natural Resources Department for the three-year period. Should efforts to revegetate with the existing native seed bank in the top soil prove in the second year to not be successful by 75 percent cover rate, re-evaluation of revegetation methods shall be made in consultation with the Kern County Planning and Natural Resources Department and an additional year shall be added to the monitoring program to ensure coverage is achieved. The three-year monitoring program is intended to ensure the site naturally achieves native plant diversity, establishes perennials, and is consistent with conditions prior to implementation of the proposed project, where feasible.				

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.1	**Aesthetics**				
5.	**MM 4.1-5:** Prior to final activation of the solar facility, the project proponent shall demonstrate to Kern County Planning and Natural Resources Staff that the project site complies with the applicable provisions of the Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance), 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 be exposed or extend below the shields.	Prior to final activation of the solar facility and during operation.	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall ensure all outdoor lighting meet the minimum requirements for safety and security standards as well as provide the minimum illumination needed to achieve safety and security objectives as outlined in the mitigation. C. The Kern County Building Inspection Department shall verify compliance in the field.			
6.	**MM 4.1-6:** Prior to the issuance of building permits, the project proponent shall demonstrate the solar panels and hardware are designed to minimize glare and spectral highlighting. Emerging technologies shall be used, such as diffusion coatings and nanotechnological innovations, to effectively reduce the refractive index of the solar cells and protective glass. These technological advancements are intended to make the solar panels more efficient with respect to converting incident sunlight into electrical power while also reducing the amount of glare generated by the panels. Specifications of such designs shall be submitted to the Kern County Planning and Natural Resources Department.	Prior to issuance of building permits and during construction and operation.	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall ensure that all panels and hardware utilizes advanced technologies utilized to the extent possible to minimize glare and spectral highlighting as outlined in mitigation. C. Project design specifications shall be submitted to the Kern County Planning and Natural Resources Department for approval. D. The Kern County Building Inspection Department shall verify compliance in the field.			

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.1	**Aesthetics**				
7.	**MM 4.1-7:** Prior to final activation of the solar facility, the project operator shall demonstrate that all on-site buildings utilized non-reflective materials, as approved by the Kern County Planning and Natural Resources Department.	Prior to final activation of the solar facility	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project operator shall demonstrate that all on-site buildings utilized non-reflective materials, as approved by the Kern County Planning and Natural Resources Department. C. 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 approved Final EIR and Addendum EIR to the extent feasible.					
4.3	**Air Quality**				
8.	**MM 4.3-1: Implement Diesel Emission-Reduction Measures During Construction.** To control particulate matter emissions during construction, the project proponent/operator and/or its contractor(s) shall implement the following measures during construction of the project, subject to verification by the County: a. Off-road equipment engines over 25 horsepower shall be equipped with U.S. Environmental Protection Agency Tier 3 or higher engines, unless Tier 3 construction equipment is not locally available. b. All equipment shall be maintained in accordance with the manufacturer's specifications. c. Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.	During grading and construction	Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit evidence of implementation of compliance with practices as outlined in mitigation. C. The Kern County Building Inspection Department shall verify in the field during the construction phase of the project.			

4.3	**Air Quality**				
	d. Notification shall be provided to trucks and vehicles in loading or unloading queues that their engines shall be turned off when not in use for more than 5 minutes. e. Electric equipment shall be used to the extent feasible in lieu of diesel or gasoline-powered equipment. f. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOX emissions. g. On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines. h. Existing electric power sources shall be used to the extent feasible. This measure would minimize the use of higher polluting gas or diesel generators. i. The hours of operation of heavy-duty equipment and/or the quantity of equipment in use shall be limited to the extent feasible.				
9.	**MM 4.3-2: Implement Fugitive Dust Control Plan During Construction.** To control fugitive particulate matter emissions during construction, prior to the issuance of grading or building permits and any earthwork activities, the project proponent shall prepare a comprehensive Fugitive Dust Control Plan for review by the Kern County Planning and Natural Resources Department. The plan shall include all Eastern Kern Air Pollution Control District recommended measures, including but not limited to, the following: a. All soil being actively excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soils areas. Watering shall take place a minimum of three times daily where soil is being actively disturbed, unless dust is otherwise controlled by rainfall or use of a dust suppressant. b. Vehicle speed for all on site (i.e., within the project boundary) construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall	During grading and construction	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall ensure that dust measures are implemented as outlined in the mitigation. C. Documentation shall be sent to the Kern County Planning and Natural Resources Department. D. The Kern County Building Inspection Department shall verify in the field during the construction phase of the project.			

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.3	**Air Quality**				
	be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads. c. Vehicle speeds on all offsite unpaved roads (i.e., outside the project boundary) for construction vehicles shall not exceed 25 mph. Signs identifying vehicle speed limits shall be posted along unpaved site access roads and at the site entrance/exit. d. All onsite unpaved roads and offsite unpaved public project-site access road(s) shall be effectively stabilized of dust emissions using water or Eastern Kern Air Pollution Control District approved dust suppressants/palliatives, sufficient to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. If water is used, watering shall occur a minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered immediately prior to periods of high use (e.g., worker commute periods, truck convoys). Reclaimed (non-potable) water shall be used to the extent available and feasible. e. The amount of the disturbed area (e.g., grading, excavation) shall be reduced and/or phased where possible. f. All disturbed areas shall be sufficiently watered or stabilized by Eastern Kern Air Pollution Control District approved methods to prevent excessive dust. On dry days, watering shall occur a minimum of three times daily on actively disturbed areas. Watering frequency shall be increased whenever wind speeds exceed 15 mph or, as necessary, to prevent wind-blown dust exceeding 20 percent opacity at nearby residences or public roads. Reclaimed (non-potable) water shall be used to the extent available and feasible. g. All clearing, grading, earth moving, and excavation activities shall cease during periods when dust plumes of 20 percent or greater opacity affect public roads or nearby occupied structures. h. All disturbed areas anticipated to be inactive for periods of 30 days or more shall be treated to minimize wind-blown dust emissions. Treatment may include, but is not limited to, the application of an Eastern Kern Air				

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4.3	**Air Quality**				
	Pollution Control District approved chemical dust suppressant, gravel, hydro-mulch, revegetation/seeding, or wood chips. i. All active and inactive disturbed surface areas shall be compacted, where feasible. j. Equipment and vehicle access to disturbed areas shall be limited to only those vehicles necessary to complete the construction activities. k. Where applicable, permanent dust control measures shall be implemented as soon as possible following completion of any soil-disturbing activities. l. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate methods sufficient to reduce visible dust emissions to a limit of 20 percent opacity. If necessary and where feasible, three-sided barriers shall be constructed around storage piles and/or piles shall be covered by use of tarps, hydro-mulch, woodchips, or other materials sufficient to minimize wind-blown dust. m. Water shall be applied prior to and during the demolition of onsite structures sufficient to minimize wind-blown dust. n. Where acceptable to the fire department and feasible, weed control shall be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering. o. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with California Vehicle Code Section 23114. p. Gravel pads, grizzly strips, or other material track-out control methods approved for use by the Eastern Kern Air Pollution Control District shall be installed where vehicles enter or exit unpaved roads onto paved roadways. q. Haul trucks and off-road equipment leaving the site shall be washed with water or high-pressure air, and/or rocks/grates at the project entry points shall be used, when necessary, to remove soil deposits and minimize the track-out/deposition of soil onto nearby paved roadways.				

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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.3	**Air Quality**				
	r. During construction paved road surfaces adjacent to the site access road(s), including adjoining paved aprons, shall be cleaned, as necessary, to remove visible accumulations of track-out material. If dry sweepers are used, the area shall be sprayed with water prior to sweeping to minimize the entrainment of dust. Reclaimed water shall be used to the extent available. s. Portable equipment, 50 horsepower or greater, used during construction activities (e.g., portable generators, temporary concrete batch plant) shall require California statewide portable equipment registration (issued by the California Air Resources Board) or an Eastern Kern Air Pollution Control District permit. t. The Fugitive Dust Control Plan shall identify a designated person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures, as necessary, to minimize the transport of dust off site and to ensure compliance with identified fugitive dust control measures. Contact information for a hotline shall be posted on site any should any complaints or concerns be received during working hours and holidays and weekend periods when work may not be in progress. The names and telephone numbers of such persons shall be provided to the Eastern Kern Air Pollution Control District Compliance Division prior to the start of any grading or earthwork. u. Signs shall be posted at the project site entrance and written notifications shall be provided a minimum of 30 days prior to initiation of project construction to residential land uses located within 1,000 feet of the project site. The signs and written notifications shall include the following information: (a) Project Name; (b) Anticipated Construction Schedule(s); and (c) Telephone Number(s) for designated construction activity monitor(s) or, if established, a complaint hotline. v. The designated construction monitor shall document and immediately notify the Eastern Kern Air Pollution Control District of any air quality complaints received. If necessary, the project operator and/or contractor will coordinate with the Eastern Kern Air Pollution Control District to identify any additional feasible measures and/or strategies to be implemented to address public complaints.				

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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.3	**Air Quality**				
10.	**MM 4.3-3: Minimize Exposure to Potential Valley Fever–Containing Dust.** To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during project construction: a. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved off site to other work locations. b. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground. c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers being exposed to dust shall leave the area until a truck can resume water spraying. e. All heavy-duty earth-moving vehicles shall be closed-cab and equipped with a high efficiency particulate-filtered air system. f. Workers shall receive training to recognize the symptoms of Valley Fever, and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department. g. A Valley Fever informational handout shall be provided to all onsite construction personnel. The handout shall, at a minimum, provide information regarding the symptoms, health effects, preventative measures, and treatment. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department. h. On-site personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health–approved respirators shall be provided to on-site personal, upon request. Evidence of training shall be provided to the Kern County Planning.	During construction activities	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. All Valley Fever materials shall be provided to all construction personnel and all training sessions shall be conducted prior to construction activities. C. The project proponent shall submit all evidence of the training session materials, handout(s) and schedule to the Kern County Planning and Natural Resources Department within 72 hours of the first training session. D. The Kern County Building Inspection Department shall verify in the field during the construction phase of the project.			

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.3	**Air Quality**				
11.	**MM 4.3-4:** Prior to the issuance of grading permits, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of $3,200 for Valley Fever public awareness programs.	Prior to issuance of grading permits	Kern County Public Health Services Department.		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall pay the onetime fee to the Kern County Public Health Services Department.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.					

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
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4.4	**Biological Resources**				
12.	**MM 4.4-1 (revised):** Prior to the issuance of grading or building permits, the project proponent/operator shall conduct preconstruction surveys to map the location and quantify the number of Joshua trees, Wiggins' cholla, and beavertail pricklypear. a) The project proponent/operator shall pay the required fee to remove Wiggins' cholla, beavertail pricklypear, and Joshua tree in accordance with the California Desert Native Plants Act prior to construction activities. i) If, at the commencement of project construction, Joshua trees are still considered a CESA candidate species or have been listed as threatened or endangered under CESA: (1) The project proponent/operator shall consult with California Department of Fish and Wildlife (CDFW) regarding the take of Joshua trees and shall comply with all avoidance, minimization, and compensatory mitigation requirements set forth any incidental take permit issued for the Project. If avoidance and minimization requirements imposed by CDFW through issuance of an incidental take permit for the Project are more stringent than the requirements of this mitigation measure, the incidental take permit's requirements shall supersede the requirements set forth below. (2) The project proponent/operator shall provide compensatory mitigation for the take of Joshua trees at a minimum ratio of 1.5:1 based on the total acreage of canopy coverage of Joshua trees taken by the project. This requirement shall be superseded by any more stringent compensatory mitigation requirements that may be imposed by CDFW through issuance of an incidental take permit for the Project. ii) To avoid and minimize Project impacts on Joshua trees, the project proponent/operator shall implement the following measures:	Prior to issuance of grading or building permits and during construction	Kern County Planning and Natural Resources Department		
	Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a qualified biologist to conduct preconstruction surveys. C. The project proponent shall pay the required fee to remove Wiggins' cholla, beavertail prickly pear and Joshua tree and prepare a transplantation plan for alkali mariposa lily. D. The Kern County Planning and Natural Resources Department will approve the alkali mariposa transplantation plan prior to issuance to ground disturbance and bulb collection. E. The qualified biologist will review the seeding palette to ensure that no seeding of invasive plant species F. The Kern County Building Inspection Department shall verify recontoured areas in the field during the construction phase of the project.				

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.4	**Biological Resources**				
	(1) Project proponent/operator shall protect all Joshua trees in the Project Site that will be preserved by fencing, flagging, or stakes establishing a buffer to protect the dripline plus no less than 5 feet from the dripline. Project proponent/operator shall maintain and/or replace those temporary protection measures as needed during construction. All vegetation removed from the Project shall be distributed away from Joshua trees identified for preservation. (2) The Project proponent/operator shall ensure that preserved Joshua trees on the Project site are protected from disturbance during operations and maintenance activities performed in the vicinity of preserved trees. The trees shall be protected during such activities by installing temporary fencing, flagging, or stakes establishing a buffer to protect the dripline plus no less than 5 feet from the dripline. b. All alkali mariposa lilies that cannot feasibly be avoided in final project design shall have bulbs collected prior to construction. Additionally, a transplantation plan for alkali mariposa lily will be submitted and approved by the County prior to ground disturbance and bulb collection. The plan will include the following: i. Identify an area of occupied habitat either on site or off site to be preserved and where transplantation of bulbs will occur; and methods for preservation, restoration, enhancement, and/or translocation. ii. Indicate a replacement ratio and success standard of 1:1 for impacted to individuals. iii. Establish a monitoring program to ensure mitigation success. iv. Create an adaptive management and remedial measures in the event that performance standards are not achieved. v. Ensure financial assurances and a mechanism for conservation of any mitigation lands required in perpetuity.				

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.4	**Biological Resources**				
	c. Temporary ground disturbance associated with the transmission lines shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity), and revegetated with an application of a native seed mix prior to or during seasonal rains to promote passive restoration of the area to pre-project conditions. However, if invasive plant species were present, these species would not be restored. An area subjected to temporary ground disturbance means any area that is disturbed but will not be subjected to further disturbance as part of the project. This does not include areas already designated as urban/developed. Prior to seeding temporary ground disturbance areas, the qualified biologist will review the seeding palette to ensure that no seeding of invasive plant species, as identified in the most recent version of the California Invasive Plant Inventory for the region, will occur.				
13.	**MM 4.4-2:** Prior to the issuance of grading or building permits from the County, the project proponent/operator shall retain a qualified biologist(s) who meets the qualifications of an authorized biologist as defined by U.S. Fish and Wildlife Service to oversee compliance with protection measures for all listed and other special-status species that may be affected by the construction of the project. The following measures pertain to qualified biologist(s) on site: a. The qualified biologist(s) shall be on the project site during construction of perimeter fencing, clearing of vegetation, grading activities, and similar ground-disturbance activities that will be associated with the construction phase. b. The qualified biologist(s) shall have the right to halt all activities that are in violation of the special-status species mitigation measures, as well as any regulatory permits from the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service. Work shall proceed only after hazards to special-status species are removed and the species is no longer at risk. c. The qualified biologist(s) shall have in her/his possession a copy of all the compliance measures while work is being conducted on the project site.	Prior to the issuance of grading or building permits	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a qualified biologist. C. The project proponent shall submit contact information for the qualified biologist(s) to the Kern County Planning and Natural Resources Department. D. The Kern County Planning and Natural Resources Department will verify prior to issuance of building and grading permits.			

4.4	**Biological Resources**				
	d. Prior to issuance of grading or building permits, contact information for the qualified biologist(s) shall be submitted to the Kern County Planning and Natural Resources Department. e. Any individuals who undertake biological monitoring and mitigation tasks shall be supervised by the qualified biologist(s) and shall have the appropriate education and experience to accomplish biological monitoring and mitigation tasks. Biological monitors shall comply with the above measures.				
14.	**MM 4.4-3:** Prior to the issuance of grading or building permits from the County, and for the duration of construction activities, and within a minimum of one-week initial ground disturbance, all construction workers shall attend an Environmental Awareness Training and Education Program that will be developed by a qualified biologist. Any personnel associated with construction that did not attend the initial training shall be trained by the authorized biologist or designee approved by the authorized biologist prior to working on the project site. Any employee responsible for the operations and maintenance or decommissioning of the project facilities shall also attend the Worker Environmental Awareness Training and Education Program prior to starting work on the project and on an annual basis. The Program will be developed and presented by the project qualified biologist(s) or designee approved by the qualified biologist(s) during construction. The Program shall include the components described below: a. Information on the life history of the alkali mariposa lily, desert tortoise, burrowing owl, Swainson's hawk, loggerhead shrike, LeConte's thrasher, nesting birds, and desert kit fox; as well as other wildlife, special-status plant species, and the California Department of Fish and Wildlife-regulated drainages that may be affected during construction activities. The program shall also discuss the legal protection status of each species, the definition of "take" under the Federal Endangered Species Act and California Endangered Species Act, measures the project proponent/operator shall implement to protect the species, reporting requirements, specific measures	Prior to the issuance of grading or building permits and during construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. All construction workers shall attend the Construction Worker Environmental Awareness Training and Education Program prior to participating in construction activities; any employee responsible for the operation and maintenance (O&M) of the completed facilities shall also receive this training C. An acknowledgement form signed by each worker indicating that environmental training has been completed will be kept on record. D. A copy of the training materials, 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 Natural Resources Department upon the County's request.			

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	for workers to avoid take of special-status plant and wildlife species, and penalties for violation of the requirements outlined in the California Environmental Quality Act mitigation measures and agency permit requirements. b. An acknowledgement form signed by each worker indicating that the Worker Environmental Awareness Training and Education Program has been completed shall be kept on file at the construction site. c. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the Worker Environmental Awareness Training and Education Program and signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department. d. A copy of the training transcript, training video, or informational binder for specific procedures shall be kept available for all personnel to review and be familiar with as necessary. e. A sticker shall be placed on hard hats indicating that the worker has completed the Worker Environmental Awareness Training and Education Program. Construction workers shall not be permitted to operate equipment within the construction areas unless they have attended the Worker Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker. f. The construction crews and contractor(s) shall be responsible for preventing unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits. Unauthorized impacts may result in project stoppage, and/or fines depending on the impact and consultation with the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service.				

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15.	**MM 4.4-4:** During construction, operations and maintenance, and decommissioning, the project proponent/operator and/or contractor(s) shall implement the general avoidance and protective measures described below. a. Prior to conducting vegetation clearing or grading activities associated with construction or decommissioning, a qualified biologist or biological monitor that has been approved by the qualified biologist shall perform pre-construction visual surveys of the area immediately prior to conducting these activities to ensure that no special-status animals are present. The qualified biologist or biological monitor shall monitor all initial construction and decommissioning ground disturbance activities. A report of those activities shall be submitted to the Kern County Planning and Natural Resources Department within 30 days of completion of activities. b. All proposed impact areas, including solar fields, generation-tie lines, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid sensitive biological resources (i.e., special-status species, jurisdictional drainages, nesting birds, etc.) where possible. Construction-related activities outside of the impact zone shall be avoided. c. Access roads that are planned for use during construction shall not extend beyond the planned impact area. All vehicle traffic shall be contained within the planned impact area or in previously disturbed areas. Where new access routes are required, the route will be clearly marked (i.e., flagged and/or staked) prior to construction. d. The project proponent/operator shall minimize the areas of disturbance. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be demarcated and disturbance activities, vehicles, and equipment shall be confined to these areas. e. Spoils shall be stockpiled in disturbed areas that lack native vegetation. Best Management Practices shall be employed to prevent erosion in accordance with the project's approved Stormwater Pollution Prevention Plan (see Section 4.7, *Geology and Soils*, for more details on SWPPP requirements). All detected erosion shall be remedied as described in the	During construction, operations and maintenance, and decommissioning of the project	Kern County Planning and Natural Resources Department; U.S. Fish and Wildlife Service; and California Department of Fish and Wildlife		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall comply with this mitigation measure pertaining to construction activities and biological resources. C. A qualified biologist shall monitor all initial ground-disturbance activities as outlined in the mitigation. D. The project proponent shall submit a report of all monitor all initial construction and decommissioning ground-disturbance activities and to the Kern County Planning and Natural Resources Department. E. In consultation with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife, the project proponent shall implement construction and operational monitoring in accordance with the specifications of the mitigation measure. F. The project proponent shall submit a Maintenance and Trash Abatement/Pest Management Program to the Kern County Planning and Natural Resources Department for approval. G. The Kern County Building Inspection Department shall verify in the field during construction.			

4.4	**Biological Resources**	
	Erosion Control Plan of the Stormwater Pollution Prevention Plan. Spoils that have been stockpiled and inactive for greater than 10 days shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing the spoils. f. To prevent inadvertent entrapment of desert tortoises, desert kit foxes, American badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks that are no less than 12 inches wide and secured at the top, and placed a minimum of every 100 feet within the open trench. Covered and non-covered holes or trenches shall be thoroughly inspected for trapped animals by a qualified biologist or their biological monitor at the beginning and end of each day. Immediately before such holes or trenches are filled, they shall again be thoroughly inspected by trained staff approved by the retained qualified biologist for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow for their escape. If a listed species is trapped, the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife, as appropriate for the species, and Kern County Planning and Natural Resources Department shall be contacted immediately. g. Desert tortoises, burrowing owls, mammals, and nesting birds may use construction pipes, culverts, or similar structures for refuge or nesting. Therefore, all construction pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at the construction site for one or more overnight periods and without endcaps shall be thoroughly inspected by a qualified biologist for special-status wildlife or nesting birds before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If an animal is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated by a qualified biologist holding the appropriate handling permits from the Resource Agencies.	

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	h. No vehicle or equipment parked on the project site shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of wildlife. If present, the animal shall be left to move on its own. i. Vehicular traffic to and from the project site shall use existing routes of travel. Cross country vehicle and equipment use outside designated work areas shall be prohibited. j. A speed limit of 15 miles per hour shall be enforced within the limits of the proposed project. If night work occurs on the proposed project, the speed limit will be 10 miles per hour. k. Fueling of equipment shall take place within existing roads. No refueling within or adjacent to drainages (within 150 feet) shall be permitted. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. l. The project proponent/operator shall submit a Maintenance, Trash Abatement, and Pest Management Program to the Kern County Planning and Natural Resources Department for review and approval. The program shall include, but not be limited to the following: i. The project proponent/operator shall clear debris from the project area at least twice per year once the project is operational; this can be done in conjunction with regular panel washing and site maintenance activities. ii. Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs. iii. The project proponent/operator shall erect signs with contact information for the project proponent/operator's maintenance staff at regular intervals along the site boundary, as required by the Kern County Planning and Natural Resources Department. Maintenance staff shall respond within two weeks to resident requests for additional cleanup of debris. Correspondence with such requests and responses shall be submitted to the Kern County Planning and Natural Resources Department.				

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	iv. The project proponent/operator shall implement a regular trash removal and recycling program once per month on an ongoing basis during construction, including a recycling program. Barriers/locking systems to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the project shall be shown on final plans. m. Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife. n. Intentional killing or collection of any plant or wildlife species shall be prohibited. o. No rodenticides shall be used on the project site. p. Perimeter fencing during operations and maintenance shall be made wildlife friendly, but can be built to exclude desert tortoise.				
16.	**MM 4.4-5:** To protect special status species from disturbance during construction, the actions described below shall occur. a. A qualified biologist (approved by the appropriate agency) shall monitor all initial ground-disturbance activities and remain on-call throughout construction in the event a special-status species wanders into the project site. b. Preconstruction surveys for special-status species shall be conducted within the project boundaries of the project site, as well as within a minimum of 500 feet from the project site to account for any inadvertent impacts to adjacent areas, by the qualified biologist within a maximum of 14 days of the start of any ground disturbing activities, such as geotechnical drilling vegetation clearing and/or grading. Methodology for preconstruction surveys shall be conducted as appropriate for special-status plants, desert tortoise, burrowing owl, Swainson's hawk, loggerhead shrike, Le Conte's thrasher, desert kit fox, and migratory birds, and shall follow U.S. Fish and Wildlife Service and/or the California Department of Fish and Wildlife survey protocol guidelines, where appropriate. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days of the portion of the project	Within 14 days prior to the commencement of any ground-disturbing activities and during construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. A qualified biologist shall be retained by the project proponent and approved by the Kern County Planning and Natural Resources Department C. The qualified biologist shall monitor all initial ground-disturbance activities as outlined in the mitigation.			

4.4	**Biological Resources**				
	site that will be disturbed. If evidence of occupation by a special-status species is observed, a suitable buffer shall be established by a qualified biologist that results in sufficient avoidance.				
17.	**MM 4.4-6 (revised):** ~~Prior to construction in the southern portion of the site, the project proponent/operator shall conduct preconstruction desert tortoise surveys in accordance with the U.S. Fish and Wildlife Service protocol (2010).~~ If no occupied burrows, fresh sign, or desert tortoise are discovered during preconstruction surveys conducted pursuant to Mitigation Measure MM 4.4-5, no further mitigation under this mitigation measure is necessary. A survey report shall be submitted outlining the survey results. If occupied burrows, fresh sign, or desert tortoise are discovered during preconstruction surveys conducted pursuant to Mitigation Measure MM 4.4-5, ~~A~~a permanent tortoise proof exclusion fence shall be installed around portions of the project cleared of occupied burrows, fresh sign or desert tortoise. If an occupied burrow, fresh sign, or desert tortoise are observed during preconstruction surveys or incidentally prior to or during construction activities, within the construction area, the project proponent/operator shall redesign the project layout so that the location of the occupied burrow, fresh sign, or desert tortoise would be avoided by the project and construction. For occupied burrows, an additional 300-foot buffer from the burrow would be avoided by the project and construction. The permanent tortoise proof exclusion fence would be installed so that any occupied burrow (and its 300-foot buffer), fresh sign, or desert tortoise is outside of the exclusion fence to prevent tortoise from entering the site. The permanent tortoise proof exclusion fence shall be installed around all construction and operation areas prior to the initiation of earth disturbing activities, in coordination with a qualified biologist. The fence shall be designed in such a manner to allow other wildlife to access through the permanent security fence and be constructed of 1-inch horizontal by 2-inch vertical mesh hardware cloth and extend 22-24 inches above ground and 12 inches below ground. Ultimate fence design must allow for desert kit fox pups to move in and out of the site, and species as large as coyotes access, but still	Prior to construction and during construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The surveys shall be conducted in accordance with U.S. Fish and Wildlife Service protocol (USFWS, 2010). C. Should desert tortoises be observed during preconstruction surveys, the project proponent/operator shall redesign the project layout so that the location of the occupied burrow, fresh sign, or desert tortoise would be avoided by the project and construction. D. A qualified biologist shall remain on site until all vegetation necessary for the construction of the project is cleared and, at a minimum, conduct site and fence inspections on a monthly basis throughout construction in order to ensure project compliance with mitigation measures. E. A qualified biologist shall remain on-call throughout fencing and grading activities in the event a desert tortoise wanders onto the project site.			

4.4	**Biological Resources**				
	protect the site from possible desert tortoise incursions (e.g., cinder block steps to a raised gap or opening in the fence). Where burial of the fence is not possible, the lower 12 inches shall be folded outward against the ground and fastened to the ground so as to prevent desert tortoise entry. The fence shall be supported sufficiently to maintain its integrity, be checked at least monthly during construction and operations, and maintained when necessary by the project operator to ensure its integrity. Provisions shall be made for minimizing the potential for tortoise entry by placement of tortoise guards at the site entry. Common raven perching deterrents shall be installed as part of the fence construction. A qualified biologist shall conduct a preconstruction survey for desert tortoise within the construction site, as well as before and after installation of desert tortoise exclusionary fencing (if required to be installed) and of project security fencing. A qualified biologist has the appropriate education and experience to accomplish biological monitoring and mitigation tasks and is approved by the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. Two surveys without finding any desert tortoises or new desert tortoise sign shall occur prior to declaring the site clear of desert tortoises. A qualified biologist shall remain on site until all vegetation necessary for the construction of the project is cleared and, at a minimum, conduct site and fence inspections on a monthly basis throughout construction in order to ensure project compliance with mitigation measures. A qualified biologist shall remain on-call throughout fencing and grading activities in the event a desert tortoise wanders onto the project site.				
18.	**MM 4.4-7:** Prior to the issuance of grading or building permits, a Raven Management Plan shall be developed for the project site in consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. This plan shall include but is not limited to: a. Identification of all raven nests within the project area during construction; b. Weekly inspection under all nests in the project area for evidence of raven predation on local wildlife (bones, carcasses, etc.), and, if evidence of	Prior to issuance of building and grading permits	Kern County Planning and Natural Resources Department; United States Fish and Wildlife Service; and California Department of Fish and Wildlife		
		Steps to Compliance:			

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	predation is noted, submit a report to California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the Kern County Planning and Natural Resources Department within 5 calendar days; c. Provisions for the management of trash and water that could attract common ravens during the construction and operation phases of the proposed project. d. The project proponent/operator shall be required to participate in the regional comprehensive raven management plan to address biological resources; the project proponent/operator shall be subject to compensation through the payment of a one-time fee not to exceed $150 and no less than $105 per disturbed acre, as established by the Desert Managers Group. Payment shall be made prior to starting construction activities. Evidence of the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife determination and payment of any required fees shall be submitted to the Kern County Planning and Natural Resources Department.	A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall prepare a Raven Management Plan in consultation with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife. C. The project proponent shall submit the Raven Management Plan to the Kern County Planning and Natural Resources Department for review. D. The project proponent shall submit evidence of contribution to the United States Fish and Wildlife Service Regional Common Raven Management Program to the Kern County Planning and Natural Resources Department. E. The Kern County Planning and Natural Resources Department shall verify prior to issuance of building or grading permits.			
19.	**MM 4.4-8:** The project proponent/operator shall implement the following measures, based on the recently updated California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation, to ensure potential impacts to burrowing owl resulting from project implementation, operation and maintenance, and decommissioning activities will be avoided and minimized to less than significant level: a. A qualified wildlife biologist shall be on site during all initial grading and construction, pre-construction ground disturbing activities, and decommissioning activities. A qualified wildlife biologist (i.e., a wildlife biologist with the ability to identify the species and possessing previous burrowing owl survey and avoidance and minimization protection experience) shall conduct pre-construction surveys of all areas that will be permanently or temporary impacted, plus a 200-meter (approximately 656-foot) buffer, to locate active breeding or wintering burrowing owl burrows. b. The survey(s) shall occur no more than 14 days prior to ground-disturbing activities (i.e., vegetation clearance, grading). The survey methodology shall be consistent with the methods outlined in the 2012 California	Prior to issuance of building and grading permits and during construction, operation, maintenance, and decommissioning.	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. A qualified biologist shall conduct a pre-construction sweep of the project site for Burrowing Owls as specified in the mitigation measure. C. A qualified biologist shall conduct pre-construction nest surveys during the appropriate breeding seasons. D. The project proponent shall submit the findings of the pre-construction sweep to the California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department. E. The project proponent shall implement burrowing owl measures as specified in the mitigation measure and in consultation with the California Department of			

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	Department of Fish and Wildlife─Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting and mapping any potential burrows with burrowing owl signs or presence of burrowing owls. c. As each burrow is investigated, project biologists shall also look for signs of American badger and desert kit fox. Surveys may also be conducted concurrently with desert tortoise preconstruction surveys. A biologist shall prepare a preconstruction survey report that shall be submitted to the California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department. d. A qualified biologist shall conduct an additional preconstruction survey of all impact areas plus an approximately 200-meter buffer no more than 24-hours prior to start or restart (as the case may be) of ground disturbing activities associated with construction or decommissioning activities as authorized by this approval to identify any additional burrowing owls or burrows necessitating avoidance, minimization, or mitigation measures. e. If burrowing owls are detected onsite, no ground-disturbing activities shall be permitted within 200 meters of an occupied burrow during the breeding season (February 1 to August 31), unless authorized by the California Department of Fish and Wildlife. During the non-breeding season (September 1 through January 31), no ground-disturbing activities shall be permitted within 50 meters (165 feet) of an occupied burrow. Depending on the level of disturbance, a smaller buffer may be established in consultation with the California Department of Fish and Wildlife. f. If burrow avoidance is infeasible during the non-breeding season or during the breeding season where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E1 (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation,		Fish and Wildlife, as appropriate. F. As directed by the agencies, the project proponent shall implement appropriate measures to prevent impacts and provide all documentation to the Kern County Planning and Natural Resources Department. G. The Kern County Planning and Natural Resources Department shall verify prior to issuing grading and building permits.		

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	g. If passive relocation is required, the qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and Mitigation Land Management Plan in accordance with 2012 California Department of Fish and Game Staff Report on Burrowing Owl Mitigation. The Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation Land. h. If passive relocation is required, the project proponent shall implement the Mitigation Land Management Plan and permanently conserve in a conservation easement offsite habitat suitable for burrowing owl at ratio of 15 acres per passively relocated burrowing owl pair, not to exceed the size of the final project footprint. Land identified to mitigate for passive relocation of burrowing owl may be combined with other offsite mitigation requirements of the proposed project if the compensatory habitat is deemed suitable to support the species. The Passive Relocation Compensatory Mitigation habitat shall be approved by California Department of Fish and Wildlife. If the proposed project is located within the service area of a California Department of Fish and Wildlife-approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits in lieu of placing offsite habitat into a conservation easement, if acceptable to California Department of Fish and Wildlife.				
20.	**MM 4.4-9:** To mitigate for potential impacts to nesting birds, special-status birds, and birds protected under the Migratory Bird Treaty Act and California Fish and Game Code during construction and decommissioning activities, the following measures shall be implemented as part of the approval for a grading or building permit. a. During the avian nesting season (February 1–August 31), a qualified biologist shall conduct a preconstruction avian nesting survey no more than 14 days prior to initial vegetation clearing. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur within 14 days prior to clearing or disturbance in specific areas of the site. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. At no time	No more than 14 days prior to construction activities and during construction and decommissioning activities	California Department of Fish and Wildlife; Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. During the avian nesting season (February 1 – August 31), a qualified biologist shall conduct a preconstruction avian nesting survey no more than 14 days prior to initial vegetation clearing. The surveying biologist must be qualified to			

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	shall the qualified biologist be allowed to handle the nest or its eggs. The survey shall cover all reasonably potential nesting locations on and within 500 feet of the project site, including ground nesting species, such as horned lark and killdeer, nests in shrubs that could support nests, and suitable raptor nest sites such as nearby trees, windrows, and power poles. Access shall be granted on private offsite properties prior to conducting surveys on private land. If access is not obtainable, the biologist shall survey these areas from the nearest vantage point with use of spotting scopes or binoculars. b. If construction is scheduled to occur during the non-nesting season (September 1–February 1), no preconstruction surveys or additional measures are required for non-listed avian species. c. If active nests are found, a 100-foot no-disturbance buffer shall be created around non-listed avian species' nests unless adjusted by the qualified biologist based on the needs and sensitivities of individual species, and a 300-foot no-disturbance buffer around non-listed raptor species' nests (or a suitable distance otherwise determined in consultation with the California Department of Fish and Wildlife. Any nest of a federally or state-listed bird species shall require consultation with the appropriate agency (U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife) to determine the appropriate buffer distance surrounding the nest to provide adequate nest protection. These buffers shall remain in effect until a qualified biologist has determined that the birds have fledged or the project component(s) have been redesigned to avoid the area. All no-disturbance buffers shall be delineated in the field with visible flagging or fencing material.	determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. C. If active nests are found, a suitable buffer shall be established in consultation with the California Department of Fish and Wildlife around active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active. D. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department.			
21.	**MM 4.4-10:** The project proponent/operator shall implement the following measures to ensure potential impacts to desert kit foxes and American badger resulting from project implementation and decommissioning activities will be avoided and minimized to less than significant levels: a. A qualified biologist shall be on site during all initial grading and construction, preconstruction ground disturbing activities, and decommissioning activities. A qualified biologist (i.e., a biologist with the	During all initial grading and construction, preconstruction ground disturbing activities, and decommissioning activities	Kern County Planning and Natural Resources Department		
		Steps to Compliance:			

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	ability to identify the species and possessing previous mammal survey and avoidance and minimization protection experience) shall conduct pre-construction surveys of all areas that will be permanently or temporary impacted, plus a 500-foot buffer, to locate unoccupied and occupied dens. b. Unoccupied potential dens for desert kit fox or American badger shall have a minimum 30-foot avoidance buffer established. c. An occupied den outside of the pup-rearing season shall be flagged and ground-disturbing activities avoided within 100 feet of the occupied den. An occupied den during the pup-rearing season, also known as a maternity den, should not be disturbed and a minimum 500-foot avoidance buffer established. a. Desert kit fox pup-rearing season: February 1–August 1. b. American badger pup-rearing season: March 15–July 31. d. If outside the pup-rearing season, an occupied den cannot be avoided, passive relocation program can occur. The program shall consist of determining status of the den (confirming it's a non-maternity den through remote camera monitoring), excluding desert kit fox or American badger from occupied non-maternity den by installation of one-way doors at burrow entrances, monitoring of the den for 7 days to confirm usage has been discontinued, and excavation and collapse of the den. Passive relocation occurs by slowly excavating the burrow (either by hand or by mechanized equipment) under the direct supervision of a qualified biologist and removing no more than 4 inches of soil at a time. Passive relocation cannot occur during the pup-rearing season unless remote camera monitoring has documented the den as a non-maternity den. A written report documenting the passive relocation shall be provided to the Kern County Planning and Natural Resources Department within 30 days of relocation. e. Dens or burrows that are determined to be inactive as determined by a qualified biologist within the project site, shall be collapsed by a qualified biologist to prevent occupation of the den between the time of the preconstruction survey and construction activities.		A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a qualified biologist. C. The qualified biologist shall conduct pre-construction surveys for desert kit foxes and American Badger. D. Based on the results of the pre-construction surveys, the project proponent shall implement appropriate measures to prevent potential impacts to desert kit foxes and American badgers. E. If passive relocation occurs, the project proponent shall provide to the Kern County Planning and Natural Resources Department a written report documenting the passive relocation.		

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22.	**MM 4.4-11:** The project proponent/operator shall install power lines in conformance with Avian Power Line Interaction Committee standards for electrocution-reducing techniques as outlined in suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (Avian Power Line Interaction Committee, 2006), and for collision-reducing techniques as outlined in Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (Avian Power Line Interaction Committee, 2012), or any superseding document issued by Avian Power Line Interaction Committee.	Prior to the issuance of grading and building permits and during and after construction activities	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. After construction, submit written documentation to the Kern County Planning and Natural Resources Department verifying that all power lines are constructed to the 2006 Avian Power Line Interaction Committee Guidelines. C. Kern County Building Inspection Department shall approve building permits and will verify in the field during construction.			
23.	**MM 4.4-12:** During the operations and maintenance phase of the project, an Avian Mortality Monitoring Program shall be developed in coordination with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service and implemented to systematically and periodically determine the extent of mortality occurring due to collisions with solar arrays. The measures listed below apply to the program: a. The Avian Mortality Monitoring Program shall be developed following the Mortality Monitoring Design for Utility-Scale Solar Power Facilities and include methods to achieve Objective 1 (monitoring to estimate total bird and bat mortality). Methods include using a trained and skilled team of authorized biologists to systematically sample the project site by walking transects through the solar arrays scanning for deceased birds. b. Data shall be collected on any encountered deceased wildlife species including species, condition of the carcass, approximate age, presence of feathers, etc. c. Additionally, maintenance personnel working on the project site that encounter injured or deceased birds (or any other wildlife) should be trained to collect data and photograph the encountered species. d. Mortality monitoring shall be conducted for a minimum 1-year period following the commencement of the operations and maintenance phase of	During operations and maintenance	Kern County Planning and Natural Resources Department; United States Fish and Wildlife Service; California Department of Fish and Wildlife		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall develop an Avian Mortality Monitoring Program in accordance with the specifications of this mitigation measure. C. The Kern County Building Inspection Department will verify compliance in the field.			

4.4	**Biological Resources**				
	the project. Quarterly reporting of results shall be prepared and provided to state and federal agencies, if requested. e. Appropriate performance standards for mitigation of impacts to any species regulated by the Bald and Golden Eagle Protection Act, Endangered Species Act, and California Endangered Species Act exist through required consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife under their respective regulatory and permitting frameworks. If, after 2 years of mortality monitoring, project impacts to any other avian species caused by the project are shown to result in a substantial, long-term reduction in the demographic viability of the population of the species in question, then adaptive management must be implemented to reduce impacts to below this threshold. Adaptive management measures may include but not be limited to passive avian diverter installations, the use of sound, light or other means to discourage site use consistent with legal requirements, on site habitat management or control measures consistent with applicable legal requirements, or modification to support structures to exclude nesting birds.				
24.	**MM 4.4-13:** Prior to issuance of any grading or building permit, the project proponent/operator shall submit a report detailing how all identified ephemeral drainages are avoided and will be continually complied with during the life of the project. A copy of this report shall also be provided to the Lahontan Regional Water Quality Control Board and the County. The report shall include information as shown below as a plan if necessary and shall outline compliance to the following: a. Potential jurisdictional features (ephemeral drainages) identified in the jurisdictional delineation report shall be avoided. This may be shown in plan form. b. Any material/spoils generated from project activities shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate.	Prior to the issuance of grading and building permits and during construction, operation, maintenance and decommissioning	Kern County Planning and Natural Resources Department; Lahontan Regional Water Quality Control Board		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall prepare a report detailing how ephemeral drainages will be avoided during the life of the project, as outlined in this mitigation measure. C. The project proponent shall submit the reports to the Lahontan Regional Water Quality Control Board and the Kern County Planning and Natural Resources Department prior to issuance of building or grading permits.			

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4.4	**Biological Resources**				
	c. 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. d. Any spillage of material will be stopped if it can be done safely. The contaminated area will be cleaned and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative will be notified.	D. The Kern County Building Inspection Department will verify compliance in the field.			
25.	**MM 4.4-14:** If potential jurisdictional features cannot be avoided, the project proponent/operator shall be subject to provisions as identified below: a. If avoidance is not practical, prior to ground disturbance activities that could impact these aquatic features, the project proponent/operator shall file a complete Report of Waste Discharge with the Regional Water Quality Control Board to obtain Waste Discharge Requirements and shall also consult with the California Department of Fish and Wildlife on the need for a streambed alteration agreement. Copies of the final report shall be submitted to the County. b. Based on consultation with the Regional Water Quality Control Board and California Department of Fish and Wildlife, if permits are required for the project site, appropriate permits shall be obtained prior to disturbance of jurisdictional resources.	Prior to ground disturbing activities	Kern County Planning and Natural Resources Department; Lahontan Regional Water Quality Control Board; California Department Fish and Wildlife		

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4.4	**Biological Resources**				
	c. Compensatory mitigation for impacts to unvegetated streambeds/washes shall be identified prior to disturbance of the features at a minimum 1:1 ratio, as approved by the Regional Water Quality Control Board or California Department of Fish and Wildlife either through onsite or offsite mitigation, or purchasing credits from an approved mitigation bank. d. The project proponent/operator shall comply with the compensatory mitigation required and proof of compliance, along with copies of permits obtained from the Regional Water Quality Control Board and/or California Department of Fish and Wildlife shall be provided to the County. e. 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 Wildlife. i. If onsite mitigation is proposed, the Habitat Mitigation and Monitoring Plan shall identify those portions of the site, such as relocated drainage routes, that contain suitable characteristics (e.g., hydrology) for	**Steps to Compliance:** A. This mitigation measure shall be incorporated as a condition of approval. B. If avoidance of potential jurisdictional features is not practical, the project proponent shall file a complete Report of Waste Discharge with the RWQCB and shall also consult with CDFW. C. The project proponent/operator shall consult with the RWQCB and CDFW and shall obtain appropriate permits, if required. D. The project proponent shall prepare a Habitat Mitigation and Monitoring Plan and comply with required compensatory mitigation. E. The project proponent shall provide proof of compliance, along with copies of permits obtained from RWQCB and CDFW to the Kern County Planning and Natural Resources Department.			

4.4	**Biological Resources**	
	restoration. Determination of mitigation adequacy shall be based on comparison of the restored habitat with similar, undisturbed habitat in the site vicinity (such as upstream or downstream of the site). ii. The Habitat Mitigation and Monitoring Plan shall include remedial measures in the event that performance criteria are not met. iii. If mitigation is implemented offsite, mitigation lands shall be comprised of similar or higher quality and preferably located in Kern County. Offsite land shall be preserved through a deed restriction or conservation easement and the Habitat Mitigation and Monitoring Plan shall identify an approach for funding assurance for the long-term management of the conserved land. Alternatively, the applicant may purchase credits from an approved mitigation bank. iv. Copies of any coordination, permits, etc., with the Regional Water Quality Control Board and California Department of Fish and Wildlife shall be provided to the County.	
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.		

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4.5	**Cultural Resources**				
26.	**MM 4.5-1:** The project proponent/operator shall retain a Lead Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological and unique historical resources. The contact information for this Lead Archaeologist shall be provided to the Kern County Planning and Natural Resources Department prior to the commencement of any construction activities onsite. Further, the Lead Archaeologist shall be responsible for ensuring the following employee training provisions are implemented during implementation of the project: a. Prior to commencement of any ground disturbing activities, the Lead Archaeologist in consultation with the Native American monitor(s) shall develop a Cultural Resources Sensitivity Training for all personnel working on the proposed project. A Cultural Resources Sensitivity Training Guide approved by the Lead Archaeologist shall be provided and discussed with all personnel. The training guide may be presented in video form. A copy of the proposed training materials shall be provided to the Planning and Natural Resources Department prior to the issuance of any grading or building permit. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Lead Archaeologist and/or Native American monitor(s) for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. b. A copy of the Cultural Resources Sensitivity Training Guide/Materials shall be kept onsite and available for all personnel to review and be familiar with as necessary. It is the responsibility of the Project Owner to ensure all employees receive appropriate training before the work onsite.	Prior to the start of any ground disturbing activities	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a qualified archeologist that meets the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011). C. The qualified archaeologist shall conduct a Cultural Resources Sensitivity Training for all construction personnel working on the project. D. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor.			
27.	**MM 4.5-2 <u>(revised)</u>:** The project proponent shall ensure the following measure is implemented for the prehistoric archaeological site located within the northern site (SS-S-110) <u>as well as prehistoric Site-005</u>:	Prior to the start of any ground disturbing activities	Kern County Planning and Natural Resources Department		

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4.5	**Cultural Resources**				
	a. Prior to conducting initial ground disturbance in the vicinity of the archaeological site SS-S-110, as well as newly identified prehistoric archaeological site (Site-005), and in coordination with the Lead Archaeologist and Native American monitor(s), an exclusion area, consisting of the significant deposits located at SS-S-110 and prehistoric archaeological site (Site-005), and a 50-foot buffer around each of the sites, shall be temporarily marked with exclusion markers or protective fencing as determined by the Lead Archaeologist in consultation with the Native American monitor. In the event avoidance is not feasible, a testing plan to confirm resource boundaries and the presence of subsurface materials, and a data recovery plan, if required, shall be prepared by a professional archeologist that is reviewed and approved by the County in consultation with the Native American monitor.	**Steps to Compliance:** A. This mitigation measure shall be incorporated as a condition of approval. B. The services of a qualified Native American monitor shall be retained by the project proponent to monitor, on a full-time basis, to monitor all ground-disturbing activities associated with project-related construction activities within 50 feet of all known prehistoric archaeological sites. C. The Native American monitor shall keep daily logs and the qualified archaeologist shall submit monthly written updates to the Kern County Planning and Natural Resources Department. D. After monitoring has been completed, the qualified Native American monitor shall prepare a monitoring report that details the results of monitoring, which shall be submitted to the Kern County Planning and Natural Resources Department. E. The results of any subsurface testing shall be submitted to the County, in consultation with the Native American monitor, for review and approval.			
28.	**MM 4.5-3:** During implementation of the project, the services of Native American Tribal Monitor(s) working under the supervision of the Lead Archaeologist, as identified through consultation with appropriate Native American tribes, shall be retained by the project proponent/operator to monitor all initial ground-disturbing activities associated with project-related construction activities, as follows: a. All initial excavation and ground-disturbing activities shall be monitored by archaeological and Native American monitors. b. The Lead Archaeologist, archaeological monitors, and Native American monitors shall be provided all project documentation related to cultural resources within the project site 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 Lead Archaeologist, archaeological monitor, and Native American monitor.	During grading or construction	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a qualified archaeologist and Native American Tribal Monitor(s) to monitor grading and other earth-disturbing activities and, if activities uncover historical resources, to assess potential resources and recommended procedures. C. The Kern County Planning and Natural Resources 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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4.5	**Cultural Resources**				
	c. The archaeological monitor(s) shall keep monitoring logs and the Lead Archaeologist shall submit monthly written updates to the Kern County Planning and Natural Resources Department. After monitoring has been completed, the Lead Archaeologist shall prepare a monitoring report detailing the results of monitoring, which shall be submitted to the Kern County Planning and Natural Resources Department and to the southern San Joaquin Valley Information Center at California State University, Bakersfield.				
29.	**MM 4.5-4:** During implementation of the project, in the event archaeological materials are encountered during the course of grading or construction beyond those already documented and found to be not significant for listing in the California Register of Historical Resources, the project contractor shall cease any ground disturbing activities within 50 feet of the find. The area of the discovery shall be marked off by temporary fencing that encloses a 50-foot radius from the location of discovery. Signs shall be posted that establish it as an Environmentally Sensitive Area and all entrance to the area shall be avoided until the discovery is assessed by the Lead Archaeologist, as well as the Native American monitor if the discovery involves resources of interest to Native American tribes, including but not limited to prehistoric archaeological sites or tribal cultural resources. The Lead Archaeologist in consultation with the Native American monitor, if appropriate, shall evaluate the significance of the resources and recommend appropriate treatment measures. If further treatment of the discovery is necessary, the Environmentally Sensitive Area shall remain in place until all work is completed. Per California Environmental Quality Act Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with California Environmental Quality Act Section 15126.4(b)(3)(C), if it is demonstrated that resources cannot be avoided, the Lead Archaeologist in consultation with the Native American monitor shall develop additional treatment measures in consultation with the County, which may include data recovery or other appropriate measures. The County shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are	During grading or construction	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent 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. In the event archaeological materials are encountered during the course of grading or construction beyond those already documented and found to be not significant for listing in the CRHR, the project contractor shall cease any ground disturbing activities within 50 feet of the find. D. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence, and determinations regarding historical resources prepared by the qualified archaeologist. E. Kern County Building Inspectors will verify compliance in the field prior to and during the construction period			

4.5	**Cultural Resources**				
	prehistoric or Native American in nature. Archaeological materials recovered during any investigation shall be curated at an accredited curation facility. The Lead Archaeologist, in consultation with a designated Native American monitor, shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to the southern San Joaquin Valley Information Center at California State University, Bakersfield.				
30.	**MM 4.5-5:** If human remains are uncovered during project construction, the project contractor shall immediately halt work within 100 feet of the find, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.4 (e)(1) of the California Environmental Quality Act Guidelines. If the County Coroner determines that the remains are Native American, the coroner 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 Assembly Bill 2641). The Native American Heritage Commission shall designate a Most Likely Descendent for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, the landowner 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 with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply.	During construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. If human remains are discovered, the project proponent shall immediately halt all work and 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*. C. If the remains are determined to be Native American, the County Coroner shall contact the Native American Heritage Commission to assess the find. D. The Kern County Planning and Natural Resources Department shall verify compliance with the mitigation.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.					

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4.7	**Geology and Soils**				
31.	**MM 4.7.1:** Prior to the issuance of building or grading permits for the project, the project proponent shall conduct a full geotechnical study to evaluate soil conditions and geologic hazards on the project site and submit it to the Kern County Public Works Department for review and approval. 1. The geotechnical study must be signed by a California-registered and licensed professional geotechnical engineer or engineering geologist and must include, but not be limited to, the following: a. Location of fault traces and potential for surface rupture and groundshaking potential; b. Maximum considered earthquake and associated ground acceleration for design; c. Potential for seismically induced liquefaction, landslides, differential settlement, and unstable soils; d. Stability of any existing or proposed cut-and-fill slopes; e. Collapsible or expansive soils; f. Foundation material type; g. Potential for wind erosion, water erosion, sedimentation, and flooding; h. Location and description of unprotected drainage that could be impacted by the proposed development; and, i. Recommendations for placement and design of facilities, foundations, and remediation of unstable ground. 2. The project proponent shall determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent shall not locate project facilities on or immediately adjacent to an active fault trace. 3. The Kern County Public Works Department shall evaluate any final facility siting design developed prior to the issuance of any building or grading permits to verify that geological constraints have been avoided.	Prior to issuance of grading or building permits and during construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. Submit final geotechnical study on the project site to the Kern County Public Works Department for review and approval. C. The project proponent shall determine the final siting of proposed project facilities based on the results of the final geotechnical study and implement its recommended measures. D. The Kern County Public Works Department shall evaluate final facility siting design developed verify that geological constraints have been avoided.			

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4.7	**Geology and Soils**				
32.	**MM 4.7-2:** Prior to the issuance of grading permits, the project proponent shall retain a California registered and licensed geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction onsite 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. 1. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried metal. 2. 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 Natural Resources Department.	Prior to issuance of grading permits and during construction	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit written documentation to the Kern County Building Inspection Department that a California registered geotechnical engineer has been established. Documentation shall include the engineer's phone number, email address and mailing address. C. The project proponent shall comply with the full specifications, procedures, and site conditions contained in the final design plans. D. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department.			
33.	**MM 4.7-3:** The construction contractor shall incorporate Best Management Practices consistent with National Pollutant Discharge Elimination System General Construction Permit Program for all construction projects that would not retain all stormwater onsite and the Kern County Grading Code. The project proponent shall prepare an Erosion and Sedimentation Control Plan as well as a Stormwater Pollution Prevention Plan. The plan shall be prepared by a Qualified Stormwater Pollution Prevention Plan Developer and submitted for review and approval by the applicable Regional Water Quality Control Board. The Stormwater Pollution Prevention Plan Best Management Practices shall include, but not be limited to, the following: • Scheduling to avoid construction during rain events to the maximum extent possible • Preservation of existing vegetation and topography to the maximum extent practicable • Stabilized construction entrances and exits	Prior to issuance of grading permits	Kern County Planning and Natural Resources Department; Regional Water Quality Control Board		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a Qualified SWPPP Developer (QSD) to prepare an Erosion and Sedimentation Control Plan as well as a Stormwater Pollution Prevention Plan (SWPPP). C. The SWPPP shall be submitted for review and approval by the applicable Regional Water Quality Control Board. D. A copy of the approved SWPPP shall be submitted to the Kern County Planning and Natural Resources Department.			

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4.7	**Geology and Soils**				
	• Erosion control (including all pertinent temporary erosion control practices as specified in Chapter 17.28.140 of the Kern County Grading Code), such as mulching, temporary drains and cullies, sandbag barrier, geotextiles and mats, silt fences, brush or rock filters, earth dikes, straw bale barriers, and sediment traps • Sediment control • Waste management • Good housekeeping • Post-construction site stabilization Prior to initial construction mobilization, preconstruction surveys shall be performed and sediment and erosion controls shall be installed in accordance with the approved Stormwater Pollution Prevention Plan. A copy of the approved Stormwater Pollution Prevention Plan shall be submitted to the Kern County Planning and Natural Resources Department.				
34.	**MM 4.7-4:** The project proponent shall limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent shall retain a California registered and licensed professional engineer to submit final grading earthwork and foundation plans to the Kern County Public Works for approval.	Prior to issuance of grading permits and during construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit final grading earthwork and foundation plants to the Kern County Public Works Department for review and approval. C. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department.			

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4.7	**Geology and Soils**				
35.	**MM 4.7-5:** The project proponent shall retain a qualified paleontologist, defined as a paleontologist meeting the Society for Vertebrate Paleontology's Professional Standards (Society for Vertebrate Paleontology, 2010), to carry out all mitigation measures related to paleontological resources. 1. Prior to the start of any ground disturbing activities, the qualified paleontologist shall prepare a Paleontological Resources Awareness Training program for all construction personnel working on the project. A Paleontological Resources Awareness Training Guide approved by the qualified paleontologist shall be provided to all personnel. A copy of the Paleontological Resources Awareness Training Guide shall be submitted to the Kern County Planning and Natural Resources Department. The training guide may be presented in video form. 2. Paleontological Resources Awareness Training may be conducted in conjunction with other awareness training requirements. 3. The training shall include an overview of potential paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of paleontological resources. 4. The Paleontological Resources Awareness Training Guides shall be kept onsite and available for all personnel to review and be familiar with as necessary.	Prior to the start of any ground disturbing activities and during construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. A qualified paleontological monitor shall be retained by the project proponent to conduct training			

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4.7	**Geology and Soils**				
36.	**MM 4.7-6:** A qualified paleontologist or designated monitor shall be onsite initially to spot-check excavations below a depth of one foot below the ground surface in a given area. If it is determined that sediments consist of older alluvium, then full-time paleontological monitoring shall ensue. If sediments are determined to consist of Holocene Quaternary alluvium, paleontological monitoring shall be suspended until an excavation depth of five feet below the ground surface is reached in the area. a. The duration and timing of monitoring shall be determined by the qualified paleontologist in consultation with the Kern County Planning and Natural Resources Department, and shall be based on a review of geologic maps and grading plans. i. During the course of monitoring, if the paleontologist can demonstrate based on observations of subsurface conditions that the level of monitoring should be reduced, the paleontologist, in consultation with	Prior to issuance of grading permits and during construction	Kern County Planning and Natural Resources Department		

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4.7	**Geology and Soils**				
	the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances, as warranted. b. 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. c. Following the completion of construction, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources onsite. 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 Natural Resources Department and to an appropriate repository such as the Natural History Museum of Los Angeles County.	**Steps to Compliance:** A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a qualified paleontologist to assess finds and recommended procedures. C. Following the completion of monitoring, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources onsite. D. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence.			
37.	**MM 4.7-7:** If a paleontological resource is found, the project contractor shall cease ground-disturbing activities within 50 feet of the find. The qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. 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. Any fossils encountered and recovered shall be catalogued and donated to a public, non-profit institution with a research interest in the materials. Accompanying notes, maps, and photographs shall also be filed at the repository.	During construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. If a paleontological resource is found, the qualified paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.					

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4.9	**Hazards and Hazardous Materials**				
38.	**MM 4.9-1:** During the life of the project, including decommissioning, the project operator shall prepare and maintain a Hazardous Materials Business Plan,as applicable, pursuant to Article 1 and Article 2 of California Health and Safety Code 6.95 and in accordance with Kern County Ordinance Code 8.04.030, by submitting all the required information to the California Environmental Reporting System at http://cers.calepa.ca.gov/ for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section. 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 operation • Establish public and agency notification procedures for spills and other emergencies including fires • Include procedures to avoid or minimize dust from existing residual pesticides and herbicides that may be present on the site The project proponent shall ensure that all contractors working on the project are familiar with the facility's Hazardous Materials Business Plan as well as ensure that one copy is available at the project site at all times. In addition, a copy of the accepted Hazardous Materials Business Plan from the California Environmental Reporting System shall be submitted to the Kern County Planning and Natural Resources Department for inclusion in the projects permanent record.	During construction, operation, maintenance and decommissioning	Kern County Planning and Natural Resources Department; California Environmental Protection Agency		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit a HMBP to the California Environmental Protection Agency, which administers CERS. C. The project proponent 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. D. A copy of the approved HMBP shall be submitted to the Kern County Planning and Natural Resources Department.			
39.	**MM 4.9-2:** The project proponent/operator shall continuously comply with the following: a. The construction contractor or project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service for use in California and are appropriate for application adjacent to natural vegetation areas (i.e., non-agricultural use). Personnel	During construction, operation and maintenance	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval.			

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4.9	**Hazards and Hazardous Materials**				
	applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use. b. Herbicides shall be mixed and applied in conformance with the manufacturer's directions. c. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and 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. d. 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. e. 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 to have abated. f. A written record of all herbicide applications on the site, including dates and amounts, shall be furnished annually to the Kern County Planning and Natural Resources Department.	B. The project proponent shall use herbicides as described in mitigation during construction and operations. C. The Kern County Planning and Natural Resources Department shall verify compliance and licenses. D. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department.			
40.	**MM 4.9-3:** Prior to the issuance of building and grading permits, the project proponent/operator shall comply with the following: a. Submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17. b. Obtain a Federal Aviation Administration issued "Determination of No Hazard to Air Navigation." This documentation shall include written concurrence from the military authority responsible for operations in the flight area depicted in the Kern County Zoning Ordinance Figure 19.08.160 that all project components in the flight area would create no significant military mission impacts.	Prior to the issuance of building and grading permits	Planning and Natural Resources Department; Federal Aviation Administration (FAA)		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit Form 7460-1 to the FAA and shall obtain a FAA-issued "Determination of No Hazard to Air Navigation.". C. The project proponent shall provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plans has been provided to the operators of Mojave Air Space and Port.			

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4.9	**Hazards and Hazardous Materials**				
	c. Provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plans has been provided to the operators of Mojave Air Space and Port.				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.					

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4.10	**Hydrology and Water Quality**				
41.	**MM 4.10-1:** Prior to the issuance of a grading permit, the project proponent/operator shall complete a final drainage plan designed to evaluate and minimize potential increases in runoff from the project site. The study shall include, but is not limited to the following: 1. Numerical stormwater model for the project site, and would evaluate existing and proposed (with project) drainage conditions during storm events ranging up to the 100-year event. 2. The study shall also consider potential for erosion and sedimentation in light of modeled changes in stormwater flow across the project area that would result from project implementation. 3. The drainage plan would include engineering recommendations to be incorporated into the project design and applied within the site boundary. Engineering recommendations will include measures to offset increases in stormwater runoff that would result from the project, as well as implementation of design measures to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding onsite or offsite. 4. The final design of the solar arrays shall include one-foot of freeboard clearance above the calculated maximum flood depths for the solar arrays or the finished floor of any permanent structures. Solar panel sites located within a 100-year floodplain shall be installed on piers so that the panels are located one-foot above the calculated maximum flood depths or graded to direct potential flood waters without increasing the water surface elevations more than one foot or as required by Kern County's Floodplain Management Ordinance. 5. The hydrologic study and drainage plan shall be prepared in accordance with the Kern County Grading Code and Kern County Development Standards, and approved by the Kern County Public Works Department prior to the issuance of grading permits.	Prior to the issuance of a grading permit	Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall complete a hydrologic study and final drainage plan designed to evaluate and minimize potential increases in runoff from the project site. C. The hydrologic study and final drainage plan shall be prepared in accordance with the Kern County Grading Code and Kern County Development Standards, and approved by the Kern County Public Works Department prior to the issuance of grading permits.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.					

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4.11	**Land Use**				
42.	**MM 4.11-1 (revised):** Prior to issuance of any building permit, the project operator shall provide a Decommission Plan 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 Natural Resources Department. The financial institution or Surety Company shall give the County at least ~~120~~ 180 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	Prior to the issuance of building permit	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall prepare a Decommissioning Plan and submit the appropriate financial assurances to the Kern County Planning and Natural Resources Department.			

4.11	**Land Use**				
	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 Natural Resources Department a written request and justification for an extension for an additional twelve (12) months. The Kern County Planning and Natural Resources 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.				
43.	**MM 4.11-2:** 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.	Prior to operation	Department of Defense		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project operator shall consult with the Department of Defense. C. The project operator shall coordinate the use of telemetry with the appropriate Frequency Management Office as determined through consultation with the Department of Defense.			

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4.11	**Land Use**
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.	

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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.13	**Noise**				
44.	**MM 4.13-1:** The following measures are to be implemented to further reduce short-term noise levels associated with project construction and decommissioning: a. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. Equipment staging shall be located in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during construction to the extent practical. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, where feasible. b. Construction equipment shall be fitted with noise-reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer. c. Construction and decommissioning activities at the project site shall comply with the hourly restrictions for noise-generating construction activities, as specified in the County's Code of Ordinances, Chapter 8.36. Accordingly, construction activities shall be prohibited between the hours of 9 p.m. to 6 a.m. on weekdays, and between 9 p.m. to 8 a.m. on weekends. These hourly limitations shall not apply to activities where hourly limitations would result in increased safety risk to workers or the public, such as commissioning and maintenance activities that must occur after dark to ensure photovoltaic arrays are not energized, unanticipated emergencies requiring immediate attention, or security patrols. d. Haul trucks shall not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing). e. Onsite vehicle speeds shall be limited to 15 miles per hour, or less (except in cases of emergency).	During construction and decommissioning	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The construction contractor shall ensure that all construction equipment is fitted with noise-reduction features.			

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4.13	**Noise**				
	f. Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.				
45.	**MM 4.13-2:** The construction contractor shall establish a Noise Disturbance Coordinator for the project during construction. The Noise Disturbance Coordinator shall be responsible for responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the complaint and shall be required to implement reasonable measures to resolve the complaint. Contact information for the Noise Disturbance Coordinator shall be submitted to the Kern County Planning and Natural Resources Department prior to commencement of any ground disturbing activities.	Prior to the start of construction activities and during construction	Kern County Building Inspection Department; Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The construction contractor shall establish a Noise Disturbance Coordinator for the project during construction C. Contact information for the Disturbance Coordinator shall be submitted to the Kern County Planning and Natural Resources Department prior to commencement of any ground disturbing activities.			
46.	**MM 4.13-3:** Prior to commencement of any onsite construction activities (i.e., fence construction, mobilization of construction equipment, initial grading, etc.), the project proponent/operator shall provide written notice to the public through mailing a notice, which shall include: 1. The mailing notice shall be to all residences within 1,000 feet of the project site, 15 days or less prior to construction activities. The notices shall include the construction schedule and a telephone number and email address where complaints and questions can be registered with the noise disturbance coordinator. 2. A minimum of one sign, legible at a distance of 50 feet, shall be posted at the construction site, or adjacent to the nearest public access to the main construction entrance, throughout construction activities that shall provide	Prior to construction	Kern County Planning and Natural Resources Department; Kern County Building Inspection Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. the project proponent/operator shall provide written notice to the public through mailing a notice. C. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.			

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4.13	**Noise**				
	the construction schedule (updated as needed) and a telephone number where noise complaints can be registered with the noise disturbance coordinator. 3. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.					

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4.14	**Public Services**				
47.	**MM 4.14-1:** Prior to the issuance of grading or building permits, the project proponent/operator shall develop and implement a Fire Safety Plan for use during construction, operation and decommissioning. The project proponent/operator shall submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. A copy of the approved Fire Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department. The Fire Safety Plan shall contain notification procedures and emergency fire precautions including, but not limited to, the following: a. All internal combustion engines, both stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order. b. Light trucks and cars with factory-installed (type) mufflers shall 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 shall 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 shall 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 proponent/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. g. Building plans shall be included for the energy storage system to verify adherence to County and California Building Code standards.	Prior to issuance of building and grading permits, and during construction, operation and decommissioning	Kern County Planning and Natural Resources Department; Kern County Fire Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent develops and implement a Fire Safety Plan. C. The project proponent shall submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. D. A copy of the Fire Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department.			

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4.14	**Public Services**				
~~**48.**~~	~~**MM 4.14-2:** The project proponent/operator shall implement the following mitigation steps at the project site:~~ ~~a. For facility operation, the project proponent/operator shall pay for impacts on countywide public protection, sheriff's patrol and investigative services, and fire services at a rate of $29.59 per 1,000 square feet of panel covered ground for the facility operation and related onsite structures for the entire covered area of the project. The total amount shall be divided by 20and paid on a yearly basis. Any operation that continues past 20 years will pay the same yearly fee. If completed in phases, the annual amount shall be based on the square footage of ground covered by April 30 of each year. The amount shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year for each and every year of operation. Copies of payments made shall be submitted to the Kern County Planning and Natural Resources Department.~~ ~~b. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company with assessed taxes that total less than $1,000 per megawatt per year, then that entity shall pay the taxes plus the 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 proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall~~	~~Prior to issuance of building and grading permits and during construction and operation~~	~~Kern County Planning and Natural Resources Department~~		
		~~**Steps to Compliance:**~~ ~~A. This mitigation measure shall be incorporated as a condition of approval.~~ ~~B. The project proponent shall pay for impacts on countywide public protection, sheriff's patrol and investigative services, and fire services project proponent.~~ ~~C. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department.~~ ~~D. Prior to the issuance of any building permits on the property, the project proponent shall submit a letter detailing the hiring efforts prior to commencement of construction.~~				

4.14	**Public Services**				
	~~allow the County to use this sales tax information publicly for reporting purposes.~~ ~~d. Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. The project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.~~				
48.	**MM 4.14-2 (revised):** The following Cumulative Impact Charge (CIC) shall be implemented as an annual payment due every year for the life of the project or as a lump sum payment for multiple years until the project is decommissioned and the Conditional Use Permit is voided. a. Submittal of Building Permit i. Any building permit submitted shall be accompanied by a map and legal description of the entire approved Conditional Use Permit area. ii. The map shall calculate the CIC net acreage as follows: a) Total gross acreage of the approved Conditional Use Permit. b) Total acres for Operations and Maintenance building and permanent accessory improvements. c) Total acres for Energy Storage structure and permanent accessory improvements. d) Total acres of recorded easements.	Prior to issuance of building permits and during construction and operation	Kern County Planning and Natural Resources Department; County Administrative Office Fiscal Division (CAO)		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall formulate the Cumulative Impact Charge as outlined in mitigation. C. Payments shall be made to the Kern County Planning and Natural Resources Department for direct transfer to the County Administrative Office Fiscal Division. D. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department.			

4.14	**Public Services**	
	iii. Formula: Net Acreage = (ii)a minus the sum of [(ii)b + (ii)c + (ii)d]. iv. Temporary storage areas or non-permanent commercial coaches or cargo containers for construction or operations are not eligible for inclusion under (ii)b or (ii)c, above. v. All areas of buildings, accessory improvements, and easement used in the calculations shall be shown on the submitted Map. b. Calculation and Payment of Cumulative Impact Charge (CIC) 1. A payment of ~~$ 320~~ **$550** per net acre shall be paid annually for all acres in the approved Conditional Use Permit regardless of phased implementation of building permits, the total number of building permits, or type of building permit issued. ~~If a future project phase or phases become subject to state property taxes, the annual CIC paid by the developer shall be based upon the acreage within the approved Conditional Use Permit that is not subject to state property taxes. In addition, annual CIC payments made for acres in future phases before these acres are developed shall be credited against on going CIC obligations on developed acres that continue to be exempt from state property taxes.~~ (BOS 9/13/22) 2. The first payment is due upon issuance of the first building permit. If it is not paid within 30 days after issuance of the first building permit, all such permits shall be suspended until the fee is paid in full. 3. Annual payments are due every year on the date of the first building permit issuance.	

4.14	**Public Services**				
	4. Payments shall be made to the Planning and Natural Resources Department for transfer directly to the County Administrative Office Fiscal Division (CAO) and labeled Cumulative Impact Charge (CIC) with the project name, location, and APNs. 5. Any acres denoted for an operation and maintenance building or energy storage that is not built, cannot be used for solar panels unless payment is provided for the Cumulative Impact Charge (CIC). 6. An advance payment option for a lump sum of all payment years, 5 or more years, or a reduction in each year's payment for 5 or more years, may be requested by submittal of a written request to the Planning and Natural Resources Department with details of the offer no later than 60 days before the yearly payment is due. A 10% discount in the lump sum amount will be applied if the advance payment option is accepted by the County Administrative Office Fiscal Division (CAO) by written response.				
49.	**MM 4.14-3 (revised):** ~~b.~~ Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project is sold to a city, county, or utility company with assessed taxes that total less than ~~$1,000~~ $3,000 per megawatt per year, then ~~that entity shall pay the taxes plus the 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~~ a Supplemental Cumulative Charge (SCIC) shall be paid for the difference annually up to $3,000 per megawatt. The SCIC payments shall be made	Prior to issuance of building and grading permits and during construction and operation	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. Written verification of ownership of the project shall be submitted to the Kern County Planning and Natural Resources Department.			

4.14	**Public Services**				
	annually directly to the County Administrative Office (CAO) Fiscal Division and labeled "Supplemental Cumulative Impact Charge (SCIC)" with the project name and phase number.				
50.	**MM 4.14-4 (revised):** ~~c.~~ The project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.	Prior to issuance of building and grading permits and during construction and operation	Kern County Planning and Natural Resources Department		
		A. The project proponent shall submit payment of development impact fees for public services as deemed necessary by the Kern County Board of Supervisors. B. Evidence of payment, if applicable, shall be submitted to the Kern County Planning and Natural Resources Department. C. The project proponent shall submit verification to the Kern County Planning and Natural Resources Department that a street name address has been obtained, within the unincorporated portion of Kern County, and that such address has been registered with the State Board of Equalization; unless the project proponent/operator makes arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid).			
	MM 4.14-5 (revised): ~~d.~~ Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. The project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.	Prior to issuance of building and grading permits and during construction and operation	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. Prior to the issuance of any building permits on the property, the project proponent shall submit a letter detailing the hiring efforts prior to commencement of construction.			

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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 approved Final EIR and Addendum EIR to the extent feasible.		

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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.15	**Traffic and Transportation**				
5149.	**MM 4.15-1:** Prior to the issuance of construction or building permits, the project proponent/operator shall: a. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, 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. Establish procedures for coordinating with local emergency response agencies to ensure dissemination of information regarding emergency response vehicle routes affected by construction activities; 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. Encourage carpooling among workers to reduce worker commute trips entering and exiting the study area; and viii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hour, distributing construction traffic flow across alternative routes to access the project sites, and avoiding residential neighborhoods to the maximum extent feasible. ix. Restrict and distribute PM peak hour traffic flows associated with the construction of gen-tie facilities onto adjacent roadways so that some	Prior to issuing building permits and during construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department/Building and Development Division; California Department of Transportation		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall obtain all necessary encroachment or other permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize County-maintained roads. C. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department and the Kern County Public Works Department/Building and Development Division. D. The project proponent shall prepare and submit to the Caltrans District 9 office a Construction Traffic Control Plan prepared in accordance with the Caltrans Manual on Uniform Traffic Control Devices, the Work Area Traffic Control Handbook, and the specifications of the mitigation measure. E. The Kern County Public Works Department/Building and Development Division, in consultation with Caltrans, will approve the Construction Traffic Control Plan prior to issuing building and grading permits.			

4.15	**Traffic and Transportation**				
	traffic would use higher capacity facilities, rather than Purdy Avenue, to complete the left-turn movements across SR-14, as follows: a~~x~~. All east-bound left turning project traffic related to the gen-tie component shall utilize Silver Queen Road or Oak Creek Road to access SR-14 during the PM peak hour. b~~xi~~. A portion of the west-bound project traffic, equal to or greater than five vehicles, shall utilize the Backus Road interchange to access SR-14 during the PM peak hour. Monitoring shall be conducted on a weekly basis by the project proponent/operator and any deficiencies shall be corrected immediately. Proof of compliance shall be available and furnished at the request of the Kern County Public Works Department-Development Review and the California Department of Transportation at any time during construction of gen-tie facilities. b. Obtain all necessary encroachment permits for 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 Natural Resources Department and the Kern County Public Works Department-Development Review. 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. d. Submit documentation that identifies the roads to be used during construction. The project proponent/operator shall be responsible for repairing any damage to non-county maintained roads that may result from construction activities. The project proponent/operator shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Development Review and the Kern County Planning and Natural Resources Department.				

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.15	**Traffic and Transportation**				
	e. Within 30 days of completion of construction, the project proponent/operator shall 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 proponent/operator's engineer, shall determine the extent of remediation required, if any.				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the approved Final EIR and Addendum EIR to the extent feasible.					

Mitigation Measure Monitoring Program – Sanborn 2.0 Solar Project Addendum to the Sanborn Solar Final Environmental Impact Report					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.17	**Utilities and Service Systems**				
52~~50~~.	**MM 4.17-1:** During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. The provisions listed below shall apply to the project. 1. An onsite Recycling Coordinator shall be designated by the project proponent/operator to facilitate recycling as part of the Construction, Operation and Maintenance and Decommissioning, Trash Abatement and Pest Management Program. 2. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. 3. The onsite Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal 4. Contact information of the coordinator shall be provided to the Kern County Planning and Natural Resources Department prior to issuance of building permits. 5. The project proponent/operator shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction, operations and decommissioning. A site plan showing the recycling storage area shall be submitted prior to the issuance of any grading or building permit for the site.	During construction and operation and decommissioning	Kern County Planning and Natural Resources Department; Kern County Waste Management Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. Prior to issuance of building permits, designate onsite-recycling coordinator, provide name, and phone number to Kern County Waste Management Department. C. Recycle construction waste to the extent feasible. D. Provide Kern County Planning and Natural Resources Department and Kern County Waste Management Department with a site plan showing the recycling storage area prior to the issuance of grading or building permits for the site. E. Kern County Planning and Natural Resources 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 approved Final EIR and Addendum EIR to the extent feasible.					

Memorandum of Understanding

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 _____ 2022 by and between the COUNTY OF KERN, a political subdivision of the State of California (hereinafter "County") Sanborn Solar LLC; (hereinafter collectively referred to as "Property Owner- Operator").

WITNESSETH:

WHEREAS, in consideration of the COUNTY's approval of the Sanborn 2.0 Solar Project commercial solar project, (a) Conditional Use Permit No. 60 Map 196; (b) Conditional Use Permit No. 61, Map No. 196; 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); A-1 (Limited Agriculture) A-1, FPS, PD (Limited Agriculture, Floodplain Secondary, Precise Development Plan); M3, FPS, PD, (Heavy Industrial,

Floodplain Secondary, Precise Development Plan) and M3 PD (Heavy Industrial Precise Development Plan) Zoning ordinances and all other provisions of the Kern County Zoning Ordinance (Title 19), the adopted Final Environmental Impact Report, and the adopted Mitigation Measure Monitoring Program (Exhibit A) and Conditional Use Permit conditions (Exhibit C), regardless of any exemption under California Law.

3. All notices to Property Owner-Operator under this Agreement shall be deemed valid and effective five (5) calendar days following deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to:

Simon Day, Vice President and
Head of Solar Development
Sanborn Solar, LLC
11455 El Camino Real, Suite 160
San Diego, CA 92130

All notices to County under this Agreement shall be deemed valid and effective when personally served upon the Department of Planning and Natural Resources Director or upon deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to the Director, Kern County Planning and Natural Resources Department, 2700 "M" Street, Suite 100, Bakersfield, California 93301.

4. This Agreement represents the complete understanding between the parties with respect to matters set forth herein.

5. The persons executing this Agreement on behalf of the Property Owner-Operator warrant and represent that they have the authority to execute this Agreement on behalf of the Property Owner-Operator Sanborn 2.0 Solar Project and warrants and represents that they have the authority to bind Property Owner-Operator to their performance hereunder.

6. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

7. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element. Further, the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not by employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

8. The obligations of Property Owner-Operator's successors, assigns, transferees, and lessees shall arise upon acquisition of any interest in real property in the Sanborn 2.0 Solar Project., project site that will allow them to engage in any of the land uses allowed under; (a) Conditional Use Permit No. 60, Map 196; (b) Conditional Use Permit No. 61, Map No. 196.

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
Natural Resources Department

By: _____
Lorelei H. Oviatt, AICP, Director

Project Owner/Operator – Sanborn Solar, LLC

By: Simon Day
Simon Day, Vice President and
Head of Solar Development

APPROVED AS TO FORM:
Office of County Counsel

By: _____
County Counsel

COUNTY OF KERN

By: _____
Chairman, Board of Supervisors