

KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT

Board of Supervisors

STAFF REPORT

Date: November 7, 2023

FILE: CUP #12, Map 3;
CUP #13, Map 3; WALUC Cancellation #23-07
S.D.: #4 - Couch

TITLE: (a) Conditional Use Permit No. 12, Map 3; (b) Conditional Use Permit No. 13, Map 3;
(c) Williamson Act Land Use Contract Cancellation No. 23-07

PROPOSAL: Implementation of the Chalan Solar and Storage Project would facilitate the development of approximately 65 megawatts (MW) of renewable electrical energy and approximately 25 MW of energy storage capacity on approximately 618 acres of privately owned land. The project proponent is requesting approval of the following: (a) Conditional Use Permit No. 12, Map 3 to allow for the construction and operation of an approximate 65 MW solar facility, as well as ancillary structures including a 25 MW Battery Energy Storage System (BESS) within the A (Exclusive Agriculture) Zone District pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance; (b) Conditional Use Permit No. 13, Map 3 to allow for the construction and operation of a microwave communications tower, within the A (Exclusive Agriculture) Zone District pursuant to Section 19.12.030.F of the Kern County Zoning Ordinance; and (c) Williamson Act Land Use Contract Cancellation No. 23-07 of approximately 618 acres from Document No. 10974, Book 4373, Page 128

APPLICANT: Chalan CA Solar and Storage, LLC, by Origis Energy, LLC (PP21402)

PROJECT SIZE: Approximately 618 acres

LOCATION: The project site is located approximately two (2) miles west of King Road and immediately south of the Kern County/Kings County Line, in the northwestern portion of unincorporated Kern County

GENERAL PLAN DESIGNATION/ZONE CLASSIFICATION: 8.3 (Extensive Agriculture) / A (Exclusive Agriculture)

SURROUNDING LAND USE/ZONING: North - Undeveloped, Vacant Land/A (Exclusive Agriculture);
East - Undeveloped and Agricultural, Vacant Land/A (Exclusive Agriculture);
South - Undeveloped/Proposed Solar, Vacant Land/A (Exclusive Agriculture);
West - Undeveloped, Vacant Land/A (Exclusive Agriculture)

PROJECT ANALYSIS: Implementation of the Chalan Solar and Storage project would facilitate the development of approximately 65 megawatts (MW) of renewable electrical energy and approximately 25 MW of energy storage capacity, 100-megawatt hours (MWh), on approximately 618 acres of privately-owned land, on one (1) parcel.

The project would be supported by a 500 foot 230-kilovolt (kV) gen-tie overhead and/or underground electrical transmission line originating from an on-site substation and terminating at the Pacific Gas & Electric Arco Substation located on APN 043-210-27 adjacent to the project parcel. The project's permanent facilities would include, but are not limited to, service roads, a power collection system, inverter stations, transformer systems, transmission lines, electrical switchyards, project substation, and an energy (battery) storage system. The entirety of the project has been leased by the project proponent. Table 1, *Project Assessor Parcel Numbers*:

Comprehensive Summary of Project Proposed Actions and Acreage, below lists the Assessor Parcel Number (APN) within the project boundary and the requested proposal. A vicinity map is attached as Figure 1, existing Kern County General Plan map codes are shown on the attached Figure 2, existing Zoning is shown on Figure 3, and a conceptual facility layout is shown on attached Figure 4.

Table 1: Project Assessor Parcel Number: Comprehensive Summary of Project Proposed Actions and Acreage

APN	Existing Map Code Designation	Existing Zoning	Proposed Usage	Estimated Acreage
043-210-28	8.3	A	Solar Facility	618
Total				618

The project site is located south of the Kern County/Kings County Line, in the northwestern portion of unincorporated Kern County, approximately four (4) miles east of Baker Road and Highway 33 (West Side Highway), approximately two (2) miles west of King Road, approximately seven (7) miles west of Interstate 5 (I-5), approximately 14 miles northwest of the community of Lost Hills and approximately 16 miles south of Kettleman City.

The nearest public roadway is King Road and 25th Avenue, located approximately one (1) to two (2) miles to the east of the project site. Primary access to the project site would be via an existing dirt access road along the Kern County/Kings County boundary from the King Road/25 Avenue intersection. This portion of roadway would be improved in a westerly direction from King Road/25 Avenue within King County jurisdiction.

The nearest rural residence is located approximately 1.7 miles to the east of the project site, adjacent to an almond processing plant. Additional sensitive receptors are located in Kettleman City and Lost Hills, approximately 14 to 16 miles from the project site.

The project site is currently undeveloped land covered with sparse to moderately dense non-native vegetation used for grazing. The project site is designated as Grazing Land by the California Department of Conservation (DOC), and not as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. The project site is within the Kern County Agricultural Preserve No. 1 boundary. The project site is currently subject to an existing Williamson Act Land Use Contract, as outlined in Table 2 and shown on Figure 5. A nonrenewal was filed for this contract in 2023, set to expire in 2032. However, uses on such land are restricted to agricultural or other compatible uses; thus, a solar energy facility would not be considered a compatible use. Therefore, the project would require a Williamson Act Land Use Contract Cancellation to facilitate the project.

Table 2: Williamson Act Land Use Contract Cancellation

WALUC Cancellation Number	Kern County Recorded Document Number	Original Contract Date	Status	APN(s)	Acreage to be removed
23-07	Book 4373, Page 128 Doc No. 10974	2/18/1970	Nonrenewal	043-210-28	618.00
NOTES: WALUC = Williamson Act Land Use Contract; APN = Assessor's Parcel Number.					

The Federal Emergency Management Agency (FEMA) delineates flood hazard areas on its Flood Insurance Rate Maps (FIRMs). According to the FIRMs for the project area, portions of the southernmost project site is located in a 100-year flood area, however, no panels are planned to be constructed in this area. The majority of the project site is located within Flood Zone X (100-year flood zone) as defined on the FIRM issued by FEMA; this indicates these areas are subject to 0.2 percent annual chance for flooding.

The project site is not located within any Airport Sphere of Influence area.

Proposal

The Chalan Solar and Storage Project would facilitate the development of a solar facility with a generating capacity of approximately 65 megawatts (MW) of renewable electrical energy and approximately 25 MW, 100 megawatt-hours (MWh) of battery energy storage capacity on approximately 618 acres of privately-owned land, on one (1) parcel. The project proponent is requesting approval of the following:

(a) Conditional Use Permit No. 12, Map 3 for the construction and operation of a solar facility and associated infrastructure, including battery energy storage, on approximately 618 acres in an A (Exclusive Agriculture) Zone District, pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance; (b) Conditional Use Permit No. 13, Map 3 for the construction and operation of a microwave communications tower, within the A (Exclusive Agriculture) Zone District pursuant to Section 19.12.030.F of the Kern County Zoning Ordinance; and (c) Williamson Act Land Use Contract Cancellation No. 23-07.

Implementation of the Project Requires the Following Actions:

Conditional Use Permits

The project includes two (2) applications for Conditional Use Permits (CUP) to allow for the construction and operation of a 65 MW solar photovoltaic electrical generating facility with approximately 25 MW of energy storage capacity (Section 9.12.030.G) in an A (Exclusive Agriculture) Zone District and the construction and operation of a telecommunications tower (Section 19.12.030.F) in an A (Exclusive Agriculture) Zone District.

Williamson Act Land Use Contract Cancellation

The project includes a petition for the cancellation of an existing Williamson Act Land Use Contract. Specifically, the petition includes the cancellation of 618 acres from Document No. 10974, Book 4373, page 128 (Cancellation No. 23-07).

Project Characteristics

The proposed project facilities at the site would include: (1) solar array; (2) electrical collector system and inverters; (3) energy storage systems; (4) substation; (5) transmission lines; (6) communication towers; and (7) site access and security.

Solar Arrays

The proposed project would utilize either ground mounted PV solar panels on fixed tilt systems or horizontal tracker systems or a combinations thereof. The estimate is that 225,000 to 250,000 high efficiency solar panel modules/solar arrays are to be used for the proposed project. The final number of arrays would be based upon the specific panel model selected. Individual panels would be

installed using galvanized steel or aluminum poles. The panels would rotate to follow the sun over the course of the day. Maximum panel height is anticipated to be up to 13 feet high, depending on the mounting system used.

Final solar panel layout and spacing would be optimized for project area characteristics and the desired energy production profile. Figure 4, attached to this staff report, provides a depiction of the typical installation design of the project and to identify areas where no infrastructure is proposed.

Collection, Inverter, and Transformer Systems

Photovoltaic energy generated by the panels would be delivered via cable to the inverters, generally located within the solar array field. The inverters are combined with transformers, and other electrical equipment to reach the needed collection level voltage. The footprint of each inverter is generally mounted on a concrete pad and would be dispersed among the arrays. The proposed project would require approximately 28 inverters (17 solar and 11 for battery storage), depending on final design details, but all would be located within the project footprint. The inverter converts the DC electricity to AC electricity, which then flows to a transformer where it is stepped up to the appropriate collection level voltage (34.5-kV). Each inverter and transformer would be installed as per manufacturer's requirements.

Energy Storage System.

As proposed, the proposed project would include Battery Energy Storage Systems (BESS). The project would have a total of approximately 25MW, or up to 100 MWh, of energy storage capacity. As proposed, the project includes 18 to 22 BESS containers with lithium-ion batteries, featuring integrated heating, cooling, ventilation, and fire suppression systems. The BESS would each encompass a maximum of approximately 530 square feet or 0.012 acres of land within the facility area, for a total of approximately 0.2 acres. The location and number of the BESS would be determined at the time of final design and would be entirely within the proposed project footprint and areas of disturbance.

The approximate 25 MW BESS would consist of a series of batteries housed within separate storage containers either built on-site or in prefabricated metal containers. The system shall be protected from access by non-approved personnel, with either locked containers or fencing, as approved by the KCFD to ensure access in case of emergency. If multiple containers are used, and each exceeds 250 kWh, containers would be placed at least three (3) feet apart from other battery containers, unless testing demonstrates otherwise. Emergency electrical disconnects are expected to be accessible in case of emergency, in compliance with the National Electrical Code (NEC) and Americans with Disabilities Act (ADA) and located on the outside of each container. If electrical disconnect is not within sight of the system, a sign should indicate its location. Each BESS container would be constructed of non-combustible material, with consideration given for direction of gas or fire release away from first responders in the case of a catastrophic failure. All non-battery rooms would have County-approved standard sprinkler systems. The structure would also have HVAC cooling in the battery room to further maintain cool temperatures within the unit.

Substation

The proposed substation would include transformers, breakers, switches, meters, and related equipment. Interconnection equipment, including the control house, would be installed aboveground and underground within the footprint of the substation. The footprint of the substation would be approximately 100 by 200 feet. The proposed project would be surrounded by a six-(6)-foot-high barbed wire chain-link fence with one-(1)-foot of wire on top and would comply with electrical codes.

Transmission

From the proposed project's on-site substation(s), power would be transmitted to the privately owned PG&E Arco Substation via up to 230 kV overhead and/or underground line(s). The 230 kV gen-tie would interconnect the project substation to the existing PG&E Arco Substation. The gen-tie is proposed to extend to the south from the project substation for approximately 500 feet. Generation tie-line poles are estimated to be approximately 60 to 80 feet in height.

On-site Communication and Meteorological Stations

The proposed project includes an on-site telecommunications tower to facilitate collection and transmission of meteorological data and data regarding performance of the solar arrays. A Telecommunications tower would be up to 120 feet tall and installed adjacent the project's substation for essential communication, and voice and data communications relay will be required, in addition to a SCADA system.

A meteorological tower is a free-standing tower which carries measuring instruments with meteorological instruments such as thermometers and instruments to measure wind speed. A meteorological tower would be installed on the perimeter of the project site. Meteorological towers would be approximately 20-feet in height and construction of steel lattice or monopole mounted on concrete foundations. Up to three (3) meteorological towers would be installed at the proposed project site.

Operations and Maintenance (O&M) Building.

No O&M building would be located on the site. Operations and Maintenance would be tracked remotely with maintenance anticipated to require site visits once to twice each month. The remote operators would be continually aware of plant output, voltage, and local weather conditions and would receive real-time alerts in the event of abnormal operating conditions, allowing the operators to dispatch technicians as needed.

Site Access and Security

Permanent security fencing would be installed around the facility perimeter of the project site. Fencing would be either six (6)-foot-tall chain link fence with three (3)-strand barbed wire or an eight (8)-foot ranch style fence with no barbed wire. The fence would be installed along the perimeter of the project site. The east and west halves of the site would be separately fenced. Fencing would be designed to allow movement of sensitive wildlife. Additional fencing would be installed around the project substation and BESS area. Security cameras would also be installed throughout the project site and monitored via the remote operating control center.

Portable nighttime lighting would provide O&M personnel with illumination for emergency operating conditions. The minimum illumination needed to ensure worker safety and security on-site would be provided. All portable nighttime lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties as required by Kern County Ordinance (Chapter 19.81) - Outdoor Lighting-Dark Skies requirements.

Water Usage.

Water usage during the expected 12-month construction period, primarily for dust-suppression purposes, is not expected to exceed 125-acre feet. Bottled water and portable restroom facilities would be provided for construction workers. Construction water is expected to come from an on-site or off-site groundwater well or purchased from a Westside District Water Authority member and delivered via truck to the project site. The project's operational water consumption is expected to be approximately one (1)-acre feet per year to be used for PV solar panel washing and other maintenance activities, as well as fire suppression. Water during the operational period is

anticipated to be obtained from a new on-site groundwater well or delivered via truck from an off-site source(s) within the project vicinity.

Work Force.

During the 12-month construction phase, the project would require a maximum of approximately 300 personnel at any given time. Once the project is constructed, maintenance would generally be limited to the cleaning of PV panels, monitoring electricity generation, providing site security and facility maintenance. The operation and maintenance of the proposed project will require three (3) to four (4) full-time equivalent (FTE) maintenance personnel. One (1) FTE position is equivalent to 40 personnel hours per week. No personnel would be on-site during the operation phase of the project unless maintenance is required.

The solar facility would operate seven (7) days a week, 24 hours a day, generating electricity during normal daylight hours when the solar energy is available. Maintenance activities may occur seven (7) days a week, 24 hours a day to ensure BESS and PV panel output when solar energy is available.

Final Environmental Impact Report

A Final Environmental Impact Report (EIR) was prepared for this project in accordance with the California Environmental Quality Act (CEQA) Guidelines. As required by CEQA, the EIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the proposed project. This Final EIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA. As required by Departmental procedures for processing of an EIR, an indemnification agreement has been executed by the project proponent.

To initiate the EIR process, a Notice of Preparation/Initial Study (State Clearinghouse No. 2021100003) was circulated for a 30-day public review period beginning on September 30, 2021, and ended on November 1, 2021. A scoping meeting was noticed and held on October 21, 2021, at the Kern County Public Services Building, 2700 "M" Street, Suite 100 in Bakersfield, California. No verbal comments were received at the scoping meeting. Eleven (11) comment letters were received during the Notice of Preparation/Initial Study 30-day public review period, plus one (1) additional comment that was received after the public review period. These comments were used in the preparation of the Draft EIR and are included in Appendix A of the EIR.

Based on the analysis contained in the Initial Study and comments received in response to the Notice of Preparation, a Draft EIR was prepared and circulated for a 45-day public review period beginning on June 15, 2023, and ending on July 31, 2023. In total, over 115 copies of the Draft EIR were distributed, in addition to 37 Notices of Availability. The Draft EIR was also available on the Kern County Planning and Natural Resources Department's webpage. Seven (7) written comments from individuals or agencies/organizations were received on the Draft EIR during this public review period, with an additional comment from the Kern County Public Works Department Development Review Section received after the conclusion of the public review period. As required by Section 15088 of the State CEQA Guidelines, responses to these comments were prepared and provided to the agencies and interested parties that submitted return addresses at least 10 days prior to the Planning Commission hearing.

The Response to Comments included responses for the additional comment that was received after the 45-day public review period for the Draft EIR, but before the circulation of the Response to Comments.

In accordance with State CEQA Guidelines, a Final EIR has been completed, comprised of four (4) documents:

- Volume 1 – Chapters 1 through 10 of Draft EIR (June 2023)
- Volume 2 – Appendices A–E of Draft EIR (June 2023)
- Volume 3 – Appendices F–M of Draft EIR (June 2023)
- Volume 4 – Chapter 7, Response to Comments (September 2023)

These documents have been provided to your Board for your review and consideration. A complete copy of the Environmental Impact Report is also available on the Kern County Planning and Natural Resources Department website at the following link: <https://kernplanning.com/environmental-doc/chalan-solar-and-storage-project/>.

The Final EIR contains 55 mitigation measures to reduce significant impacts from the project, and a Mitigation Monitoring and Reporting Program has been included as Exhibit C to your staff report for your review.

Effects Found to Have No Impact

Based on the findings of the Initial Study/Notice of Preparation and the results of the scoping process, the proposed project was determined to have no impact with regard to the following impact thresholds, and the categories were therefore not analyzed in the EIR prepared for the project:

- Population and Housing
- Recreation

Less than Significant Impacts (Including Significant Impacts That Can Be Mitigated, Avoided, or Substantially Lessened)

The EIR prepared addresses all potentially significant environmental impacts that Kern County identified during the Notice of Preparation and scoping process. After further study and environmental review in the EIR, it was determined that certain impacts would be less than significant, or could be reduced to a less than significant level with the incorporation of mitigation measures:

- Air Quality (Project)
- 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 (Project and Cumulative)
- Public Services (Project and Cumulative)
- Transportation and Traffic (Project and Cumulative)
- Tribal Cultural Resources (Project and Cumulative)
- Utilities and Service Systems (Project and Cumulative)
- Wildfire (Project)

Significant and Unavoidable Impacts

Significant and Unavoidable Project Impacts

Section 15126.2(b) of the State CEQA Guidelines requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant. After study and environmental review in the EIR, it was determined that certain impact thresholds would have significant and unavoidable impacts after the project complies with all regulatory, statutory, and feasible and reasonable mitigation measures. Those specific impacts that would have significant and unavoidable impacts after mitigation are identified below:

- Aesthetics
- Agriculture and Forestry Resources

Significant and Unavoidable Cumulative Impacts

According to Section 15355 of the State CEQA Guidelines, the term cumulative impacts "...refers to two (2) or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, however, when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively significant. A list of projects used in the cumulative analysis is included in Chapter 3, Project Description, and a full discussion of all cumulative impacts for each impact is contained in Chapter 4. The EIR determined that the following impacts on the projects were determined to have a significant and unavoidable cumulative impact that cannot be avoided after all regulatory, statutory, and feasible and reasonable mitigation measures:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality (Temporary During Construction and Decommissioning Only)
- Biological Resources
- Wildfire

Impact	Project Impacts	Cumulative Impacts
Aesthetics	The proposed project would introduce manufactured elements where they do not currently dominate the landscape. With Mitigation Measures MM 4.1-1 through MM 4.1-3 visual impacts from the collection of debris along the site boundary and from vegetation removal would be reduced through planting of native vegetation. However, there are no feasible mitigation measures that can be implemented to maintain the existing open and undeveloped grassland landscape character of the project site, impacts to visual resources would remain significant and unavoidable .	Other projects in the region would also result in the conversion of presently rural undeveloped areas to solar energy production uses, which cannot be mitigated to a degree where impacts are no longer significant. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, the proposed project's contribution to cumulative significant impacts associated with visual character in the San Joaquin Valley would be significant and unavoidable .
Agriculture and Forestry	The proposed project would require cancellation of an open space contract made pursuant to the California Lands Conservation Act of 1965 for a parcel over 100 acres. With implementation of	Of the approximately 13 cumulative projects in Kern County, 2 would be subject to Williamson Act Contracts in non-renewal status. Cumulative projects, which are subject to Williamson Act

	Mitigation Measure MM 4.2-1, impacts related to the conflict with agricultural zoning and cancellation of a Williamson Act contract and an open space contract would still be significant and unavoidable, and there is no additional feasible mitigation available to reduce project level impact related to the cancellation of a Williamson Act/Farmland Security Zone Contract.	Contracts in non-renewal status and are located adjacent to the proposed project, could similarly result in a significant impact involving the cancellation of an open space contract. The proposed project's incremental effect is therefore cumulatively considerable when viewed in connection with the effects of other closely related current projects and probable future projects. With implementation of Mitigation Measure MM 4.2-1, cumulative impacts for Williamson Act Contract cancellation of approximately 618 acres of contracted lands, combined with other projects projected in the Kern County General Plan over the 35-year life of the project would result in a cumulatively significant and unavoidable impact and there is no additional feasible mitigation available to reduce impacts related to the cancellation of a Williamson Act Contract.
Air Quality	There would be no significant and unavoidable project impacts.	There are several alternative energy projects being developed within the San Joaquin Valley geographical area. From a site-specific, project-level operational review, these projects are required to comply with all rules and regulations of the San Joaquin Valley Air Pollution Control District. Impacts associated with operation of the proposed project are generally considered less than significant. However, given the total number of development proposals within the region, even with the implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6, cumulative temporary construction, decommissioning, and criteria air pollutant impacts are considered significant and unavoidable.
Biological Resources	There would be no significant and unavoidable project impacts.	As development increases within Kern County, impacts to biological resources within the region are increasing on a cumulative level. When considered with the number of present and reasonably foreseeable future development projects in the San Joaquin Valley, the proposed project would result in a significant and unavoidable cumulative loss of foraging and nesting habitat for special-status species, even with the implementation of project-specific mitigation measures. The

		loss of such habitat for special-status species that may utilize habitat on the project site would result in a significant and unavoidable cumulative impact.
Wildfire	There would be no significant and unavoidable project impacts.	Given the location is located in in a rural area with limited infrastructure, the proposed project would have cumulatively significant and unavoidable wildfire impacts related to: the exposure of proposed project occupants to pollutant concentrations from a wildfire; the installation or maintenance of associated infrastructure; and the exposure of people or structure to significant risks as a result of runoff, post-fire slope instability, or drainage changes, even after implementation of Mitigation Measures MM 4.10-1 and MM 4.14-1.

Aesthetics

Impacts to visual character of the project site and surrounding area were analyzed in Section 4.1 - *Aesthetics* found on Pages 4.1-1 through 4.1-44 of the EIR. Although the proposed project is generally well-sited for renewable energy generation and low impacts on neighboring land uses, the industrial nature of the facilities, when introduced into the view shed of the site, would substantially change the existing visual character of the landscape around the site for the life of the project when viewed from sensitive receptors. The project would have a significant impact on adjacent scenery by implementing a solar energy project on approximately 618 acres of rural land, the majority of which would be developed with mechanical equipment associated with solar energy generation. Additionally, by substantially modifying views in an area that is currently defined largely by open space, cultural modifications would be introduced that would be incompatible or would promote disharmony with the existing landscape.

There are no criteria in either the State or County regulations for measuring aesthetic impacts. This issue is viewed differently by various members of the community. Some citizens would describe the visual loss of open space to development as a significant impact. Others may view well designed landscaped development as aesthetically pleasing comparable to the qualities of expanses of open space. The proposed project would represent a change in visual character of the project site from an agricultural state to one (1) with human-made development. The proposed project would result in a significant and unavoidable impact on the existing visual character of the project site and its surroundings because it would introduce an industrial element into a predominantly rural, open, and agricultural landscape.

Mitigation measures would be incorporated to reduce the severity of aesthetic impacts near the project site. MM 4.1-1 would reduce impacts of trash and debris on the site by the implementation of a Maintenance, Trash Abatement, and Pest Management Program. MM 4.1-3 would require that wherever possible, within the proposed project boundary the natural vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. MM 4.1-4 through MM 4.1-6 would reduce impacts from light trespass, glare, and reflective equipment, as well as require the project to demonstrate that all on-site buildings utilize

non-reflective materials and a color treatment that blends with the surrounding environment. However, because there are no feasible mitigation measures that could be implemented to preserve the existing undeveloped and rural agricultural landscape character at the project site while at the same time developing a solar energy project, project specific impacts on visual resources would remain significant and unavoidable despite implementation of these mitigation measures.

Other solar projects in the region have also been required to implement similar mitigation measures to reduce impacts. However, the conversion of thousands of acres in a presently rural area to solar energy production uses cannot be mitigated to a degree where impacts would be less than significant. Following implementation of MM 4.1-1 through MM 4.1-6, cumulative impacts associated with aesthetics would remain significant and unavoidable.

Agriculture and Forestry Resources

Impacts to agricultural and forestry resources as within the boundaries of the project site and surrounding area were analyzed in Section 4.2 – Agriculture and Forestry Resources found on Pages 4.2-1 through 4.2-28 of the EIR. There are no portions of the project site that is designated as “Prime Farmland,” “Farmland of Statewide Importance” or “Unique Farmland.” The Farmland Mapping and Monitoring Program Designates the project site as Grazing land, Nonagricultural, and Natural Vegetation. Currently the use of the site is primarily for grazing and has been dry farmed with wheat over the past 20 years. The proposed project would convert this area to nonagricultural use. The proposed project site is bordered to the west by natural vegetation grazing land and is adjacent to the Arroyo Ancho stream channel; to the east by nonagricultural or natural vegetation; and to the north by grazing land. A result of the increasing scarcity and price of water and the need to reduce regional water use as part of the adjudication, agricultural production has declined in the area, and continues to decline as agricultural land is converted to less water intensive land uses, including renewable energy projects.

Implementation of the project would require the cancellation of a Williamson Act Land Use Contract on approximately 618 acres and would convert agricultural (grazing) land to a non-agricultural use. Therefore, the project would require the cancellation of an open space contract made pursuant to the California Lands Conservation Act of 1965 for a parcel over 100 acres. No feasible mitigation is available to reduce impacts related to the cancellation of Williamson Act Contracts, therefore, impacts related to the cancellation of an open space contract would be significant and unavoidable.

Although the conversion of agricultural land to non-agricultural uses is affected by numerous factors, the project’s conversion of 618 acres of agricultural land, along with the cancellation of the existing Williamson Act Contract, is cumulatively significant when considered in connection with effects of other closely related past projects, current projects and of probable future projects. Because no feasible mitigation is available, impacts to agricultural resources are considered significant and unavoidable.

Air Quality

The project is located in the San Joaquin Valley Air Basin (SJVAB) and is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In accordance with Kern County’s *Guidelines for Preparing an Air Quality Assessment for Use in Environmental Impact Reports*, geographic scope for cumulative air quality impacts includes projects within one-(1-) and six- (6-) mile radius

of the various project sites, as well as similar solar projects located in the Valley region of Kern County and adjacent area within Kings County, as presented in the Air Quality Impacts Analyses prepared for the site.

As noted in the Draft EIR Section 4.3 - *Air Quality*, found on Pages 4.3-1 through 4.3-56 of the EIR, construction of the proposed project would result in emissions of the air pollutants ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. Emissions from construction would result from fuel combustion and exhaust from construction equipment; as well as vehicle traffic, fugitive dust from grading, and the use of toxic materials (e.g., paints and lubricants). Construction emissions would be below SJVAPCD thresholds adopted by Kern County, except for NO_x, per Table 4.3-4 of the EIR. Mitigated construction emissions would be below SJVAPCD thresholds, per Table 4.3-5 of the EIR. Once operational, project emissions would be limited to maintenance activities and a small number of employee vehicle trips, and operational emissions would be well below SJVAPCD thresholds adopted by Kern County, per Table 4.3-6 of the EIR. Emissions estimates were based on assumptions in the air quality impact analyses for the project site.

As discussed in Section 4.3.4, the construction emissions generated by the project individually, except for NO_x, would not exceed SJVAPCD thresholds. With regard to project level construction emissions, Mitigation Measures MM 4.3-1 through MM 4.3-6 would reduce impacts related to NO_x and PM₁₀ from diesel emissions, reduce dust generation, and address potential Valley Fever risk by implementing fugitive dust control measures, establishing a public complaint protocol for excessive dust generation. Mitigation Measures MM 4.3-7 through MM 4.3-10 would help to reduce the spread of COVID-19 and the risk of Valley Fever by requiring preparation of Safety Plans for both COVID-19 and Valley Fever Dust Management, as well as Valley Fever-related training for construction workers and payment towards Valley Fever public awareness programs. However, assuming on a worst-case basis that the construction schedules for all cumulative projects would overlap with each other and with the proposed project, cumulative impacts during construction could remain significant and unavoidable related to NO_x and PM₁₀ emissions.

Operational emissions associated with the project would be those generated from mobile sources traveling to and from the project area, panel washing and maintenance, and operation of the BESS systems. Operational emissions of the project do not exceed the project level regulatory thresholds and, therefore, would not contribute to a long-term cumulative increase in criteria pollutants. The project's incremental contribution to operational impacts would not be cumulatively considerable.

Despite implementation of MM 4.3-1 through MM 4.3-6, construction and decommissioning emissions generated by the project and related projects could cumulatively combine and result in a temporary significant and unavoidable cumulative impact. Cumulative operational impacts would be less than significant.

Biological Resources

The Final EIR described the impacts on biological resources that would result from implementation of the proposed project and identified mitigation measures that would reduce these impacts.

The approximately 618-acre project site and surrounding areas are primarily undeveloped lands. The project site is relatively flat, with elevations ranging from approximately 430 feet above mean sea level (AMSL) to 590 feet AMSL.

The project site was evaluated for the potential presence of special-status plant species which historical database searches revealed have potential to occur within the project site. Three (3) special-status plant species were identified in the literature review as historically occurring in the region; however, all three species were determined not expected to occur on the project site because of a lack of suitable habitat and/or absence during focused surveys conducted within the appropriate blooming period.

A total of 12 special-status wildlife species (two (2) invertebrates; one (1) amphibian, one (1) reptile, two (2) birds, and six (6) mammals) have been historically recorded or have potential to occur within the vicinity of the project site. In addition, seven (7) special-status bird species were observed within the project site during 2021 surveys: Swainson's hawk, western snowy plover, northern harrier, California horned lark, prairie falcon, loggerhead shrike, long-billed curlew, and osprey.

Of the 19 special-status wildlife species identified as having the potential to occur within the project site, nine (9) species were determined to be present on or in the vicinity of the project site: blunt-nosed leopard lizard, Swainson's hawk, western snowy plover, northern harrier, California horned lark, prairie falcon, loggerhead shrike, long-billed curlew, and osprey. No species were determined to have a high potential to occur within the project site. Five (5) species were determined to have a moderate potential to occur within the project site: burrowing owl, Nelson's antelope squirrel, San Joaquin pocket mouse, American badger, and San Joaquin kit fox. Species that are present or have a moderate potential to occur are described further below. Additionally, the blunt-nosed leopard lizard has a low potential to occur within the project site. Construction of the project could result in the direct impacts to these special-status species if any are present during ground disturbance and construction

With the implementation of mitigation measures for avoidance and minimization to biological resources, such impacts will be reduced to a less than significant impact. As stipulated above, Mitigation Measures MM 4.1-5 and MM 4.1-6 would reduce impacts from light trespass, glare, and reflective equipment. Mitigation Measure MM 4.4-2 would require an Environmental Awareness Training and Education Program be developed and presented by the Lead Biologist. Mitigation Measure 4.4-3 would require general avoidance and protective measures. Mitigation Measure MM 4.4-4 states that during construction and decommissioning, the Lead Biologist or approved biological monitor shall monitor all initial ground-disturbance activities and remain on-call throughout construction/decommissioning in the event a special-status species wanders into the project site. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities: 50 feet for a potential San Joaquin Kit fox or American badger den, 100 feet for an active San Joaquin kit fox or American badger den, and 500 feet for a natal San Joaquin kit fox or American badger den. If avoidance of the potential dens is not possible, and the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent American badgers or San Joaquin kit foxes from re-using them during construction.

Mitigation Measures MM 4.4-3 and MM 4.4-6 includes a list of measures to be incorporated to reduce potential impact to all special-status and protected wildlife and plant species on-site, respectively. These measures include, but are not limited to, limiting vehicular speed on-site, covering trenches and holes at the end of the working day, or providing escape ramps, to avoid entrapment, inspecting holes, trenches, and pipes for trapped animals, and the restriction of trash, pets and chemicals used on-site. MM 4.4-5 includes a list of measures to be incorporated to reduce potential impact to burrowing owls on site.

Mitigation Measures MM 4.4-8 through MM 4.4-10 require preconstruction surveys for San Joaquin pocket mouse, San Joaquin kit fox and a protocol level survey for Blunt nosed leopard lizards. Mitigation Measure MM 4.4-11 would require the project proponent/operator to install power lines in conformance with the Avian Power Line Interaction Committee (APLIC) standards, designed to reduce electrocutions from power lines and collisions with power lines. MM 4.9-2 would require herbicide protection measures, pertaining to wildlife and personnel using herbicides

As noted in Chapter 4 of the EIR, Biological Resources, found on Pages 4.4-1 through 4.4-52 of the EIR, given the number of present and reasonably foreseeable future development projects in the San Joaquin Valley, the proposed project, when combined with other projects, would contribute to cumulative loss of habitat for special-status species. Implementation of mitigation measures would reduce impacts to habitat to less than significant for the proposed project. However, the proposed project, when combined with other related development projects proposed throughout the County, would cumulatively impact habitat for special-status species. Thus, cumulative impacts would be significant and unavoidable.

With the implementation of MM 4.1-5 through MM 4.1-7, MM 4.4-1 through 4.4-11, and MM 4.9-2 impacts on special-status species would be less than significant for the construction and operational periods but remain cumulatively significant and unavoidable.

Wildfire

Wildland wildfire impacts were analyzed in the Draft EIR, and mitigation measures were identified to reduce these impacts. The project site is not within the Federal Responsibility Area (FRA) or a State Responsibility Area (SRA) per the California Department of Forestry and Fire Protection (CAL FIRE). The project site is classified as a Local Responsibility Area (LRA) with Moderate fire hazard severity zone by CAL FIRE. Based on fire maps that date back to 1950 there have been no fires on the project site.

The project site primarily consists of sparse non-native grasslands. Existing development in the project vicinity includes rural access roads, producing and non-producing water wells, cattle ranching, solar energy projects and meteorological towers.

As noted in the Draft EIR Section 4.18 – *Wildfire*, found on Pages 4.18-1 through 4.18-17 of the EIR, the project and related projects in the vicinity 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.

Mitigation measures would be incorporated to reduce the severity of wildfire impacts near the project site. MM 4.14-1, in section 4.14, Public Services, of the EIR, would reduce wildland wildfire impacts by requiring the development and implementation of a Fire Safety Plan. The Fire Safety Plan would need to be approved by the Kern County Fire Department prior to the issuance of any building or grading permits. The implementation of MM 4.10-1, in section 4.10 Hydrology and Water Quality, of the EIR, would require the project proponent to submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Kern County Planning and Natural Resources Department and/or the Kern County Public Works Department. 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.

The project would have a less than significant impact related to impairment of an adopted emergency response or emergency evacuation plan. Similar to the project, related projects would be required to determine whether they are classified as being within a high fire hazard severity zone, identified within an emergency evacuation route or within an adopted emergency evacuation plan, and whether they meet the requirements of applicable Fire Code and Building Code. Nevertheless, given the location is subject to high wind speeds, and is in a rural area with 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.

Project Proponent's Objectives

To meet the primary purpose of the proposed project, the project proponents have identified the following objectives:

- Establish a solar PV power-generating facility that is of a sufficient size and configuration to provide electricity to the California Independent System Operator (CAISO) grid and help to meet the increasing demand of the State of California for clean, renewable electrical power at a competitive cost.
- Enhance existing electrical distribution infrastructure and provide greater support to existing and future customer loads to ensure PG&E can provide power to all customers, including customers in Kern County.
- 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 SB 32, which requires that statewide GHG emissions are reduced to at least 40 percent below the statewide GHG emissions limit by 2030.
- Support California's aggressive Renewable Portfolio Standard (RPS) Program consistent with the timeline established by SB 100 ("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.
- Expand the reach of renewable energy development through the creation of high-capacity battery energy storage systems (BESS), making solar more valuable by storing energy after sunset and placing it on the grid.
- Provide up to 300 jobs during construction, which would provide increased business for local contractors and vendors.
- Site and design the project in an environmentally responsible manner which includes:
 - Locating generation facilities in a rural portion of northwestern Kern County which receives intense solar radiation;
 - Utilize undeveloped land with limited water availability for a renewable energy project;

- Using existing electrical transmission facilities, rights-of-way, roads, and other existing infrastructure where practicable;
- Minimizing water use; and
- Reducing greenhouse gas emissions.

Alternatives

Section 15126.6 of the CEQA Guidelines states an EIR must address “a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternative.” The alternatives to be considered should include those that offer substantial environmental advantages over the proposed project and that may feasibly be accomplished considering the various economic, environmental, social, technological, and legal factors.

In order to meet the requirements of Section 15126.6, the EIR considered a total of four (4) project alternatives. This reasonable range of alternatives provides the decision-makers with enough variation to support informed decision making.

Alternatives Eliminated from Further Consideration

Three (3) alternatives underwent a preliminary analysis and were eliminated from further consideration once it was clear that they were infeasible or failed to meet project objectives. They include: (1) Wind Energy Project Alternative; (2) Industrial Power Plant Alternative; and (3) Alternative Site Alternative.

The “Wind Energy Project alternative” was eliminated from further consideration for the following reasons: (a) would substantially increase the significant aesthetic impacts associated with the project because wind turbines would be much taller than solar panels, require Federal Aviation Administration (FAA) lighting, and are more visible from many viewpoints; (b) may result in additional/greater biological resources impacts to avian species than the project; (c) may generate long-term noise impacts to nearby sensitive receptors from rotating turbine blades; and (d) may result in increased land use and planning impacts associated with the project due to the need for an increased project site.

The “Industrial Power Plant alternative” was eliminated from further consideration for the following reasons: (a) would result in additional/greater impacts than the proposed project including aesthetics, air quality, greenhouse gas (GHG) emissions, land use and planning, noise, transportation and traffic, and public utilities, including water use and disposal; (b) depending on siting, may result in greater biological resources impacts; and (c) would not contribute to the Statewide renewable energy and GHG reduction objectives as this alternative would use non-renewable energy to produce electricity.

The “Alternative Site alternative” was eliminated from further consideration for the following reasons: (a) an alternative site in the project area is likely to have similar project and cumulative significant impacts after mitigation (aesthetics, agriculture, air quality, biological resources, and wildfire); and, (b) this alternative is not considered “potentially feasible” because there are no other suitable sites within control of the Project Proponent that would reduce any significant project or cumulative impacts.

CEQA states that alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid or substantially lessen any significant environmental effects (State CEQA Guidelines, Section 15126.6(c)). Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, also do not need to be considered (State CEQA Guidelines, Section 15126.6(f)(3)).

Alternatives Analyzed in the EIR

Four (4) alternatives, as listed below, were identified that could avoid or lessen significant effects of the project and could feasibly attain project objectives, and these were analyzed in greater detail.

The EIR, Volume 1 – Chapter 6 discusses four analyzed alternatives to the project.

- Alternative 1: No Project Alternative
- Alternative 2: Agricultural Production Alternative
- Alternative 3: Reduced Acreage Alternative
- Alternative 4: No Ground-Mounted Utility-Solar Development Alternative – Distributed Commercial and Industrial Rooftop Solar Only

The discussion in the EIR presents a description of each alternative and focuses on the degree to which the identified alternative might accomplish the project objectives and would reduce one (1) or more of the identified significant impacts to aesthetics, agriculture and forestry resources, air quality, biological resources, and wildfire, as well as other impacts.

Environmentally Superior Alternative

An EIR must identify the environmentally superior alternative to the proposed project. Alternative 1, the No-Project alternative, would be environmentally superior to the proposed project on the basis of its minimization or avoidance of physical environmental impacts. Section 15126.6(e)(2) of the State 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 the Alternative 1 cannot be the Environmentally Superior Alternative under CEQA, the Environmentally Superior Alternative is considered to be the No Ground-Mounted Utility-Solar Development Alternative -Commercial and Industrial Rooftop Only (Alternative 4).

This alternative would avoid significant and unavoidable impacts to aesthetics, agriculture and forestry resources, air quality, and biological resources. This alternative could potentially result in greater impacts to land use as it would require extensive discretionary actions, such as design review, Conditional Use Permits, or Zone Variances, depending on local jurisdictional requirements. The alternative could also potentially result in greater impacts to wildfire risks due to the numerous power lines that would be required to harness the distributed solar panel energy. However, the No Ground-Mounted Utility-Solar Development Alternative would result in less impact to aesthetics, air quality, agriculture and forestry resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, public services, transportation and traffic, tribal cultural resources, and utilities and service systems. Thus, for most environmental issue areas, this alternative would result in fewer environmental impacts, both short-term and long-term, when compared to the proposed project.

However, this alternative would not achieve the project objective of locating the facility in a rural part of northwestern Kern County in proximity to an available interconnection to the existing or permitted electrical transmission system, distribution infrastructure and customer loads, and the project operator does not have access to potential sites that could accommodate a total of approximately 65MW of power generation and the inclusion of a BESS. It is unknown if this alternative would achieve the project objective of producing and transmitting electricity at a competitive cost given the distributed nature of such a network and the construction, management, and maintenance would not be as efficient and would have greater total capital costs, and in a manner that is eligible for commercial financing because the power would be provided directly to customers instead of load-serving entities, and as such it would not be eligible for similar financial incentives.

As discussed above in the findings for rejection of Alternative 4 as infeasible, this alternative includes a number of drawbacks, including the difficulties associated with building out such a system within a reasonable timeframe, and the challenges and inefficiencies of managing and maintaining such a network of facilities. The capital costs of such a system would likely be higher as well, due to additional structural work necessary for rooftop placement of solar modules, and connection to individual electrical systems.

The project proponent's business model is focused solely on ground-mounted, utility-scale, PV power plants. To develop the potentially thousands of rooftop sites required to equal the proposed 65 MW power output, the project proponent would need a large sales force dedicated to identifying, qualifying, designing, and implementing a multitude of individual projects across Kern County.

Given the size of the proposed project, the project objectives, and the need to arrange a suitable assemblage of parcels, it is impractical and infeasible to propose the project on alternate sites and still proceed within a reasonably similar timeframe. For these reasons, the Environmentally Superior alternative is rejected as infeasible.

Public Comments on the Draft EIR – Response to Comments

Staff received seven (7) written comment letters on the Draft EIR from federal, State, and local agencies, and interested parties during the public review, with an additional comment received after the conclusion of the public review period. These comments and responses have been provided to your Board as Volume 4, *Chapter 7 - Response to Comments*, of the Final EIR. A complete list of names of each commenter is provided in the Final EIR and each of the commenter's concerns are addressed individually in the Response to Comments. Revisions and clarifications in the Final EIR provided as responses to comments/concerns are considered minor and do not change any conclusions identified in the analysis. Under CEQA Section 15088.5(b), these minor changes in language are considered insignificant modifications that amplify or clarify, and do not add substantive new information. Therefore, recirculation of the Draft EIR is not warranted.

The major concerns expressed by commenters were regarding the project's potential impacts on special status wildlife and plant species and air quality. The following is a summary of the main areas of concern identified during circulation of the environmental document:

Special Status Species – Blunt-Nosed Leopard Lizard (BNLL)

California Department of Fish and Wildlife (CDFW) commented that there is a high likelihood that Blunt-nosed Leopard Lizard (BNLL) are present within the project area. Defenders of Wildlife also submitted a comment letter that discussed the likelihood of BNLL on-site, and they

recommended additional surveys be performed for the BNLL. CDFW does not recognize the survey methodology as sufficient for the detection of BNLL. CDFW strongly recommends that a qualified biologist conduct focused protocol surveys of the entire 618-acre project boundary and not just the 3.2 acres of potentially suitable habitat identified during 2021 and 2022 surveys, in accordance with the “Approved Survey Methodology for the Blunt-nosed Leopard Lizard” (CDFW 2019). Surveys should be completed during the adult optimal survey period (April 15th to July 31st), and the hatchling optimal survey period between August 15th and September 30th (CDFW 2019).

In response, Staff acknowledges that protocol surveys following the “Approved Survey Methodology for the Blunt-nosed Leopard Lizard” (CDFW 2019) have been performed in 2021, 2022, and are currently ongoing for 2023 within potentially suitable habitat. The 2023 BNLL Survey Report will be introduced into the administrative record prior to initiating ground-disturbing activities. No BNLL individuals have been observed during any surveys conducted to date. It is anticipated that current agricultural practices will continue until commencement of construction activities, thereby reducing the likelihood that BNLL move into the project site between the time protocol surveys are completed (September 2023) and construction implementation (anticipated in January 2024).

CDFW further states that the EIR Mitigation Measure 4.4-10 which establishes and maintains a 50-foot no-work buffer around burrows and egg clutch sites identified during surveys is not suitable for appropriate protection of the species and to avoid take. CDFW recommends a 395-acre buffer or that the project should obtain an ITP before ground disturbance at the site begins. Since the BNLL is a State Fully Protected species, and with the passage of Senate Bill No. 147, the incidental take of BNLL may be authorized for certain categories of projects, including industrial solar projects, CDFW strongly recommends that an ITP is acquired prior to any ground disturbing activities pursuant to Fish and Game Code Section 2081 subdivision (b).

Mitigation Measure 4.4-10 was revised to note that consultation with CDFW will be performed to discuss appropriate avoidance measures (such as no-work buffers) or, if avoidance is not possible, to obtain an ITP given the passage of Senate Bill No. 174.

Special Status Species - Giant Kangaroo Rat (GKR) and Short-Nosed Kangaroo Rat (SNKR)

CDFW commented that the DEIR had no focused surveys and no mitigation measures for GKR and SNKR. CDFW recommends a qualified biologist conduct focused trapping surveys for both species prior to any ground disturbing activities. If trapping is not feasible, CDFW recommends implementing a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances. In addition, CDFW also recommends that in addition to the buffer distances, that no burrow is surrounded more than 180 degrees by development activities. Finally, CDFW recommends that the Project Proponent acquire an ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081 subdivision (b). Mitigation Measures MM 4.4-1 (Biological Monitoring), MM 4.4-3 (Wildlife Friendly Fencing), MM 4.4-2 (Construction Worker Environmental Awareness Training and Education Program), MM 4.4-4 (Avoidance and Protection of Biological Resources), and MM 4.4-5 (Preconstruction Clearance Surveys) would be implemented for kangaroo rats, as well as other special-status species. In response to the comments from CDFW applicable mitigation measures were revised to include these species. The Project Proponent will consult with CDFW to obtain an incidental take permit (ITP) if special-status species are observed.

Special Status Species - San Joaquin Kit Fox (SJKF)

CDFW commented and recommends that wildlife friendly fencing be installed instead of using portals in the fence, thus hindering larger mammals from preying on the SJKF and other

special-status species as noted above. See changes made to Mitigation Measure, MM 4.4-3 (Wildlife Friendly Fencing) of the FEIR. CDFW states and the project proponent agrees that preconstruction presence/absence surveys be conducted following the USFWS “Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance”. In response to this comment, see changes made to Mitigation Measure, MM 4.4-4 (Avoidance and Protection of Biological Resources) stating that preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or San Joaquin kit fox dens no less than 14 days and no more than 30 days prior to beginning of ground and/or vegetation disturbing activities. The commenter also recommends assuming presence of SJKF, describes that passive relocation of active dens would result in take of SJKF, and recommends acquiring an ITP prior to ground-disturbing activities. If SJKF is observed onsite, the project proponent will consult with CDFW to obtain an ITP.

San Joaquin [Nelson’s] Antelope Squirrel (SJAS)

CDFW agrees with Mitigation Measure 4.4-7 for pre-construction surveys prior to any ground disturbing activities. However, CDFW also recommends acquiring an ITP prior to ground disturbing activities. Staff and the project applicant understand that any take without prior authorization is a violation of the CESA. Although a potential SJAS individual may have been observed incidentally in July 2021, no SJAS has been observed during focused surveys in 2022 or 2023. A pre-construction survey will be performed for SJAS prior to initiating ground disturbing activities, per Mitigation Measure 4.4-7. Once the project site is verified to have no special-status species present, a wildlife exclusion fence will be installed around the perimeter of the development area to ensure wildlife are not impacted by construction activities, per Mitigation Measure 4.4-10b. The Lead Biologist will be present during construction of perimeter fencing and grading activities throughout the construction phase to ensure take does not occur, per Mitigation Measure 4.4-1. If potential SJAS burrows or signs are observed, consultation with CDFW would occur to discuss how to avoid take or how to acquire an ITP prior to ground-disturbing activities.

Special Status Species – Burrowing Owl

CDFW commented that there is a potential for suitable habitat for the Burrowing Owl. CDFW does not recognize the buffers discussed in Mitigation Measure 4.4-5 to prevent the take of BUOW within occupied habitat. Likewise, CDFW does not recognize the methodology of passively relocating BUOW from active burrows during the breeding season as appropriate. CDFW and the Project Proponent agreed and Mitigation Measure, MM 4.4-5 has been changed to conform to larger no-disturbance buffers and additional breeding time frames. See Mitigation Measure, MM 4.4-5 in the FEIR for exact Mitigation language.

Special Status Species - Crotch Bumble Bee (CBB)

The commenter stated that the project site is within the range of CBB and the DEIR did not analyze and address potential project related impacts to this species. Commentor requests CBB surveys be conducted according to CDFW methods as outlined in *Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species*. If surveys cannot be completed, CDFW recommends avoiding small mammal burrows and thatched/bunch grasses by a minimum of 50 feet to avoid take and potentially significant impacts. If ground disturbing activities will begin during the overwintering period (October through February), consultation with CDFW is recommended to discuss how to avoid take. CDFW recommends obtaining an ITP if CBB is identified during surveys.

The County acknowledges this comment and understands that any take without prior authorization is a violation of the CESA. Due to active agricultural practices, including discing, the project site has limited burrows and vegetation present within the site development area that provides low

quality habitat for the CBB. It is anticipated that current agricultural practices will continue until commencement of construction activities, thereby reducing the likelihood that CBB move into the project site prior to construction implementation (anticipated in January 2024). Mitigation Measures 4.4-3 has been updated to ensure no take of this species. See Mitigation 4.4-3 in the FEIR for updated mitigation measure.

Special Status Species – Swainson’s Hawk (SWHA)

CDFW agrees with the requirement to conduct surveys for nesting SWHA and recommends consultation to discuss how to avoid take if an active SWHA nest is detected within the 0.5-mile buffer and a no-disturbance buffer is not feasible. Staff notes that the project site has low potential for SWHA nesting due to the lack of trees, and it is unlikely that SWHA would nest at the project site. Regardless, the FEIR was revised to include consultation with CDFW shall occur if an active SWHA nest is detected and a 0.5-mile no-disturbance buffer is infeasible, including receipt of an ITP if take cannot be avoided.

Special Status Species – San Joaquin coachwhip

CDFW notes that the Draft EIR did not include the San Joaquin coachwhip within the biological resource’s discussion. CDFW recommends that San Joaquin coachwhip be included as a special-status species that is surveyed for prior to construction. In addition, CDFW recommends that a 50-foot no-disturbance buffer is implemented around the entrances of burrows that can provide refuge for special-status species, including San Joaquin coachwhip.

The County acknowledges the comment and Mitigation Measure 4.4-4 will be implemented to ensure special-status species with potential to occur, including the San Joaquin coachwhip, will be surveyed for during the pre-construction survey. If San Joaquin coachwhip is observed during the pre-construction survey, discussions with CDFW will occur to identify appropriate avoidance measures. The comment has been noted for the record and revisions to the Draft EIR are not necessary.

Special Status Plants

CDFW recommends that more than one visit be performed to survey for rare plants following the “Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities” (CDFW 2018). CDFW also recommends avoiding special-status plant species, if found, by a buffer of 50 feet from the outer edge of the population and recommends acquisition of a CDFW ITP or a Native Plant Protection Act Incidental Take Permit if a special-status plant species is identified during botanical surveys to comply with CESA and the Native Plant Protection Act.

As noted in the Draft EIR Appendix D.1, Biological Resources Evaluation Report, during the general biological survey conducted in March 2021, biologists surveyed for three potential rare plants that are known to occur in the project area: Lost Hills crownscale (*Atriplex coronata* var. *vallicola*), California jewelflower (*Caulanthus californicus*), and San Joaquin woollythreads (*Monolopia congdonii*). Lost Hills crownscale blooms from April to September; therefore, biologists conducted an additional rare plant survey during the May 2021 BNLL survey to survey for this species during its blooming period. It was not found. California jewelflower blooms from February to April and would have been observed during the general biological survey conducted in March 2021 and was not found. San Joaquin woollythreads blooms from February to May and similarly would have been observed during the general biological survey conducted in March 2021 but was not found.

Extensive biological field surveys have been performed at the project site since 2021, including a general biological survey, protocol BNLL surveys in 2021, 2022, and 2023 with 18 surveys conducted each year, BUOW breeding season surveys, and a special-status small mammal habitat assessment. During these surveys, biologists observed all natural resources present and would have identified a rare plant had it been present. The project site is heavily disturbed and does not support any special-status plants. Moreover, site development of the proposed project would be limited to the currently disturbed areas of the project site.

Nesting Birds

CDFW does not recognize the buffer distances listed in Mitigation Measure 4.4-6 as appropriate for protection of the species and recommends specific changes to this measure.

The project is currently scheduled to begin construction outside of the nesting season. During construction within the nesting season, implementation of Mitigation Measure 4.4-6 will ensure that no take of active nests occurs. However, changes to Mitigation Measure, MM 4.4-6 are being made, as noted above, to extend breeding seasons and buffer distances, while survey times shall be shortened from 14 days to one week prior to construction activities. Please see Mitigation Measure, MM 4.4-6 in the FEIR for updated mitigation measure.

Air Quality

San Joaquin Valley Air Pollution Control District (SJVAPCD) submitted a comment letter in regard to air quality impacts associated with the proposed project.

The comment accurately summarizes the proposed project and acknowledges that the project is not expected to exceed any of the SJVAPCD's significance thresholds. Additionally, the commenter states that unmitigated annual NOx emissions are expected to result in an increase of 9.27 tons and requests that Tier 4 equipment be used during project construction to ensure that NOx emissions do not exceed the SJVAPCD's significance threshold of 10 tons.

To clarify the emissions shown in Table 4.3-4, Unmitigated Construction Emissions, page 4.3-37 of the Draft EIR, do not account for a project design feature that will be implemented. This design feature is the use of Tier 4 engines for all off-road diesel construction equipment greater than 50 horsepower (hp). The Tier 4 engines would meet the USEPA Tier 4 off-road emission standards or equivalent. The Tier 4 construction equipment was included in the modeling of the project as a project design feature to comply with SJVAPCD Rule 9510. The Tier 4 construction equipment along with the implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6 were accounted within the emissions shown in Table 4.3-8, Mitigated Construction Emissions, page 4.3-37 of the Draft EIR. As shown in Table 4.3-8, the annual NOx emissions would be reduced to 3.79 tons and would be clearly less than the SJVAPCD significance threshold for annual NOx emissions.

Because the use of Tier 4 construction equipment is a project design feature, it has already been incorporated into the project as shown by the project modeling and does not need to be added as a mitigation measure. However, the County will ensure the use of Tier 4 construction equipment as a condition of approval.

Staff concludes the project fully complies with the requirements of the California Quality Environmental Quality Act (CEQA), the FEIR is legally sufficient and the recommended findings and whole of the record address the comments.

Additional Comments Received

Additionally, during the course of processing this request, Staff notified all affected agencies, County Departments, and property owners within 1,000 feet of the project area. As of this writing, Staff has received five (5) additional comment letters. Copies of correspondence received are attached to this staff report. The Public Works Floodplain Division has requested that the applicant provide a plan for the disposal of drainage waters originating onsite. This comment has already been addressed in the Response to Comment, Chapter 7 document. California Department of Transportation sent a comment of no comment. Southern California Gas comments that they have no facilities within the proposed project. Pacific Gas and Electric stated they would review the site plan and for any areas that impact PG&E's facilities to ensure that no impact occurs which may endanger the safe operation of its facilities. The Santa Rosa Rancheria Tachi-Yokut Tribe requests contact with the Project Proponent's retained Archaeological staff during research, construction, ground disturbance, decommissioning and curation of the project.

Findings (Exhibit A and B)

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 Final EIR. The occurrence of significant environmental effects that cannot be avoided after all reasonable and feasible mitigation have been adopted for aesthetics, air quality, agriculture and forestry, biological resources, and wildfire and 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. Additionally, a Mitigation Monitoring and Reporting Program has been prepared and is attached for your review and consideration as Exhibit C.

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

The project would utilize approximately 618 acres of agricultural grazing land in unincorporated Kern County with little water for a renewable energy project over 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 one-(1-) time \$365,000 to the General Fund and an estimated one-(1-) time \$157,400 in sales tax revenue for the Board of Supervisors' use in benefiting the residence of unincorporated Kern County.

If it is determined by the Tax Assessor that the solar tax exclusion does not apply to the battery storage area of the solar project, property tax revenue to the County would produce an estimated \$249,500 per year with an estimated total of more than \$8.7 million over a 35-year project life. If it is determined by the Tax Assessor that the solar tax exclusion does apply to the battery storage area of the solar project, the property tax revenue and additional fees would produce an estimated \$170,600 per year with an estimated \$5.9 million over a 35-year project life.

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

- Cumulative Impact Charge (one-(1-) time): \$365,000
- Sales Tax (one-(1-) time): \$157,400
 - Solar equipment and components: \$112,000
 - Battery equipment and components: \$45,400
- Property Tax and Fees (annual): \$249,500 or \$170,600 (over 35 years - \$8.7 or \$5.9 million)
 - Land Tax: \$105,500
And
 - Battery Tax (if not subject to solar tax exclusion): \$144,000
Or
 - Battery Fees (if subject to solar tax exclusion): \$65,124
 - \$124 = CIC
 - \$65,000 = Annual Fee

The project would produce approximately 65 MW of electricity from a renewable source, 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 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.

During peak construction, the on-site workforce for the project is expected to be approximately 300 individuals. It is expected that after construction, the operation and maintenance of the proposed project will require four (4) full-time equivalent (FTE) personnel for remote monitoring and maintenance of the project, and such personnel would primarily come from the vicinity of the project site, 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.

Assembly Bill 52 Consultation

As part of the County’s government-to-government responsibilities pursuant to Assembly Bill (AB) 52, on February 26, 2021, the County sent consultation notification letters via certified mail to California Native American tribes on the County’s Master List for AB 52 consultation. Contacted tribes consist of the Santa Rosa Rancheria, Tejon Indian Tribe, 29 Palms Band of

Mission Indians, and Torres Martinez Desert Cahuilla Indians. Of the Tribes contacted one, Santa Rosa Rancheria, requested to enter into consultation under AB52. The Tribe has concerns, as there are several ethnographic village sites of the Tachi Yokuts in the area where the project is taking place. The Tribe has requested that they be retained for Native American Monitoring of the project, as well as having a curation agreement put into place to help mitigate the potential effects on cultural resources and burials in the area. Mitigation Measures MM 4.5-1 through MM 4.5-5 in Section 4.5, Cultural Resources, of the EIR requires consultation with appropriate Native American tribes to work under the supervision of a Lead Archaeologist as Native American monitors. In addition, Native American Monitors shall evaluate any found resources and if determined to be significant, the resources shall be curated at an accredited curation facility.

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, Section 4.14, Public Services, of the EIR, Mitigation Measure MM 4.14-3 requires the project proponent to provide the County with written verification of ownership by April 15th 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 MW 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 Fiscal Division (CAO).

These mechanisms provide sufficient assurances that all provisions of the recommended approval will be implemented for the life of the project. The MOU will be considered along with the project by the Kern County Board of Supervisors at a notified public hearing. A copy of the MOU, signed by the project proponent, is attached for your review.

Cancellation of Williamson Act Land Use Contract

As noted above, the project includes a petition for the cancellation of a Williamson Act Land Use Contract that currently encumbers 618 of the project site. This contract was recorded in 1970 by the property owners, Jose Errotabere and Emile Errotabere. A Notice of Nonrenewal was filed in 2023, and the contract is set to expire in 2032.

Applicable Government Code

Section 51282 of the Government Code states that tentative approval for cancellation of a Williamson Act Land Use Contract may be granted if **one** of the following findings is made:

1. That the cancellation is consistent with the purposes of Chapter 7 (i.e., the Williamson Act); or,
2. That the cancellation is in the public interest.

Explanation of Cancellation Options

Option 1: In order for the Board of Supervisors to make the findings associated with Option 1, the applicant would have to demonstrate the following (Government Code Section 51282(b)):

1. The cancellation is for land on which a notice of nonrenewal has been served.
2. The cancellation is not likely to result in the removal of adjacent lands from agricultural use.
3. The cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.
4. The cancellation will not result in discontinuous patterns of urban development.
5. There is no proximate, noncontracted land which is both available and suitable for the proposed use or that development of the contracted land would provide more contiguous patterns of urban development.

Option 2: In order for the Board of Supervisors to make the findings associated with Option 2, the applicant would have to demonstrate the following (Government Code Section 51282(c)):

1. The other public concerns substantially outweigh the objectives of Chapter 7.
2. There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

As noted above, the site includes 618 acres of land under Williamson Act Land Use Contract. The applicant filed a petition for cancellation of the contract noting the cancellation would be in the public interest (option 2). The Williamson Act Land Use Contract cancellation is an option under the limited circumstances and conditions set forth in Government Code Section 51280 et seq. In such cases, landowners may petition for land use contract cancellation. The Board of Supervisors may grant tentative cancellation only if it makes the required statutory findings as outlined above.

Applicant's Justification for Contract Cancellation under Option 2

Other public concerns substantially outweigh the objectives of Chapter 7. Property under a Williamson Act Contract must be used for qualifying agricultural uses. This property originally filed for use as crop or orchard land which requires appropriate soils and irrigation. There is no dry farming in Kern County. The contract terms can no longer be satisfied due to water limitations

in the Valley due to the mandatory restrictions of the Groundwater Sustainability Plans submitted to the Department of Water Resources by the valley Groundwater Authorities. The cancellation of the submitted Williamson Act Contract is therefore in the public interest of Kern County for integrity of the contract system. The alternative use of the property for the proposed solar energy facility is in the public interest for the State of California to achieve climate change goals and for Kern County as a productive use of the land. Over 500,000 acres of land will have to be fallowed over the next 10 years to balance the basins. Any water allocated to this property can be moved to other farmland to balance the basin and utilization of the land is at the discretion of the property owner. More specifically, cancellation of the Williamson Act contract for the purposes of constructing a solar facility is in the public interest for the following reasons:

- **Rebalances Land Use for water availability**

Large scale solar projects are dependent on access to transmission and ability to consolidate parcels for appropriate size inside constraints of mineral resources, biological and cultural resources. This parcel has been determined to have water allocations better utilized by the farmer for other areas of the valley. Future water availability of farming is not certain and compliance with the requirements of the Williamson Act Contract that the land be farmed. The removal of the contract will provide for consistency in the implementation of the County's Williamson Act Contract program and ensure that uses are consistent with the Uniform Rules.

- **Creates new source of renewable energy that reduces dependency on foreign energy sources**

The Project's primary objective is to support the generation of renewable energy in the State of California per the recent objectives outlined in SB 100. This legislation increased California's Renewable Portfolio Standard and established the State's intention to have zero-carbon and eligible renewable energy resources supply 100% of the State's retail electricity sales by the year 2045. This Project will supply solar photovoltaic energy that will help the State meet those ambitious goals. Increasing renewable energy sources in the County, such as the solar resources available increases the State and nation's sources of renewable energy and assists in meeting new environmental targets to reduce greenhouse gas emissions, including California's important Renewable Portfolio Standards of energy utilities.

- **Promotes economic diversification and creates economic stimulus**

The County is dedicated to diversifying its economic base and has chosen the development of its natural renewable energy resources as one strategy to diversify while maintaining its rural character with reduced impacts to existing agricultural resources. Projects such as this one assists the County in its economic diversification strategy through the creation of new jobs—both direct and indirect—and opportunities for additional jobs, economic growth, and wealth creation. The public interest is furthered by the creation of jobs (particularly during construction of the project) and the sales/use and property tax benefits that will benefit Kern County and its residents.

Therefore, cancellation of the Williamson Act Land Use Contract would substantially outweigh the objectives of the Williamson Act. As such, the finding set forth in Government Code Section 51282(c)(1) can be prepared.

There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. There are no proximate contracted lands available and suitable for siting a

solar power facility. The unique siting requirements for a solar facility limit the number of parcels available and suitable for such use. The siting of solar facilities is largely determined by the needs to locate one (1) at or very near existing substation/electrical transmission lines; two (2) available transmission capacity in the substation/lines to carry the additional electricity produced which is a function not only of line capacity but also the arrangement of the electrical grid balanced loads.

Furthermore, the project proponent believes the County would be able to determine that in addition to cancelling the agricultural contract because of regular project boundaries, the County would also find that there is no proximate non-contracted land that is both available and suitable for the project.

In searching for suitable parcels upon which to site this project, research was conducted, and no other suitable land is available within the same proximity to the Arco substation. However, the overwhelming majority of the land in this area is under Williamson Act Contract. Because the project is able to fit on one parcel of land, it only requires cancellation as to that single parcel. In contrast, other parcels further from the substation would require multiple landowners and also cancellation of Williamson Act Contracts and would create separation between the existing Arco Substation facility and the proposed solar facility.

Further, and regardless of contract status, such nearby lands are not available for solar development, due to unwilling landowners or fractionalized small parcels in multiple different ownerships, or because the land already is committed to other land-term uses, and therefore is unavailable.

Therefore, there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed and, as such, the finding set forth in Government Code Section 51282(c)(2) can be prepared.

Planning and Natural Resources Department Conclusions and Recommendations

CEQA Environmental Analysis. Staff has reviewed the project with regard to environmental concerns and it is Staff's opinion that the Final EIR prepared for this project is a comprehensive document with the best available information at this time which details the environmental effects of the project on surrounding land uses. Staff also believes the 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. The Final EIR includes 55 mitigation measures that provide for the protection of the environment and provide funding for impacts to public services. CEQA requires that all feasible and reasonable mitigation be imposed on projects to reduce the impacts of projects on the environment. Staff also concludes the Final EIR fully complies with CEQA, and clarifications and modifications within the Response to Comments do not meet any of the conditions of CEQA Section 15088.5. No new information has been provided or feasible project mitigation rejected, or environmental impact increased in severity that would require recirculation of the document. Changes to reflect these clarifications for the Final EIR, as appropriate, have been made in Section 15091 Findings of Facts, Section 15093 Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for this project.

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 unincorporated portion of northwestern Kern County which is especially appropriate for commercial solar development due to a lack of dense urban development. Additionally, the site has available access, mainly via existing roads in the area, however a new access road is scheduled to be constructed on private land north of the project in Kings County, which means that a minimal number of new roads would be constructed as a direct result of the project.

The project is also well sited because it is within close proximity to commercial transmission facilities. There are existing utility-related structures in close proximity of the project site, including transmission lines. By siting this project in close proximity to and connecting to an existing substation (PG&E Arco 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 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 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 a payment of \$620 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 for the phase regardless of the total number of building permits or type of building permit issued, all such permits shall be suspended until the fee is paid in full. Using a conservative estimate of a 618-acre site with a net acreage of 588.8 acres (i.e., subtracting there from 0.2 acres due to acreage of Energy Storage structures and another estimated 29 acres, permanent accessory improvements, and recorded easements), Staff estimates that the project proponent would pay a total of approximately \$365,000.

Consistency with the Kern County General Plan. The Board of Supervisors 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 (7) million people. Currently, Kern County has reached this goal and the current proposal would continue this goal of promoting renewable energy in Kern County. Staff notes the proposed project during peak construction would employ an expected workforce of up to 300 individuals, and four (4) full-time equivalent jobs during the operational phase of the project. Additionally, the project would add 65 MW 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.

The proposed project will reduce the amount of electricity generated using fossil fuels and, therefore, result in an offset of greenhouse gas emissions (CO₂e) per year. The proposed project would generate greenhouse gas emissions during construction and a very small amount of greenhouse gas emissions during operations. However, because the project would replace the creation of energy through other methods, the project's greenhouse gas emissions would result in a reduction in greenhouse gas emissions. The project would generate 65 MW of renewable electricity, would continue the goal of the Kern County Board of Supervisors of promoting renewable energy in Kern County, and maintaining Kern County's position as a leader in renewable energy.

The proposed project will reduce the amount of electricity generated using fossil fuels and, therefore, result in an offset of greenhouse gas emissions per year. Staff has reviewed the project with regard to land use compatibility and consistency with the Kern County General Plan and notes the project is a compatible use and consistent with the goals and policies of this plan.

Conditional Use Permit Requests. As previously indicated, two (2) Conditional Use Permit (CUP) requests are under consideration by your Board to allow for the construction and operation of: (a) a solar photovoltaic electrical generating facility and associated infrastructure, including

battery energy storage, on approximately 618 acres located in Zone Map No. 3; and (b) a telecommunications tower, also located on the same parcel in Zone Map No. 3.

The project will be located entirely within the Exclusive Agriculture (A) District. The purpose of the A District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses.

Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity. Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed.

Section 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 (Exclusive Agriculture) District with approval of a Conditional Use Permit.

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 the solar as permitted uses within the A (Exclusive Agriculture) District with approval of a Conditional Use Permit. In order to ensure that operation of the solar facilities and communications towers is executed in a safe manner, multiple mitigation measures and conditions of approval have been included that would require proof of satisfaction prior to issuance of permits or subsequent operation. 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. Additionally, the proposed use would not result in an inconsistency with existing development on the project. Therefore, Staff recommends approval of the requested Conditional Use Permits, subject to the listed mitigation measures and conditions of approval.

Williamson Act Land Use Contract Cancellation

Farmland valuation is estimated using a number of variables, such as the applicable water purveyor and the types of crops cultivated. With the proposed cancellation of the Williamson Act Land Use Contract, the Kern County Tax Assessor's Office reassessed the land value of the Chalan Solar and Storage Project property currently under Williamson Act at \$216,000. Staff notes that property is assessed at 1.2 percent of the land value for tax purposes. Although State legislation exempts the solar infrastructural improvements on the property to be reassessed, the land revaluation greatly increases the amount of property taxes paid to the County annually when compared to the taxes paid on property under a land use contract. Taxes on the site would amount to about \$2,592. Over an estimated 30-to-35-year lifetime for a solar facility, the County would realize combined property tax revenue of between \$77,760 and \$90,720. Your Board should note there is no property tax discount or reduction in valuation given to land that is under a conservation easement or deed restriction.

It should also be noted that since 2009, the State no longer provides subvention reimbursements to the County to administer land under the Williamson Act. In previous years, the County on average received approximately \$4.6 million in subvention funds, which to date equates to a loss of about \$46 million.

A request for analysis and recommendations was submitted to the DOC on June 22, 2021. Additionally, Staff has reviewed the proximate, noncontracted parcels analysis, and the request with regard to conformance with State and local requirements of the Agricultural Preserve Program for cancellation in the public interest and confirms that the project complies with all noted provisions. The analysis of proximate parcels supports justification for supporting the cancellation request based on the required public benefit findings.

The Kern County Assessor's Office has reviewed this request and has calculated the required cancellation fees based upon the site's fair market value. If ultimately approved by the Board of Supervisors, this Cancellation will not become effective until the applicant has submitted the required fee of \$27,000 to the Clerk of the Board.

Therefore, it is Staff's opinion that your Board can make the findings necessary to approve the petition for early Cancellation of the Williamson Act Land Use Contract, as requested by the project proponent and Cancellation of the Williamson Act Land Use Contract would substantially outweigh the objectives of the Williamson Act. As such, the finding set forth in Government Code Section 51282(b) will be prepared.

September 28, 2023, Planning Commission Hearing

This case was considered by the Kern County Planning Commission on its September 28, 2023, consent agenda. There being no one wishing to speak on the matter; the item remained on consent and the Planning Commission adopted Resolutions No. 64-23 through 66-23 (attached) by a vote of three (3) to zero with one vacancy and Commissioner Dunbar absent, recommending your Board certify the Environmental Impact Report; adopt Section 15091 Findings of Fact and Section 15093 Statement of Overriding Considerations; adopt Mitigation Measure Monitoring Program; approve Conditional Use Permits subject to recommended conditions; approve cancellation of the Williamson Act Land Use Contracts subject to payment of penalty fees; direct Clerk of the Board to issue a tentative Certificate of Cancellation subject to payment of penalty fees and compliance with all other conditions contained in the Tentative Certificate of Cancellation;

and adopt the suggested findings as set forth in the attached Resolutions. A video recording of this Planning Commission hearing may be viewed at:

<https://www.youtube.com/watch?v=uWfUFSTiwZk&list=PLWBsMYOIFflgFkf6SYcolbVFfE-0Q516g&index=14>

Staff notes the request today also includes approval of the Memorandum of Understanding. While this item was not considered by the Planning Commission because it does not fall under the purview of that body, the Department's recommendation regarding this matter is included in the Planning Commission recommendation below.

Kern County Planning and Natural Resources Department Overall Recommendation. As noted above, the project meets the necessary findings for the requested Conditional Use Permits and Williamson Act Land Use Contract Cancellation. Additionally, Staff has determined that the project is sited in a location appropriate for commercial solar development and recommends approval as identified below.

PUBLIC INQUIRY OR CORRESPONDENCE: California Department of Transportation; County of Kern Public Works Department – Flood Plain Management Section; Southern California Gas; Pacific Gas and Electric; Santa Rosa Rancheria Tachi-Yokut Tribe.

CEQA ACTION: Environmental Review: Environmental Impact Report

PLANNING COMMISSION RECOMMENDATION: Certify the Environmental Impact Report; adopt Section 15091 Findings of Fact and Section 15093 Statement of Overriding Considerations; adopt Mitigation Monitoring and Reporting Program; adopt resolutions and recommending findings approving Conditional Use Permits subject to recommended conditions; adopt resolution and recommending findings approving cancellation of the Williamson Act Land Use Contract subject to payment of cancellation fees; direct Clerk of the Board to issue a tentative Certificate of Cancellation subject to payment of cancellation fees; and compliance with all other conditions contained in the Tentative Certificate of Cancellation; approve the Memorandum of Understanding/Agreement and authorize the Board of Supervisors Chairman to sign.

RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 12, MAP 3:

- (1) Conditional Use Permit Case No. 12, Map 3 authorizes the construction and operation of an approximate 65-megawatt solar photovoltaic (PV) power generation facility with approximately 25 megawatts of energy storage capacity, on 618 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Environmental Impact Report 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 Monitoring and Reporting Program for the Chalan Solar and Storage Project by Chalan CA Solar and Storage, LLC. (Conditional Use Permit No. 12, Map 3; Conditional Use Permit No. 13, Map 3; Williamson Act Land Use Contract Cancellation 23-07) 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) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.
- (7) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
 - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program (MMRP).
 - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
 - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
 - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the 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.
 - (e) 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.
 - (f) 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.
 - (g) Prior to the issuance of any grading or building permit, the project proponent shall either (1) provide evidence of access to the site utilizing existing public roadways or (2) record private access easements from the project site to the nearest public access roadway. The project proponent shall provide a copy of the recorded document with an illustrative map to the Kern County Planning and Natural

Resources Department. Prior to initiation of any construction activities on-site, the construction access roadway shall be improved utilizing a compacted gravel surface to prevent blowing dust during construction activities.

- (h) 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. The project proponent shall survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act.
 - (i) The project operator shall process the required Memorandum of Understanding/Agreement (MOU) to the Kern County Board of Supervisors. If executed, the project proponent shall submit a copy of the signed MOU to the Kern County Planning and Natural Resources Department.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
- (a) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
 - (b) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
 - (c) 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.
 - (d) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
- (a) The development shall comply with any requirements of the San Joaquin Valley 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/Geologic Energy Management Division/Bakersfield (Inland) 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 previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and 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) 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.
- (d) 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.
- (e) All storage and pressure tanks shall be painted an earthen hue color.
- (f) 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.
- (g) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (h) Upon completion of project: All survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5 (a).
- (10) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (11) This permit shall become null and void if the use authorized has not been activated within a five-year period 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.
- (12) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.

- (13) 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 RECOMMEND FINDINGS FOR CONDITIONAL USE PERMIT NO. 12, MAP 3:

- (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 the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Board of Supervisors make and adopt 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 recommends the Board of Supervisors adopt 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 Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) The proposed use is consistent with the goals and policies listed in the Energy Element of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.060.

- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) 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.
- (11) 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.
- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit authorizes the construction and operation of an approximate 65-megawatt solar photovoltaic (PV) power generation facility with approximately 25 megawatts of energy storage capacity, on 618 acres. This use is consistent with the existing rural agricultural character of the San Joaquin Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) 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.
- (15) The revised mitigation measures remain equivalent or more effective in mitigating or avoiding the potentially significant effects identified and were revised for clarification purposes. The revised measures themselves, will not cause any potentially significant effect on the environment. Furthermore, adoption of the revised mitigation measures is in conformance with CEQA requirements and would not result in the need for recirculation of the document.
- (16) 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.

RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 13, MAP 3:

- (1) Conditional Use Permit Case No. 13, Map 3 authorizes the construction and operation of a microwave communications tower on 618 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Environmental Impact Report 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 Monitoring and Reporting Program for the Chalan Solar and Storage Project by Chalan CA Solar and Storage, LLC. (Conditional Use Permit No. 12, Map 3; Conditional Use Permit No. 13, Map 3; Williamson Act Land Use Contract Cancellation 21-06) 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) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.
- (7) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
 - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program (MMRP).
 - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
 - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
 - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the 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.

- (e) 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.
- (f) 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.
- (g) Prior to the issuance of any grading or building permit, the project proponent shall either (1) provide evidence of access to the site utilizing existing public roadways or (2) record private access easements from the project site to the nearest public access roadway. The Chalan Solar Project, project proponent, shall provide a copy of the recorded document with an illustrative map to the Kern County Planning and Natural Resources Department. Prior to initiation of any construction activities on-site, the construction access roadway shall be improved utilizing a compacted gravel surface to prevent blowing dust during construction activities.
- (h) 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.
- (i) The project operator shall process the required Memorandum of Understanding/Agreement (MOU) to the Kern County Board of Supervisors. If executed, the project proponent shall submit a copy of the signed MOU to the Kern County Planning and Natural Resources Department.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
 - (a) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
 - (b) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.

- (c) 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.
 - (d) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
- (a) The development shall comply with any requirements of the San Joaquin Valley 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/Geologic Energy Management Division/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 previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and 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) 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.
 - (d) 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.
 - (e) All storage and pressure tanks shall be painted an earthen hue color.
 - (f) 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.
 - (g) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (10) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental

Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.

- (11) This permit shall become null and void if the use authorized has not been activated within a five- (5-) year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (12) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (13) 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 NO 13, MAP 3:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Board of Supervisors make and adopt 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 recommends the Board of Supervisors adopt 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 Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) The proposed use is consistent with the goals and policies listed in the Energy Element of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.060.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Microwave communications towers are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.F of the Kern County Zoning Ordinance, microwave communications towers are permitted with approval of a Conditional Use Permit.
- (10) 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.
- (11) 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.
- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit authorizes the construction and operation of a microwave communications tower on 618 acres. This use is consistent with the existing rural agricultural character of San Joaquin Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) 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.

- (15) The revised mitigation measures remain equivalent or more effective in mitigating or avoiding the potentially significant effects identified and were revised for clarification purposes. The revised measures themselves, will not cause any potentially significant effect on the environment. Furthermore, adoption of the revised mitigation measures is in conformance with CEQA requirements and would not result in the need for recirculation of the document.
- (16) 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

**BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR WILLIAMSON ACT
CONTRACT NO. 23-07:**

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Board of Supervisors make and adopt 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 recommends the Board of Supervisors adopt 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 Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) 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.

- (5) The revised mitigation measures remain equivalent or more effective in mitigating or avoiding the potentially significant effects identified and were revised for clarification purposes. The revised measures themselves, will not cause any potentially significant effect on the environment. Furthermore, adoption of the revised mitigation measures is in conformance with CEQA requirements and would not result in the need for recirculation of the document.
- (6) In accordance with Section 51282(a)(2) of the California Government Code, a landowner may petition the Kern County Board of Supervisors for a cancellation of the subject Williamson Act Contracts; and the Board may grant tentative approval for the cancellation of the contracts only if the Board finds that the requested cancellation is in the public interest.
- (7) In accordance with Subdivision (e)(3) of Government Code Section 51282, the petition for cancellation was accompanied by a proposal for an alternative use of land, as mentioned above.
- (8) No owner of any property located in the County of Kern has protested the proposed cancellation; and
- (9) Therefore, in accordance with Section 51282(c) of the California Government Code, this Board finds the requested cancellation is within the public interest as follows:
 - (a) Based on facts presented by the applicant, this Board finds that other public concerns, which include public concerns of energy supply, energy security, global climate change, and job creation, substantially outweigh the objectives of the Williamson Act and cancellation of the contract is in the public benefit.
 - (b) Based on facts presented by the applicant, this Board finds there is no available and suitable proximate noncontracted land for the use proposed on the contracted land, because the site was selected based upon its size, proximity to existing electric transmission and infrastructure that could support the proposed power generation, proximity to existing site access that would limit the need for new transportation related infrastructure, as well as minimizing impacts to sensitive receptors as the nearest sensitive receptor is approximately 1.7 miles from the site; and that development of the contracted land would not provide more contiguous patterns of urban development of proximate non-contracted land. All proximate land that meets the same above conditions are currently under Land Use Contracts pursuant to Government Code 51282.
- (10) This Board finds and determines that the amount of the cancellation fee which the landowner shall pay to the County Treasurer as deferred taxes upon such cancellation, in accordance with Government Code section 51283(b), is the sum of \$27,000 and certifies the sum to the County Auditor and confirms there are no additional deferred taxes due under Government Code section 51283.1.
- (11) Pursuant to the provisions of Government Code section 51283.4, this Board establishes the following conditions and contingencies, and declares that a certificate of cancellation of

contract with respect to the acreage will be issued and recorded within 30 days after being notified by the landowner that each and all of the conditions and contingencies is satisfied:

- (a) Payment in full of the cancellation fee.
 - (b) Unless the cancellation fee is fully paid , or a certificate of cancellation is issued, within one year from the date of recordation of the certificate of tentative cancellation , such fee shall be recomputed as of the date the landowner notifies the Board that it has satisfied the conditions and contingencies , as provided in Government Code section 51283.4(b), and the landowner shall pay any additional fee arising from such recompilation as a further condition to issuance of a certificate of cancellation; provided , however, that the landowner shall not be entitled to refund of any cancellation fee previously paid even if the recomputed fee is less; and
 - (c) Landowner shall obtain all permits necessary to commence the proposed alternative use.
- (12) Pursuant to Government Code section 51283.4(c), if the landowner has been unable to satisfy the conditions and contingencies, it shall notify the Board of the particular conditions or contingencies it is unable to satisfy; and within 30 days after receipt of such notice, and upon a determination by the Board that the landowner is unable to satisfy the conditions and contingencies, the Board shall execute a certificate of withdrawal of the tentative approval of the cancellation of contract and cause the same to be recorded; however, the landowner shall not be entitled to the refund of any cancellation fee previously paid.
- (13) Pursuant to Government Code section 51283.4(a), this Board may, at the request of the landowner, amend the tentatively approved specified alternative use mentioned above, if it finds that such amendment is consistent with all findings made pursuant to Government Code section 51282 (a)(2).
- (14) The real property to which the tentative cancellation proceeding applies is situated in the County of Kern, State of California, and is described as follows:

APN 043-210-28

All of Section 3, Township 25 South, Range 19 East, Mount Diablo Meridian, in the unincorporated area, County of Kern, State of California, according to the Official Plat thereof.

Except that portion of the Southwest quarter of said Section 3, granted to Pacific Gas and Electric Company, a California corporation, by Deed recorded May 9, 1958 in Book 2948 Page 540, Official Records, described as follows:

Beginning at a 1-1/4th inch pipe with a cap (marked "L.S. 1969") in the Southerly boundary line of Section 3, from which the 3 inch pipe with a brass cap (marked "J.A.T. 1929") marking the South quarter corner of said Section 3 bears South 89° 30-1/2' East 930 feet distant and running thence North 0° 05-1/2' West 208.71 feet to a 1-1/4th inch pipe with a cap (marked "L.S. 1969"); thence North 89° 30-1/2' West, parallel with the Southerly boundary line of said Section 3, a distance of 208.71 feet to a 1-1/4th inch pipe with a cap (marked "L.S. 1969"); thence South 0° 05-1/2' East 208.71 feet to a 1-1/4th inch pipe with a cap (marked "L.S. 1969") in the Southerly boundary line of said Section 3; thence South

89° 30-1/2' East, along the Southerly boundary line of said Section 3, a distance of 208.71 feet to the point of beginning.

Also, except that portion of the Southwest quarter of Section 3, described as follows:

Beginning at the found 1-1/4th inch pipe with a cap (marked "L.S. 1969") in the Southerly boundary line of Section 3, Township 25 South, Range 19 East, Mount Diablo Meridian, marking the Southeast corner of the 1.0 acre parcel of land described in the Deed from Jose Errotabere and wife to Pacific Gas and Electric Company, dated April 25, 1958 and recorded in the Office of the County Recorder of said County of Kern in Book 1948 of Official Records at Page 540 and running thence South 89° 27.4' East, along the Southerly boundary line of said Section 3, a distance of 930.89 feet to a 3-inch pipe with a brass cap (marked "J.A.T 1929") found and accepted as marking the South quarter corner of said Section 3; thence North 0° 04.8' West, along the Easterly boundary line of the Southwest quarter of said Section 3, a distance of 900.00 feet; thence North 89° 27.4' West, parallel with the Southerly boundary line of said Section 3, a distance of 957.95 feet to a point herein for convenience called Point "A"; thence continuing North 89° 27.4' West, parallel with the Southerly boundary line of said Section 3, a distance of 37.80 feet; thence South 0° 04.8' East, parallel with the Easterly boundary line of the Southwest quarter of said Section 3, a distance of 691.28 feet to a point in the Northerly boundary line of said 1.0 acre parcel of land; thence South 89° 27.4' East, along the Northerly boundary line of said 1.0 acre parcel of Land, 65.00 feet to a found 1-1/4th inch pipe with a cap (marked "L.S. 1969") marking the Northeast corner of said 1.0 acre parcel of land; thence South 0° 02.4' East, along the Easterly boundary line of said 1.0 acre parcel of land, 208.71 feet, more or less, to the point of beginning, as taken by Pacific Gas and Electric Company in Final Order of Condemnation recorded April 27, 1972 in Book 4669 Page 731, Official Records and re-recorded July 3, 1972 in Book 4695 Page 48, Official Records.

Being the same description recorded in Document No. 0212190599, on 12/31/2012, official records of said County, California.

- (15) The Clerk of the Board shall execute the form of the Certificate of Tentative Cancellation prepared by County Counsel, and cause it to be filed for record, in accordance with Government Code Section 51283.4 (a).
- (16) The Clerk of the Board shall cause a Notice of Determination to be filed with the County Clerk.
- (17) 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 Game, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
- (18) The Clerk of the Board shall publish a Notice of Decision as required by Government Code section 51284 and send a copy of the published Notice of Decision to the California State Director of Conservation at 801 "K" Street, Sacramento, California 95814.

KS:JKM:

Attachment

FIGURES

KINGS COUNTY

Kern County

CUP 12 Map No. 3,
CUP 13, Map No. 3;
Williamson Act
Cancellation 23-07

Vicinity Map Figure 1

Chalan CA Solar Storage, LLC

-  Project Site
-  STATE HWY
-  Arterials
-  Collectors
-  Dirt Roads
-  Kern County Boundary
-  Township/Range
-  Sections
-  Water Courses

APN: 043-210-28

Sec: 3- T25S/ R19E

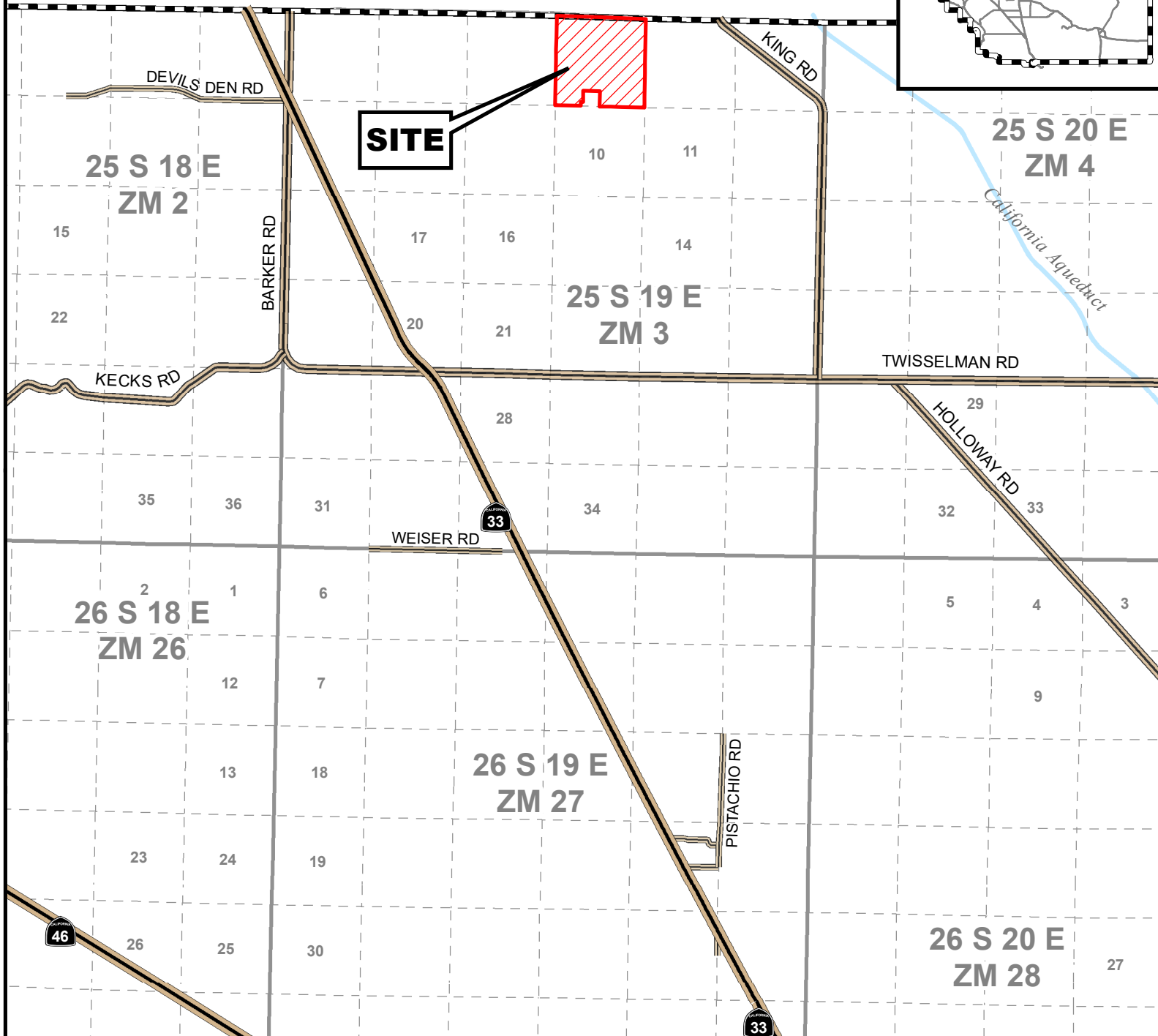
Created on: 7/24/2023



0 3,250 6,500 9,750 13,000 Feet



Kern County
Planning & Natural
Resources Department



KINGS COUNTY

**CUP 12 Map No. 3,
CUP 13, Map No. 3;
Williamson Act
Cancellation 23-07**

**KERN COUNTY
GENERAL PLAN**

SITE

8.3

8.3

8.3

8.1

8.1

KING RD

8.3/2.5

8.3

8.3/2.5

8.1/2.5

8.3

8.1

8.1

8.1/2.5

8.1

8.1/2.5

8.1/2.5

8.1

8.3/2.5

8.3/2.5

TWISSELMAN RD

8.3

8.1

8.3

8.3

8.1/2.5

1.1

8.3

8.1

8.3/2.5

8.1/2.5

8.1

8.4

8.1/2.5

8.4/2.5

8.1/2.5

8.1

8.1

8.3

8.1

8.3

California
Aqueduct

 Project Site

 Bordering Counties

 Water Courses

General Plan Boundaries

GENERAL PLAN BOUNDARIES

 1.1 - STATE AND FEDERAL LAND

 8.1 - INTENSIVE AGRICULTURE
(MIN. 20- ACRE PARCEL SIZE)

 8.3 - EXTENSIVE AGRICULTURE
(MIN. 20- OR 80-ACRE PARCEL
SIZE)

 8.4 - MINERAL AND PETROLEUM
(MIN. 5-ACRE PARCEL SIZE)

HAZARD DESIGNATIONS

 2.5 - Flood Hazard

 Water Course (line)

APN: 043-210-28

Sec: 3- T25S/ R19E

Created on: 7/24/2023

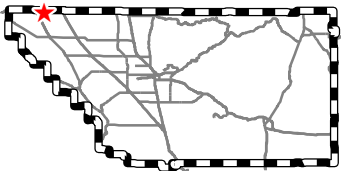
0 1,600 3,200 4,800 6,400 Feet



**Kern County
Planning & Natural
Resources Department**



Kern County



KINGS COUNTY

**CUP 12 Map No. 3,
CUP 13, Map No. 3;
Williamson Act
Cancellation 23-07**

**Existing Zoning
Map**

**Figure 3
Chalan CA Solar Storage, LLC**

-  SITE
-  STATE HWY
-  Arterials
-  Collectors
-  Locals
-  Dirt Roads
-  Kern County Boundary
- KERN COUNTY ZONING DESIGNATIONS**
-  A - Exclusive Agriculture
-  FPS - Floodplain Secondary Combining
-  Water Courses

APN: 043-210-28

Sec: 3- T25S/ R19E

Created on: 7/24/2023

0 1,900 3,800 5,700 7,600 Feet



**Kern County
Planning & Natural
Resources Department**

SITE

A

A

A FPS

A

A

California Aqueduct

KING RD

HOLLOWAY RD

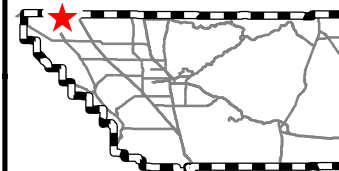
TWISSELMAN RD

WEISER RD

BARKER RD

33

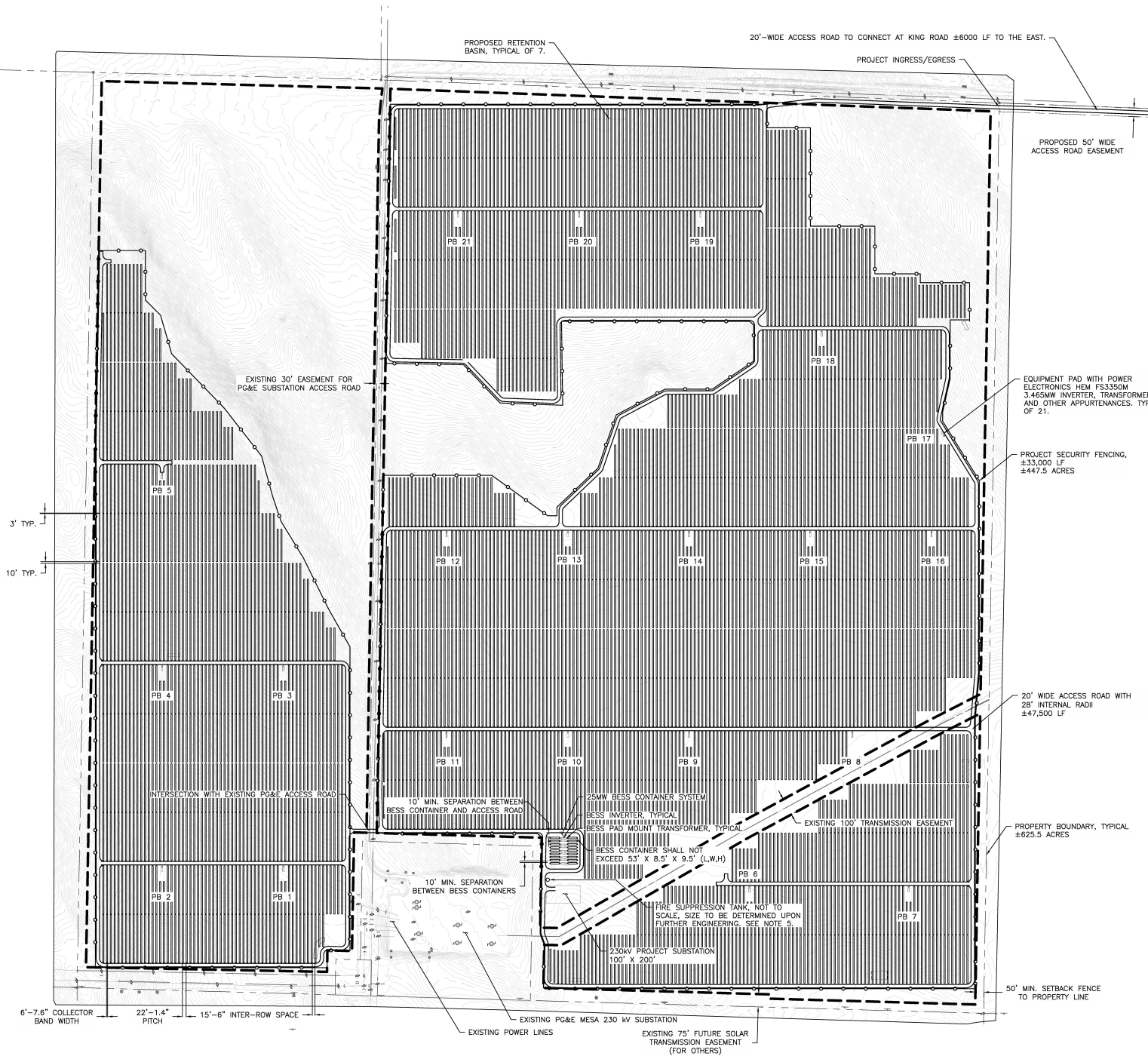
Kern County



**CUP 12 Map No. 3, CUP
13, Map No. 3;
Williamson Act
Cancellation 23-07**

**Figure 4
Site Plan**

Chalan CA Solar Storage



1 SITE PLAN
SCALE: 1" = 300'-0"



**Kern County
Planning & Natural
Resources Department**

KINGS COUNTY

SITE

CUP 12 Map No. 3,
CUP 13, Map No. 3;
Williamson Act
Cancellation 23-07

Project Site Williamson
Act Land Use Contract

Figure 5

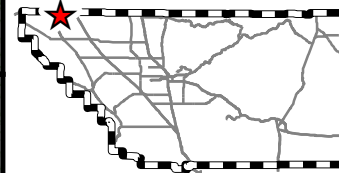
Chalan CA Solar Storage, LLC

-  SITE
-  Kern active williamson act
-  2021 parcels
-  Water Courses

APN: 043-210-28

Sec: 3- T25S/ R19E

Kern County



0 1,800 3,600 5,400 7,200 Feet



Kern County
Planning & Natural
Resources Department

CORRESPONDENCE

Janice Mayes

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Thursday, September 7, 2023 10:01 AM
To: Janice Mayes
Cc: Mendibles, Lorena@DOT
Subject: Caltrans response to Chalan Solar Development

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

Hi Janice,

I have reviewed CUP #12, Map #3; CUP #13, Map #3; WAC #23-07, Map #3, for the Chalan Solar Project, and have no comments.

Respectfully,



Scott Lau

Associate Transportation Planner
California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93778
Cell: (559) 981-7341

Office Memorandum

KERN COUNTY

To: Planning and Natural Resources
Department
Janice Mayes

Date: September 1, 2023

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

Phone: (661) 862-5098
Email: BlaseB@kerncounty.com

**Subject: Preparation of Draft Environmental Impact Report
Conditional Use Permit #12, Map #3
Conditional Use Permit #13, Map #3
Williamson Act Cancellation 23-07, Map #3**

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.



Transmission Technical
Services Department

9400 Oakdale Ave
Chatsworth, CA 91311
SC9314

September 13, 2023

Janice Mayes
Kern County Planning and Natural Resources Department
mayesj@kerncounty.com

Subject: CUP #12, Map 3; CUP #13, Map 3; WAC #23-07 Map 3

DCF: 2013-23NC

The Transmission Department of SoCalGas does not operate any facilities within your proposed improvement. However, the Distribution Department of SoCalGas may maintain and operate facilities within your project scope.

To assure no conflict with the Distribution's pipeline system, please e-mail them at:

NorthwestDistributionUtilityRequest@semprautilities.com

Best Regards,
Nerses Papazyan
SoCalGas Transmission Technical Services
SoCalGasTransmissionUtilityRequest@semprautilities.com



September 21, 2023

Janice Mayes
County of Kern
2700 M Street, Suite 100
Bakersfield, CA 93301

Ref: Gas and Electric Transmission and Distribution

Dear Janice Mayes,

Thank you for submitting the CUP #12, Map 3; CUP #13, Map 3; WAC #23-07 Map 3 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.
12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.
13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Janice Mayes

From: Samantha McCarty <SMcCarty@tachi-yokut-nsn.gov>
Sent: Wednesday, October 11, 2023 6:19 PM
To: Janice Mayes
Cc: Shana Powers; Nichole Escalon
Subject: CUP #12, Map 3; CUP #13, Map; WAC #23-07 Map 3 - Chalan CA Solar and Storage LCC, Origis Energy (PP21402) - Lost Hills, Kern County

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

Dear Janice,

Thank you for contacting the Santa Rosa Rancheria Tachi-Yokut Tribe regarding: CUP #12, Map 3; CUP #13, Map; WAC #23-07 Map 3 - Chalan CA Solar and Storage LCC, Origis Energy (PP21402) - Lost Hills, Kern County. The Tribe has concerns regarding this project and is requesting the following:

- Archaeological Survey to be completed and to have the results sent to us
- Archaeological Record Search through the CHRIS Center and to have the results sent to us
- A Sacred Land Files Search through the Native American Heritage Commission to be completed and to have the results sent to us
- For the Tribe to be retained for a Cultural Presentation for all construction staff
- A Tribal Monitor to be on site for all ground disturbance related to the project
- A Curation Agreement to be in place
- The Tribe to involved during the decommissioning of the project
- A Tribal monitor to be onsite during the decommissioning of the project

If you have any questions, comments, and or concerns please contact myself or the SRR Cultural Department. Thank you.

Sincerely,

Samantha McCarty

Santa Rosa Rancheria Tachi-Yokut Tribe
Cultural Specialist II

SMcCarty@tachi-yokut-nsn.gov

Cell: (559) 633-6640

Direct Line: (559) 925-2591

Office: (559) 924-1278 x 4091

***PLEASE KEEP ALL CULTURAL STAFF IN EMAILS UNLESS STATED OTHERWISE**

PLANNING COMMISSION RESOLUTION

**BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

In the matter of:

RESOLUTION NO. 64-23

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 12, MAP 3

Approximately two (2) miles west of King Road and the Kern/Kings county boundary (APN: 043-210-28)
Chalan CA Solar and Storage, LLC, by Origis Energy (PP21402)

FINDINGS AND DETERMINATION

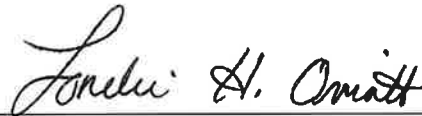
I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Ms. Skidmore, seconded by Mr. Oliver, was duly passed and adopted by said Planning Commission at an official meeting hereof this **28th** day of **September 2023**, by the following vote, to wit:

AYES: Ashley, Oliver, Skidmore

NOES: None

ABSTAINED: None

ABSENT: Dunbar



**SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (Known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section 7297.280 of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: 043-210-28

Section 3, Township 25S, Range 19E MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.104 of said Ordinance Code, and requests a Conditional Use Permit as provided in Section 19.12.030.G, insofar as said requirements are applicable to the aforescribed parcel of real property, and more particularly the proposed Chalan Solar and Storage Project would facilitate the construction and operation of a solar photovoltaic facility that will generate approximately 65 megawatts (MW) of renewable energy and approximately 25 MW of energy storage capacity on approximately 618 acres of privately owned land. The proposal includes: Conditional Use Permit 12, Map 3 to allow for the construction and operation of an approximate 65 MW solar facility, as well as ancillary structures including a 25 MW Battery Energy Storage System (BESS) (Section 19.12.030.G) within the A (Exclusive Agriculture) Zone District; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **CERTIFY** said Environmental Impact Report; **ADOPT** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; **ADOPT** Mitigation Measure Monitoring Program; and recommended for **APPROVAL**, as recommended by Staff, by the Board of Supervisors, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit Case No. 12, Map 3 authorizes the construction and operation of an approximate 65-megawatt solar photovoltaic (PV) power generation facility with approximately 25 megawatts of energy storage capacity, on 618 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Environmental Impact Report 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 Monitoring and Reporting Program for the Chalan Solar and Storage Project by Chalan CA Solar and Storage, LLC. (Conditional Use Permit No. 12, Map 3; Conditional Use Permit No. 13, Map 3; Williamson Act Land Use Contract Cancellation 23-07) 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) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.
- (7) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
 - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program (MMRP).
 - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
 - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.

- (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the 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.
- (e) 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.
- (f) 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.
- (g) Prior to the issuance of any grading or building permit, the project proponent shall either (1) provide evidence of access to the site utilizing existing public roadways or (2) record private access easements from the project site to the nearest public access roadway. The project proponent shall provide a copy of the recorded document with an illustrative map to the Kern County Planning and Natural Resources Department. Prior to initiation of any construction activities on-site, the construction access roadway shall be improved utilizing a compacted gravel surface to prevent blowing dust during construction activities.
- (h) 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. The project proponent shall survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act.
- (i) The project operator shall process the required Memorandum of Understanding/Agreement (MOU) to the Kern County Board of Supervisors. If executed, the project proponent shall submit a copy of the signed MOU to the Kern County Planning and Natural Resources Department.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
 - (a) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
 - (b) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.

- (c) 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.
 - (d) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.
- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
- (a) The development shall comply with any requirements of the San Joaquin Valley 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/Geologic Energy Management Division/Bakersfield (Inland) 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 previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and 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) 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.
 - (d) 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.
 - (e) All storage and pressure tanks shall be painted an earthen hue color.
 - (f) 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.
 - (g) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
 - (h) Upon completion of project: All survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5 (a).
- (10) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.

- (11) This permit shall become null and void if the use authorized has not been activated within a five-year period 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.
- (12) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (13) 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; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt 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 Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) The proposed use is consistent with the goals and policies listed in the Energy Element of the Kern County General Plan.

- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.060.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Solar electrical generation facilities are considered to be compatible with ongoing agricultural activity.
- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.G of the Kern County Zoning Ordinance, solar facilities are permitted with approval of a Conditional Use Permit.
- (10) 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.
- (11) 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.
- (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
- (13) Implementation of the proposed conditional use permit authorizes the construction and operation of an approximate 65-megawatt solar photovoltaic (PV) power generation facility with approximately 25 megawatts of energy storage capacity, on 618 acres. This use is consistent with the existing rural agricultural character of the San Joaquin Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
- (14) 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.
- (15) The revised mitigation measures remain equivalent or more effective in mitigating or avoiding the potentially significant effects identified and were revised for clarification purposes. The revised measures themselves, will not cause any potentially significant effect on the environment. Furthermore, adoption of the revised mitigation measures is in conformance with CEQA requirements and would not result in the need for recirculation of the document.

- (16) 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; and

(e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Chalan CA Solar and Storage, LLC (applicant) (1)
Origis Energy (agent) (1)
William and Doris Land & Energy Co., LLC (owner) (1)
California Department of Transportation (1)
Kern County Public Works Floodplain Division (1)
Southern California Gas (1)
LiUNA (1)
File (3)

ml

**BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

In the matter of:

RESOLUTION NO. 65-23

APPLICATION FOR CONDITIONAL USE PERMIT CASE NO. 13, MAP 3

Approximately two (2) miles west of King Road and the Kern/Kings county boundary (APN: 043-210-28)
Chalan CA Solar and Storage, LLC, by Origis Energy (PP21402)

FINDINGS AND DETERMINATION

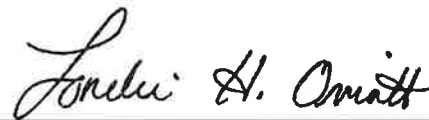
I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Ms. Skidmore, seconded by Mr. Oliver, was duly passed and adopted by said Planning Commission at an official meeting hereof this **28th** day of **September 2023**, by the following vote, to wit:

AYES: Ashley, Oliver, Skidmore

NOES: None

ABSTAINED: None

ABSENT: Dunbar



**SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (Known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **CERTIFY** said Environmental Impact Report; **ADOPT** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; **ADOPT** Mitigation Measure Monitoring Program; and recommended for **APPROVAL**, as recommended by Staff, by the Board of Supervisors, the application for the reasons specified in this Resolution with

development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

- (1) Conditional Use Permit Case No. 13, Map 3 authorizes the construction and operation of a microwave communications tower on 618 acres.
- (2) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Environmental Impact Report 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 Monitoring and Reporting Program for the Chalan Solar and Storage Project by Chalan CA Solar and Storage, LLC. (Conditional Use Permit No. 12, Map 3; Conditional Use Permit No. 13, Map 3; Williamson Act Land Use Contract Cancellation 21-06) 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) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.
- (7) **Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:**
 - (a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program (MMRP).
 - (b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division.
 - (c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department.
 - (d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the 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.

- (e) 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.
- (f) 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.
- (g) Prior to the issuance of any grading or building permit, the project proponent shall either (1) provide evidence of access to the site utilizing existing public roadways or (2) record private access easements from the project site to the nearest public access roadway. The Chalan Solar Project, project proponent, shall provide a copy of the recorded document with an illustrative map to the Kern County Planning and Natural Resources Department. Prior to initiation of any construction activities on-site, the construction access roadway shall be improved utilizing a compacted gravel surface to prevent blowing dust during construction activities.
- (h) 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.
- (i) The project operator shall process the required Memorandum of Understanding/Agreement (MOU) to the Kern County Board of Supervisors. If executed, the project proponent shall submit a copy of the signed MOU to the Kern County Planning and Natural Resources Department.
- (8) **Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:**
 - (a) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.
 - (b) All vehicle parking and maneuvering areas shall be treated in a manner to continuously prevent blowing dust.
 - (c) 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.
 - (d) All signs shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to installation.

- (9) **The property owner shall continuously comply with the following conditions of approval during implementation of this permit:**
- (a) The development shall comply with any requirements of the San Joaquin Valley 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/Geologic Energy Management Division/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 previously unknown archaeological or cultural resources are discovered, work in the area of discovery shall be stopped and 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) 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.
 - (d) 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.
 - (e) All storage and pressure tanks shall be painted an earthen hue color.
 - (f) 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.
 - (g) During all on-site grading and construction activities, adequate measures shall be implemented to control fugitive dust.
- (10) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.
- (11) This permit shall become null and void if the use authorized has not been activated within a five- (5-) year period of time of the approval of said permit, unless an extension of time has been granted by the decision-making authority, upon written request before expiration of the five- (5-) year period.
- (12) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of the Ordinance Code.
- (13) 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; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt 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 Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) The proposed use is consistent with the goals and policies of the Kern County General Plan.
- (5) The proposed use is consistent with the goals and policies listed in the Energy Element of the Kern County General Plan.
- (6) The proposed use is consistent with the purpose of the applicable district or districts.
- (7) The proposed use is listed as a use subject to a conditional use permit in the applicable zoning district or districts or a use determined to be similar to a listed conditional use in accordance with the procedures set out in Section 19.08.060.
- (8) The project is located within the A (Exclusive Agriculture) District. The purpose of the Exclusive Agriculture (A) District is to designate areas that are suitable for agricultural uses and prevent the encroachment of incompatible uses onto agricultural lands and the premature conversion of such lands to nonagricultural uses. Microwave communications towers are considered to be compatible with ongoing agricultural activity.

- (9) Permitted land uses in the A (Exclusive Agriculture) District include agricultural uses, commercial uses, and uses related to utility lines and substations, resource extraction, and energy development. Miscellaneous accessory structures that are related to the permitted uses are also allowed. Pursuant to Section 19.12.030.F of the Kern County Zoning Ordinance, microwave communications towers are permitted with approval of a Conditional Use Permit.
 - (10) 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.
 - (11) 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.
 - (12) Approval of the requested Conditional Use Permit is consistent with continuing the Board of Supervisors adopted alternative energy goal because it will help facilitate the construction of a renewable energy project.
 - (13) Implementation of the proposed conditional use permit authorizes the construction and operation of a microwave communications tower on 618 acres. This use is consistent with the existing rural agricultural character of San Joaquin Valley and implementation of the proposed project is compatible with existing residential uses and surrounding approved solar facilities within the project vicinity.
 - (14) 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.
 - (15) The revised mitigation measures remain equivalent or more effective in mitigating or avoiding the potentially significant effects identified and were revised for clarification purposes. The revised measures themselves, will not cause any potentially significant effect on the environment. Furthermore, adoption of the revised mitigation measures is in conformance with CEQA requirements and would not result in the need for recirculation of the document.
 - (16) 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; and
- (e) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:
- Chalan CA Solar and Storage, LLC (applicant) (1)
 - Origis Energy (agent) (1)
 - William and Doris Land & Energy Co., LLC(owner) (1)
 - California Department of Transportation (1)
 - Kern County Public Works Floodplain Division (1)
 - Southern California Gas (1)
 - LiUNA (1)
 - File (3)

**BEFORE THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

In the matter of:

RESOLUTION NO. 66-23

APPLICATION FOR CANCELLATION NO. 23-07, MAP 3

**PETITION FOR CANCELLATION OF LAND USE RESTRICTIONS;
LAND CONSERVATION ACT (WILLIAMSON ACT)
(GOVERNMENT CODE SECTION 51282)**

Approximately two (2) miles west of King Road and the Kern/Kings county boundary (APN: 043-210-28)
Chalan CA Solar and Storage, LLC, by Origis Energy (PP21402)

FINDINGS AND DETERMINATION

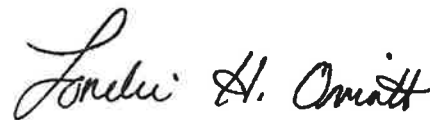
I, Lorelei H. Oviatt, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Ms. Skidmore, seconded by Mr. Oliver, was duly passed and adopted by said Planning Commission at an official meeting hereof this **28th** day of **September 2023**, by the following vote, to wit:

AYES: Ashley, Oliver, Skidmore

NOES: None

ABSTAINED: None

ABSENT: Dunbar



**SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Chalan CA Solar and Storage, LLC, by Origis Energy (PP21402), has filed a petition for cancellation of contractual land use restrictions contained in a contract recorded on Book 4373, page 128, Official Records, which restrictions were entered into under the Land Conservation Act of 1965 (Williamson Act) on the land herein described, located in Agricultural Preserve No. 5 under authority of Government Code Section 51282; and

(b) Said parcel of real property is described as follows:

APN: 043-210-28

Section 3, Township 25S, Range 19E MDB&M, County of Kern, State of California, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Community Development Department); and

(c) The parcel of land proposed for cancellation consists of 618 acres, located approximately two (2) miles west of King Road and the Kern/Kings county boundary (APN: 043-210-28); and

(d) The petitioner asks such cancellation on the grounds or for the purposes following: uses on such land are restricted to agricultural or other compatible uses; thus, a solar energy facility would not be considered a compatible use and the requested cancellation is in the public interest; and

(e) The Secretary of this Commission has caused a notice of public hearing on this matter in accordance with law and Section 51284 of the Government Code, including sending a copy to the Director of Conservation for the State of California; and

(f) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(g) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Community Development Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Community Development Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(h) Pursuant to the provisions of Section 51283 of the Government Code, the County Assessor has determined the full cash value of the parcel of land with respect to which the cancellation is requested, as though it were free of the contractual restriction, and has certified to this Commission that the amount thereof is \$216,000, and that the most recently announced County assessment ratio is 100 percent, and that the cancellation penalty fee is 12 1/2 percent of this value, or \$27,000, and has certified that there are no additional deferred taxes under Government Code Section 51283; and

(i) A hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Community Development Department and all persons so desiring were duly heard; and

(j) This Commission has considered the recommendation of the Planning and Community Development Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, subject to the payment of the penalty fee, as recommended by Staff, the application for the reasons specified in this Resolution; and

(c) The findings of this Commission upon which its decision is based are as follows:

- (1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
- (2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Commission recommends the Board of Supervisors make and adopt the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Commission acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt 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 Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

- (3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.
- (4) 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.
- (5) The revised mitigation measures remain equivalent or more effective in mitigating or avoiding the potentially significant effects identified and were revised for clarification purposes. The revised measures themselves, will not cause any potentially significant effect on the environment. Furthermore, adoption of the revised mitigation measures is in conformance with CEQA requirements and would not result in the need for recirculation of the document.
- (6) In accordance with Section 51282(a)(2) of the California Government Code, a landowner may petition the Kern County Board of Supervisors for a cancellation of the subject Williamson Act Contracts; and the Board may grant tentative approval for the cancellation of the contracts only if the Board finds that the requested cancellation is in the public interest.
- (7) In accordance with Subdivision (e)(3) of Government Code Section 51282, the petition for cancellation was accompanied by a proposal for an alternative use of land, as mentioned above.
- (8) No owner of any property located in the County of Kern has protested the proposed cancellation; and
- (9) Therefore, in accordance with Section 51282(c) of the California Government Code, this Commission finds the requested cancellation is within the public interest as follows:
 - (a) Based on facts presented by the applicant, this Commission finds that other public concerns, which include public concerns of energy supply, energy security, global climate change, and job creation, substantially outweigh the objectives of the Williamson Act and cancellation of the contract is in the public benefit.

- (b) Based on facts presented by the applicant, this Commission finds there is no available and suitable proximate noncontracted land for the use proposed on the contracted land, because the site was selected based upon its size, proximity to existing electric transmission and infrastructure that could support the proposed power generation, proximity to existing site access that would limit the need for new transportation related infrastructure, as well as minimizing impacts to sensitive receptors as the nearest sensitive receptor is approximately 1.7 miles from the site; and that development of the contracted land would not provide more contiguous patterns of urban development of proximate non-contracted land. All proximate land that meets the same above conditions are currently under Land Use Contracts pursuant to Government Code 51282.
- (10) This Commission finds and determines that the amount of the cancellation fee which the landowner shall pay to the County Treasurer as deferred taxes upon such cancellation, in accordance with Government Code section 51283(b), is the sum of \$27,000 and certifies the sum to the County Auditor and confirms there are no additional deferred taxes due under Government Code section 51283.1.
- (11) Pursuant to the provisions of Government Code section 51283.4, this Commission establishes the following conditions and contingencies, and declares that a certificate of cancellation of contract with respect to the acreage will be issued and recorded within 30 days after being notified by the landowner that each and all of the conditions and contingencies is satisfied:
 - (a) Payment in full of the cancellation fee.
 - (b) Unless the cancellation fee is fully paid , or a certificate of cancellation is issued, within one year from the date of recordation of the certificate of tentative cancellation , such fee shall be recomputed as of the date the landowner notifies the Board that it has satisfied the conditions and contingencies , as provided in Government Code section 51283.4(b), and the landowner shall pay any additional fee arising from such recompilation as a further condition to issuance of a certificate of cancellation; provided , however, that the landowner shall not be entitled to refund of any cancellation fee previously paid even if the recomputed fee is less; and
 - (c) Landowner shall obtain all permits necessary to commence the proposed alternative use.
- (12) Pursuant to Government Code section 51283.4(c), if the landowner has been unable to satisfy the conditions and contingencies, it shall notify the Board of the particular conditions or contingencies it is unable to satisfy; and within 30 days after receipt of such notice, and upon a determination by the Board that the landowner is unable to satisfy the conditions and contingencies, the Board shall execute a certificate of withdrawal of the tentative approval of the cancellation of contract and cause the same to be recorded; however, the landowner shall not be entitled to the refund of any cancellation fee previously paid.
- (13) Pursuant to Government Code section 51283.4(a), this Commission may, at the request of the landowner, amend the tentatively approved specified alternative use mentioned above, if it finds that such amendment is consistent with all findings made pursuant to Government Code section 51282 (a)(2).
- (14) The real property to which the tentative cancellation proceeding applies is situated in the County of Kern, State of California, and is described as follows:

APN 043-210-28

All of Section 3, Township 25 South, Range 19 East, Mount Diablo Meridian, in the unincorporated area, County of Kern, State of California, according to the Official Plat thereof.

Except that portion of the Southwest quarter of said Section 3, granted to Pacific Gas and Electric Company, a California corporation, by Deed recorded May 9, 1958 in Book 2948 Page 540, Official Records, described as follows:

Beginning at a 1-1/4th inch pipe with a cap (marked "L.S. 1969") in the Southerly boundary line of Section 3, from which the 3 inch pipe with a brass cap (marked "J.A.T. 1929") marking the South quarter corner of said Section 3 bears South 89° 30-1/2' East 930 feet distant and running thence North 0° 05-1/2' West 208.71 feet to a 1-1/4th inch pipe with a cap (marked "L.S. 1969"); thence North 89° 30-1/2' West, parallel with the Southerly boundary line of said Section 3, a distance of 208.71 feet to a 1-1/4th inch pipe with a cap (marked "L.S. 1969"); thence South 0° 05-1/2' East 208.71 feet to a 1-1/4th inch pipe with a cap (marked "L.S. 1969") in the Southerly boundary line of said Section 3; thence South 89° 30-1/2' East, along the Southerly boundary line of said Section 3, a distance of 208.71 feet to the point of beginning.

Also, except that portion of the Southwest quarter of Section 3, described as follows:

Beginning at the found 1-1/4th inch pipe with a cap (marked "L.S. 1969") in the Southerly boundary line of Section 3, Township 25 South, Range 19 East, Mount Diablo Meridian, marking the Southeast corner of the 1.0 acre parcel of land described in the Deed from José Errotabere and wife to Pacific Gas and Electric Company, dated April 25, 1958 and recorded in the Office of the County Recorder of said County of Kern in Book 1948 of Official Records at Page 540 and running thence South 89° 27.4' East, along the Southerly boundary line of said Section 3, a distance of 930.89 feet to a 3-inch pipe with a brass cap (marked "J.A.T. 1929") found and accepted as marking the South quarter corner of said Section 3; thence North 0° 04.8' West, along the Easterly boundary line of the Southwest quarter of said Section 3, a distance of 900.00 feet; thence North 89° 27.4' West, parallel with the Southerly boundary line of said Section 3, a distance of 957.95 feet to a point herein for convenience called Point "A"; thence continuing North 89° 27.4' West, parallel with the Southerly boundary line of said Section 3, a distance of 37.80 feet; thence South 0° 04.8' East, parallel with the Easterly boundary line of the Southwest quarter of said Section 3, a distance of 691.28 feet to a point in the Northerly boundary line of said 1.0 acre parcel of land; thence South 89° 27.4' East, along the Northerly boundary line of said 1.0 acre parcel of Land, 65.00 feet to a found 1-1/4th inch pipe with a cap (marked "L.S. 1969") marking the Northeast corner of said 1.0 acre parcel of land; thence South 0° 02.4' East, along the Easterly boundary line of said 1.0 acre parcel of land, 208.71 feet, more or less, to the point of beginning, as taken by Pacific Gas and Electric Company in Final Order of Condemnation recorded April 27, 1972 in Book 4669 Page 731, Official Records and re-recorded July 3, 1972 in Book 4695 Page 48, Official Records.

Being the same description recorded in Document No. 0212190599, on 12/31/2012, official records of said County, California.

- (15) The Clerk of the Board shall execute the form of the Certificate of Tentative Cancellation prepared by County Counsel, and cause it to be filed for record, in accordance with Government Code Section 51283.4 (a).
- (16) The Clerk of the Board shall cause a Notice of Determination to be filed with the County Clerk.

- (17) 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 Game, as required by AB 3158 (Section 10005 Public Resources Code) has been made.
 - (18) The Clerk of the Board shall publish a Notice of Decision as required by Government Code section 51284 and send a copy of the published Notice of Decision to the California State Director of Conservation at 801 "K" Street, Sacramento, California 95814.; and
- (d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

Chalan CA Solar and Storage, LLC, (applicant)
Origis Energy (agent) (1)
William and Doris Land & Energy Co., LLC (owner) (1)
Kern County Public Works Floodplain Division (1)
California Department of Transportation (1)
Southern California Gas (1)
LiUNA/Arthur Izzo (1)
File (3)

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Exhibit A
15091 Findings of Fact

EXHIBIT A

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

State CEQA Guidelines Section 15091

For

Chalan Solar and Storage Project

By Chalan CA Solar and Storage, LLC (PP21402)

Conditional Use Permit No. 12, Map No. 3

Conditional Use Permit No. 13, Map No. 3

Williamson Act Land Use Contract Cancellation 23-07

Final Environmental Impact Report

SCH# 2021100003

Lead Agency: Kern County Planning and Natural Resource Department

EXHIBIT A

SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the Draft and Final Environmental Impact Report (EIR) for the Chalan Solar and Storage Project (project or proposed project), Conditional Use Permit No. 12, Map No. 3, Conditional Use Permit No. 13, Map No. 3, Williamson Act Land Use Contract Cancellation 23-07, as well as additional facts found in the complete record of proceedings. The Final EIR is hereby incorporated by reference and is available for review at the Kern County Planning and 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 PROJECT

The Kern County Planning and Natural Resource Department issued a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) on June 15, 2023 for the proposed project. Based on the Initial Study and Notice of Preparation, a determination was made that the Final EIR would contain a comprehensive analysis of environmental issues identified in Appendix G of the California Environmental Quality Act (CEQA) Guidelines, except for those scoped out during the Notice of Preparation. With respect to all impacts identified as "less than significant" or as having "no impact" in the Final EIR, the Kern County Planning Commission finds that those impacts have been described accurately and are less than significant or have no impact. Despite concluding that certain impacts would be less than significant or would have no impact, the Final EIR nevertheless incorporates mitigation measures in the form of complying with the goals, policies, and implementation measures of the Kern County General Plan, Kern County Zoning Ordinance, Conditional Use Permit (CUP) requirements, or other adopted regulations. The Planning Commission finds that these effects are less than significant or have no impact before and after implementation of these mitigation measures.

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

A water supply assessment has been prepared for the project in accordance with the requirements of Water Code Section 10910. The water supply assessment is included as Appendix M of the EIR.

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

The proposed 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).

EXHIBIT A

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

Significant Effect

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

Description of Significant Impact

As discussed in Section 4.1, *Aesthetics*, of the EIR, lighting would be provided during construction and would be installed for use during project operation. Operational lighting, including lighting at the main access entrances, substations (as necessary), and major equipment enclosures, 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. Potential operational impacts associated with new sources of lighting at the solar sites would be minimized through compliance with applicable development standards pertaining to lighting, including Chapter 19.81 (Dark Skies Ordinance), as required with implementation of Mitigation Measure MM 4.1-4, which states that projects would be designed to provide the minimum illumination needed to achieve safety and security objectives. Therefore, implementation of Mitigation Measure MM 4.1-4 and compliance with applicable local development standards and regulations pertinent to lighting would minimize the potential for light trespass onto adjacent properties and roads, and impacts would be less than significant.

With respect to glare, although solar facility glare potential is much lower than is commonly perceived, solar panels have the potential to create glare, although this is usually less than 2 percent. While the proposed project may produce glare, it is not expected to cause visual discomfort or impairment of vision for residents or owners and employees near the project site, because the panels are designed to absorb as much sunlight as possible and, therefore, would have minimal reflectivity. Similarly, due to their low reflectivity, the panels would not be expected to cause visual impairment for motorists on area roadways. This is because local motorists would pass well under the angle of refraction (i.e., less than 30 degrees). Effects on eastbound motorists would likely be greatest in the early evening hours when the sun is at its lowest arc in the western horizon. Generally, glare would have its greatest impact on westbound travelers in the early morning hours when the sun is rising in the east. However, due to the distance of the project site from local roads and intervening topography, impacts would be less than significant. Although there would be less than significant impacts, to further reduce glare potential, the proposed project would implement Mitigation Measures MM 4.1-4 through MM 4.1-6, which require the use of non-reflective and glare-minimizing materials. With implementation of these mitigation measures, impacts would be less than significant.

Finding

The proposed project has the potential to create a new source of substantial light or glare that would adversely affect day or nighttime views in this area. However, implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6, described below, would reduce this impact to a less-than-significant level.

EXHIBIT A

Level of Significance

With implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6, 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 4.1-4 through MM 4.1-6, described below, would reduce impacts to a less-than-significant level.

MM 4.1-4: Prior to commencement of project operations of the solar facility, the project proponent shall demonstrate to Kern County Planning and Natural Resources Staff, through submittal of a lighting plan, 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 4.1-5: 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 4.1-6: Prior to commencement of project operations of the solar facility, the project operator shall demonstrate that all onsite structures utilize 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 proposed 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).

Description of Significant Impact

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 project site. The visual effects associated with the presence of construction vehicles, equipment, and workers in the project area landscape would be limited

EXHIBIT A

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.

The solar facility would introduce solar arrays into much of the project site. Battery containers, collection lines, storage yards, dirt or gravel access roads, an up to 120-foot communication tower installed adjacent to the proposed project's substation, on-site meteorological tower approximately 20-feet in height, transmission poles with maximum of 80 feet in height, and a 6-foot-tall chain link fence with 3-strand barbed wire would be visible for an estimated lifespan of over 35 years. These features would be visible to workers at nearby solar facilities and travelers on surrounding roadways. 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, all key observation points (KOPs) have an "average" pre-visual quality rating according to the Bureau of Land Management (BLM) rating scale. As discussed in the "Rating Visual Quality" section, views with a pre-development score of 11 or fewer points are considered average. As shown in Tables 4.1-4 and 4.1-8, implementation of the proposed project would not result in significant visual impacts to the existing visual quality or character of the site and surrounding area. As shown in the visual simulations, the visual change associated with proposed project development would be almost imperceptible when viewed from a distance of greater than 0.5 miles and from the majority of KOPs, with the exception of KOP A. In addition, with distance, the effects associated with removal of vegetation from the project site would be masked by dense groupings of solar arrays. As such, thousands of solar arrays viewed from distance would appear similar to other dark tones associated with distant terrain in the landscape.

Additionally, visual change would not be evident from the majority of local roadways, with the exception of KOP A (views from 25th Avenue looking southwest towards the project site). With distance and diminished visibility, the visual change associated with the introduction of approximately 618 acres of solar development on currently undeveloped grazing land would be nearly indistinguishable.

The introduction of solar panels, a collector substation, the BESS, the gen-tie line, and the telecommunications tower would increase the footprint of solar and electrical transmission development in the project area and would expand existing industrial development (i.e., solar and wind developments) present in the San Joaquin Valley. However, because other solar and other renewable energy developments are not concentrated in the project vicinity and the proposed project would introduce manufactured elements where they do not currently dominate the landscape, the proposed project would introduce manufactured elements where they do not currently dominate the landscape, resulting in significant aesthetic impacts.

Mitigation Measures MM 4.1-1 through MM 4.1-3, as described below, are incorporated to reduce visual impacts through the collection of debris along the site boundary and from revegetation of areas affected by project development with native plants. However, because there are no feasible mitigation measures that can be implemented to maintain the existing open and undeveloped grassland landscape character of the project site, impacts to visual resources would remain significant and unavoidable, despite implementation of these mitigation measures.

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Finding

The proposed 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 4.1-3, described below, 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 4.1-3, 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, operation, and decommissioning of the proposed project. Barriers to prevent pest/rodent access to food waste receptacles shall be implemented. Locations of all trash receptacles during operation of the proposed project shall be shown on final plans.
 - d. Trash and food items shall be contained in closed secured containers 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.

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- MM 4.1-2:** 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 Planning and Natural Resources Department, that will ensure all project facilities, including collection line 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 4.1-3:** Wherever possible, within the proposed project boundary the native vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. All native vegetation adjacent to the proposed project boundary shall remain in place. 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, and (4) 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.

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- 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 the three-year periods, an annual evaluation report shall be submitted to the Kern County Planning and Natural Resources Department for each of the three years. Should efforts to revegetate with the existing native seed bank in the topsoil 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.

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

Significant Effect

The proposed project would result in a cumulatively considerable and significant and unavoidable aesthetic impact to visual character.

Description of Significant Impact

Of the cumulative projects presented in Table 4.1-9, Cumulative Projects List, of the EIR, there are 19 projects in the area including several utility-scale solar energy production facilities. 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 (i.e., Southern Coast Ranges) and undeveloped lands would be less available as acreage is developed.

As the discussion provided above indicates, the project would result in significant and unavoidable impacts related to visual character despite implementation of mitigation. 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 undeveloped areas to solar energy production uses cannot be mitigated to a degree where impacts are no longer significant. Even with implementation of Mitigation Measures MM 4.1-1 through MM 4.1-3, the proposed project’s contribution to cumulative significant impacts associated with visual character in the San Joaquin Valley would be significant and unavoidable.

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Finding

The proposed 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 4.1-6, cumulative impacts would be significant and unavoidable.

Level of Significance

Cumulative impacts would be significant and unavoidable for the project, 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 4.1-6 would reduce impacts but not to less-than-significant levels. Impacts would remain significant and unavoidable. See Mitigation Measures MM 4.1-1 through MM 4.1-6, described above.

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

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

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

The proposed project would not have any environmental effects related to agriculture and forestry resources that are potentially significant and that mitigation could reduce to a less-than-significant level.

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

Significant Effect

The project would conflict with existing zoning for agricultural use or Williamson Act Contract (Impact 4.2-2).

Description of Significant Impact

As discussed in the EIR, the entire 618-acre project site parcel is included in an existing Williamson Act Land Use Contract filed for cancellation in February 2021 and set to expire in the year 2031. A commercial solar facility is not listed as a compatible use in the Williamson Act Standard Uniform Rules, as adopted by the Kern County Board of Supervisors; therefore, the proposed project would not be consistent with the existing contract. However, the Project Proponent has petitioned for cancellation of the Williamson Act Contract, pursuant to California Government Code Section 51282(a)(1), which pertains to cancellation of a Williamson Act in the public interest. Cancellation of a Williamson Act Contract is an option under the limited circumstances and conditions as set forth in Government Code Section 51280 et seq. In such cases, landowners may petition the Kern County Board of Supervisors for cancellation of a Williamson Act Contract. The Kern County Board of Supervisors may grant a tentative cancellation only if it makes the required statutory findings (Government Code Section 51282(a)).

To determine whether the cancellation is in the public interest, the Kern County Board of Supervisors must find that (1) other public concerns substantially outweigh the objectives of the Williamson Act and (2) there is no proximate non-contracted land that is both available and suitable for the use or that development of the contracted land would provide more contiguous patterns of urban development (Government Code Section 51282(c)).

The public benefit of the proposed project is related to energy supply, energy security, global climate change, and employment (i.e., an estimated peak of 300 construction jobs) as well as economic benefits within Kern County. Additionally, the proposed project would help the State of California achieve its Renewables Portfolio Standard (RPS) which requires that 50 percent of all electricity sold in the State to be generated from renewable energy sources by the year 2030. Furthermore, the proposed project would generate renewable electrical power using solar photovoltaic (PV) panels, store solar energy in the Battery Energy Storage System (BESS) and connect to the electrical grid with minimum potential for air emissions and other environmental impacts and land use conflicts. Therefore, the benefits from cancellation of the Williamson Act Contract would substantially outweigh the objectives of the Williamson Act, and the finding set forth in Government Code Section 51282(c)(1) would be applicable.

Should the Kern County Board of Supervisors determine that cancellation of the contract is in the public benefit (per Section 51282(a)), no conflict with Williamson Act contracted land would occur. With payment of the cancellation fee, as required by the Government Code, the Williamson Act Contract cancellation process would be complete. However, payment of fees does not fully mitigate for conversion of farmland that would be a result of the cancellation of the contract. Therefore, the cancellation of a Williamson Act contract would constitute a significant impact.

EXHIBIT A

Finding

The proposed project would conflict with Williamson Act contracted land. Even upon completion of the Williamson Act Contract cancellation, implementation of the project would result in the conversion of farmland and there is no feasible mitigation that would reduce this impact to less than significant levels.

Level of Significance

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 conflict with existing zoning for agricultural use or Williamson Act Contract. There is no feasible mitigation that would reduce this impact to less than significant levels and impacts would be significant and unavoidable.

Significant Effect

The project would 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 (Public Resources Code Section 15206(b)(3)) (Impact 4.2-6).

Description of Significant Impact

As discussed above, the entire 618-acre project site parcel is included in an existing Williamson Act Land Use Contract filed for non-renewal in 2023 and it set to expire in the year 2031. A commercial solar facility is not listed as a compatible use in the Williamson Act Standard Uniform Rules, as adopted by the Kern County Board of Supervisors; therefore, the proposed project would not be consistent with the existing contract. However, the Project Proponent has petitioned for cancellation of the Williamson Act Contract, pursuant to California Government Code Section 51282(a)(1), which pertains to cancellation of a Williamson Act in the public interest. Cancellation of a Williamson Act Contract is an option under the limited circumstances and conditions as set forth in Government Code Section 51280 et seq. In such cases, landowners may petition the Kern County Board of Supervisors for cancellation of a Williamson Act Contract. The Kern County Board of Supervisors may grant a tentative cancellation only if it makes the required statutory findings (Government Code Section 51282(a)).

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As the proposed project site is currently subject to a Williamson Act Contract, which is in non-renewal status and set to expire February 2031, development of the proposed project prior to expiration would conflict with the contract, which, as noted above, was made to restrict the proposed project site to agricultural and compatible uses. Therefore, the proposed project would require the cancellation of an open space contract made pursuant to the California Lands Conservation Act of 1965 for a parcel over 100 acres. With implementation of Mitigation Measure MM 4.2 1, cancellation of all Williamson Act contracts shall be completed prior to issuance of any grading or building permit or any use of the property for storage of materials or panels. However, implementation of Mitigation Measure MM 4.2 1 would not reduce the impact to a less than significant level. No additional feasible mitigation is available to reduce impacts related to the cancellation of Williamson Act Contracts, therefore, impacts related to the cancellation of an open space contract would be significant and unavoidable.

Finding

The proposed project would conflict with Williamson Act contracted land. Therefore, the proposed project would require the cancellation of an open space contract made pursuant to the California Lands Conservation Act of 1965 for a parcel over 100 acres. With implementation of Mitigation Measure MM 4.2 1, cancellation of all Williamson Act contracts shall be completed prior to issuance of any grading or building permit or any use of the property for storage of materials or panels. However, implementation of Mitigation Measure MM 4.2 1 would not reduce the impact to a less than significant level.

Level of Significance

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 cancellation of an open space contract made pursuant to the California Lands Conservation Act of 1965 for a parcel over 100 acres. Even with implementation of Mitigation Measure MM 4.2-1, impacts would remain significant and unavoidable.

MM 4.2-1: Prior to issuance of any grading or building permit or any use of the property for storage of materials or panels, cancellation of all Williamson Act contracts shall be completed for the project development area or the period for nonrenewal shall have been completed and the identified parcels determined to no longer be under contract.

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

The project would have less than significant cumulative environmental impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), and would not result in impacts to forestland.

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

Significant Effect

The project would result in a cumulatively considerable and significant and unavoidable impact related to conflict with Williamson Act contracted land and cancellation of an open space contract made pursuant to the California Lands Conservation Act of 1965 for a parcel over 100 acres.

Description of Significant Impact

As discussed in the EIR, while the proposed project would conflict with a Williamson Act Contract if construction were to occur prior to expiration of the existing contract, with approval of a CUP pursuant to Section 19.12.030 of the Kern County Zoning Ordinance, and if the Kern County Board of Supervisors determines that cancellation of the contract is in the public interest, there would be no conflict with the existing agricultural zoning or Williamson Act–contracted land. Of the approximately 13 total projects in Kern County, 2 would be subject to Williamson Act Contracts in non-renewal status. Similar to the proposed project, these cumulative projects would not be developed until the existing Williamson Act Contracts expire or until a CUP pursuant to Section 19.12.030 of the Kern County Zoning Ordinance is approved, and similarly would not result in any conflicts with existing agricultural zoning or adjacent Williamson Act-contracted land. Thus, cumulative impacts would be less than significant.

As it relates to 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 or more acres (Section 15206(b)(3) Public Resources Code, the Williamson Act Contract for the proposed project site was made to restrict the proposed project site to agricultural and compatible uses on approximately 618 acres. In addition, as described in the EIR, the proposed project is seeking approval of CUPs and a Williamson Act Land Use Contract Cancellation, which would cancel the Williamson Act Contract that the project site is currently subject to. Therefore, the proposed project would result in a significant and unavoidable impact involving the cancellation of an open space contract. Two of the cumulative projects would be subject to Williamson Act Contracts in non-renewal status. Cumulative projects, which are subject to Williamson Act Contracts in non-renewal status and are located adjacent to the proposed project, could similarly result in a significant impact involving the cancellation of an open space contract. The proposed project’s incremental effect is therefore cumulatively considerable when viewed in connection with the effects of other closely related current projects and probable future projects and thus cumulative impacts would be significant and unavoidable.

Finding

The proposed project in combination with other projects would result in significant and unavoidable cumulative agriculture and forestry impacts. Even with the implementation of Mitigation Measure MM 4.2-1, cumulative impacts would be significant and unavoidable.

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Level of Significance

Cumulative impacts would be significant and unavoidable for the project, 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 Measure MM 4.2-1 would reduce impacts but not to less than significant levels. Impacts would remain significant and unavoidable. See Mitigation Measure MM 4.2-1, described above.

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.

The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (Impact 4.3-3).

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

The project would conflict with or obstruct implementation of the applicable air quality plan (Impact 4.3-1).

Description of Significant Impact

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. The consistency with the Air Quality Management Plan (AQMP) is discussed below for construction and operation.

Air quality impacts are controlled through policies and provisions of the SJVAPCD, the Kern County General Plan, and the Kern County Code of Building Regulations. The CCAA requires air pollution control districts with severe or extreme air quality problems to provide for a 5 percent reduction in nonattainment emissions per year. The Attainment Plans prepared for the SJVAPCD comply with this requirement. CARB reviewers approve or amend the document and forward the plan to EPA for final review and approval within the SIP.

Implementation of the proposed project would generate both temporary (construction) and long-term (operational) emissions, which could conflict with or obstruct with an applicable AQMP. Proposed project impacts would be potentially significant before mitigation.

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The proposed project would comply with all applicable SJVAPCD rules and regulations. While the proposed project would not exceed any SJVAPCD significance thresholds on an annual basis, as shown in Table 4.3-4, *Unmitigated Construction Emissions*, construction of the proposed project would exceed the SJVAPCD daily significance thresholds for NO_x. However, with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-9, the NO_x emissions would be reduced as shown in Table 4.3-5, *Mitigated Construction Emissions*, of the EIR. In addition, the proposed project would comply with SJVAPCD's Rule 9510 (ISR Rule), which requires projects to reduce NO_x emissions by 20 percent. Furthermore, the proposed project would also comply with SJVAPCD's Rule 8021 (Construction, Demolition, Excavation, Extraction, and other earth moving activities), which requires the control of dust emissions during earth moving activities such as grading. Therefore, the project would not result in emissions of a magnitude that would obstruct the air quality planning goals and would have less than significant impacts.

The proposed project would be consistent with the existing land use designations in the current Kern County General Plan and would not introduce a land use that would induce population or housing growth that could result in a substantial increase in vehicle miles traveled and associated criteria pollutant emissions. When compared against the current zoning of the project site that would allow for the development of agricultural uses, the solar facility would result in less operational emissions from mobile and area sources that would be generated. Operational emissions associated with the proposed project would be those generated from mobile sources traveling to and from the project area, panel washing and maintenance, and operation of the BESS systems. As shown in Table 4.3-6, *Unmitigated Operational Emissions*, the proposed project's long-term operational emissions would be well below the SJVAPCD's operational threshold for any criteria air pollutant.

Furthermore, the solar power generation system of the proposed project would function to reduce the air pollutant emissions within the San Joaquin Valley Air Basin to the extent that the power generated would offset power production from fossil fueled power plants within (or contributory to) the San Joaquin Valley Air Basin. This power production is not projected within the existing air quality plans, and so the proposed project would further aid in reducing air pollutant emissions and increase the potential for attainment of the Ozone Attainment Plan. Therefore, the proposed project would not conflict with the SJVAPCD's Ozone Attainment Plan. As proposed project operational emissions would also not exceed the SJVAPCD's significance thresholds, implementation of the proposed project would not obstruct implementation of an air quality plan during operation. Therefore, operational impacts would be less than significant.

The proposed project has an anticipated operational life of up to 35 years. At the end of the proposed project's operational term, the Project Proponent would determine whether the project site should be decommissioned and deconstructed, or if it would seek an extension of its CUPs. If any portion of the project site is decommissioned, it would be converted to other uses in accordance with the applicable land use regulations in effect at that time. The proposed 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.

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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 proposed 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 proposed project. However, impacts would be less than those of construction, as no grading would occur. Mitigation implemented during construction would also be implemented during decommissioning. Therefore, as with construction, with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6, any potential impacts would be reduced and decommissioning of the proposed project would not result in a conflict with or obstruct implementation of applicable air quality plans. Therefore, impacts would be less than significant.

Finding

The project would not result in conflict or obstruction of the implementation of applicable air quality plans. With the implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6, construction, operations, and decommissioning impacts would be less than significant.

Level of Significance

With implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6, impacts would be less than significant.

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. With implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6 impacts would be less than significant.

MM 4.3-1: The project shall continuously comply with applicable rules and regulations set forth by the San Joaquin Valley Air Pollution Control District.

MM 4.3-2: Prior to issuance of any grading permit, the project proponent shall submit a Site-Specific Dust Control Plan for review and approval by the Kern County Planning and Natural Resources Department. The Site-Specific Dust Control Plan shall serve to minimize fugitive dust emissions during project construction. The Site-Specific Dust Control Plan shall take into consideration grading and construction schedule, seasonal winds, site-specific wind patterns, and soil conditions to ensure adequate measures are implemented to manage fugitive dust. The Site-Specific Dust Control Plan shall:

- a. Identify a comprehensive grading schedule for the entire project site. When feasible, grading activities shall be phased and minimized to those areas necessary for project access and installation of solar panels and other areas of infrastructure associated with the solar facility.

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- b. The Site-Specific Dust Control Plan shall identify, in addition to those measures required by the air district, all measures being undertaken during construction activities and operational activities to ensure fugitive dust being blown off site is minimized. Measures may include, but are not limited to:
 1. The use of water trucks as required for the expected level of winds in the area.
 2. Use of dust suppressant (i.e., soil binders or mulch).
 3. Pre-seeding and irrigating prior to construction to create vegetation with useful root structures.
 4. Construction of dust screening in appropriate locations around the project site (i.e., fence slats or mesh screening).
 5. A copy of the approved Site-Specific Dust Control Plan shall be kept at the on-site construction office and all measures included in the Site-Specific Dust Control Plan shall be included on all Grading Plans issued for the project by the Kern County Public Works Department.

MM 4.3-3: Prior to the issuance of building and grading permits, the project proponent shall provide the Kern County Planning and Natural Resources Department with proof that an Indirect Source Review application has been approved by the San Joaquin Valley Air Pollution Control District.

MM 4.3-4: The project proponent and/or its contractors shall continuously implement the following measures during construction and operation of the project to control emissions from the on-site equipment:

- a. All equipment shall be maintained in accordance with the manufacturer's specifications.
- b. All equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for extended periods of time. Engine idling of all equipment shall be minimized.
- c. Construction equipment shall not operate longer than eight cumulative hours per day.
- d. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.
- e. On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.
- f. All on-site off-road equipment and on-road vehicles shall meet the recent California Air Resources Board engine emission standards or alternatively fueled equipment, such as compressed natural gas, liquefied natural gas, or electric, as appropriate.

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MM 4.3-5: Prior to the issuance of grading or building permits, the project proponent shall submit to the Kern County Planning and Natural Resources Department documentation to demonstrate how the following will be implemented during construction and decommissioning activities:

- a. A minimum of 15 days prior to commencement of construction activities (i.e., fence construction, mobilization of construction equipment, initial grading), including decommissioning, the project proponent shall provide written notice to the public through direct mailing to all parcels within 1,000 feet of the project site. The notices shall include the construction schedule, and a telephone number and e-mail address where complaints can be registered. Additionally, a minimum of one sign, legible at a distance of 50 feet, shall also be posted at the construction site or adjacent to the nearest public access to the main construction entrances throughout construction activities and will include the same details as the notices.

MM 4.3-6: Prior to the issuance of any grading or building permits, the project proponent shall establish a “Construction Coordinator” and submit written documentation which includes their phone number, e-mail address, and mailing address. The construction coordinator shall be responsible for the following:

- a. Responding to any local complaints about construction activities. The construction coordinator shall determine the cause of the construction complaint and shall be required to implement reasonable measures such that the complaint is resolved;
- b. Ensuring all appropriate construction notices have been made available to the public and all appropriate construction signs have been installed; and
- c. Maintaining an ongoing and up-to-date log of all construction-related complaints (i.e., blowing dust, inability to access parcels, etc.) during project construction activities. The log shall include the nature of the complaint and the measures that were undertaken to address the concerns. Upon request, the Construction Coordinator shall provide the log to the Planning and Natural Resources Department no later than three business days from request.

Significant Effect

The project would expose sensitive receptors to substantial pollutant concentrations (Impact 4.3-2).

Description of Significant Impact

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 in the EIR, the nearest unconfirmed sensitive receptor location is located approximately 1.7 miles to the east of the project site.

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The primary toxic air contaminants (TAC) of concern for this project would be diesel particulate matter (DPM) emitted within the project site from the construction, operational and decommissioning phases of the proposed project. The proposed project is a photovoltaic solar generation facility and is not anticipated to generate any additional sources of toxic air contaminants with the exception of increased DPM from construction, operational, and decommissioning activities.

As discussed in detail under Impact 4.3-2 of Section 4.3, *Air Quality*, of the EIR, in *Sierra Club v. County of Fresno* (S219783) (*Sierra Club*) the Supreme Court held that CEQA requires environmental impact reports to either (i) make a “reasonable effort” to substantively connect the estimated amount of a given air pollutant a project will produce and the health effects associated with that pollutant, or (ii) explain why such an analysis is infeasible (6 Cal.5th at 1165-66). However, the Court also clarified that CEQA “does not mandate” that EIRs include “an in-depth risk assessment” that provides “a detailed comprehensive analysis ... to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations and to assess and quantify both the individual and population wide health risks associated with those levels of exposure.” *Id.* at 1665. However, correlating the project’s criteria air pollutant to specific health impacts, particularly with respect to O₃ is not possible because there is no feasible or established scientific method to perform such analysis. This conclusion is supported by both the SJVAPCD and the SCAQMD who have determined that this type of analysis is speculative and infeasible and there are no unique issues for the SJVAPCD that would make this analysis invalid.

The SJVAPCD stated that even a project with criteria pollutant emissions above its CEQA thresholds does not necessarily cause localized human health impacts as, even with relatively high levels of emissions, the SJVAPCD cannot determine “whether and to what extent emissions from an individual project directly impact human health in a particular area” (SJVAPCD, 2015). The SJVAPCD explained that this is particularly true for development projects like the project, where most of the criteria pollutants derive from mobile and area sources and not stationary sources. The SCAQMD also, as amicus curiae in *Sierra Club*, made similar points, reiterating that “an agency should not be required to perform analyses that do not produce reliable or meaningful results” (SCAQMD, 2015). SCAQMD agrees that it is very difficult to quantify health impacts with regard to O₃, opining that the only possible means of successfully doing so is for a project so large that emissions would essentially amount to *all* regional increases (SCAQMD, 2015). With regard to particulate matter, the SCAQMD noted that while the CARB has created a methodology to predict expected mortality from large amount of PM_{2.5}, the primary author of the methodology has reported that it “may yield unreliable results due to various uncertainties” and CARB staff has been directed by its Governing Board to reassess and improve it, which factor “also counsels against setting any hard-and-fast rule” about conducting this type of analysis (SCAQMD, 2015). The amicus briefs filed by SJVAPCD and SCAQMD in *Sierra Club* are attached as part of Appendix C-2 of the EIR.

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Regarding health effects of criteria air pollutants, the project's potential to result in regional health effects associated with ROG, NO_x, PM₁₀ and PM_{2.5} on specific vulnerable populations cannot be calculated given existing scientific constraints. A scientific method to calculate the exact number of individuals in a vulnerable population that will get sick has not been developed, and therefore, it is assumed localized health effects associated with NO_x, PM₁₀, and PM_{2.5} emissions from project implementation could occur. The project proposes the construction and operation of a large-scale utility solar project that would require dust-generating construction activities such as pile-driving, mowing, and grading, over a large area. Due to the open nature of the project site, blowing dust could occur and result in the dispersal of criteria air pollutants such as PM_{2.5} and potentially contribute to the transmission of respiratory diseases like COVID-19. While COVID-19 is thought to spread mainly through close contact from person-to-person, the CDC is still learning how the virus spreads and the severity of the illness it causes (CDC, 2020b). COVID-19 research and causality is still in the beginning stages. A nationwide study by Harvard University found a linkage between long term exposure to PM_{2.5} as air pollution and statistically significant increased risk of COVID-19 death in the United States (Harvard, 2020). Construction dust suppression measures would be implemented with Mitigation Measures MM 4.3-1 through MM 4.3-6, and the proposed project would also implement Mitigation Measure MM 4.3-8, which requires implementation of a COVID-19 Health and Safety Plan in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates.

Therefore, implementation of Mitigation Measures MM 4.3-1 through MM 4.3-8 would be required to reduce the proposed project's regional and localized health effects associated with criteria air pollutants and COVID-19.

The proposed 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 on-site workers could be exposed to valley fever as fugitive dust is generated during construction. The proposed project would be required to comply with Rule 8021 Section 6.3, which requires applicants to develop, prepare, submit, obtain approval of, and implement a Dust Control Plan, which would reduce fugitive dust impacts to less than significant for all construction phases of the proposed project, which would also control the release of the *Coccidioides immitis* fungus from construction activities. This requirement is included in Mitigation Measure MM 4.3-2; however, exposure to the *Coccidioides immitis* fungus would be potentially significant and Mitigation Measures MM 4.3-8 and MM 4.3-9 are provided to further reduce impacts associated with Valley Fever and to protect on-site construction workers and nearby receptors. In addition, Mitigation Measure MM 4.3-10 would be required and includes payment of a one-time fee for public awareness programs related to valley fever. Therefore, the exposure to Valley Fever would be minimized and impacts would be reduced to less than significant levels with implementation of Mitigation Measures MM 4.3-8 and MM 4.3-9.

Finding

With implementation of Mitigation Measures MM 4.3-1 through MM 4.3-10, impacts would be less than significant.

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Level of Significance

With the implementation of Mitigation Measures MM 4.3-1 through MM 4.3-10, impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.

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. With implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6, described above, and Mitigation Measures MM 4.3-7 through MM 4.3-10 impacts would be less than significant.

MM 4.3-7: At the time of project implementation, a COVID-19 Health and Safety Plan shall be prepared in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates. A copy of the COVID-19 Health and Safety Plan shall be submitted to the Kern County Planning Department for review and approval.

MM 4.3-8: Prior to issuance of grading permits and ground disturbance activities, the project proponent shall submit to the Kern County Public Health Services Department for review and approval a Valley Fever Dust Management Plan that addresses the potential presence of *Coccidioides immitis* spores and mitigates for the potential for *Coccidioidomycosis* (Valley Fever). The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential *Coccidioides immitis* spores. Measures in the Plan shall include the following:

- a. In consultation with a medical provider and the County Public Health Services Department, the development of a Valley Fever Awareness handout for on-site workers and surrounding residents within 3 miles of the project site. The Valley Fever Awareness handout shall include the following information:
 - Potential sources/ causes of Valley Fever;
 - Common symptoms of Valley Fever;
 - Methods that may help prevent Valley Fever infection;
 - Options or remedies available should someone be experiencing symptoms of Valley Fever; and
 - Where testing for exposure is available.

No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within 3 miles of the project boundaries.

- b. Provide High-Efficiency Particulate Air filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs, such as turning on air conditioning prior to using the equipment.

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- c. Provide communication methods, such as two-way radios, for use in enclosed cabs.
- d. Require National Institute for Occupational Safety and Health- approved half-face respirators equipped with minimum N-95 protection factor for personnel use during surface disturbance activities, as required per the hazard assessment process.
- e. National Institute for Occupational Safety and Health-approved respirators shall be provided to on-site personnel upon request.
- f. If respiratory protection is deemed necessary, the project proponent must develop and implement a respiratory protection program in accordance with Cal/OSHA's Respiratory Protection standard (8 CCR 5144), including but not limited to, employees to be medically evaluated, fit-tested, and properly trained on the use of respirators.
- g. In consultation with a medical professional, a protocol to medically evaluate employees who develop symptoms of Valley Fever.
- h. Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off site.
- i. 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.
- j. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area.
- k. 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.
- l. Provide separate, clean eating areas with hand-washing facilities.
- m. Prohibit smoking at the worksite outside of designated smoking areas; designated smoking areas will be equipped with handwashing facilities.
- n. Post warnings on-site and consider limiting access to visitors, especially those without adequate training and respiratory protection.

MM 4.3-9: Prior to issuance of grading permits and ground disturbance activities, the project proponent shall provide evidence to the Kern County Planning and Natural Resources Department that the project operator and/or construction manager has developed a Valley Fever Awareness Training and schedule of sessions for education to be provided to all construction personnel. Training shall include:

- Measures within the approved Valley Fever Dust Management Plan;
- Potential sources/ causes of Valley Fever;
- Recognition of symptoms of Valley Fever;
- Methods that may help prevent Valley Fever infection;

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- Proper use of Personal Protection Equipment;
- Promptly report suspected symptoms of work-related Valley Fever to a supervisor;
- Options or remedies available should someone be experiencing symptoms of Valley Fever; and
- Where testing for exposure is available.

All evidence of the training session materials, handout(s) and schedule shall be submitted to the Kern County Planning and Natural Resources Department within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The training may be administered using video or other electronic media. Evidence submitted to the Kern County Planning and Natural Resources Department regarding the Valley Fever Awareness Training shall include the following:

- a. A sign-in sheet(s) (to include the printed employee names, signature, and date) for all employees who attended the training session.
- b. A copy of the Valley Fever Awareness handout developed as part of the Valley Fever Dust Management Plan to be distributed.
- c. Proof of demonstration to employees on the proper use of personal protective equipment may be via printed training materials/agenda, DVD, digital media files, or photographs.

Evidence of training shall be provided to the Kern County Planning and Natural Resources Department within 5 days after the training session.

MM 4.3-10: 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.

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

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

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

Implementation of the proposed project would not result in cumulative effects on air quality that would be less than significant.

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

Significant Effect

Construction and operation of the project would result in a cumulatively considerable net increase of criteria pollutants for which the projects' region is nonattainment under applicable federal or State ambient air quality standards (Impact 4.3-4).

Description of Significant Impact

The discussion provided in the 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 4.3-5**, above. As shown therein, emissions for NO_x during construction of the proposed project would be further reduced below the SJVAPCD's significance threshold with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6. As such, it was determined that the proposed project would not obstruct SJVAPCD's ability to achieve further progress toward attainment of the State standards.

However, potential cumulative impacts to air quality could occur from construction and decommissioning of the proposed project in combination with regional growth projections in the same air basin. It is speculative to determine how exceeding the regional thresholds would affect the number of days the region is in nonattainment since mass emissions are not correlated with concentrations of emissions or how many additional individuals in the air basin would be affected by the health impacts mentioned. The SJVAPCD is the primary agency responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of air quality in the San Joaquin Valley Air Basin at the present time and it has not provided methodology to assess the specific correlation between mass emissions generated and the effect on public health and welfare. Therefore, cumulative impacts for criteria pollutants are considered significant and unavoidable.

Finding

The proposed project in combination with other projects would result in significant and unavoidable cumulative impact during construction and decommissioning of the project. Even with implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6, described above, cumulative impacts would be significant and unavoidable for construction and decommissioning. Cumulative impacts related to operation would be less than significant.

Level of Significance

Cumulative impacts would be significant and unavoidable during construction and decommissioning of the project after implementation of Mitigation Measures MM 4.3-1 through MM 4.3-6.

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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 4.3-6 would reduce impacts during construction and decommissioning but not to a less than significant level. Impacts would remain significant and unavoidable. Impacts related to operation would be less than significant. See Mitigation Measures MM 4.3-1 through MM 4.3-6 described above.

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 project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS (Impact 4.4-2).

The 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 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 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).

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

Significant Effect

The project would have a substantial adverse effect, either directly or through habitat modifications, on 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).

Description of Significant Impact

The proposed 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 EIR.

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Special-status wildlife species confirmed present for the project site include Swainson's hawk, western snowy plover, northern harrier, California horned lark, prairie falcon, loggerhead shrike, long-billed curlew, and osprey. No special-status species had a high potential to occur. The following five special-status species have a moderate potential to occur on site: burrowing owl, Nelson's antelope squirrel, San Joaquin pocket mouse, American badger, and San Joaquin kit fox. Additionally, the blunt-nosed leopard lizard has a potential to occur on site. While western snowy plover, northern harrier, prairie falcon, long-billed curlew, and osprey may occur as migrants or forage on the project site, no suitable nesting habitat for these bird species are present on the project site, and thus no significant impacts to these species would occur. Suitable habitat for several migratory birds and raptors protected under the MBTA and the CFGC are also present. Construction of the proposed project could result in direct impacts to these special-status species if any are present. Individual discussions for species determined to have the potential for significant impacts are provided below.

Burrowing Owl. Direct impacts to burrowing owl and its habitat could occur as a result of proposed project construction through the loss of available habitat and potential breeding burrows due to construction activities and increased human presence. A potential burrowing owl sign in the form of whitewash was observed within the project site at potential burrow C7. Three potential burrows (B24, B25, B26) and three potential burrow surrogates (C1, C4, and P1) within the proposed project's 150-meter buffer near the existing substation were also observed to have potential burrowing owl sign in the form of whitewash. Additionally, a potential burrowing owl sign in the form of pellets was observed at both potential burrow B23 and potential burrow surrogate C3, located within the proposed project's 150-meter buffer near the existing substation (Tetra Tech, 2022d). Besides direct impacts to potential burrows and habitat, construction activities could directly impact occupied burrows resulting in injury or mortality to individual owls. Birds flying away from burrows could collide with machinery or vehicles and are more likely to be predated by other animals such as red-tailed hawks and coyotes. Additional suitable habitat would remain surrounding the project site; therefore, there would be no significant impacts to burrowing owl suitable habitat with development of the proposed project. Indirect impacts could also occur during construction if burrowing owls are nesting in adjacent off-site areas within 500 feet of the project site, and noise from construction activities harasses an owl to the point of abandoning an active nest burrow. Other indirect impacts include vehicle emissions, dust, habitat degradation from introduction of non-native plants or other factors. Any adverse direct or indirect impacts to burrowing owls as a result of construction would be considered significant under CEQA. However, implementation of Mitigation Measures MM 4.4-1 through MM 4.4-6 which include monitoring, education awareness training, preconstruction clearance surveys, general biological resources avoidance measures, preconstruction burrowing owl surveys, and nesting bird surveys, would reduce the potential impacts. Mitigation Measure MM 4.9-2 also requires using only non-toxic herbicide if dens or nests are found. Implementing these mitigation measures would ensure that impacts to nesting or foraging burrowing owls during construction are mitigated. With implementation of these mitigation measures, impacts to burrowing owl would be less than significant.

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Swainson's Hawk. Direct impacts to Swainson's hawk and its habitat could occur as a result of proposed project construction through the loss of available foraging habitat. No impacts to nesting habitat would occur due to the lack of nest structures within the project site. Additional suitable habitat would remain surrounding the project site; therefore, there would be no significant impacts to Swainson's hawk suitable habitat with development of the proposed project. Indirect impacts could occur during construction if Swainson's hawk are nesting within 0.5 miles of the project site, which could disrupt the breeding cycle, or remove foraging habitat. Any indirect impact to Swainson's hawk as a result of construction would be considered significant under CEQA. However, implementation of Mitigation Measures MM 4.4-1 through MM 4.4-4 and MM 4.4-6 which include monitoring, education awareness training, preconstruction clearance surveys, general biological resources avoidance measures, and nesting bird surveys, would reduce the potential impacts. Implementing these mitigation measures would ensure that impacts to nesting Swainson's hawk during construction are mitigated. With implementation of these mitigation measures, impacts to Swainson's hawk would be less than significant.

California Horned Lark and Loggerhead Shrike. California horned lark and loggerhead shrike were observed during surveys in 2021 and are assumed to be present on the project site. Suitable foraging and nesting habitat for the horned lark is found throughout the project site. However, the loggerhead shrike is unlikely to nest on the project site due to lack of trees and shrubs. Direct impacts to both species could include death or injury to chicks or nest destruction. Adults for both species are mobile and not susceptible to direct impacts from construction activities since they would avoid these activities. Indirect impacts from construction activities include disturbance to nesting individuals from increased dust, noise, vibrations, and increased human presence. Additionally, loss of habitat is not expected to be significant because of the abundance of suitable habitat surrounding the project site. These direct and indirect impacts to these species would be considered significant without mitigation. To reduce potential significant impacts to California horned lark and loggerhead shrike, Mitigation Measures MM 4.4-1 through MM 4.4-4 and MM 4.4-6 would be implemented. With the implementation of these mitigation measures which include monitoring, education awareness training, preconstruction clearance surveys, general biological resources avoidance measures, and preconstruction nesting bird surveys, impacts would be less than significant.

Nelson's Antelope Squirrel. One potential individual was observed on the project site in July 2021. Additional focused surveys were performed from May to September 2022 and no Nelson's antelope squirrels were observed during these surveys. While this species is unlikely to use the majority of the project site due to active discing, it may use the undisturbed areas along the main access road, the non-disc'd hillside within the site, and around the existing substation within the 150-meter buffer where potential burrows were found. Direct impacts to Nelson's antelope squirrel from proposed project construction activities may include permanent and temporary loss of habitat, injury or killing of an individual or young within an occupied burrow, or collisions from project related equipment. Additional suitable habitat would remain surrounding the project site; therefore, there would be no significant impacts to Nelson's antelope squirrel suitable habitat with development of the proposed project. Indirect effects due to displacement of this species could also occur as a result of construction activities associated with the proposed project. These types of potential impacts to this species would be considered significant without mitigation. To reduce potential significant impacts to Nelson's antelope squirrel, Mitigation Measures MM 4.4-1 through MM 4.4-4 and MM 4.4-7 would be implemented. With the implementation of these mitigation measures

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which include monitoring, education awareness training, preconstruction clearance surveys, general biological resources avoidance measures, and species-specific preconstruction surveys to determine presence on site, impacts would be less than significant.

San Joaquin Pocket Mouse. This species has a moderate potential to occur on the project site. While this species mostly occurs in uncultivated areas and is unlikely to use the majority of the project site due to active discing, it may use the undisturbed areas along the main access road, the non-discd hillside within the site, and around the existing substation within the 150-meter buffer where potential burrows were found. Direct impacts to San Joaquin pocket mouse from proposed project construction activities may include permanent and temporary loss of habitat, injury or killing of an individual or young within an occupied burrow, or collisions from project related equipment. Additional suitable habitat would remain surrounding the project site; therefore, there would be no significant impacts to San Joaquin pocket mouse suitable habitat with development of the proposed project. Indirect effects due to displacement of this species could also occur as a result of construction activities associated with the proposed project. These types of potential impacts to this species would be considered significant without mitigation. To reduce potential significant impacts to San Joaquin pocket mouse, Mitigation Measures MM 4.4-1 through MM 4.4-4 and MM 4.4-8 would be implemented. With the implementation of these mitigation measures which include monitoring, education awareness training, preconstruction clearance surveys, general biological resources avoidance measures, and species-specific preconstruction surveys to determine presence on site, impacts would be less than significant.

American Badger. While this species is unlikely to use the majority of the project site due to active discing, it may use the undisturbed areas along the main access road, the non-discd hillside within the site, and around the existing substation within the 150-meter buffer where potential dens were found. Direct impacts to American badger from proposed project construction activities may include permanent and temporary loss of habitat, injury or killing of an individual or young within an occupied burrow, or collisions from project related equipment. This species is locally scarce but has a wide range. Additional suitable habitat would remain surrounding the project site; therefore, there would be no significant impacts to American badger suitable habitat with development of the proposed project. Indirect effects due to displacement of this species could also occur as a result of construction activities associated with the proposed project. These types of potential impacts to this species would be considered significant without mitigation. To reduce potential significant impacts to American badger, Mitigation Measures MM 4.4-1 through MM 4.4-4 would be implemented. With the implementation of these mitigation measures which include monitoring, education awareness training, preconstruction clearance surveys, and general biological resources avoidance measures, impacts would be less than significant.

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San Joaquin Kit Fox. While this species is unlikely to use the majority of the project site due to active discing, it may use the undisturbed areas along the main access road, the non-disc'd hillside within the site, and around the existing substation within the 150-meter buffer where potential dens were found. Direct impacts to the species and its habitat could include the loss of available habitat and potential burrows due to construction activities and increased human presence. Direct impacts on individuals could result from adults or young being crushed in dens or from collisions with vehicles, resulting in injury or death. These types of potential impacts to this species would be considered significant. Additional suitable habitat would remain surrounding the project site; therefore, there would be no significant impacts to San Joaquin kit fox suitable habitat with development of the proposed project. Indirect effects due to displacement of this species could also occur as a result of construction activities associated with the proposed project. To reduce potential significant impacts to San Joaquin kit fox, Mitigation Measures MM 4.4-1 through MM 4.4-4 and MM 4.4-9 would be implemented. With the implementation of these mitigation measures which include monitoring, education awareness training, preconstruction clearance surveys, general biological resources avoidance measures, and species-specific preconstruction surveys to determine presence on site, impacts would be less than significant.

Blunt-Nosed Leopard Lizard. No blunt-nosed leopard lizard individuals were observed during 2021 and 2022 protocol surveys. Given the negative results of the blunt-nosed leopard lizard protocol surveys, it's unlikely that blunt-nosed leopard lizards are present on the site. However, impacts are analyzed in the event that blunt-nosed leopard lizard move onto the project site between the time it takes for this document to be finalized and the construction implementation. No authorized take of this species can occur for any reason because it is a fully protected species under CDFW. Direct loss of habitat resulting from construction activities could reduce the available amount of habitat in the region for this species, however, the habitat present is low quality suitable habitat because the habitat occurs in small, isolated patches, with no large washes, playas, or areas with a relative abundance of small mammal burrows. If present on the project site at the time of construction activities, it is possible that the species could be injured or crushed by onsite equipment or vehicles. If any lizards are in burrows and the burrows go undetected, lizards could be crushed during construction activities. Indirect impacts on blunt-nosed leopard lizards could occur from construction-related noise and ground vibration, vehicle emissions, dust, and habitat degradation from introduction of non-native plants or other factors. To reduce potential significant impacts to blunt-nosed leopard lizard, Mitigation Measure MM 4.4-1 through MM 4.4-4 and MM 4.4-10 would be implemented. With the implementation of these mitigation measures which include monitoring, education awareness training, preconstruction clearance surveys, general biological resources avoidance measures, and species-specific preconstruction surveys to determine presence on site, impacts would be less than significant.

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Migratory Birds. Proposed project-related direct impacts on nesting birds during construction could include crushing of or vehicle collisions with nesting birds and/or destruction of nests and eggs during vegetation clearing and grading with heavy machinery. Potential indirect impacts include interference with reproductive success and nest abandonment in adjacent areas from increased human presence and increased noise levels (and vibration) from proposed project construction. Reproductive and nest impacts could occur if construction occurs during the bird breeding season, which is generally considered to be February 1 through August 31. Impacts to these species would be considered significant. To reduce potentially significant impacts to nesting birds, Mitigation Measure MM 4.4-6 requires implementation of preconstruction nesting bird surveys as well as avoidance and minimization measures if active nests are found. Mitigation Measure MM 4.9-2 also requires only using non-toxic herbicide for weed control if dens or nests are found. Impacts to nesting or foraging birds would be less than significant during construction with the implementation of these mitigation measures.

Direct impacts to special-status species are unlikely to result from proposed project operation and maintenance activities because proposed project implementation would remove potential habitat for special-status species on the project site, although wildlife movement through or around the project site (i.e., wildlife permeable fencing) would still allow limited movement to occur. Additionally, Mitigation Measure MM 4.4-2 and MM 4.4-3 require methods designed to reduce wildlife mortality and impacts, promote long-term project site suitability, and educate on-site personnel. However, maintenance activities within the project site could impact special-status species if avoidance measures are not implemented. In addition, proposed project operation could result in indirect impacts to wildlife in proximity of the proposed project if nighttime lighting is used. However, the potential indirect impact from nighttime lighting during operation and maintenance would be minimized through compliance with applicable development standards, the Kern County Zoning Ordinance, and the goals, policies, and implementation measures of the Kern County General Plan. The proposed project would be required to implement Mitigation Measure 4.1-5 that requires compliance with the Kern County's Dark Skies Ordinance to minimize nighttime lighting in unincorporated areas of Kern County.

Swainson's Hawk, Prairie Falcons, and Other Raptors. Potential direct impacts to raptor species from the operations and maintenance phase of the proposed project may occur through the collisions into and/or electrocution from power lines anticipated to be installed throughout the project site but particularly along the proposed collector lines. Raptors may use the solar panels, perimeter fencing, and utility structures surrounding the facilities as perch sites for hunting. While collision/electrocution impacts to the aforementioned raptors are potentially significant, impacts would be reduced through the implementation of Mitigation Measure MM 4.4-11. Mitigation Measure MM 4.4-11 requires power lines to be installed per APLIC standards, reducing the likelihood of collision and/or electrocution.

The potential for a significant impact to result from general (non-power line) avian collisions at the project site is unlikely. In a review of 13 fatality monitoring studies in three bird conservation regions in California and Nevada, a total of 13 raptor carcasses (of 669 total birds) were detected, including one Swainson's hawk (Kosciuch et al. 2020). Thus, collision risk is low, and is not expected to adversely affect raptor populations. Direct and indirect impacts to Swainson's hawk and other raptors from operations and maintenance would be less than significant with the implementation of herein noted mitigation measures.

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Migratory Birds. Direct and indirect impacts to avian species may occur during proposed project operation and maintenance as a result of individual collisions with proposed project facilities and equipment including transmission wires, fencing, array structures, and heavy equipment. Such risks are commonplace with most human development activities. The factors that have been empirically demonstrated to result in elevated collision risk at various types of facilities and structures (e.g., wind turbines) are not present at the project site, which will consist of low-height photovoltaic (PV) arrays and a few structures exceeding the 13-foot height of PV modules and would incorporate only minimal lighting and adhere to best management practices in an effort to avoid attracting avian species. Thus, while individual impacts may be expected to occur due to collisions with proposed project facilities and equipment, the risk of significant impact to avian populations is minimal. In a review of 13 fatality monitoring studies in three bird conservation regions in California and Nevada, a total of 669 bird fatalities were documented with 54.7% being songbirds when carcasses were adjusted for detection bias, which refers to systematic differences between groups in how outcomes are determined (Kosciuch et al. 2020). The identifiable species that had the highest percentage of bias-adjusted composition across all studies were mourning dove (12.9%), horned lark (11.9%), house finch (8.4%), and western meadowlark (7.8%). These species have populations that number in the millions in the bird conservation regions where the studies took place (Kosciuch et al. 2020). Carcasses of water-associated birds (e.g., herons and egrets) and water obligate birds (e.g., loons and grebes) were found at PV solar facilities in the Sonoran and Mojave Deserts bird conservation region where the proposed project is located. However, carcasses of water associates and water obligates were primarily found at sites within 60 miles of the Salton Sea, and the representation of these bird groups in the fatality data decreased or disappeared at sites further away from the Salton Sea. The proposed project is located over 250 miles from the Salton Sea in an area lacking water. Thus, based on the data presented in Kosciuch et al. (2020), there is a low likelihood of water associate and water obligate bird fatalities at the proposed project.

Factors that influence the risk of avian collisions with man-made structures include the size, height, and specific attributes of structures (guy wires and lighting/light attraction). Other factors include siting in high-risk areas, frequency of inclement weather, type of development, and the species at potential risk. Such collisions can result in injury or mortality of avian species from electrocution in the case of power lines. Collisions with proposed project facilities and equipment would be considered a potentially significant impact under CEQA. Direct and indirect impacts to migratory birds would be less than significant with the implementation of Mitigation Measures MM 4.1-4 (Kern County Dark Sky Ordinance), MM 4.1-5 (minimize glare and spectral highlighting), MM 4.1-6 (use of non-reflective materials), and MM 4.4-11 (utilization of APLIC guidelines).

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Upon decommissioning of the proposed project after approximately 35 years, the project site would be disturbed and have some areas of compacted soil (e.g., roads, laydown yards, and structure foundations). The post-project condition of the project site as a result of proposed project construction and operation would be different than pre-project conditions. After decommissioning, the project site would be restored to pre-construction conditions. If special-status species have recolonized the project site during operation, decommissioning could impact these species. Decommissioning would only directly impact areas that were previously disturbed during proposed project construction; therefore, direct impacts to native habitats and special-status plants are expected to be less than significant. If special-status wildlife re-occupy the project site during operations, these species could be directly impacted by decommissioning, similar to the direct impacts described for construction. Wildlife with the potential to utilize partially developed habitats and man-made structures include burrowing owl, San Joaquin kit fox, badger, bats, and nesting birds. Burrowing owls are known to use burrows under concrete slabs and along active road berms.

Indirect impacts to biological resources would be similar to those that would occur during construction but would depend on the resources present adjacent to the project site at the time of decommissioning. Additional indirect impacts could include degradation of adjacent habitat if the site is colonized by invasive species or generates excessive runoff or dust due to a lack of vegetation. Depending on the species and biological resources present within and adjacent to the project site at the time of decommissioning, decommissioning activities could result in significant impacts to biological resources.

However, Mitigation Measures MM 4.4-1, MM 4.4-2, and MM 4.4-3 require biological monitoring, worker education training, and measures for avoidance and protection of biological resources. Implementation of these mitigation measures during decommissioning would reduce potentially significant impacts to special-status wildlife and plant species to less than significant.

Finding

The 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 Measures MM 4.1-4 through 4.1-6, described above in Findings for Aesthetics, Mitigation Measure MM 4.9-2, described below in Findings for Hazards and Hazardous Materials, and Mitigation Measures MM 4.4-1 through MM 4.4-11, described below.

Level of Significance

With implementation of Mitigation Measures MM 4.1-4 through 4.1-6, Mitigation Measure MM 4.9-2, and Mitigation Measures MM 4.4-1 through MM 4.4-11, 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. Implementation of Mitigation Measures MM 4.1-4 through 4.1-6, described above in Findings for Aesthetics, Mitigation Measure MM 4.9-2 described below in Findings for Hazards and Hazardous Materials, and Mitigation Measures MM 4.4-1 through MM 4.4-11, described below, would reduce impacts to less-than-significant levels.

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MM 4.4-1: Prior to the issuance of grading or building permits and prior to decommissioning, the project operator shall retain a Lead Biologist 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. The Lead Biologist shall be on the project site during construction of perimeter fencing and grading activities throughout the construction phase, and as-needed during decommissioning. The Lead Biologist shall have the right to halt all activities that are in violation of the special-status species protection measures. Work shall proceed only after hazards to special-status species are removed and the species is no longer at risk. The Lead Biologist shall have in her/his possession a copy of all the compliance measures and appropriate Plans while work is being conducted on the project site.

MM 4.4-2: Prior to the issuance of grading or building permits and for the duration of construction and decommissioning activities, within one week of employment all new construction workers at the project site, laydown area and/or transmission routes shall attend an Environmental Awareness Training and Education Program, developed and presented by the Lead Biologist that is an expert on biology and required protections for the various special-status species found on-site. Any employee responsible for the operations and maintenance or decommissioning of the project facilities shall also attend the Environmental Awareness Training and Education Program.

The program shall follow the recommendations from USFWS (<https://www.fws.gov/media/standardized-recommendations-protection-endangered-san-joaquin-kit-fox-prior-or-during-ground>) and include information on the life history and habitat needs of the BNLL, SJKF, giant kangaroo rat, raptors, American badger, as well as other wildlife and plant species that may be encountered during construction activities. The program shall also discuss the legal protection status of each species, a report of the occurrence of the SJKF in the project area, the definition of “take” under the federal Endangered Species Act and California Endangered Species Act, measures the project operator is implementing to protect the species, reporting requirements, specific measures that each worker shall employ to avoid take of wildlife species, and penalties for violation of the federal Endangered Species Act or California Endangered Species Act. A fact sheet conveying this information should be prepared for distribution for the attending the training and anyone else who may enter the project site.

- a. An acknowledgement form signed by each worker indicating that Environmental Awareness Training and Education Program has been completed would be kept on record;
- b. A sticker shall be placed on hard hats indicating that the worker has completed the Environmental Awareness Training and Education Program. Construction workers shall not be permitted to operate equipment within the construction areas unless they have attended the Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker;

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- 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 Environmental Awareness Training and Education Program and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Community Development Department;
- d. The construction crews and contractor(s) shall be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits; and
- e. ~~An Operation and Maintenance phase version of the WEAP will be maintained within the onsite O&M facility for review as may be necessary during the life of the project.~~

(RTC 9/2023)

MM 4.4-3: During construction, operations and maintenance, and decommissioning, the project operator shall implement the following general avoidance and protective measures:

- a. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided.
- b. The project operator shall limit the areas of disturbance to the extent feasible. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall be flagged, and disturbance activities, vehicles, and equipment shall be confined to these flagged areas.
- c. 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 (SWPPP). All detected erosion shall be remedied within 2 days of discovery or as described in the SWPPP.

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- d. To prevent inadvertent entrapment of San Joaquin kit foxes, American badgers, or other wildlife 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. All holes and trenches, whether covered or not, shall be inspected for trapped wildlife at the start and end of each workday. Before such holes or trenches are filled, they shall be thoroughly inspected by the Lead Biologist or approved biological monitor for trapped wildlife. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a listed species is found trapped, all work in the vicinity of the animal shall cease immediately. If the animal is apparently uninjured, then the Lead Biologist shall directly supervise the provision of escape structures and/or trench modification to allow the trapped animal to escape safely. Work shall not resume in the vicinity of the animal, and it shall be allowed to leave the work area and project site on its own. If the listed animal is injured, then the Lead Biologist or approved biological monitor shall immediately contact the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife for any trapped or injured SJKF to identify an individual with the appropriate permit or authorization to handle listed species, and if the species is injured, to decipher who shall bring the animal to a pre-identified wildlife rehabilitation or veterinary facility for care.
- e. Burrowing owls, mammals, and nesting birds may use construction pipes, culverts, or similar structures for refuge or nesting. All towers shall be of the monopole variety and all hollow vertical structures, such as solar mount poles, or fencing poles, shall be capped immediately after installation to prevent bird entrapment. Therefore, all construction pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected 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 the Lead Biologist has been consulted and the animal has either moved from the structure on its own accord (for listed species) or until the animal has been captured and relocated (for non-listed species) by the Lead Biologist. If the animal is a listed species, then work shall immediately halt in the vicinity, and the animal shall be allowed to move from the structure and the work area of its own accord. The Lead Biologist will direct work stoppages near the animal to allow it to freely move out of the pipe and away from the work area. Listed species shall not be handled or captured by anyone without the appropriate permit or authorization.
- f. 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.
- g. 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.

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- h. A day-time speed limit of 15 miles per hour shall be enforced within the limits of the proposed project. To the extent possible, night-time construction related activity shall be minimized, but if work must be conducted at night, then a night-time speed limit of 10-mph shall be enforced. Off-road traffic outside of designated project areas should be prohibited.
- i. A long-term trash abatement program shall be established for construction, operations and maintenance, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.
- j. Workers shall be prohibited from bringing pets and firearms to the project area and from feeding wildlife.
- k. Intentional killing or collection of any plant or wildlife species shall be prohibited.
- l. To enable kit foxes and other wildlife (e.g., American badger, Giant Kangaroo Rats, and Short Nosed Kangaroo Rats) to pass through the project site after construction, the security fence, and any permanent interior fencing shall be a wildlife friendly design that meets the goals of allowing wildlife to move freely through the project site during operation, ~~leaving 4 to 7 inch openings or portals in the fence~~ or the fence shall be raised 7 4-6 inches above the ground leaving a gap between the fence mesh and the ground. ~~In the latter case the~~ bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. A buried apron of fencing material shall extend up to 3 feet out from the fence line. Perimeter fencing shall not be electrified.
- m. Areas within the project site containing one or more of the following habitat requisites shall be surveyed by a qualified biologist between March 1 and June 30: flowering vegetation, potential preferred nectar plants, small mammal burrows, bunch grasses, thatch, brush piles, old bird nests, or dead trees. A minimum of two surveys shall be completed between the hours of 0800 and 1600 when temperatures are between 65°F and 90°F and will not be conducted during inclement weather conditions (e.g., foggy, raining, drizzling, or sustained winds greater than 8 mph). Surveyors will photograph potential Crotch Bumble Bees (CBB) from various angles to ensure recordation of key identifying characteristics. The survey results shall be submitted to the County within 30-days of completion of the surveys. All detection information collected during survey efforts will be submitted to the California Natural Diversity Data Base at <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. Surveys will be valid for the duration of the current season lasting until the beginning of the next season (i.e., through March 1 the following year). If CBB are found during surveys, consultation with SCFW will occur to discuss appropriate avoidance measures or if avoidance is not possible, to obtain an ITP. (RTC 9/2023)

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MM 4.4-4: During construction and decommissioning, the Lead Biologist or approved biological monitor shall monitor all initial ground-disturbance activities and remain on-call throughout construction/decommissioning in the event a special-status species wanders into the project site.

Preconstruction surveys for special-status species shall be conducted within the project boundaries by the Lead Biologist or approved biological monitor no less than 14 days and no more than 30 days prior to beginning of the start of any vegetation clearing or grading activities. Methodology for preconstruction surveys shall be appropriate for each potentially occurring species-status species and shall follow U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife preconstruction survey 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 no less than 14 days and no more than 30 days prior to the portion of the project site being disturbed. The Lead Biologist may use a variety of approaches (including but not limited to monitoring, track plates, and direct observation) and evidence (including burrow characteristics and presence of sign such as scat and tracks) to determine burrow activity. If any evidence of occupation of the project site special-status species is observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance, as described below.

Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or San Joaquin kit fox dens no less than 14 days and no more than 30 days prior to beginning of ground and/or vegetation disturbing activities. The surveys shall be conducted in the project site for American badger and San Joaquin kit fox. The preconstruction den survey shall be conducted in accordance with the *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011). Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur no less than 14 days and no more than 30 days prior to that portion of the project site disturbed. The preconstruction den survey shall be conducted in all areas of potentially suitable habitat within the Project area and a 500-foot buffer of the Project areas. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities: (RTC 9/2023)

- a. San Joaquin kit fox or American badger potential den: 50 feet.
- b. San Joaquin kit fox or American badger active den: 100 feet.
- c. San Joaquin kit fox or American badger natal den: 500 feet.

If avoidance of the potential dens is not possible, the following measures are required to avoid potential adverse effects to the American badger:

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

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- b. If the qualified biologist determines that potential dens may be active, an on-site passive relocation program shall be implemented. This program shall consist of excluding American badgers from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for 7 days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers have stopped using the dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.

During fencing and grading activities, daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special-status species, including injuries and fatalities. These monitoring reports shall be submitted to the Kern County Planning and Community Development Department and relevant resource agencies, as applicable, on a monthly basis along with copies of all survey reports.

MM 4.4-5: A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct preconstruction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no fewer than 14 days prior to ground-disturbing activities (i.e., vegetation clearance, grading, tilling). The survey methodology shall be consistent with the methods outlined in the 2012 California Department of Fish and Wildlife (CDFW) 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 any potential burrows with fresh burrowing owl sign or presence of burrowing owls. Surveys may be conducted concurrently with desert tortoise preconstruction surveys. As each burrow is investigated, surveying biologists shall also look for signs of American badger and San Joaquin kit fox. Copies of the survey results shall be submitted to CDFW and the Kern County Planning and Community Development Department.

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If burrowing owls are detected onsite, no ground-disturbing activities shall be permitted within a within no-disturbance buffers, as outlined in the “Staff Report on Burrowing Owl Mitigation” (CDFG 2012). Specifically, occupied burrows shall be avoided with a buffer of no fewer than 100 200 to 500 meters (330 650 to 1,640 feet) from an active burrow during the breeding season (i.e., February 1 to August 31), April 1 to October 15 or 50 to 500 meters (165 to 1,640 feet) from October 16 to March 31, unless otherwise authorized by CDFW. During the non-breeding (winter) season (i.e., September 1 to January 31), ground-disturbing work can proceed as long as the work occurs no closer than 50 meters (165 feet) from the burrow. Depending on the level of disturbance, a smaller buffer may be established in consultation with CDFW. (RTC 9/2023)

If burrow avoidance is infeasible during the non-breeding season ~~or during the breeding season (February 1 through August 31) 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 CDFW Staff Report on Burrowing Owl Mitigation. (RTC 9/2023)

If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and a Mitigation Land Management Plan, in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation, for review by CDFW prior to passive relocation activities. The Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation. At a minimum, the following recommendations shall be implemented:

- a. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions including decompacting soil and revegetating.
- b. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.

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- c. Permanently protect mitigation land through a conservation easement, deed restriction, or similar mechanism deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW-approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits. 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.

MM 4.4-6: If construction is scheduled to commence during the non-nesting season (i.e., September 1 to January 31), no preconstruction surveys or additional measures are required. To avoid impacts to nesting birds in the project area, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within the project site for construction activities that are initiated during the breeding season (i.e., February 1 to ~~August 31~~ September 15). The raptor survey shall focus on potential nest sites (e.g., cliffs, large trees, windrows) within a 0.5-mile buffer around the project site. Swainson's hawk nest survey shall focus on potential nest sites (e.g., cliffs, large trees, windrows) within a 0.5-mile buffer around the project site and follow the 2000 Swainson's hawk protocol surveys (Swainson's Hawk Technical Advisory Committee, 2000). Surveys shall be conducted no more than ~~14 days~~ one week prior to construction activities. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur shortly before a portion of the project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. If active nests are found, a suitable buffer (e.g., ~~200-300~~ 500 feet for common raptors; 0.5 miles for Swainson's hawk; ~~30-50~~ 250 feet for passerine species) shall be established around active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). If an active SWHA nest is detected and a 0.5-mile no-disturbance buffer is not feasible, consultation with CDFW shall occur to discuss how to implement the Project and avoid take. If take cannot be avoided, consultation to receive an ITP for SWHA shall be performed. For non-listed species, encroachment into the avoidance buffer may occur at the discretion of a qualified biologist; however, for State-listed species, consultation with CDFW shall occur prior to encroachment into the aforementioned buffers. (RTC 9/2023)

MM 4.4-7: Preconstruction surveys for Nelson's antelope squirrel shall be conducted within the project boundaries by the Lead Biologist or approved biological monitor within 14 days of the start of any vegetation clearing or grading activities. If potential Nelson's antelope squirrel burrows or signs are observed, consultation with CDFW would occur to discuss how to avoid take or how to acquire state Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, prior to ground disturbing activities.

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- MM 4.4-8:** Preconstruction surveys for San Joaquin pocket mouse shall be conducted within the project boundaries by the Lead Biologist or approved biological monitor within 14 days of the start of any vegetation clearing or grading activities. If suitable habitat is present, a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances of suitable size for San Joaquin pocket mouse use, will be established and maintained during project activity. If burrow avoidance is not feasible, focused protocol-level trapping surveys according to the USFWS (2013) protocol will be conducted by a qualified wildlife biologist that is permitted to do so by CDFW, to determine if San Joaquin pocket mouse occurs in the project area.
- MM 4.4-9:** Preconstruction surveys for San Joaquin kit fox shall be conducted within the project boundaries by the Lead Biologist or approved biological monitor within 14 days of the start of any vegetation clearing or grading activities. The surveys will be conducted in accordance with the USFWS San Joaquin Kit Fox Survey Protocol. If potential San Joaquin kit fox dens or signs are observed, consultation with CDFW and USFWS would occur to discuss how to avoid take or how to acquire state Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, and a federal ITP, pursuant to Section 10 of the U.S. Endangered Species Act (ESA) prior to ground disturbing activities.
- MM 4.4-10:** Protocol level surveys for the BNLL shall be conducted by a qualified biologist at the project site in accordance with the “Approved Survey Methodology for the Blunt-nosed Leopard Lizard” (CDFW 2019) from April 15 to July 31 during the adult optimal survey period and from August 15 to September 30 during the hatchling optimal survey period, in suitable habitat that will be disturbed by construction, to determine the potential for occupancy by BNLL. Surveys may be conducted in areas of disturbance and needed buffers as work progresses or in stages as needed during the construction phase. If surveys indicate that BNLL and appropriate burrow habitat are absent, the construction area(s) can be fenced using materials and installing fencing in compliance with agency specifications to prevent potential future occupancy of BNLL. (RTC 9/2023)

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If BNLL are found within the survey areas, ~~measures to protect the species shall include appropriate signage, monitoring by approved qualified biologists and other specific protection measures developed in compliance with agency guidelines. If burrows are found to be occupied, measures for avoidance and minimization of impact to BNLL shall be written in compliance with recommendations provided during agency consultations and shall contain project specific details. Project actions in areas where BNLL are located shall be restricted to the species active period (April to early November) to ensure that no aestivating BNLL in burrows are impacted while in their burrows. In conjunction with CDFW or other involved agencies, sensitive areas shall be established and protected with appropriate signage. During the active season when blunt-nosed leopard lizards are moving above ground (April to early November), the following measures will be implemented in areas where blunt-nosed leopard lizards or signs of blunt-nosed leopard lizards have been observed: consultation with CDFW will be performed to discuss appropriate avoidance measures (such as no-work buffers, discussed below) or if avoidance is not possible, to obtain an ITP given the passage of Senate Bill No. 147.~~ (RTC 9/2023)

- a. Establishment of No-Work Buffers. The project biologist will consult with CDFW for the appropriate measurement of a no-work buffer around occupied burrows and egg clutch sites identified during surveys. The project biologist will establish, monitor, and maintain ~~50-foot~~ no-work buffers in accordance with CDFW recommendations around burrows and egg clutch sites identified during surveys. The ~~50-foot~~ no-work buffers will be established around burrows in a manner that allows for a connection between the burrow site and the suitable natural habitat adjacent to the Construction Footprint so that blunt-nosed leopard lizards and/ or hatchlings may leave the area after eggs have hatched. Construction activities will not occur within the 50-foot no-work buffers until such time as the eggs have hatched and blunt-nosed leopard lizards have left the area. (RTC 9/2023)
- b. Fencing of Work Areas. Prior to installing wildlife exclusion fence (WEF), the project biologist will confirm that no blunt-nosed leopard lizard are present within a Work Area by conducting focused blunt-nosed leopard lizard observational surveys for 12 days over the course of a 30 to 60-day period. At least one survey session will occur over 4 consecutive days. These observational surveys may be paired with scent detection dog surveys for blunt-nosed leopard lizard scat.
 - i. Within 3 days of completing these surveys with negative results, WEF will be installed in a configuration that accounts for burrow locations and enables blunt-nosed leopard lizards to leave the Work Area. The following day, the project biologist will conduct an observational survey. If no blunt-nosed leopard lizards are observed, the project biologist will install additional WEF to further enclose the Work Area. This Work Area will be monitored daily while the WEF is in place.

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- ii. If blunt-nosed leopard lizards are observed prior to installing the last of the WEF, ~~the project biologist will continue observational surveys until the lizard is observed leaving the Work Area or until 30 days elapse with no blunt-nosed leopard lizard observations within the Work Area. Consultation with CDFW would be performed to ensure that WEF installation in areas where BNLL or signs of BNLL have been observed does not take the species.~~ (RTC 9/2023)

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

Significant Effect

The project would interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Impact 4.4-4).

Description of Significant Impact

There are no perennial water features on the project site, and therefore, no potential corridors for aquatic species. In addition, no wildlife nursery sites have been identified on or in the vicinity of the project site.

Proposed project development, fencing, and activities associated with construction and operations have the potential to interfere with local movement of wildlife within and adjacent to the project site. The project site is located within the Las Colinas/South Dome NLB, the Bluestone Ridge – Sand Ridge ECA, and Las Colinas/South Dome – Kettleman Hills ECA but due to the broad, statewide nature of the Essential Connectivity Map, it is unlikely the project site has been incorporated. The project site does not contain or function as a wildlife movement corridor because it is developed with agriculture and is within an area that is heavily influenced by agriculture, which limits opportunities for habitat continuity and wildlife movement; it does not contain wildlife travel routes or wildlife crossings that would connect open space areas; and does not contain suitable cover, food, or water to adequately support wildlife species and enable movement through the project site. The project site may be used by species on a smaller scale; however, these habitats are fragmented by roads, fences, rural residences, and agricultural fields which likely limits the project site as a significant corridor for local wildlife movement. Therefore, implementation of the proposed project would not significantly impact local or regional wildlife movement.

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Lighting from the project site could potentially affect local movement of nocturnal wildlife by deterring them from illuminated areas around the project site. However, all lighting installed as a part of the proposed project would comply with the Kern County Dark Skies Ordinance and would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties as discussed in Mitigation Measures MM 4.1-4 through MM 4.1-6. This would reduce the temporary impacts to wildlife movement through the area. Therefore, with implementation of Mitigation Measure MM 4.1-4 through MM 4.1-6, the proposed project would not adversely impact wildlife movement and impacts would be less than significant.

Finding

The project has the potential to 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. However, these impacts would be reduced to a less than significant level with the implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6.

Level of Significance

With implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6, 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. Implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6, described above under Findings for Aesthetics, 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 proposed 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 proposed 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 proposed project would have a cumulative environmental impact on biological resources.

Description of Significant Impact

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Cumulative impacts for a 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.

As large-scale energy projects and urbanization pressures increase within Kern and Kings County, impacts to biological resources within the region are expanding on a cumulative level. As described in Table 4.4-4, *Cumulative Projects List*, of the EIR, other projects with similar species effects have been completed within the San Joaquin Valley. In general, bioregions are defined through physical and environmental features, including watershed boundaries and soil and terrain characteristics. Areas to the west of the Diablo Mountains, south of the Transverse Ranges, and east of the Sierra Nevada mountain range are within a different bioregion and are separated from the project site by the natural geography that these ranges present. Multiple highways and freeways include I-5 and State Route 99 also act as a barrier to wildlife movement.

There are several special-status wildlife species that currently utilize the project site and surrounding vicinity. Implementation of the proposed project, along with related projects, has the potential to impact transient wildlife species, including burrowing owl, California horned lark, loggerhead shrike, Swainson's hawk, other raptors, migratory birds, San Joaquin kit fox, and American badger. The project site contains habitat that support plants, insects, rodents, and small birds that provide a prey base for raptors and terrestrial wildlife including for blunt-nosed leopard lizard. In addition, based on the literature review and database search completed for the proposed project, the region is known to support a diversity of special-status species, most of which are not 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 San Joaquin Valley, the proposed project, when combined with other projects, would contribute to cumulative loss of foraging and nesting habitat for special-status species. Implementation of Mitigation Measures would reduce impacts to foraging and nesting habitat to less than significant levels for the proposed project. However, the proposed project, when combined with other related development projects proposed throughout the Counties, would cumulatively impact foraging and nesting habitat for special-status species. Thus, cumulative impacts would be significant and unavoidable.

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The residual effects on migratory birds of the proposed project were determined to be less than significant. This cumulative analysis assesses the potential for the incremental impacts of the proposed project to combine with related projects to cause or contribute to a significant cumulative effect within the Central Valley portion of the Pacific Flyway for the duration of the proposed project. Identified cumulative projects that involve the installation of PV panels, gen-tie lines, and associated power poles have the potential to cause impacts to migratory birds associated with collisions. Little is known about the potential for impacts to migratory birds associated with the “lake effect.” However, evidence suggests that significant impacts to migratory birds could occur even after mitigation due to collision with PV panels or other project structures causing mortality or injury. Further, as take authorization for migratory bird species is not available, any population level mortality of migratory birds would be considered significant under CEQA. Therefore, the proposed 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.

Finding

The proposed project in combination with other projects would be cumulatively considerable. Even with implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6, described above in Findings for Aesthetics, Mitigation Measure MM 4.9-2, described below in Findings for Hazards and Hazardous Materials, and Mitigation Measures MM 4.4-1 through MM 4.4-11, described above, cumulative impacts would be significant and unavoidable.

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Level of Significance

Despite implementation of the above mitigation, cumulative impacts would be significant and unavoidable to special-status wildlife species, including blunt-nosed leopard lizard, burrowing owl, California horned lark, loggerhead shrike, Swainson's hawk, other raptors, migratory birds, San Joaquin kit fox, and American badger.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measures MM 4.1-4 through MM 4.1-6, described above in Findings for Aesthetics, Mitigation Measure MM 4.9-2, described below in Findings for Hazards and Hazardous Materials, and Mitigation Measures MM 4.4-1 through MM 4.4-11, 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 proposed project's environmental effects on cultural resources have been found to result in no impacts or only less than significant impacts without mitigation.

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

Significant Effect

The project would cause a substantial adverse change in the significance of a historical resource, as defined in CEQA Guidelines Section 15064.5 (Impact 4.5-1).

Description of Significant Impact

The cultural resources pedestrian survey conducted for the proposed project identified the presence of four archaeological isolates. Isolates are typically considered not eligible for listing in the California Register due to the limited amount of information they can provide and lack of associated context. Exceptions are made under unusual circumstances, such as when the archaeological record is lacking in data, or the isolate is considered rare or unusual and may be associated with rare or unusual events. The four isolates identified during the survey do not fall under these circumstances and possess little probability for new information that would contribute substantially to prehistoric or historic history (Criterion 4). All the isolates were identified within an open, disced agricultural field and no other cultural material or features were observed. The documentation of these resources provides sufficient data, and their research potential has been fulfilled through their documentation. As a result, the isolates are not eligible for listing in the California Register and they do not qualify as historical resources, as defined in *CEQA Guidelines* Section 15064.5.

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There is a low potential for unknown subsurface archaeological resources that qualify as historical resources to exist within the project site. However, since the proposed project includes ground disturbance, there remains the possibility that unknown subsurface archaeological resources qualifying as historical resources could be encountered. Therefore, impacts to unknown archaeological resources that could qualify as significant historical resources would be mitigated to less than significant through the implementation of Mitigation Measures MM 4.5-1 through MM 4.5-3.

Finding

The proposed 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 4.5-3. These would ensure that both known and unknown resources that could be discovered during construction of the proposed 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

With implementation of Mitigation Measures MM 4.5-1 through MM 4.5-3, 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. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-3 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 during ground-disturbing activities. 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 proposed project:

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- a. Prior to commencement of any ground disturbing activities, the Lead Archaeologist, in consultation with the Native American Monitor(s), shall prepare Cultural Resources Sensitivity Training materials to be used in orientation program given to all personnel working on the proposed project. A Cultural Resources Sensitivity Training Guide approved by the Lead Archaeologist shall be provided to all personnel. A copy of the Cultural Resources Sensitivity Training Guide shall be submitted to the Kern County Planning and Natural Resources Department. 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.
- b. The project proponent/operator shall ensure all new employees or onsite workers who have not participated in earlier Cultural Resources Sensitivity Trainings shall meet provisions specified above.
- c. 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 for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources.
- d. A copy of the Cultural Resources Sensitivity Training Guide/Materials shall be kept on-site and available for all personnel to review and be familiar with as necessary. It is the responsibility of the Lead Archaeologist to ensure all employees receive appropriate training before commencing work on-site.
- e. During implementation of the proposed project, the services of Native American Monitors, as identified through consultation with appropriate Native American tribes, working under the supervision of the Lead Archaeologist, shall be retained by the proposed project to monitor project-related ground-disturbing activities as identified in Mitigation Measures MM 4.5-2 and MM 4.5-3.

MM 4.5-2: During implementation of the proposed project, the services of both an Archaeological and Native American Monitor, as identified through consultation with appropriate Native American tribes, working under the supervision of the Lead Archaeologist, shall be retained by the project proponent/operator to monitor, on a full-time basis, ground-disturbing activities associated with project-related construction activities, as follows:

- a. All initial excavation and ground-disturbing activities within the project site, shall be monitored by Archaeological and Native American Monitors. During the course of this initial monitoring, if the Lead Archaeologist can demonstrate that the level of monitoring should be reduced or discontinued, or if the Lead Archaeologist can demonstrate a need for continuing monitoring, the Lead Archaeologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances as warranted.

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- 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. Should the service of any additional individuals be retained (as Lead Archaeologist, Archaeological Monitor, or Native American Monitor) subsequent to commencement of ground-disturbing activities, such individuals shall be provided the same. 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 daily logs and the Lead Archaeologist shall submit monthly written updates to the Kern County Planning and Natural Resources Department and Native American Monitor. After monitoring has been completed, the Lead Archaeologist shall prepare a monitoring report that details monitoring results; assessment of inadvertent discoveries; communication with Tribal representatives; installation of, maintenance of, and guidance for environmentally sensitive areas; and general implementation of the required mitigation. The final monitoring report shall act as a record of compliance with guiding documents and mitigation and shall be submitted to the Kern County Planning and Natural Resources Department and the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

MM 4.5-3: During implementation of the project, in the event archaeological materials are encountered during the course of grading or construction, 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 and the Native American Monitor. The Lead Archaeologist, in consultation with the Native American Monitor, 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 *CEQA Guidelines* Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources.

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Consistent with *CEQA Guidelines* 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. Diagnostic archaeological materials with research potential recovered during any investigation shall be curated at an accredited curation facility. All resources of concern/interest to Native American tribes that cannot be avoided shall be reburied on site as close to the original find location as possible, and within an area that will not be subjected to disturbance in the future. 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 the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

Significant Effect

The project would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 (Impact 4.5-2).

Description of Significant Impact

As discussed above under Impact 4.5-1, there is a low potential for the proposed project to impact previously unknown, buried archaeological deposits, however, since the proposed project includes ground disturbance there remains the potential that archaeological resources could be unearthed. 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 MM 4.5-3, which require cultural resources sensitivity training for construction workers, archaeological and Native American monitoring during construction, and appropriate treatment of unearthed archaeological resources during construction, potential impacts would be reduced to less than significant.

Finding

The proposed 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 4.5-3.

Level of Significance

With implementation of Mitigation Measures MM 4.5-1 through MM 4.5-3, impacts would be less than significant.

EXHIBIT A

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 4.5-3, described above, would reduce impacts to less-than-significant levels.

Significant Effect

The project would disturb human remains, including those interred outside of formal cemeteries. (Impact 4.5-3).

Description of Significant Impact

There is no indication, either from the archival research results or the cultural resources survey, that any particular location within the project site has been used for human burial purposes in the recent or distant past. However, in the event that human remains are inadvertently discovered during project construction activities, the human remains could be damaged or disturbed, which would be a significant impact. Implementation of Mitigation Measure MM 4.5-4 would ensure that any human remains encountered during proposed project implementation are properly treated, thus reducing impacts to a less than significant level.

Finding

The proposed 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 4.5-4.

Level of Significance

With implementation of Mitigation Measure MM 4.5-4, 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. Implementation of Mitigation Measures Mitigation Measure MM 4.5-4 would reduce impacts to less than significant levels.

EXHIBIT A

MM 4.5-4: 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 *CEQA Guidelines* Section 15064.5(c)(1). 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(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, and in accordance with generally accepted cultural or archaeological standards or practices, the landowner shall ensure that the immediate vicinity of the Native American human remains, is not damaged or disturbed by further development activity until the landowner has 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 proposed 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 proposed project would have a cumulative environmental impact on cultural resources.

Description of Significant Impact

With implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, as described above, the proposed project would not result in significant impacts to cultural resources. Given this minimal impact, as well as similar mitigation requirements for other projects in the San Joaquin Valley, the proposed project's incremental effect is not cumulatively considerable when viewed in connection with the effects of other closely related past projects, the effects of other current projects and the effects of probable future projects; thus, cumulative impacts to cultural resources would be less than significant.

Finding

The 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 4.5-4 would reduce this impact to less than significant levels.

EXHIBIT A

Level of Significance

With implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, 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. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-4, 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 proposed 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).

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

Significant Effect

The project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (Impact 4.6-1).

Description of Significant Impacts

Construction and decommissioning of the 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.

EXHIBIT A

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 Measures MM 4.3-1 and MM 4.3-4, as provided above under Findings for Air Quality, would require the use of energy-efficient and alternatively-fueled equipment during project construction. Compliance with Title 13, California Code of Regulations, Section 2449 et seq. imposes construction equipment idling restrictions. Compliance with Title 13 would also help to reduce unnecessary fuel consumption during project construction. Implementation of these mitigation measures 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 171,500,000 kWh of renewable electricity. This would greatly offset the small amount of energy consumed by the project annually during operations. Impacts during operations would be less than significant.

Finding

During construction and decommissioning, the project has the potential to inefficiently or wastefully consume petroleum and fuel. Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-4, described above under Findings for Air Quality, would reduce impacts to a less than significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.3-1 and MM 4.3-4, 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. Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-4, 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 proposed project would not have any environmental effects related to energy 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 proposed project would have a cumulative environmental impact on energy.

EXHIBIT A

Description of Significant Impact

Cumulative projects in the project area listed in Table 4.6-4 of the EIR, 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 proposed 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 60 percent of California's energy coming from renewable sources by 2030 and 100 percent renewable sources by 2045. The proposed project and other similar projects are essential to achieving the RPS.

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 proposed project would result in a contribution to cumulative energy consumption in California, construction of the proposed project would implement Mitigation Measures MM 4.3-1 and MM 4.3-4, which would require the use of energy-efficient equipment during project construction and enforce idling restrictions. Implementation of these mitigation measures would also help to reduce unnecessary fuel consumption during project construction. Overall, with implementation of mitigation measures during construction, the proposed project would not contribute to cumulative energy consumption in California during construction; with regard to operation, as operation of the proposed project would provide electric power with negligible operational energy consumption over the long term when compared to traditional fossil-fueled generation technologies. Thus, the proposed project would not have a cumulatively considerable impact on energy consumption and would not conflict with any renewable energy plans. Cumulative impacts would be less than significant.

Finding

The project has the potential to result in cumulative impacts related to energy consumption. Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-4 would reduce impacts to a less than significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.3-1 and MM 4.3-4, 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. Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-4, described above in Findings for Air Quality, would reduce impacts to a less than significant level.

EXHIBIT A

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

The proposed project would not have a significant and unavoidable cumulative environmental impact on energy.

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 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 project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving seismic-related ground failure, including liquefaction (Impact 4.7-3).

The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving landslides (Impact 4.7-4).

The 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 4.7-8).

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

Significant Effect

The project would not 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).

Description of Significant Impacts

The project site is located within a historically active seismic region that could experience one or more substantive seismic events in the future, particularly from the nearby Great Valley thrust fault system and the San Andreas fault zones. Depending on the magnitude, distance to the source, and duration of shaking, damage to the PV modules, O&M Building(s), or other ancillary facilities and injury to workers or visitors could result. However, because the proposed project would not establish a permanent on-site population 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.

EXHIBIT A

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 CBC. In addition, as described below, 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 be hired by the proponent to design the project facilities to withstand probable seismically induced ground shaking. All grading and construction on site 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 on-site 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 on-site 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 Measure MM 4.7-1 would ensure that seismic hazards would be minimized; impacts related to ground shaking would be less than significant.

Finding

The project would not expose a substantial number of people to potential adverse effects due to strong seismic ground shaking. Adherence to the requirements of the Kern County Building Code the CBC and Mitigation Measure MM 4.7-1 would ensure impacts remain less than significant.

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. Implementation of Mitigation Measure MM 4.7-1 would ensure impacts remain less than significant.

MM 4.7.1: Prior to the issuance of building or grading permits for the proposed project, the project proponent shall conduct a final engineering design specific 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. The geotechnical study must be signed by a California-registered and licensed professional geotechnical engineer or engineering geologist.

EXHIBIT A

Significant Effect

The project would not result in substantial soil erosion or the loss of topsoil (Impact 4.7-5).

Description of Significant Impact

Construction of the project site would involve earth-disturbing activities that could expose soils to the effects of wind or water erosion. Although the project site 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. However, since the proposed project would not result in discharge to waters of the state of the U.S., no impacts relative to stormwater runoff and erosion would occur. In addition, as per Mitigation Measure MM 4.10-1, described below under Findings for Hydrology and Water Quality, a SWPPP would be prepared and implemented per the requirements of the Kern County NPDES 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 off site; all temporary erosion control measures required by the Kern County Grading Code (Chapter 17.28.140) would be incorporated into the SWPPP. Also, per Mitigation Measure MM 4.7-1, described above, the proposed 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 existing regulations and Mitigation Measure MM 4.7-1 would ensure that excessive grading does not occur. As a result, proposed project construction would have less than significant impacts related to erosion with implementation of Mitigation Measures MM 4.7-1 and MM 4.10-1.

Proposed project operations would include the periodic cleaning of the panels with water. However, this is not expected to result in soil erosion because of the infrequency of these activities and the limited volumes of water involved; water is expected to infiltrate into the ground and not generate substantial erosion or soil loss. Proposed project operations would not entail ground disturbance of area which has not previously been subjected to disturbance. As a result, proposed project operation would have a less than significant impact with relation to soil erosion.

Finding

The project would not result in substantial soil erosion or the loss of topsoil. Implementation of Mitigation Measures MM 4.7-1, described above, and Mitigation Measure MM 4.10-1 described below under Findings for Hydrology and Water Quality, would ensure impacts remain less than significant.

Level of Significance

Impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

EXHIBIT A

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 Mitigation Measure MM 4.10-1 described below under Findings for Hydrology and Water Quality, would ensure impacts remain less than significant.

Significant Effect

The project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (Impact 4.7-6).

Description of Significant Impact

The proposed project would result in no impact related to landslides. The geotechnical report prepared for the 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. A site-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 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 proposed 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 Measure MM 4.7-1, impacts would be less than significant.

Finding

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

Level of Significance

With implementation of Mitigation Measure MM 4.7-1, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.7-1, as included above, would reduce impacts to less than significant levels.

Significant Effect

The 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 4.7-7).

EXHIBIT A

Description of Significant Impact

According to Web Soil Survey, the soils underlying the project site have between a 1.3 and 7.8 percent linear extensibility rating, which indicates a linear extensibility rating that ranges from low to high. Web Soil Survey data indicates that the soils with a higher linear extensibility are concentrated in the southwest portion of the project site.

The shrink-swell behavior of expansive soils can lead to damage of project improvements over time if not addressed appropriately prior to construction, which could result in a significant impact. 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 on site 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 on-site 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

The project site contains soils that may be expansive. The implementation of Mitigation Measure MM 4.7-1 would reduce impacts to a less-than-significant level.

Level of Significance

With implementation of Mitigation Measure MM 4.7-1, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.7-1, described above, would reduce impacts to a less than significant level.

Significant Effect

The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, as defined in CEQA Guidelines Section 15064 (Impact 4.7-9).

Description of Significant Impact

EXHIBIT A

Geologic mapping indicates that the surficial geology at the project site is mapped as Pliocene-age San Joaquin Formation (Tsj) and Pliocene-age Etchegoin Formation (Te). Additionally, while not mapped at the surface within the project site, the Pleistocene-age Tulare Formation (QTt) is mapped just west of the project site. The San Joaquin, Etchegoin, and Tulare formations are considered to have a high potential to contain significant paleontological resources; this is due to numerous previous significant discoveries within these formations. As discussed in the EIR, while the Tulare Formation is considered to have a high potential to contain significant paleontological resources, it is mapped outside of the project site. Further, it is stratigraphically younger than the San Joaquin and Etchegoin formations and therefore is not likely to be present in the subsurface within the project site.

If encountered, disturbance of significant vertebrate fossils would result in a potentially significant impact to paleontological resources. However, with implementation of Mitigation Measures MM 4.7-2 through MM 4.7-5, which would require Paleontological Resources Awareness Training for construction workers, use of a qualified paleontological monitor during construction activities, and appropriate treatment of accidentally uncovered paleontological resources, impacts to paleontological resources would be reduced to less than significant.

Finding

The project site may contain paleontological resources that would be impacted by construction of the proposed project. The implementation of Mitigation Measures MM 4.7-2 through MM 4.7-5 would reduce impacts to a less than significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.7-2 through MM 4.7-5, 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. Implementation of Mitigation Measures MM 4.7-2 through MM 4.7-5 would reduce impacts to a less-than-significant level.

MM 4.7-2: The project proponent shall retain a qualified paleontologist, defined as a paleontologist meeting the Society for Vertebrate Paleontology's Professional Standards (SVP, 2010), to carry out all mitigation measures related to paleontological resources. The qualified paleontologist and Lead Archaeologist may be the same individual. The qualified paleontologist shall conduct the following:

EXHIBIT A

- a. Prior to the start of any ground disturbing activities, the qualified paleontologist shall conduct a Paleontological Resources Awareness Training program for all construction personnel working on the project site. 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.
- b. Paleontological Resources Awareness Training may be conducted in conjunction with other awareness training requirements.
- c. 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.
- d. The project operator shall ensure all new employees who have not participated in earlier Paleontological Resources Sensitivity Trainings shall meet the provisions specified above.
- e. The Paleontological Resources Awareness Training Guides shall be kept available for all personnel to review and be familiar with as necessary.

MM 4.7-3: In order to avoid the damage or destruction of a significant fossil resource, two of the identified fossil localities require further treatment before the onset of on-site project activities:

- F211117-88-01 shall have a reference sample collected for curation; and
- F211117-88-06 shall be collected for curation.

MM 4.7-4: A qualified paleontologist or designated monitor shall be on site initially to spot-check excavations below a depth of one foot below the ground surface in areas of undetermined paleontological potential. If it is determined that sediments consist of older alluvium, then full-time paleontological monitoring shall ensue within that area. If sediments are determined to consist of Holocene Quaternary alluvium, paleontological monitoring shall not be required unless an excavation depth of 15 feet below the ground surface is reached in the area. The use of post-driving or rotary drilling shall not require monitoring.

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

MM 4.7-5: 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, such as the Natural History Museum of Los Angeles County. 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 proposed 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 proposed project would have a cumulative environmental impact on geology and soils.

Description of Significant Impact

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 4.7-1, Cumulative Projects List, would be subject to relatively similar seismic hazards as that of the proposed 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.

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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 for projects disturbing more than one acre and having the potential to discharge to waters of the state or U.S.) to mitigate erosion impacts. The proposed project's compliance with these codes, standards and permitting requirements are required by Mitigation Measure MM 4.7-1. 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 site 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 Measure MM 4.7-1, the proposed 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.

EXHIBIT A

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 proposed project, had or would have impacts on paleontological resources that, when considered together, would be significant. Development of the proposed 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 EIR to reduce potentially significant project impacts to paleontological resources during construction of the proposed project. Implementation of Mitigation Measure MM 4.7-2 requires paleontology sensitivity training for construction workers and Mitigation Measure MM 4.7-3 requires treatment for two identified fossil localities to avoid damage or destruction of these known paleontological resources. Mitigation Measure MM 4.7-4 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 4.7-5 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 4.7-2 through MM 4.7-5, 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.

Finding

The 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 4.7-5 would reduce impacts to a less than significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.7-1 through MM 4.7-5, 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. Implementation of Mitigation Measures MM 4.7-1 through MM 4.7-5 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 proposed project would not have a significant and unavoidable cumulative environmental impact related to geology and soils.

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GREENHOUSE GAS EMISSIONS

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

The 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 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).

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

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

Description of Significant Impact

Although the 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. While the proposed project has a tentative life of 35 years, standard practice for many air districts in California is to amortize construction and decommissioning emissions over a 30-year project lifetime. As shown in Table 4.8-2, the total construction-related CO₂e emissions annualized over a default project lifetime (30-years) is equivalent to approximately 211.5 MTCO₂e. In addition, annual operational emissions would total 359 MTCO₂e, which would result in a total project emission of 570.5 MTCO₂e when considering both construction and operational emissions. This value is below CAPCOA's recommended threshold of 900 MTCO₂e. 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.

EXHIBIT A

Finding

The project would not have a cumulatively considerable impact on global climate change.

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

HAZARDOUS MATERIALS AND SAFETY

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 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 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 project would not result in a safety hazard or excessive noise for people residing or working in the project area, for a project located within the adopted Kern County Airport Land Use Plan (Impact 4.9-5).

The project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan (Impact 4.9-6).

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

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

Significant Effect

The proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Impact 4.9-1).

EXHIBIT A

Description of Significant Impact

Construction of the proposed 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 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.

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 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).

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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 that would be installed on the project site may utilize CdTe thin film or crystalline silicon technology, but the specific modules for the proposed project have not been selected yet. As described above in the Environmental Setting, CdTe 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 35-year or longer life. Studies indicate that unless the PV module is purposefully ground to a fine dust, use of CdTe in PV modules does not generate any emissions of CdTe (Fthenakis, 2003). The proposed project includes operational and maintenance protocols that would be used to identify and remove damaged or defective PV modules during annual inspections. Solar equipment and infrastructure would be recycled as practical or disposed of in compliance with applicable laws.

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Environmental risks of both crystalline silicon and thin film CdTe PV technologies have been evaluated by the International Energy Agency, using EPA fate and transport methods for potential emissions to air, water, and soil from non-routine events such as fire and field breakage. Based on comparisons with EPA health screening levels, crystalline silicon and thin film CdTe PV technologies do not present a health risk in the event of fire or breakage, with regards to their use of lead and cadmium compounds, respectively (P. Sinha et al., 2018 and 2019). Therefore, the potential use of a crystalline silicon or CdTe PV system 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.

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 and utilized appropriately in accordance with the Hazardous Materials Business Plan required by Mitigation Measure MM 4.9-1. Adherence to Mitigation Measure MM 4.9-1 would ensure that the use of dust palliatives and herbicides during operation of the proposed project would not create a significant hazard to the public or the environment through the use, storage, and transport of hazardous materials and impacts would be less than significant. Project operations could require the use of transformer oil at the project substation and the BESS 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. All components would have a comprehensive SPCC plan, in accordance with all applicable federal, State, and local regulations. There are no designated routes for the transport of hazardous materials located on or immediately adjacent to the project site; the closest routes are Highway 33 and I-5, which are designated as adopted commercial hazardous materials shipping routes according to Section 2.5.4 of the Kern County General Plan Circulation Element. Compliance with applicable regulations would ensure that operation of the proposed project would not create a significant hazard to the public or the environment through the use, storage, and transport of hazardous materials and impacts would be less than significant. Implementation of Mitigation Measure MM 4.9-1 would further reduce impacts related to hazards.

Further, implementation of the proposed project would not result in the significant risk of EMFs associated with overhead power lines, as the facility would interconnect into the existing PG&E Arco Substation. To the extent commercially feasible, the proposed 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 proposed project would not construct sensitive uses under the existing lines but would adhere to applicable 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.

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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 or to be recycled.

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.

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 gates would be removed, and all materials would be recycled to the extent feasible. The area would be thoroughly cleaned, and all debris removed. If either thin film CdTe PV or crystalline silicon technology is chosen, the PV module manufacturer would likely provide CdTe module collection and recycling services. A national PV module recycling network has been established by the U.S. Solar Energy Industry Association (SEIA) for providing module collection and recycling services: <https://www.seia.org/initiatives/seia-national-pv-recycling-program>. In any case, current CdTe PV modules pass federal leaching criteria for non-hazardous waste, due in part to the low solubility of CdTe, 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 CdTe PV modules. CdTe releases are 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 35-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 (Fthenakis et al., 2003; Fthenakis et al., 2020). These studies have consistently concluded that use of PV modules does not present an environmental risk. As discussed above, most panel materials would be recycled, with minimal disposal to occur in landfills in compliance with all applicable laws. Thus, the use of PV modules 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.

Given that the normal use and disposal of crystalline silicon and thin film CdTe 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.

EXHIBIT A

Finding

The proposed 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 Measure MM 4.9-1, described below, would reduce these impacts to a less than significant level.

Level of Significance

With implementation of Mitigation Measure MM 4.9-1, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.9-1 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 (HMBP), 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 (CERS) at <http://cers.calepa.ca.gov/> for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section. The HMBP shall:

- a. Delineate hazardous material and hazardous waste storage areas.
- b. Describe proper handling, storage, transport, and disposal techniques.
- c. Describe methods to be used to avoid spills and minimize impacts in the event of a spill.
- d. Describe procedures for handling and disposing of unanticipated hazardous materials encountered during construction and operation.
- e. Establish public and agency notification procedures for spills and other emergencies including fires.
- f. Describe federal, state, or local agency coordination, as applicable, and clean-up efforts that would occur in the event of an accidental release.
- g. 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 HMBP as well as ensure that one copy is available at the project site at all times. In addition, a copy of the accepted HMBP from CERS shall be submitted to the Kern County Planning and Natural Resources Department for inclusion in the projects permanent record.

EXHIBIT A

Significant Effect

The project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Impact 4.9-2).

Description of Significant Impact

Construction activities required for the proposed project would involve trenching, excavation, grading, and other ground-disturbing activities. Construction activities would temporarily require use of equipment, such as trucks, graders, and other powered equipment, and would use potentially hazardous materials such as fuels (gasoline and diesel) and lubricants (oils and greases). In addition, construction may use hazardous materials such as glues, solvents, paints, thinners, or other chemicals. Such materials would be used in quantities typically associated with construction of PV solar facilities and would be transported, handled, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. An accidental release of hazardous materials could result in a potentially significant hazard to the public or the environment. However, Mitigation Measure MM 4.9-1 requires implementation of a Hazardous Materials Business Plan, 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, would reduce this potential impact to a less than significant level.

According to CalGEM, the project site is not located within a known oil production field, nor does the project site have any known active or abandoned oil wells (CalGEM, 2021). As a result, construction and development of the proposed project is unlikely to expose employees or construction workers to the dangers associated with operating a facility near an oil well.

Despite the relatively open spaces surrounding the project site, nearby sensitive receptors could be exposed to pollutant emissions during construction of the proposed 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 if hazardous materials are not used appropriately during construction. However, due to the distance between the project site and the nearest sensitive receptor, approximately 3 miles, a potentially significant impact is unlikely. Implementation of Mitigation Measure MM 4.9-2, which regulates the use of herbicides as described below, and Mitigation Measure MM 4.9-1, would further reduce impacts related to sensitive receptors to a less than significant level. Therefore, construction of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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.

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As discussed in Impact 4.9-1, above, it has been demonstrated that standard operation of crystalline silicon and CdTe thin film PV systems does not result in pollution emissions to air, water, or soil. Crystalline silicon and CdTe thin film PV modules removed from the site would be recycled or otherwise disposed of at an appropriate waste disposal facility. A release of hazardous materials is unlikely to occur during accidental breakage or fire damage of the crystalline silicon or CdTe thin film solar 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 (Sinha et al., 2012).

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 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 (Fthenakis, 2003).

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, which are located approximately 3 miles away from the project site. The use of CdTe PV modules at the project site would not result in human or aquatic exposure of cadmium. A research article, Fate and Transport Evaluation of Potential Leaching Risks from Cadmium Telluride Photovoltaics (Sinha et al., 2012), 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. Therefore, the use of crystalline silicon and CdTe thin film PV modules would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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In addition, the hazardous materials that would be present in the BESS 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. In addition, Mitigation Measure MM 4.9-1 requires implementation of a Hazardous Materials Business Plan, 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, would reduce this potential impact to a less than significant level. Therefore, potential hazardous materials used at the project site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Removal and/or maintenance of vegetation may require pesticide and 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. Implementation of 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 proposed project would not involve the routine transport, use, or disposal of substantial quantities of hazardous materials, as defined by the Hazardous Materials Transportation Uniform Safety Act. The closest designated routes for the transport of hazardous materials would be Highway 33 and I-5 which are approximately 4 and 7 miles from the project site, respectively. 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 Measures MM 4.9-1 and 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 in landfills in compliance with applicable local, State, and federal regulations. The PV module manufacturer provides CdTe module collection and recycling services. In any case, current CdTe PV modules pass federal leaching criteria for non-hazardous waste, due in part to the low solubility of CdTe, which means they would not pose a significant risk for cadmium leaching if they reached a landfill. In the case of both crystalline silicon and thin film CdTe PV technology, a national PV module recycling network has been established by the SEIA for providing module collection and recycling services: <https://www.seia.org/initiatives/seia-national-pv-recycling-program>. Batteries within the BESS would also be recycled to the extent feasible, with minimal landfill disposal.

EXHIBIT A

Finding

The proposed 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 Measure MM 4.9-1, described above, and Mitigation Measure MM 4.9-2, described below would reduce impacts to a less than significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.9-1 and MM 4.9-2, 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. Implementation of Mitigation Measures MM 4.9-1, described above, and MM 4.9-2, 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 for use in California and are appropriate for application adjacent to native 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 material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife.
- 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.

EXHIBIT A

Significant Effect

The proposed 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)

Description of Significant Impact

According to the CAL FIRE, Kern County FHSZ Maps for the LRA, the project site is classified as LRA moderate zone, but is outside of areas identified by CAL FIRE as having substantial or very high risk. The project site is not within an SRA or FRA. However, there is sparse vegetation onsite and site preparation would involve the removal of remaining vegetation, although natural vegetation may be maintained if it does not interfere with project construction or the health and safety of onsite personnel. The proposed project would also include a BESS which has a very low likelihood of producing a fire (generally a result of thermal runaway event from an internal short with cascading events) and a very low likelihood of catching fire (due to the non-flammable material that are used for the structure and absence of flammable vegetation or other materials nearby). However, BESS still have the possibility of catching fire under the right circumstances (which are rare) or being damaged by fire and may generate fumes and gases that are extremely corrosive in those instances. 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 EIR, the project 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 CFR 1910.39. The fire safety plan would address fire hazards of the different components of the proposed project, including the BESS, and would include BMPs to reduce the potential for fire and extinguishment techniques if a fire were to occur.

The project site is not adjacent to urbanized areas; however, there are isolated residences in proximity to the project site, with the nearest residence located approximately 3 miles away. While the proposed project is not anticipated to significantly increase the risk of wildfire, Mitigation Measure MM 4.14-1 would be implemented to ensure a fire safety plan for the construction, operation and decommissioning of the proposed project is incorporated as part of the project. With mitigation, potential impacts from wildfire would be reduced to a less than significant level.

Finding

The proposed 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 under Findings for Public Services, would reduce impacts to a less-than-significant level.

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Level of Significance

With implementation of Mitigation Measure MM 4.14-1, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.14-1, described below under 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 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 proposed project would have a cumulative environmental impact on hazards and hazardous materials.

Description of Significant Impact

As described in 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 EIR Table 4.9-1, *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.

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Impacts regarding the creation of a hazard through the routing handling, use, storage and/or transportation of hazardous materials would be project specific and would not cumulatively contribute to impacts. A potentially significant impact could result if a spill or leak were to occur during project construction, operation, or decommissioning. The fuels and lubricants used on field equipment during construction, operation, and decommissioning would be subject to the County's requirement for preparation of a Material Disposal and Solid Waste Management Plan and SPCC plan, as well as other measures to limit potential releases of hazardous materials and wastes. Liquids and oils in the transformers and other equipment would be used in accordance with applicable regulations. The disposal of oils, lubricants, and/or spent filters would occur in conformance with applicable regulations including the requirements of licensed receiving facilities. Overall, the relatively limited use of hazardous materials and subsequent transport and disposal of such materials during construction, operation, and decommissioning of the proposed project would be controlled through compliance with applicable regulations including the Kern County and Incorporated Cities Hazardous Waste Management Plan. Any accidental releases on the project site would not have the potential to combine with contamination from spills from other cumulative projects due to the site-specific nature of the project sites and implementation of Mitigation Measures MM 4.9-1, MM 4.9-2, and MM 4.14-1. Given the minor risks of hazards at the project site, it is not anticipated that the proposed project would contribute to a significant cumulative impact. Therefore, impacts would not be cumulatively considerable.

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 4.9-1, MM 4.9-2, and MM 4.14-1, 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.

The nearest school to the proposed project is Kettleman City Elementary School, located approximately 15 miles north in Kettleman City, in Kings County. Project-related infrastructure would not emit hazardous materials or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school, and impacts would be less than significant. Given that the proposed project is not in proximity to a school, cumulative impacts are unlikely to occur. Additionally, other cumulative projects would be evaluated for proximity to existing or proposed schools, and if appropriate, would implement mitigation measures based on project conditions, to reduce the potential for adverse effects on school or the public. With conformance to local, State, and federal requirements for the handling and use of any hazardous materials, substances, or waste during project construction, operation, or decommissioning, project impacts would not be cumulatively considerable.

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The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As such, development of the proposed project would not create a significant hazard to the public or the environment and cumulative impacts would not result. Therefore, impacts would not be cumulatively considerable.

The project site is not located within an airport land use plan influence area and thus is not expected to result in a cumulative contribution to hazards associated with airports or airstrip land use plans or otherwise provide any cumulatively considerable air traffic hazards. Therefore, impacts would not be cumulatively considerable.

Regarding interference with an adopted emergency response plan or emergency evacuation plan, the development of the proposed project would not physically interfere with emergency vehicle access or personnel evacuation from the site. Cumulative projects in the area also would likely not interfere with emergency response in the area. Therefore, impacts would not be cumulatively considerable.

As discussed above, the proposed project is not located in an area subject to high or very high wildland fire severity and would clear all necessary vegetation to reduce fire risk. Additionally, Mitigation Measure MM 4.14-1 would be implemented to ensure a fire safety plan for construction, operation, and decommissioning of the proposed project. With mitigation, potential impacts from wildland fires would be reduced to a less-than-significant level. Cumulative projects located in less developed and urbanized areas would likely implement similar mitigation measures to reduce any potential impacts from wildland fires. Therefore, impacts would not be cumulatively considerable.

Project-related infrastructure is not expected to result in features or conditions that could potentially provide habitat for vectors such as mosquitoes, flies, fleas, ticks, or rodents (such as standing water, agricultural products, vegetation, or agricultural waste). Other cumulative projects would also not be expected to result in providing habitat for vectors. Therefore, impacts would not be cumulatively considerable.

Finding

The proposed 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, and MM 4.14-1, as described below under Findings for Public Services, would reduce these impacts to a less than significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.9-1, MM 4.9-2, and MM 4.14-1, 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. Implementation of Mitigation Measures MM 4.9-1, MM 4.9-2, and MM 4.14-1, as described below under Findings for Public Services, would reduce these impacts to a less than significant level.

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

The proposed 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 proposed 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 project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Impact 4.10-8).

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

Significant Effect

The proposed project would violate water quality standards or waste discharge requirements, or otherwise degrade water quality (Impact 4.10-1).

Description of Significant Impact

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, because the proposed project would disturb more than 1 acre of ground disturbance the proposed project would be required by the NPDES Construction General Permit to implement a SWPPP during construction. Per Mitigation Measure MM 4.10-1, 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 proposed 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 on site, thereby further preventing the potential sedimentation and subsequent degradation of stormwater.

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During proposed 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 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 4.10-1 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 on site 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 PG&E Arco Substation.

In addition to accidental releases of potential hazardous materials, during proposed project operation, water quality could also be degraded as a result of increased pollutants washed from impervious surfaces on the project site. Briefly, during dry periods, impervious surfaces (i.e., hardscape surfaces such as proposed inverters and other hardscape like the gravel roads which because of compaction are effectively impervious) can collect greases, oils, and other vehicle-related pollutants. During storm events, these pollutants can become entrained in surface waters, resulting in water quality degradation. However, when the proposed project is operational, the proposed project would be required to adhere to the Kern County Development Standards and Kern County Code of Building Regulations which require site drainage plans that include development standards designed to protect water quality. Specifically, the project proponent would be required to prepare and submit a drainage plan to the Kern County Public Works Department, for approval of post-construction structural and nonstructural BMPs that could include low impact development (LID)

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features such as drainage swales for collection of runoff prior to off-site discharge. Routine structural BMPs are intended to address water quality impacts related to drainage that are inherent in development. Examples of routine structural BMPs include filtration, drainage swales, and retention basins. Adherence to these requirements would minimize potential for the operation period to cause any significant water quality degradation. Apart from infrequent cleaning of panels with water, which is unlikely to result in runoff, no other discharges would occur when the proposed project is operational. Therefore, with the implementation of Mitigation Measure MM 4.9-1, the proposed project would not violate water quality standards or waste discharge requirements, or otherwise degrade water quality in surface water or groundwater.

Finding

The proposed project has the potential to violate water quality standards or waste discharge requirements. However, implementation of Mitigation Measures MM 4.9-1, described above under 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

With implementation of Mitigation Measures MM 4.9-1 and MM 4.10-1, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts related to violating water quality standards or waste discharge requirements. Implementation of Mitigation Measures MM 4.9-1, described above under Findings for Hazards and Hazardous Materials, and MM 4.10-1, would reduce these impacts to a less-than-significant level.

MM 4.10-1: Prior to issuance of a grading permit, the project proponent/operator shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department. The SWPPP shall be designed to minimize runoff and shall specify best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sediment or any other pollutants from moving off site and into receiving waters. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended best management practices to be incorporated in the SWPPP may include the following:

- a. Minimization of vegetation removal;
- b. Implementing sediment controls, including silt fences as necessary;
- c. Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;
- d. Properly containing and disposing of hazardous materials used for construction on-site;
- e. Properly covering stockpiled soils to prevent wind erosion;

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- f. Proper protections and containment for fueling and maintenance of equipment and vehicles;
- g. Appropriate disposal of demolition debris, concrete and soil, and aggressively controlling litter;
- h. Cleanup of silt and mud on adjacent street due to construction activity;
- i. Checking all lined and unlined ditches after each rainfall;
- j. Restore all erosion control devices to working order to the satisfaction of the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department after each rainfall run-off; and
- k. Install additional erosion control measures as may be required due to uncompleted grading operations or unforeseen circumstances which may arise.

Significant Effect

The project would substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or 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).

Description of Significant Impact

Required grading activities for the proposed project could alter existing on-site drainage patterns and could alter the way that stormwater flows on-site during major events. These changes could concentrate flows and thus result in increased erosion of existing soils on site and subsequent sedimentation downstream. Further, the impervious surfaces introduced to the site due to development of the proposed project—although minimal—would generate additional stormwater runoff on site, which could exacerbate potential erosion and sedimentation on site or downstream.

The proposed project would include minimal excavation and grading during site preparation, which would alter existing drainage patterns on-site. However, as discussed in the EIR these activities would be coordinated in such a way as to maintain the existing drainage patterns to the greatest extent possible. Given the unconsolidated and erosive nature of soils within the project area and its vicinity, these changes could result in increased erosion on site.

As described above, the proposed project would implement a SWPPP per Mitigation Measure MM 4.10-1 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 proposed project construction. Compliance with the Kern County Grading Ordinance is also required, which requires erosion prevention measures.

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With regard to erosion and sedimentation during proposed project operation caused by increased runoff from impervious surfaces, large amounts of pervious ground surface would remain during proposed project operation that would continue to absorb the majority of surface flows, as it does now. Further, Mitigation Measure MM 4.10-2 requires the completion of a hydrologic study and final drainage plan for the proposed project prior to the issuance of a grading permit; the plan would demonstrate that the project site has been designed to minimize potential increases in runoff. Minimization of runoff increases could require inclusion of a retention basin on site to capture high storm flows. Any stormwater management features would be consistent with existing regulatory requirements and would minimize any erosion or sedimentation to less than significant levels. With implementation of Mitigation Measures MM 4.10-1 and MM 4.10-2, impacts would be less than significant.

Finding

The proposed 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 of Mitigation Measures MM 4.10-1, described above, and MM 4.10-2, would reduce these impacts to a less-than-significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.10-1 and MM 4.10-2, 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. Implementation of Mitigation Measures MM 4.10-1, described above, and MM 4.10-2, would reduce these impacts to a less-than-significant level.

- MM 4.10-2:** Prior to the issuance of a grading permit, the project proponent/operator shall complete a hydrologic study and 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:
- a. A numerical stormwater model for the project site that evaluates existing and proposed (with project) drainage conditions during storm events ranging up to the 100-year event.
 - b. 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.

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- c. 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.
- d. A specification that 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 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.
- e. 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 project would substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner that substantially increase the rate or amount of surface runoff which would result in flooding onsite or offsite (Impact 4.10-4).

Description of Significant Impact

As discussed under Impact 4.10-3 above, grading and installation of project facilities could alter existing onsite drainage patterns and flowpaths. As discussed in the EIR, stormwater retention basins, diversion swales, and berms would be constructed at the project site. Additionally, a series of rip-rap cutoff trenches within major drainage corridors, perpendicular to natural drainage direction, would be constructed as necessary to control erosion. Therefore, impacts related to flooding during construction would be less than significant.

During operation of the proposed project, large amounts of pervious ground surface would remain on site that would continue to absorb the majority of surface flows, as they do now. In addition, Mitigation Measure MM 4.10-2 would require the preparation of a final hydrologic study and drainage plan prior to issuance of a grading permit that would detail the design and implementation of any necessary stormwater control features on site that would ensure runoff is not substantially increased by the proposed facilities. Mitigation Measure MM 4.10-2 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, impacts related to flooding would be less than significant.

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Finding

The 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 Measure MM 4.10-2, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

With implementation of Mitigation Measure MM 4.10-2, 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. Implementation of Mitigation Measure MM 4.10-2, described above, would reduce these impacts to a less-than-significant level.

Significant Effect

The project would substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would 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).

Description of Significant Impact

The project site is located in a remote, rural region with no existing stormwater infrastructure or water bodies for stormwater to flow into. While there are no existing stormwater drainage systems on the project site, as discussed under Impact 4.10-4, stormwater retention basins, diversion swales, and berms would be constructed at the project site. Additionally, a series of rip-rap cutoff trenches within major drainage corridors, perpendicular to natural drainage direction, would be constructed as necessary to control erosion. The proposed project would be required to adhere to Kern County Public Works Department stormwater 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. As described above under Impact 4.10-4, a large amount of pervious surfaces would surround the proposed facilities that would continue to absorb runoff thus allowing infiltration of the runoff produced by the new minor impervious surfaces. Further, the drainage plan required by Mitigation Measure MM 4.10-2 would detail any necessary design features required to properly control stormwater runoff on site; design features would be appropriately sized for storm events per the final hydrology study performed for the site. Impacts related to stormwater drainage systems would be less than significant.

Finding

The proposed 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 Measure MM 4.10-2, described above, would reduce these impacts to a less-than-significant level.

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Level of Significance

With implementation of Mitigation Measure MM 4.10-2, 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. The proposed 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 Measure MM 4.10-2, described above, would reduce these impacts to a less-than-significant level.

Significant Effect

The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows (Impact 4.10-6)

Description of Significant Impact

According to the FEMA FIRM, the project site is mapped within an area of minimal flood hazard (FEMA, 2008). As the proposed project is not within the 100-year flood hazard area, no structures would impede or redirect flood flows. In addition, the proposed project would implement Mitigation Measure MM 4.10-2, which requires that grading for the proposed project to 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.

Finding

The proposed project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows. Implementation of Mitigation Measure MM 4.10-2, described above, would ensure impacts remain less than significant.

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. The proposed project has the potential to impede or redirect flood flows. Implementation of Mitigation Measure MM 4.10-2, described above, would reduce these impacts to a less-than-significant level.

Significant Effect

The project would result in a flood hazard, tsunami, or seiche zone, and risk release of pollutants due to project inundation (Impact 4.10-7).

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Description of Significant Impact

The project site is not located within a 100-year flood zone. In addition, as noted above, implementation of the drainage plan required by Mitigation Measure MM 4.10-2 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 it relates to tsunami or seiche zone, 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. Further, as discussed in Section 4.9, *Hazards and Hazardous Materials*, of the EIR, the proposed project would not include the use, storage, or disposal of significant quantities of hazardous materials. Therefore, considering that the project site is not located within a 100-year flood zone, the limited amount of storage of hazardous materials at the site, and with the implementation of the drainage plan required by Mitigation Measure MM 4.10-2, which would provide flood protection measures, the potential for release of pollutants due to project inundation would be less than significant.

Finding

The proposed project has the potential to risk release of pollutants due to project inundation. Implementation of Mitigation Measure MM 4.10-2, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

With implementation of Mitigation Measure MM 4.10-2, 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. The proposed project has the potential to risk release of pollutants due to project inundation. Implementation of Mitigation Measure MM 4.10-2, 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 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 proposed project would have a cumulative environmental impact on hydrological resources.

Description of Significant Impact

As described in Chapter 3, *Project Description*, of the EIR, 18 projects, including several utility-scale solar and wind energy production facilities, are proposed throughout Kern County.

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Similar to the proposed project, all cumulative projects would not discharge to waters of the United States due to their location within the Valley, which is a closed basin with no outlet to the Pacific Ocean. Regardless, Mitigation Measure MM 4.10-1 would require the proposed project to prepare and implement a SWPPP in accordance with County requirements. Similarly, all projects that would not retain all runoff on site would be required to prepare a SWPPP, which would include BMPs designed to prevent the mixture of sediment and other pollutants with stormwater and degrading water quality. Furthermore, the proposed 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 on site 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 be required to comply with hazardous material regulations. Therefore, cumulative scenario impacts associated with water quality degradation would not be cumulatively considerable, and the proposed project would not contribute to a cumulative impact on water quality.

With regard to water supply, the project location is rural and unincorporated, and no public water utility provides drinking water to this location. The proposed project is anticipated to obtain water in part from the KGA, which uses groundwater from the Kern County Subbasin as its primary source of water, and a WDMA member agency, such as the LHWD which receives SWP deliveries through the Kern County Water Agency and manages groundwater in the portion of the Kern County Subbasin that underlies its jurisdiction. The Water Supply Assessment prepared for the proposed project (see Appendix M of the EIR) determined there would be sufficient water available to meet the future water demands of the proposed project based on the estimated proposed project water demand for construction and operation, current and future projected WDMA water surplus, and the proposed project's increasing reliance on groundwater. Because the proposed project intends to rely on groundwater to the greatest extent possible, especially during the operational phase when use is expected to come entirely from groundwater, proposed project reliance on SWP surface water would be reduced, allowing for use elsewhere. Therefore, there should be sufficient supply to meet the cumulative demand and the proposed project's contribution would not be cumulatively considerable.

With respect to erosion, drainage, and flooding, the proposed project would implement Mitigation Measure MM 4.10-2, 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 proposed project would not contribute to a cumulative impact on flooding, erosion, or drainage.

Finding

The project has the potential for cumulative impacts to hydrology and water quality. Implementation of Mitigation Measure MM 4.9-1, described above in Findings for Hazards and Hazardous Materials, and Mitigation Measures MM 4.10-1 and MM 4.10-2, described above, would reduce these impacts to a less-than-significant level.

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Level of Significance

With implementation of Mitigation Measures MM 4.9-1, MM 4.10-1, and MM 4.10-2, 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. Implementation Mitigation Measures MM 4.9-1, described above in Findings for Hazards and Hazardous Materials, MM 4.10-1, and MM 4.10-2 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 proposed 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 project would not physically divide an established community (Impact 4.11-1).

The project would not 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).

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

The project would not result in a potentially significant impact related to Land Use that requires mitigation to reduce to a less-than-significant level.

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

The proposed 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 proposed project would have a cumulative environmental impact related to land use and planning.

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Description of Significant Impact

The geographic scope of analysis for this chapter of the EIR is the San Joaquin 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 in Table 4.11-3, *Cumulative Projects List*, of the EIR, 18 related projects are proposed within the geographic scope, including several solar projects. While the surrounding area is still relatively rural in nature, the proposed project, along with related 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 proposed project in conjunction with cumulative development in the area of the proposed project would increase the urbanization and result in the loss of agricultural space. 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, *Consistency Analysis with Kern County General Plan for Land Use*, of the EIR, the proposed project would be consistent with the goals and policies of the Kern County General Plan. In addition, with approval of the CUPs and Williamson Act contract cancellation, development of solar facilities for the proposed 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 undergo separate 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. Should potential impacts be identified, appropriate mitigation would be prescribed that would likely reduce potential impacts to a less than significant level.

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 proposed 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 proposed 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. 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

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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 Measure MM 4.11-1, cumulative land use impacts would be considered less than significant.

Finding

The project has the potential to result in cumulatively considerable impacts related to land use consistency, specifically in regard to abandonment. Implementation of Mitigation Measure MM 4.11-1, described below, would reduce impacts to a less-than-significant level.

Level of Significance

With implementation of Mitigation Measure MM 4.11-1, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.11-1 would reduce impacts to a less-than-significant level.

MM 4.11-1: Prior to issuance of any building permit, the project operator shall provide a Decommission Plan for review and approval by the Kern County Public Works 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 decommissioning 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 decommissioning 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.

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The financial institution or Surety Company shall give the County at least 180 days' notice of intent to terminate the letter of credit or bond. Financial assurances shall be reviewed annually by the Kern County Public Works 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 decommissioning of all solar panels and support structures identified on the approved Decommission Plan. Should the project operator decommission the site on their own, the County will not pursue forfeiture of the financial assurance.

Once decommissioning 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 decommissioning 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.

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

The proposed 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 project would not have mineral resource impacts that are considered no impact or less than significant impact without mitigation.

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

Significant Effect

The project would 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).

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Description of Significant Impact

The project site and adjacent properties are not located on lands designated as MRZs by the State. The project site is not designated as land that contains mineral resources, and any proposed mineral resource extraction would require a Conditional Use Permit to be secured from Kern County (CGS, 2021). In addition, there are no active mines or petroleum extraction facilities located within or immediately adjacent to the project site. The nearest active mine, Lost Hills Oil Field, is approximately 15 miles to the southeast. Thus, the proposed project would not interfere with nearby mine sites and would not result in the loss of land designated for mineral resources. The project site is within Mineral Overlay Parcel (043-210-45). However, there are no historic records of drilling on the project site. Furthermore, portions of the project site would be left undeveloped to serve as “drill areas” if and when mineral resources require extraction. The mineral estate is owned by the U.S. government and managed by BLM. There are no active mineral leases with BLM in the region. Drilling would require approval by the BLM through a mineral lease and any approval would need to be consistent with the current use of the site. A BLM mineral lease requires NEPA compliance prior to approval. For any mineral rights holders who have or obtain the right to surface access and drilling areas, documentation and coordination would occur in order to ensure access to those mineral rights is maintained. With implementation of Mitigation Measure MM 4.12-1, construction and operation of the proposed project would not interfere with mineral extraction and processing and would not have significant impacts on future mineral development. Based on the absence of historical surface mining in the immediate area, the potential for surface mining at the project site is considered extremely low. Therefore, the project would not result in the loss of availability of a known mineral resource and the potential impact to future mineral resources is less than significant.

Finding

The 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. Implementation of Mitigation Measure MM 4.12-1, described below, would ensure impacts remain less than significant.

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. Implementation of Mitigation Measure MM 4.12-1, described below, would ensure impacts remain less than significant.

MM 4.12-1: Prior to issuance of any grading or building permit, excluding the generation tie line, the Project Proponent shall provide the following documentation regarding the mineral rights holders who also have right of surface access and drilling areas:

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- a. A site plan showing the unbuildable drilling areas provided for the mineral holders with clear notation that no use of the area can be made for the life of the project except for exploration and extraction of oil and gas with permits without purchase and ownership of full mineral rights. No construction storage or laydown area may be established at any time in the drilling areas unless permitted through an individual agreement. All drilling areas shall be fenced and provided legal access across the site, and a 40-foot-long gate provided or as detailed by the individual agreement including a provision to not fence the drill island; or
- b. For all mineral rights holders that do not have an individual agreement and have right of surface access, a drilling area sufficient to provide access to their minerals shall be shown on the final site plan and acknowledged in all grading plans.

Significant Effect

The 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).

Description of Significant Impact

The project site is not located on a locally important mineral resource recovery site delineated by the Kern County General Plan. While there are nearby mineral resource recovery sites, the operation of such sites would not be impeded by the development of the proposed project. The project site is not located within the NR (Natural Resources) or PE (Petroleum Extraction) zoned districts. Therefore, the installation of the solar facilities would not preclude future mineral resource development, nor would it result in the loss of a locally important mineral resource recovery site. While there is no history of oil drilling at the project site, portions of the project site would be left undeveloped to serve as “drill areas” to allow for access if and when mineral resources require extraction. As noted above, the mineral estate is owned by the U.S. government and managed by the BLM, and there are no active mineral leases with BLM in the region. Drilling would require approval by the BLM through a mineral lease and any approval would need to be consistent with the current use of the site. A BLM mineral lease requires NEPA compliance prior to approval. As described above, documentation and coordination would occur in order to ensure access to those mineral rights is maintained. With implementation of Mitigation Measure MM 4.12-1, construction and operation of the proposed project would not interfere with mineral extraction and processing and would not have significant impacts on future mineral development. Thus, the proposed project would not result in the loss of availability of mineral resource and impacts would be less than significant.

Finding

The 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. Implementation of Mitigation Measure MM 4.12-1, described below, would ensure impacts remain less than significant.

Level of Significance

Impacts would be less than significant.

EXHIBIT A

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 4.12-1 described above, would ensure impacts remain less than significant.

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

The 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 proposed project would not have a cumulative environmental impact on mineral resources.

Description of Significant Impact

The geographic scope of impacts associated with mineral resources generally encompasses the project site and a 0.25-mile-radius area around the project site. This scope is appropriate because of the localized nature of mineral resource impacts. There are three of the 18 cumulative projects reviewed that are located within 0.25 miles of the project site. However, the area designated for solar panel development associated with the cumulative projects are not located on land designated as an MRZ. Furthermore, there are no MRZs or lands designated as Mineral and Petroleum areas by the Kern County General Plan within a 0.25-mile-radius area around the project site. Therefore, the proposed project with implementation of Mitigation Measure MM 4.12-1, 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

The project would not have cumulatively considerable impacts related to mineral resources. Implementation of Mitigation Measure MM 4.12-1 described above, would ensure impacts remain less than significant.

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. While this impact is considered less than significant without mitigation, Mitigation Measures MM 4.12-1, described above, would further reduce impacts.

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

The proposed 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 project is not located within the Kern County Airport Land Use Compatibility Plan and would not expose people residing or working in the area to excessive noise levels. (Impact 4.13-4)

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

Significant Effect

The project would not 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).

Description of Significant Impact

There is one potential noise sensitive area, which is a possible unconfirmed residence located at the commercial almond processing facility approximately 1.7 miles east of the project site. There are no other sensitive areas within 2 miles of the project site.

During proposed project construction, the land uses located nearest to the project site would be exposed to vehicle traffic noise associated with project-related construction traffic on local roadways. Traffic noise from daily trips by construction workers commuting to the site would contribute to the traffic noise levels along access routes. Construction-generated vehicle traffic would include a mix of light-duty automobiles and trucks and heavy-duty trucks. However, the proposed project's construction vehicle traffic would not result in a substantial increase in average-daily vehicle traffic noise levels. Thus, noise impacts associated with increases in construction-generated vehicle traffic noise would be less than significant.

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Construction activities at the project site are expected to be typical of other solar power facilities in terms of equipment used and other types of activities performed. There are no demolition activities associated with the construction of the proposed project. Proposed project construction activities would include site clearing and preparation, solar panel installation, and electrification. Most of the construction activities associated with the proposed project would be intermittent and sporadic and occur in defined construction areas with noise emanating from various points rather than occurring over the entire project site simultaneously. Typically, construction activities occur in small construction areas with noise emanating from the various points within. Noise levels would be attenuated by distance as construction activities move further away from noise receptors.

Proposed project construction would generate noise during the operation of heavy-duty construction equipment, such as a crane, excavator, grader, roller, scraper, tractor/loader/backhoe, and trencher. Section 4.13, *Noise*, of the EIR lists the typical sound levels associated with common construction equipment and the composite level per phase at the potential noise sensitive area. Periodically, sound levels may be higher or lower; however, the overall sound levels should generally be lower due to excess attenuation.

Proposed project construction equipment would generate maximum noise levels ranging from approximately 46 to 51 dBA L_{max} at the identified potential noise sensitive area, located approximately 9,000 feet from the project site. Therefore, the highest noise level of the proposed construction equipment is estimated at approximately 51 dBA L_{max} at 9,000 feet.

The Kern County General Plan and Noise Ordinance does not set a quantitative noise level limit or threshold for temporary construction activities; therefore, proposed project construction-generated noise levels would not conflict with noise standards established in local land use plans. As such, construction of the proposed project would not result in a substantial temporary increase in ambient noise levels in excess of local noise standards. Therefore, impacts would be less than significant. However, implementation of Mitigation Measures MM 4.13-1, MM 4.13-2, and MM 4.13-3 would further reduce impacts from construction of the proposed project.

The proposed project would not have any on-site staff during its operational period. As described above, personnel would likely visit the project site daily or weekly, but it is anticipated that eventually maintenance visits would be reduced to once a month or less. Operations and maintenance activities would require up to four workers performing visual inspections, monitoring plant performance, executing minor repairs, and responding to needs for plant adjustment. On intermittent occasions, the presence of 5 to 30 workers may be required for repairs or replacement of equipment, panel cleaning, and other specialized maintenance. Vehicle trips associated with these activities would not create a substantial increase of vehicular noise along access roads to the project site. Maintenance required during operation of the proposed project would not result in a doubling of the traffic volumes on roadways accessing the project site, and therefore, the noise level increase would be substantially below the perceptible level of a 3 dBA increase. As such, operational traffic noise levels from operation of the proposed project would be minimal, and impacts would be less than significant.

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Once construction has been completed, noise generated by proposed project operations would mostly occur from the on-site operation of transformers, inverters, shared substations, and power conversion stations. Once fully operational, the proposed project would operate for seven days a week on a regular basis. As low background noise levels exist, corona discharge (defined as the electrical breakdown of the air into charged particles, often resulting in audible noise) could also be potentially detectable in the proposed vicinity of the transmission lines, more so during high humidity conditions. Furthermore, additional operational noise sources would also include on-site vehicle operations and intermittent maintenance activities.

Estimated operational noise levels at studied sensitive receptors have been determined based on their respective nearest distance to each of the proposed project's applicable noise sources. Operational noise levels were evaluated to determine they would comply with applicable daytime and nighttime thresholds (45 dBA L_{eq}/L_{50} nighttime and 55 dBA L_{eq}/L_{50} daytime).

The primary noise sources during operations are the inverters, transformers, battery storage HVAC units, and battery storage inverters. It is expected that all equipment would operate during the daytime period. During the nighttime period, the battery storage has the ability to discharge electricity resulting in the operation only of the battery storage HVAC units, battery storage inverters, and the substation transformer. It is assumed that the solar panel inverters and the solar panel inverter distribution transformers would not be in operation during the nighttime period. Reference sound power levels input to Cadna-A were provided by equipment manufacturers based on information contained in reference documents or developed using empirical methods. The source levels used in the predictive modeling are based on estimated sound power levels that are generally deemed to be conservative. The projected operational noise levels are based on Applicant-supplied sound power level data for the major sources of equipment. Section 4.13, *Noise*, of the EIR summarizes the equipment sound power level data used as inputs to the initial modeling analysis.

Broadband (dBA) sound pressure levels were calculated for expected normal project operation assuming that all components identified previously are operating continuously and concurrently at the representative manufacturer-rated sound. It is expected that all equipment would operate during the daytime period, while only the battery storage HVAC units, inverters, and substation transformer would operate during the nighttime period. The sound energy was then summed to determine the equivalent continuous A-weighted downwind sound pressure level at a point of reception. As discussed in Section 4.13, *Noise*, of the EIR, the operational noise levels would comply with the Kern County Noise Control Ordinance and the Noise Element and would not result in a significant impact. No mitigation measures are needed.

Activities associated with a potential decommissioning of the proposed project would result in similar or lower noise levels than those that would be experienced under the loudest phases of construction. As such, decommissioning activity noise levels could result in disturbances of noise sensitive receptors in the project vicinity similar to those during the loudest construction phases. Therefore, as with proposed project construction, proposed project decommissioning would be less than significant. However, implementation of Mitigation Measures MM 4.13-1, MM 4.13-2, and MM 4.13-3 would further reduce impacts from decommissioning of the proposed project.

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To reduce any potential construction or decommissioning noise impact to offsite sensitive receptors, Mitigation Measures MM 4.13-1 through MM 4.13-3 would be implemented. Impacts during operation and maintenance of the proposed project would be less than significant.

Finding

During construction and decommissioning activities, the 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. Implementation of Mitigation Measures MM 4.13-1 through MM 4.13-3, described below, would ensure impacts remain less than significant.

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. While this impact is considered less than significant without mitigation, Mitigation Measures MM 4.13-1 through MM 4.13-3, described below, would further reduce impacts.

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. 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 9:00 p.m. to 6:00 a.m. on weekdays, and between 9:00 p.m. to 8:00 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.
- b. Equipment staging and laydown areas shall be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings.
- c. 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.
- 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).

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- 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: Prior to the issuance of grading permits, 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 local 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.), including decommissioning, the project proponent/operator shall provide written notice to the public through:

1. A mailing notice 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.

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

The proposed project would not have any potentially significant effects related to noise that could not 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 proposed project would not have a cumulative environmental impact on noise.

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Description of Significant Impact

A list of 18 cumulative projects located in both Kern County and Kings County that includes eight solar projects, wind facilities, and an antenna tower, among others were evaluated. Due to the localized nature of noise impacts, cumulative impacts would be largely limited to areas within the general vicinity (i.e., within approximately 1,000 feet per Chapter 8.36 of Kern County Code of Ordinances (Kern County, 2022a) of the project site.

The proposed project's construction activities, in combination with the construction of other reasonably foreseeable projects in the area could result in increased short-term construction noise levels in the project area (depending upon the specific timing of the construction of those other projects and proximity to the project site). Construction activities associated with other projects in proximity to the project site could occur at the same time as the proposed project. Though project noise levels would be less than significant, implementation of Mitigation Measures MM 4.13-1 through MM 4.13-3 would further reduce and minimize project construction noise levels. Noise levels for the proposed project would be less than significant on a project level basis.

The Kern County Code of Ordinances (Chapter 8.36, Noise Control) establishes hours of construction and limitations on construction-related noise impacts on adjacent sensitive receptors; and noise producing construction activities that are audible to a person with average hearing ability at a distance of 150 feet from the construction site, if the construction site is within 1,000 feet of an occupied residential dwelling, are prohibited between the hours of 9 p.m. to 6 a.m. on weekdays, and 9 p.m. to 8 a.m. on weekends. Such noise producing construction activities occurring outside of these acceptable construction hours is considered to be a violation of the County's noise control ordinance. However, there is no noise-sensitive land uses within 1,000 feet of the proposed project boundary. Noise levels would be less than significant on a project level basis, and implementation of Mitigation Measures MM 4.13-1 through MM 4.13-3 would further reduce and minimize construction noise levels and ensure the proposed project's consistency with the County's noise control ordinance. As a result, construction of the proposed project would not result in a cumulatively considerable contribution to noise impacts at residences located in the vicinity of the project site. Therefore, when considered with other past, present, and reasonably foreseeable future projects, the proposed project would not result in a cumulatively considerable contribution to construction noise impacts.

Cumulative construction 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 proposed project and the nearest related project are not in close enough proximity to this sensitive receptor such that any sensitive receptor would be exposed to substantial groundborne vibration levels. Construction of the collection lines, and decommissioning activities would result in similar noise and vibration levels identified for the construction of the proposed project. Therefore, cumulative impact in terms of groundborne vibration would be less than significant.

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As discussed under Impact 4.13-1 in the EIR, the maximum operational noise level of 23 dBA at the nearest receptor would be much lower than the County's 65 dBA L_{dn} exterior noise standard for residential use. As such, cumulative impacts associated with combined operational noise from the proposed project and cumulative projects are anticipated to be negligible at the nearest receptor. 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 proposed 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 off-site sensitive receivers. Therefore, cumulative vibrational impacts would be less than significant.

Overall, when considered with other past, present, and reasonably foreseeable future projects, the proposed project would not result in a cumulatively considerable contribution to noise impacts.

Finding

Cumulative impacts with respect to noise would be less than significant. No mitigation measures would be required. However, implementation of Mitigation Measures MM 4.13-1 through MM 4.13-3 would further reduce cumulative impacts.

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. Implementation of Mitigation Measures MM 4.13-1 through MM 4.13-3, described above, would further reduce project 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 proposed project would not have a significant and unavoidable cumulative environmental impact associated with noise.

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.

None of the project's environmental effects on public services have been found to result in no impacts or only less-than-significant impacts without mitigation.

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

Significant Effect

The project would not result in substantial adverse physical impacts associated with the provision of 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 any of the public services (Impact 4.14-1).

Description of Significant Impact

The peak number of construction workers to be on site would be approximately 300 individuals at any given time. The presence of construction workers at the project site would be temporary, anticipated to last approximately 12 months. The proposed project would include the development of a photovoltaic (PV) solar facilities and associated infrastructure necessary to generate up to 65 MW of renewable electrical energy including an associated energy storage system, a communication tower, and collection lines, on approximately 618 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 (CAL FIRE, 2022a).

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 proposed 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 on site could occur during construction of the proposed project. Typically, service demands per employee are less than service demands per resident. Nevertheless, the addition of construction personnel on the project site could 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 proposed project is anticipated to last approximately 12 months.

While construction of the proposed project would increase the number of people on the project site, and the increase would be temporary, fire hazards from the proposed project as a large-scale construction project could increase the need for response from fire for emergency services as well as fire protection. In addition, the project site is not within an area of high or very high fire hazard as determined by the County (Kern County, 2009) or CAL FIRE (CAL FIRE, 2022a), and the proposed project would be required to prepare and implement a fire safety plan, as stated in Mitigation Measure MM 4.14-1, described below. The aforementioned fire safety plan would be required to contain notification procedures and emergency fire precautions consistent with the 2019 California Fire Code and Kern County Fire Code. The aforementioned fire safety plan would be for use during the anticipated 12-month construction period, as well as during operations and decommissioning, and would include emergency fire precautions for vehicles and equipment

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as well as implementation of fire rules and trainings so temporary employees are equipped to support handling fire threats. Given the temporary nature of the proposed project's construction phase and implementation of Mitigation Measure MM 4.14-1, impacts to fire protection services and facilities during proposed project construction would be less than significant.

Once constructed, the project site would be monitored in real time remotely by the project proponent's remote operations control center. The remote operators would be continually aware of plant output, voltage, and local weather conditions and would receive real-time alerts in the event of abnormal operating conditions, allowing the operators to dispatch technicians as needed. Only project staff and/or its contractors would be allowed access to the project site. Although unlikely, maintenance activities could introduce fire risks to the project site. 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 on site. In addition, all project facilities would have been designed and constructed in accordance with the 2019 California Fire Code and Kern County Fire Code such that fire hazards are reduced and/or avoided.

The proposed project includes one energy storage facility that would have a fire rating in conformance with County and California Building Code standards. The energy storage facilities 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 facilities are 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 project operator would be required to pay a Kern County cumulative impact fee [or Cumulative Impact Charge (CIC)], through implementation of Mitigation Measure MM 4.14-2, as described below. This mitigation measure would provide funding for the county budget for services that are not funded due to the State of California Active Solar Energy Exclusion provision on property taxes. The additional funding would substitute for taxes the County would normally receive for services and facilities (without the Solar Energy Exclusion) thereby supporting a prosperous economy and assuring the provision of adequate public services and facilities. In addition, if the project site is sold to a city, county, or utility company with assessed taxes that total less than \$3,000 per megawatt per year, then that entity shall pay the taxes plus the amount necessary to equal the equivalent of \$3,000 per megawatt. The amount shall be paid for all years of operation, through implementation of Mitigation Measure MM 4.14-3. Through implementation of Mitigation Measure MM 4.14-4, the project proponent/operator shall work with the County to determine how sales and use taxes from construction of the proposed project can be maximized. With implementation of Mitigation Measures MM 4.14-1 through MM 4.14-4, any potential operational impacts on fire protection services would be reduced. The proposed project would not result in the need for new or physically altered KCFD facilities and impacts would be less than significant.

The KCSO provides primary law enforcement protection services for the project site and surrounding areas. The nearest KCSO substation that would serve the project site is the Wasco Substation located at 748 F Street, which is approximately 35 miles southeast of the project site. Similar to fire protection services, the need for police protection services could temporarily increase during construction of the proposed project.

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The project site is located in a relatively remote location surrounded by undeveloped land and vacant agricultural uses. Land uses in the region consist largely of agriculture and grazing land unlikely to attract attention that would make project facilities susceptible to crime, especially since the project site is not visible from public roadways. Therefore, a large increase for KCSO services is not expected. However, construction activities may slightly increase traffic volumes along I-5 during the 12-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, chain-link security fencing would be installed around the site perimeter and would separate the east and west halves of the proposed project. Fencing will be either a 6-foot-tall chain-link fence with 3-strand barbed wire or an 8-foot ranch-style fence with no barbed wire. All fencing shall comply with all applicable requirements of the Kern County Public Works Department/Building Inspection Division. The fencing would remain for the life of the proposed project. While proposed project construction 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 law enforcement 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 proposed project during construction and impacts to law enforcement services are less than significant.

Proposed project operation could attract vandals or present other security risks. The project site is located in a rural area and is thus unlikely to attract attention that would make project facilities susceptible to crime. The chain-link security fencing around the site perimeter and controlled access gates would minimize the need for sheriff surveillance and response during proposed project operation. Therefore, new or physically altered KCSO facilities would not be required to accommodate the proposed 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 and Traffic*, of the EIR, for more details). Therefore, impacts to the CHP patrol are not anticipated. The proposed project would not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services. Impacts would be less than significant. In addition, as part of Mitigation Measure MM 4.14-2, the project operator would be required to pay mitigation impact fees (otherwise known as CIC) to offset potential impacts on sheriff protection services. Thus, implementation of Mitigation Measure MM 4.14-2 would further reduce impacts to a less than significant level.

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Regarding schools, parks, and other public facilities, 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, through the implementation of Mitigation Measure MM 4.14-5 which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. Accordingly, there would not be a corresponding demand for or use of the local schools, parks, or public facilities. Therefore, project construction workers would not increase demand for local schools, parks, or public facilities such that substantial physical deterioration of such facilities would occur, nor would proposed project construction require the construction or expansion of recreational facilities which might have an adverse effect on the environment, nor result in substantial adverse physical impacts associated with the construction of new or physically altered facilities in order to maintain acceptable service ratios. Therefore, implementation of Mitigation Measure MM 4.14-5 would ensure project impacts on schools, parks, and other public facilities 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, described below, would further reduce impacts and ensure they remain at a less-than-significant level.

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. While this impact is considered less than significant without mitigation, Mitigation Measures MM 4.14-1 through MM 4.14-5, described below, would further reduce impacts and ensure they remain at 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.

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- 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 following Cumulative Impact Charge (CIC) shall be implemented as payment on approved Conditional Use Permit acreage.

- a. Submittal of Building Permit and Phasing
 - 1. Any building permit submitted shall be accompanied by a map and legal description showing a defined phase for which permits are being requested. All phases shall be numbered sequentially for identification.
 - 2. The map for either the total project or a phase shall calculate the Cumulative Impact Charge (CIC) net acreage as follows:
 - A. Total gross acreage (Phase)
 - B. Total acres for Operations and Maintenance building permanent accessory improvements
 - C. Total acres for Energy Storage structure and permanent accessory improvements, if full reassessed property taxes are paid
 - D. Total acres of recorded easements
 - 3. Formula: Net Acreage = (2.A minus the sum of [2.B+ 2.C+ 2.D]).
 - 4. Temporary storage areas or non-permanent commercial coaches or cargo containers for construction or operations are not eligible for inclusion under 2.B or 2.C, above.
 - 5. All areas of buildings, accessory improvements and easement used in the calculations shall be shown on the submitted Phase Map.

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6. Any property included in the approved Conditional Use Permit that is not included in a phase must be included in the last phase or a formal modification processed to remove it from the Conditional Use Permit approval.
- b. Calculation and Payment of Cumulative Impact Charge (CIC)
 1. A payment of \$620 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 for the phase regardless of the total number of building permits or type of building permit issued, all such permits shall be suspended until the fee is paid in full.
 2. 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 and phase number.
 3. Any acres denoted for an operation and maintenance building or energy storage that are not built, cannot be used for solar panels unless payment is provided for the Cumulative Impact Charge (CIC).
- c. In addition to the one-time Cumulative Impact Charge (CIC) required above, the following annual payments shall be made for the battery storage system area if subject to the solar tax exclusion and full reassessed property taxes are not paid:
 1. A Cumulative Impact Charge (CIC) fee of \$620 per acre shall be made for the battery storage acreage and paid as an annual payment to the Planning and Natural Resources department for transfer to the County Administrative Office Fiscal Division (CAO) and labeled Cumulative Impact Charge (CIC) for battery storage with the project name; and
 2. An annual payment of \$65,000 shall be made to the Planning and Natural Resources Department for transfer to the County Administrative Office Fiscal Division (CAO) and labeled for fire safety mitigation with the project name.
 3. Upon issuance of the battery energy storage building permit, the annual payments made for the battery storage system area shall be paid to the Planning and Natural Resources Department to be held in trust until a determination is made by the Tax Assessor regarding the solar tax exclusion applicability to the project's battery energy storage system area and/or payment of full assessed property taxes. If payments are not paid within 30 days after the issuance of the battery energy storage building permit, all such permits shall be suspended until the fees are paid in full.

After the applicability of the solar tax exclusion for the battery energy storage system area is determined by the Tax Assessor, payments made for the battery storage area above will be either:

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- Transferred to the County Administrative Office Fiscal Division (CAO), in the event it is determined that the battery energy storage system area is subject to the solar tax exclusion; or
 - Refunded to the project proponent via standard county procedures, in the event it is determined that the battery storage system area is not subject to the solar tax exclusion.
4. An advance payment option for a lump sum of all battery energy storage Cumulative Impact Charge (CIC) payment 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 percent discount on 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: Written verification of ownership of the project site shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project site is sold to a city, county, or utility company with assessed taxes that total less than \$3,000 per megawatt per year, then that entity shall pay the taxes plus the amount necessary to equal the equivalent of \$3,000 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.

MM 4.14-4: The project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the proposed 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: 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, in a manner consistent with standard industry practice, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.

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

The proposed 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 proposed project would not have a cumulative environmental impact on public services.

Description of Significant Impact

The cumulative study area is based on the service area for each of the fire, sheriff, schools, and other governmental offices/facilities serving the project site. As discussed in Section 4.14, Public Services, in the EIR, fire and sheriff service impacts related to the proposed project would be less than significant with mitigation. Mitigation Measure MM 4.14-1 requires implementation of a fire safety plan during proposed 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 on site. Mitigation Measures MM 4.14-2 through MM 4.14-5 require the project proponent to pay a CIC to reduce significant impacts to all public services, including fire and law enforcement services, provided by the Kern County General Fund. Implementation of Mitigation Measures MM 4.14-2 through MM 4.14-5 would also prevent the decline of services in unincorporated communities that result in physical impacts on neighborhoods. Such cumulative impacts include increase in vandalism on public spaces such as parks, lack of road and park facilities maintenance, abandoned vehicles and buildings, trash abandonment on private property, and lack of funding for code enforcement of regulations for public health and safety, lack of services for homelessness prevention programs, as well as lack of services and facilities for elder, adolescent, and child health and safety services as well as general mental health facilities. With payment of the required mitigation charge as assessed by the Kern County Planning and Natural Resources Department for transfer to the Kern County General Fund, impacts from the proposed project's cumulative contribution to decline of services would be appropriately mitigated. Therefore, the proposed project would not create a cumulatively considerable impact on public services even from the State of California Active Solar Energy Exclusion which creates a lack of fair-share funding by the proposed project for public services.

Finding

This impact is considered less than significant without mitigation, however, implementation of Mitigation Measures MM 4.14-1 through MM 4.14-5, described above, would further reduce impacts and ensure they remain at a less-than-significant level .

Level of Significance

Impacts would be less than significant.

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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 and ensure they remain at 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 proposed 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 project would not conflict with or be inconsistent with CEQA *Guidelines* Section 15064.3, subdivision (b) (Impact 4.15-2).

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

Significant Effect

The project would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, as follows: Metropolitan Bakersfield General Plan LOS C and Kern County General Plan LOS D (Impact 4.15-1).

Description of Significant Impact

An analysis was prepared to determine the intersection LOS during the construction phase of the proposed project, which is expected to begin in 2023. The guidelines in the Caltrans publication *Guide for the Preparation of Traffic Impact Studies* (Caltrans, 2002), states that a facility is required to be analyzed when a project will generate more than 100 peak hour trips at a facility operating worse than LOS C (i.e., LOS D, E, or F). While the proposed project would generate more than 100 peak hour trips at some of the study intersections, the scope also considered the routes used to access the project site, by construction workers, vendors, haul trucks, and water trucks, and the intersections where the project traffic would be concentrated.

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As discussed in Section 4.15, *Transportation and Traffic*, of the EIR, an analysis of project-generated construction traffic was conducted. The analysis represents the peak construction traffic condition; average construction traffic would result in approximately 40 percent fewer vehicles being generated and, therefore, the LOS conditions would be the same or better than the LOS conditions described in the EIR. Based on the criterion, the study intersections would not fall below LOS C. However, the analysis provided above is based on estimated construction quantities and minor impacts to LOS at three intersections. As the precise number of daily worker trips, daily truck trips, and other construction activities as well as LOS conditions at study intersections may fluctuate during the construction phase, the impact of proposed project construction activities on roadway operating conditions would be potentially significant.

As described above, the operation of the proposed project is expected to generate fewer than 50 trips during the weekday a.m. and p.m. peak hours during operations. The County's guidelines require that analysis be conducted at intersections where a project would generate 50 or more peak hour trips. Therefore, an analysis of LOS conditions for proposed project operation and maintenance was not conducted, and the impact is presumed to be less than significant.

Decommissioning of the proposed project would result in impacts similar to those caused by the project construction traffic, but the duration would be about one-third less than proposed project construction (approximately four months). Therefore, decommissioning of the proposed project would result in a potentially significant impact with respect to LOS for roadways. However, with implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2, impacts would be less than significant.

Finding

The project could conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, as follows: Metropolitan Bakersfield General Plan LOS C and Kern County General Plan LOS D. However, implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2, described below, would reduce impacts to less-than-significant levels.

Level of Significance

With implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2, 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. Implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2 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 implement measures to ensure peak hour construction worker vehicle limits are maintained during the AM and PM peak hours in order to maintain LOS D or better at the study intersections. These measures may include, but are not limited to the following:

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- a. The Construction Traffic Control Plan (see MM 4.15-2, below) shall outline the methods used to count worker vehicle traffic arriving and departing from the project site during peak AM and PM hours, methods used to control the number of trips during these hours, and documentation of reasonable coordination efforts with other projects in the area to avoid impacts to study intersections.
- b. The project proponent/operator shall limit construction worker vehicle trips to and from the site to the extent possible during the AM and PM peak periods (i.e., 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).
- c. If monitoring indicates that either AM or PM peak hour construction trips may exceed the peak hour construction worker vehicle limits, the project proponent/operator shall implement measures to reduce peak hour passenger vehicle trips. These measures could include:
 1. Scheduling construction worker shifts so that a majority of the workers arrive and depart the project site outside the AM and PM peak periods.
 2. Staggering construction worker shifts so that construction worker vehicle trips are distributed over a broader period (i.e., construction workers arrive in staggered shifts starting from 6 a.m. and depart in staggered shifts starting from 2 p.m.).
 3. Instituting incentives and providing options for construction workers to carpool and/or vanpool to and from the project site.

MM 4.15-2: 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 6, 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:
 1. Timing of deliveries of heavy equipment and building materials. To the extent feasible, restrict deliveries and vendor vehicle arrivals and departures during either the AM or PM peak period;
 2. 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;
 3. Ensuring access for emergency vehicles to the project sites;
 4. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
 5. Maintaining access to adjacent property;

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6. Specifying both construction-related vehicle travel and oversize load haul routes and avoiding residential neighborhoods to the maximum extent feasible; and
 7. Consult with the County to develop coordinated plans that would address construction-related vehicle routing and detours adjacent to the construction area for the duration of construction overlap with neighboring projects. Key coordination meetings would be held jointly between applicants and contractors of other projects for which the County determines impacts could overlap.
- b. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department, the Kern County Public Works Department-Development Review, and Caltrans.
 - 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 would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Impact 4.15-3).

Description of Significant Impact

During construction, the proposed project would require the delivery of heavy construction equipment and PV solar components using area roadways, some of which may require transport by oversize vehicles. Heavy equipment associated with these components would not be hauled to/from the site daily, but rather would be hauled in and out during construction and then during decommissioning at the end of the project

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life. 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 proposed 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. Chain-link security fencing would be installed around the perimeter of the facilities and other areas requiring controlled access, prior to commencement of construction, in order to restrict public access during construction and operations. Additionally, the proposed project would not include the development of sharp curves, dangerous intersections or other hazardous design features. The proposed project would be set back from the roadways as required by the Kern County Zoning Ordinance. Additionally, 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 or Kern County, and would be detailed in respective oversize load permits.

To address the potentially significant impact caused by the use of oversize vehicles during proposed project construction, Mitigation Measures MM 4.15-1 and MM 4.15-2 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 a.m. and p.m. peak hours. This would 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. Therefore, with implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2, impacts would be less than significant.

Finding

The project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). However, implementation of Mitigation Measure MM 4.15-1 and MM 4.15-2, described above, would reduce impacts to less-than-significant levels.

Level of Significance

With implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2, 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. Implementation of Mitigation Measure MM 4.15-1 and MM 4.15-2, described above, would reduce impacts to less-than-significant levels.

Significant Effect

The project would not result in inadequate emergency access (Impact 4.15-4).

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Description of Significant Impact

The project site is located in a rural area with the primary access roads (Kings Road, 25th Avenue) allowing adequate egress/ingress to the site in the event of an emergency. Additionally, as part of the proposed project, additional on-site access roadways (internal to the site) would be constructed. Therefore, the development of the proposed project would not physically interfere with emergency vehicle access or personnel evacuation from the site.

As described above, increased traffic generated during proposed project construction, operation, and decommissioning would not cause a substantial 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 proposed project would not require closures of public roads, which could inhibit access by emergency vehicles. For these reasons proposed project construction, operation, and decommissioning would have a less than significant impact on emergency access.

While impacts would be less than significant, Mitigation Measures MM 4.15-1 and MM 4.15-2 would provide further assurances for emergency access. Mitigation Measure MM 4.15-1 requires that the project proponent/operator maintain LOS D or better conditions at study area intersections during project construction. Mitigation Measure MM 4.15-2 requires the preparation of a Construction Traffic Control Plan that considers access for emergency vehicles to the project site. During proposed project operation, Mitigation Measure MM 4.15-2 requires the project operator to obtain Kern County approval of all proposed access road designs prior to construction, further ensuring on-site emergency access is adequate.

Finding

Project impacts on emergency access are considered less than significant. Implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2 would further reduce impacts and ensure they remain at a less-than-significant level.

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. Implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2, 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 proposed project would not have any environmental effects on transportation that cannot be mitigated to a less-than-significant level.

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

Significant Effect

The proposed project would not have a cumulative environmental impact on transportation.

Description of Significant Impact

Cumulative impacts from the proposed project, when considered with nearby, reasonably foreseeable planned projects, would occur only during proposed project construction because proposed project operation traffic would be very minimal. As stated above in the evaluation of operational impacts, there would be minimal trip generation once construction activities have concluded. Therefore, operation of the proposed project would result in less than significant cumulative impacts.

The potential for cumulative construction impacts exists where there are multiple projects proposed in an area that have overlapping construction schedules that could affect similar resources. Kern County provided a list of cumulative (past, present, and reasonably foreseeable future) projects in the project vicinity. All projects located within 6 miles of the project site involve installation of cellphone towers and solar facilities that would not factor greatly as part of the cumulative impact analysis for this proposed project. Therefore, cumulative impacts would be less than significant.

Finding

The project would contribute to less than significant cumulative impacts on transportation and traffic. Implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2, described above, would further reduce impacts and ensure they remain at a less-than-significant level.

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 cumulative impacts. Implementation of Mitigation Measures MM 4.15-1 and MM 4.15-2, described above, would further reduce impacts and ensure they remain at 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 proposed project would not have a significant and unavoidable cumulative environmental impact on transportation.

EXHIBIT A

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 project would not have tribal cultural resource impacts that are considered no impact or less than significant impact.

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

Significant Effect

The project 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) (Impact 4.16-1a).

Description of Significant Impact

The SLF search conducted by the NAHC did not indicate the presence of tribal cultural resources within the project site. Furthermore, the County's government-to-government consultation efforts with interested Native American groups conducted pursuant to AB 52 did not result in the identification of tribal cultural resources within the project site. While the Santa Rosa stated that due to Tribal history and knowledge of the project site, the Santa Rosa has concerns, no specific tribal cultural resources were identified in the project site.

Based on the lack of identified cultural resources within the project site and low archaeological sensitivity, the potential of the proposed project to cause a substantial adverse change in the significance of a tribal cultural resources as defined in PRC Section 21074 is low. In the event that buried significant tribal cultural resources are encountered during proposed project construction, significant impacts could occur. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5 included under Findings for Cultural Resources, above, would reduce the potential for impacts to tribal cultural resources to a less than significant level.

Finding

The project could cause a substantial adverse change in the significance of a tribal cultural resource. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, as described under Findings for Cultural Resources, above, would reduce the potential for impacts to tribal cultural resources to a less than significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, impacts would be less than significant.

EXHIBIT A

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 above, would reduce these impacts to less-than-significant levels.

Significant Effect

The 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).

Description of Significant Impact

As noted above, no tribal cultural resources were identified through the SLF search conducted by the NAHC, nor 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 project would not cause a substantial adverse change in the significance of a tribal cultural resource. Impacts would be less than significant. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5 included under Findings for Cultural Resources, above, would further reduce potential impacts to tribal cultural resources.

Finding

The project would not cause a substantial adverse change in the significance of a tribal cultural resource. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, as described above, would further reduce the potential for impacts to tribal cultural resources and would ensure impacts remain less than significant.

Level of Significance

Impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

The project would not cause a substantial adverse change in the significance of a tribal cultural resource. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, as described above, would further reduce the potential for impacts to tribal cultural resources and would ensure impacts remain less than significant.

EXHIBIT A

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

The 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 proposed project would not have a significant cumulative environmental impact on tribal cultural resources.

Description of Significant Impact

The geographic scope for cumulative cultural resources impacts is considered the San Joaquin Valley. This geographic scope of analysis is appropriate because the tribal cultural resources within this area are expected to be similar to those that may occur within the project site because of their proximity, their similarities in environments and landforms, and their location within the same Native American tribal territories. Further, this is a large enough area to encompass any effects of the proposed project on tribal cultural resources that may combine with similar effects caused by other past, current, and reasonably foreseeable future projects, and provides a reasonable context wherein cumulative actions could affect cultural resources.

Development of the proposed project, in combination with other projects in the area, has the potential to contribute to a cumulatively significant tribal cultural resources impact due to the potential loss of tribal cultural resources unique to the region. However, as discussed above, no tribal cultural resources have been identified in the project site and the proposed project would not have a significant impact on tribal cultural resources. Therefore, the proposed project's incremental effect is not cumulatively considerable when viewed in connection with the effects of other closely related past projects, the effects of other current projects and the effects of probable future projects; thus, the proposed project would not have a cumulatively considerable contribution to impacts to tribal cultural resources.

Finding

The project would not contribute to a cumulatively significant tribal cultural resources impact. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5, as described above, would further reduce the project's cumulative impacts and would ensure cumulative impacts remain less than significant.

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. Implementation of Mitigation Measures MM 4.5-1 through MM 4.5-5 above, would further reduce the project's cumulative impacts and would ensure cumulative impacts remain less than significant.

EXHIBIT A

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

The proposed 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 project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects (Impact 4.17-1).

The 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 project would result in a determination by the wastewater treatment provider which may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (Impact 4.17-3)

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

Significant Effect

The project would not 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 (Impact 4.17-1).

Description of Significant Impact

During construction and operation, impacts related to water supply, wastewater treatment, electrical power, natural gas, and telecommunication facilities would be less than significant.

As discussed in Section 4.10, *Hydrology and Water Quality*, of the EIR, existing storm drain culverts exist along a maintenance road that bisects the project site, which carry flow from the west and through the project site and outlet north of an access road that is along the northern boundary of the project site. The proposed project would be required to adhere to Kern County Public Works Department stormwater 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. Additionally, in compliance with National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements and as required by Mitigation Measure MM 4.10-1, the proposed project would design and submit a site-specific Storm Water Pollution Prevention Plan (SWPPP) to minimize the discharge of wastewater during construction and a Water Quality Management Plan that include best management practices for runoff control. In addition, the proposed project would also

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implement Mitigation Measure MM 4.10-2, which would require the proposed project to complete a hydrologic study and final drainage plan designed to evaluate and minimize potential increases in runoff from the project site.

Construction of the proposed project is not expected to exceed the capacity of existing stormwater drainage systems in the area. In addition, implementation of Mitigation Measures MM 4.10-1 and MM 4.10-2 would further reduce impacts. Therefore, the proposed project is not anticipated to result in the relocation or construction of new or expanded stormwater drainage facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.

As discussed in Section 4.10, *Hydrology and Water Quality*, of the EIR, there are no existing stormwater drainage systems on the project site, and no stormwater drainage systems are anticipated to be applicable as part of the proposed project. The areas to be developed as access corridors would be smoothed and compacted. Grading and compaction would also be required at the on-site substation and BESS to provide stable bases for the installation of equipment. The primary method of vegetation removal would be to mow existing vegetation, leaving root structures in place. The concept is to maintain existing drainage to the greatest extent practicable. However, installation of the proposed facilities 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. The proposed project would be required to adhere to Kern County Public Works Department stormwater 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. In addition, Mitigation Measure MM 4.10-2, would require the proposed project to complete a hydrologic study and final drainage plan designed to evaluate and minimize potential increases in runoff from the project site. The proposed project is not expected to exceed the capacity of existing stormwater drainage systems in the area. Therefore, operation of the proposed project is not anticipated to 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. Impacts would be less than significant.

Finding

The project would not 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. Implementation of Mitigation Measures MM 4.10-1 and MM 4.10-2, described above in Findings for Hydrology and Water Quality, would further reduce impacts and would ensure impacts remain less than significant.

Level of Significance

Impacts would be less than significant.

EXHIBIT A

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 and MM 4.10-2, described above in Findings for Hydrology and Water Quality, would further reduce impacts and would ensure impacts remain less than significant.

Significant Effect

The project would 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 4.17-4).

Description of Significant Impact

It is anticipated that the proposed 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 Shafter-Wasco Landfill, (approximately 35 miles southeast of the project site) is the closest landfill to the project site and, therefore, would be the most likely recipient of project site solid waste. The Shafter-Wasco Landfill has a remaining capacity of 7,901,339 cubic yards with an anticipated closure year of 2053 (CalRecycle, 2022b). The Shafter-Wasco Landfill is a Class III landfill and, therefore, accepts wastes from construction and demolition as well as industrial sources, but does not accept hazardous waste, hot ashes, and liquids of any kind. 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 proposed project on existing landfills are anticipated to be less than significant.

During operation, little to no solid waste would be generated. The only waste generated on site would result from maintenance activities. On-site operations and maintenance activities would consist of responding to abnormal operating conditions, routine maintenance and repairs, periodic panel washing, and grounds maintenance (i.e., vegetation control), and are anticipated to require site visits once to twice per month, consisting of a small ground crew. The Shafter-Wasco Landfill would continue to operate through 2053 and is expected to serve the proposed project throughout its operational phase. In addition, with the implementation of Mitigation Measure MM 4.17-1, as described below, a recycling coordinator would ensure the separation and proper disposal of recyclable materials and solid waste generated during proposed 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.

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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 be 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, where feasible. In the case of both crystalline silicon and thin film CdTe PV technology, a national PV module recycling network has been established by the U.S. Solar Energy Industry Association (SEIA) for providing module collection and recycling services (see <https://www.seia.org/initiatives/seia-national-pv-recycling-program>). Decommissioning of the collection lines would not generate substantial amounts of solid waste. As stated above, the Shafter-Wasco Landfill is expected to be in operation through 2053. Since the landfill would likely be closed when the decommissioning activities are expected to occur, the Taft Landfill would likely be the landfill to serve the project site during proposed project decommissioning as the Taft Landfill is expected to be in operation through 2076. Per Mitigation Measure MM 4.17-1, a collection and recycling program would be implemented during decommissioning to recycle proposed project components and minimize disposal of proposed project components in landfills. Following decommissioning, the project site would be returned to predevelopment conditions or converted to other uses in accordance with applicable land use regulations in effect at the time 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.

Finding

The project would 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 Measure MM 4.17-1, described below, would reduce impacts to less-than-significant levels.

Level of Significance

With implementation of Mitigation Measure MM 4.17-1, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. Implementation of Mitigation Measure MM 4.17-1 would reduce these impacts to a less-than-significant level.

- MM 4.17-1:** Prior to issuance of a grading or building permit, an onsite Waste Disposal and Recycling Coordinator shall be designated by the project proponent/operator to facilitate waste disposal and recycling as part of the Maintenance, Trash Abatement, and Pest Management Program. The provisions listed below shall apply to the project:
- a. The project proponent/operator shall provide a storage area for waste and recyclable materials within the fenced project area that is clearly identified for waste and recycling. This area shall be shown on a submitted site plan and maintained on the site during construction, operations and decommissioning.

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- b. During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible.
- c. The Waste Disposal and Recycling Coordinator shall facilitate recycling of all construction and decommissioning waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
- d. The Waste Disposal and Recycling Coordinator shall coordinate with Kern County Public Works Department – Solid Waste Division the acceptance for disposal or recycling of construction and decommissioning waste prior to being transported to any public disposal facility.
- e. The Waste Disposal and Recycling Coordinator shall ensure that materials transported to public disposal facilities for recycling shall be separated by material type so as not to be co-mingled or contaminated with waste material.
- f. The Waste Disposal and 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.
- g. Contact information of the coordinator shall be provided to the Kern County Planning and Natural Resources Department prior to issuance of building permits.

Significant Effect

The project would comply with Federal, State, and Local management and reduction statutes and regulations related to solid waste (Impact 4.17-5).

Description of Significant Impact

The proposed 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. 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 proposed 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.

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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 proposed project design. Implementation of Mitigation Measure MM 4.17-1 would ensure compliance with waste diversion and recycling requirements by requiring recycling during construction, operation, and decommissioning of the proposed project. The proposed 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 proposed project would result in less than significant impacts regarding compliance with management and reduction statutes and regulations related to solid waste.

Finding

The project would result in less than significant impacts related to compliance with federal, State, and local management and reduction statutes and regulations related to solid waste. Implementation of Mitigation Measure MM 4.17-1, described above, would ensure impacts remain less than significant.

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 related to solid waste management and reduction statutes. Implementation of Mitigation Measure MM 4.17-1 would ensure impacts remain less than significant.

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

The 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 proposed project would have a cumulative environmental impact on utilities and service systems.

Description of Significant Impact

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 WDMA service area. 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 proposed project would be cumulatively considerable if the incremental effects of the proposed project when combined with other past, present, or reasonably foreseeable projects would result in a significant cumulative effect.

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As described in the EIR, the proposed project would place few demands on water, wastewater, stormwater drainage, electricity telecommunications, and solid waste disposal (during construction, operation, and decommissioning) and would place no demands on natural gas.

The project site is located in a remote, rural region with no existing or planned stormwater infrastructure, even though there are existing residences on the project site. The proposed project would be required to adhere to Kern County Public Works Department stormwater requirements, which include measures to address stormwater controls on both management of runoff volume and water quality, including controlling erosion. In addition, a large amount of pervious surfaces would surround the proposed facilities that would continue to absorb runoff thus allowing infiltration of the runoff produced by the new minor impervious surfaces. Furthermore, the SWPPP required by Mitigation Measure MM 4.10-1 would detail any necessary design features required to properly control stormwater runoff on site and Mitigation Measure MM 4.10-2 would require the preparation of a drainage plan to reduce potential increases in stormwater runoff on site and would detail any necessary physical structures required to control stormwater. All cumulative projects that would not retain all runoff on site would also be required to prepare an SWPPP, which would include BMPs designed to prevent the mixture of sediment and other pollutants with stormwater and degrading water quality. 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 on site by their proposed ground disturbance; depending on the findings of their drainage plan, these projects may need to construct stormwater control structures on site to reduce the potential for increased stormwater runoff. Therefore, the proposed project would not substantially contribute to a cumulative impact on stormwater drainage facilities.

Construction materials would be recycled where feasible, with remaining disposal in landfills in compliance with all applicable regulations. In addition, materials brought to the project site would be used to construct facilities, and few residual materials are expected. Non-hazardous construction refuse and solid waste would either be collected and recycled or disposed of at a local landfill. In addition, the proposed project would generate a minimal amount of solid waste during operation and is not expected to significantly impact Kern County landfills. The Shafter-Wasco Landfill is expected to operate until 2053 and could accommodate solid waste generated during construction and operation and the Taft Landfill is expected to operate until 2076 and could accommodate solid waste generated during decommissioning of the proposed project. However, generation of waste from cumulative projects, including other solar and wind projects, could result in a cumulative impact. To ensure that the proposed project reduces the amount of waste sent to landfills, implementation of Mitigation Measure MM 4.17-1 requires that debris and waste generated shall be recycled to the extent feasible, and an on-site recycling coordinator be designated by the project proponent to facilitate recycling efforts. With implementation of MM 4.17-1, the proposed project's incremental contribution would be less than cumulatively considerable. Furthermore, other cumulative projects would also be required to comply with State and local waste reduction policies.

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Therefore, the proposed project would not have a significant impact on public utilities. The incremental effects of the proposed 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 4.10-1, MM 4.10-2, and MM 4.17-1. Furthermore, the proposed 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.

Finding

The proposed project has the potential to result in cumulatively considerable impacts related to stormwater drainage and solid waste. However, implementation of Mitigation Measures MM 4.10-1 and MM 4.10-2, as described above in Findings for Hydrology and Water Quality, and Mitigation Measure MM 4.17-1, described above, would reduce these impacts to a less-than-significant level.

Level of Significance

With implementation of Mitigation Measures MM 4.10-1, MM 4.10-2, and MM 4.17-1, 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. Implementation of Mitigation Measures MM 4.10-1 and MM 4.10-2, as described above under Findings for Hydrology and Water Quality, and Mitigation Measure MM 4.17-1, 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 proposed project would not have a significant and unavoidable cumulative environmental impact on utilities and service systems.

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 project would not substantially impair an adopted emergency response plan or emergency evacuation plan (Impact 4.18-1).

The project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby result in a less than significant impact from the exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (Impact 4.18-2).

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

Significant Effect

The project would not 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).

Description of Significant Impact

The proposed project includes one interconnection gen-tie line route to transfer energy to the PG&E Arco Substation, adjacent to the project site. The single 230 kV gen-tie line would extend between the on-site substation approximately 500 feet to connect to the PG&E Arco Substation, which is adjacent to the southern border of the project site. The intertie would consist of the steel or wooden transmission towers, wires, guys, conductors, and other components.

Additionally, development of the proposed project would include a BESS, which can burn or become damaged by fire and generate fumes and gases that are extremely corrosive. The BESS would be constructed of non-combustible material, with consideration given for direction of gas or fire release away from first responders in the case of a catastrophic failure. Dry chemical, carbon dioxide, and foam are the preferred methods for extinguishing a fire involving batteries as water is not effective in extinguishing battery fires. Class D extinguishers are used for lithium-metal fires only. To further increase safety, the battery units are usually low voltage, encased in a steel enclosure and are set apart from combustible materials. The BESS 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. The structure would also have HVAC cooling in the battery containers to further maintain cool temperatures within the unit.

New internal roads would be constructed to serve as access roads from the existing road network to the solar PV modules. 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 PV modules. These project site access roads would remain in place for ongoing operations and maintenance activities after construction is completed. 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.

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Fires in rural agricultural areas could be caused by natural sources, such as lightning, or vehicles. The use of maintenance vehicles can increase fire risk due to driving heated mufflers over vegetated areas. The installation of utilities including the gen-tie, BESS and internal/perimeter maintenance roads would not be placed within a high fire hazard zone, and any existing vegetation would be cleared; therefore, the proposed project would not result in increased fire risks that could result in temporary or ongoing impacts to the environment. Additionally, as discussed in Section 4.14, *Public Services*, the project proponent/operator shall develop and implement a Fire Safety Plan that contains notification procedures and emergency fire precautions consistent with the 2022 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 remain less than significant.

Finding

The proposed project would not exacerbate fire risk due to the installation or maintenance of associated project infrastructure. Implementation of Mitigation Measure MM 4.14-1 would ensure impacts would remain less than significant.

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. Implementation of Mitigation Measures MM 4.14-1 described above under Findings for Public Services, would ensure impacts remain less than significant.

Significant Effect

The project would 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).

Description of Significant Impact

Topography across the project site is relatively flat, with the high point at Cascajo Hill at an elevation of 590 feet and a low point at an elevation of 428 feet. The project site is designated as Zone “X” on the Flood Insurance Rate Map (FIRM) as issued by the Federal Emergency Management Agency (FEMA), which indicates the site is in an area of minimal flood hazard. Development of the proposed project would maintain the on-site existing drainage patterns to the greatest extent practicable. As explained in the *Hydrology Study*, the hills on the project site direct runoff to the north, south, and east of the site. As part of the proposed project, stormwater retention basins would be installed to control runoff, as well as installation of trenches within major drainage corridors to control erosion. The proposed project would require implementation of a stormwater pollution prevention plan (SWPPP), which would include erosion and sediment control best management practices (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 on site,

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albeit in minor quantities compared to existing conditions. However, this could exacerbate potential erosion and sedimentation on site or downstream. As discussed in Section 4.10, *Hydrology and Water Quality*, Kern County requires development of a drainage plan with the site development grading permit, which will manage stormwater and reduce the risk for off-site 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 proposed project design. Since the project site is entirely undeveloped under existing conditions, the proposed project would result in a small net increase in the amount of impervious surfaces as a result of constructing equipment foundations, and energy storage facilities foundations. An existing access road from King Road to the north boundary of the project site would be used to access the proposed project. The array access roads would not be paved or graveled and, therefore, would not increase impervious surface areas within the project site. Additionally, 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.

The project site is located within rural undeveloped land in the eastern foothills of the Diablo Range, which is a mountain range in the California Coast Ranges. The site is within the Tulare Lake Watershed. Based on the fire history immediately surrounding the site, LRA 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 proposed 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 MM 4.10-1, any potential impacts from runoff and erosion would be minimized. Therefore, the proposed 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.

Finding

The proposed 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 under Findings for Hydrology and Water Quality impacts,

Level of Significance

With implementation of Mitigation Measure MM 4.10-1, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding

CEQA requires that all feasible and reasonable mitigation be applied to the project to reduce impacts. 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.

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

The proposed 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 proposed 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 proposed project would result in a cumulatively considerable impact to wildfire.

Description of Significant Impact

The geographic scope for cumulative wildfire impacts is considered the southern San Joaquin Valley (Valley). This geographic scope was selected because the land within the region possesses relatively similar terrain, soil conditions, and land uses, including agriculture, highway commercial, rural residential, mineral extraction, electrical power generation, and undeveloped grasslands. Winds in the Valley most frequently blow from the northwest, channeling air towards the southeastern end of the Valley. Marine air occasionally flows from the San Joaquin River Delta toward the south, over the Tehachapi Pass. The Coastal Range and the Sierra Nevada range restrict air movement to the west and east, respectively. During winter, weak winds can lead to limited transport of pollutants (SJVAPCD 2015).

As shown in Table 4.18-1, *Cumulative Project List*, there are 18 projects in the area including several utility-scale solar and wind energy production facilities. These have the potential to result in cumulative impacts to wildfire when considered together with the proposed project.

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 (or similar codes/requirements in accordance with the applicable jurisdiction within Kings County) and prior to the issuance of a building permit. As previously mentioned, the project site is not classified as being within a high FHSZ and is not located within an SRA or FRA. While the project site is located within an LRA moderate zone in a rural, sparsely developed area with limited population, the project site is not located along an identified emergency evacuation route or within an adopted emergency evacuation plan. Furthermore, the proposed project would developed be in compliance with Fire Code and Building Code requirements including fire prevention and emergency response training for site personnel. As concluded in the discussion of proposed project impacts above, the proposed project would have a less than significant impact related to impairment of an adopted emergency response or evacuation plan. Similar to the proposed project, related projects would be required to determine whether they are classified as being within a high fire hazard severity zone, identified within an emergency evacuation route or within an adopted emergency evacuation plan, and whether they meet the requirements

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of applicable Fire Code and Building Code. Given the location of the project site within a sparsely populated rural area with little development, the proposed project and related projects would not likely have the potential to result in a cumulative impact to any future adopted emergency response plans or evacuation plans prepared for the area. Furthermore, the proposed project and all of the related projects would be required to provide adequate emergency access in accordance with County Fire Code and Building Code requirements prior to the issuance of a building permits, thus the proposed project would result in a less than significant 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 SRAs and/or High Fire Hazard Severity Zones, some related projects in the area may be. Similar to the proposed project, all related projects 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.

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 proposed project would include the construction of utilities including a gen-tie line, a BESS, and internal and external roads. While the potential for fire is considered low, 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 2022 California Fire Code and Kern County Fire Code for use during 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.

While the topography of the project site and the cumulative geographic scope is generally flat, there are some hills within the project site and in the vicinity of the project site where related projects are proposed 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, 11 related 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 by regulating the locations where certain land uses may be developed. All related projects would also require site-specific hydrology and drainage studies for effective drainage design. As concluded in the discussion of proposed project impacts above, with the implementation of Mitigation Measure MM 4.10-1, the proposed 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. Given the similar and generally flat terrain, similar soil conditions, and sparse development in the area, along with compliance to all federal, State, and local laws, regulations, and codes, the proposed project and related projects would have a less than significant cumulative impact related to exposure of people or structures to risks from downslope or downstream flooding or landslides as a result

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of post-fire instability. 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.

Finding

The project would contribute to cumulative impacts to wildfire. Even with implementation of Mitigation Measures MM 4.10-1, described above under Findings for Hydrology and Water Quality, and MM 4.14-1, described above under 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 and MM 4.14-1 would reduce impacts but not to a less-than-significant level. Impacts would remain significant and unavoidable. See Mitigation Measure MM 4.10-1, described above under Findings for Hydrology and Water Quality, and Mitigation Measure MM 4.14-1, described above under Findings for Public Services.

SECTION III. FINDINGS REGARDING CONSIDERATIONS, WHICH MAKE CERTAIN ALTERNATIVES, ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT INFEASIBLE.

The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 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 proposed project were considered in evaluating the alternatives. These objectives are as follows:

- Generate and deliver low-cost, clean renewable energy into the electrical grid operated by PG&E for regional consumption.
- Establish solar PV power-generating facilities that are of a sufficient size and configuration to produce approximately 65 MW of electricity with 25 MW of battery storage and help to meet the increasing demand of the State of California for clean, renewable electrical power at a competitive cost.

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- Enhance existing electrical distribution infrastructure and provide greater support to existing and future customer loads to ensure PG&E can provide power to all customers, including customers in Kern County.
- The project would generate up to 300 jobs during construction, which would provide increased business for local contractors and vendors.
- Minimizing environmental effects by:
 - Locating generating facilities in a rural portion of northwestern Kern County which receives intense solar radiation;
 - Using existing electrical transmission facilities, rights-of-way, roads, and other existing infrastructure where practicable;
 - Minimizing water use; and
 - Reducing greenhouse gas emissions.
- The proposed project would assist the State of California in achieving the Renewable Portfolio Standard (RPS) for 2030, by providing a new source of renewable energy (California State Assembly Bill [AB] 32, SB 1078, SB 107, SB 350, SB 100, and SB 2).

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 proposed project versus a No Project Alternative. Accordingly, Alternative 1, the No Project Alternative, assumes that the development of the 65 MW PV solar facility and associated facilities on the 618-acre site would not occur. No collection lines would be constructed. The No Project Alternative would not require CUPs for construction and operation of a 65 MW solar project and associated facilities. A Williamson Act Land Use Contract Cancellation would not be required. The No Project Alternative would maintain the current zoning, land use classifications, and existing land uses, which consist mostly of undeveloped grazing land and vegetation. 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 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 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.

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ALTERNATIVE 2: AGRICULTURAL PRODUCTION ALTERNATIVE

Alternative 2, the Agricultural Production Alternative, would develop the project site for active agricultural production. The project site is designated as Kern County General Plan map code 8.3 (Extensive Agriculture [Min 20 Acres]).

The parcel is currently located within the A (Exclusive Agriculture) Zone District. No solar facilities would be developed under this alternative and, therefore, no Conditional Use Permits or Williamson Act Contract cancellation would be required for this alternative. The 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 Map Code 8.3 (Extensive Agriculture [Min 20- or 80-Acre Parcel Size]). The 8.3 land use designation applies to agricultural uses involving large amounts of land with relatively low value per acre yields. Typical uses include livestock grazing, farming and woodlands.

Given the land use and zoning designation described above, this alternative would include the development of agricultural production on the entire project site and associated infrastructure for agricultural production. No CUPs for solar facility construction and operation would be required for this alternative. In addition, the Williamson Act Contract would not need to be cancelled under this alternative as the proposed uses would be allowed under this contract.

Finding

Alternative 2 would result in greater impact to energy, GHG emissions, hydrology and water quality, transportation and traffic, and utilities and services systems as it relates to water supply. The alternative would result in similar impacts to air quality and biological resources. This alternative would result in less impacts in all remaining environmental issue areas. This alternative would result in greater energy impacts as this alternative would not assist the state in meeting its renewable energy generation goals to the fullest extent as compared to the proposed project. This alternative would result in greater GHG emission impacts compared to the proposed project because the potential offset or displacement of GHG emissions from operation of the solar power generating facility, compared with traditional gas- or coal-fired power plants, would not be realized. Greater impacts to hydrology and water quality would result from continued ground disturbance from activities such as plowing and the application of pesticides or herbicides from the proposed agricultural uses. The increase in human population on site during operation is also responsible for greater impacts to transportation and traffic and utilities and service systems, including increased vehicle trips to the project site and increased wastewater and solid waste generation. This alternative would eliminate the significant and unavoidable impacts associated with agriculture and forestry resources (project and cumulative); however, this alternative would not eliminate significant and unavoidable air quality impacts (project and cumulative), biological resources impacts (cumulative only), and wildfire impacts (cumulative only).

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Alternative 2 would not achieve any of the project objectives listed above, 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, only half of the parcel (309 acres) would be developed with a solar facility and associated uses with the capacity to generate up to 32.5 MW of renewable electric energy and 12.5 MW or 4 hours/50 MWh of energy through energy storage systems. Under this alternative, the other half of the project site would remain undeveloped for grazing land, as it is currently used. The gen-tie interconnection would remain unchanged. In addition to the solar panels, development on the project site would still include construction of a substation, a battery energy storage system (BESS) on approximately 0.012-acre portion of the project site, and associated infrastructure, as under the proposed project. Similar to the proposed project, this alternative would require CUPs for the project and the telecommunication tower and Williamson Act Contract Cancellation for the entire parcel for construction and operation of a commercial solar electrical generating facility.

Finding

The Reduced Acreage Alternative would be reduced in size compared to the proposed project and would generate up to 32.5 MW of renewable electric energy and 12.5 MW or 4 hours/50 MWh of energy through energy storage systems due to the proportional reduction in project size and therefore, all construction and operational methods, workforce, and timing for the Reduced Acreage Alternative would be reduced in comparison with the proposed project. Due to the reduced footprint, the Reduced Acreage Alternative would result in less or similar impacts for all of the environmental issue areas except GHG emissions, which would result in greater impacts due to the reduction in the production of renewable energy. However, this alternative would not eliminate significant and unavoidable impacts associated with agriculture and forestry resources (project and cumulative), air quality (project and cumulative), biological resources (cumulative only), and wildfire (cumulative only).

The Reduced Acreage Alternative would meet most of the project objectives listed above. Under the Reduced Acreage Alternative, the proposed project's footprint would be reduced from 618 acres to 309 acres. Therefore, this alternative would create fewer environmental impacts; however, it would not reduce any identified significant and unavoidable impact to less than significant.

ALTERNATIVE 4: NO GROUND-MOUNTED UTILITY-SOLAR DEVELOPMENT – DISTRIBUTED COMMERCIAL AND INDUSTRIAL ROOFTOP SOLAR ONLY ALTERNATIVE

Alternative 4, the No Ground-Mounted Utility-Solar Development Alternative, would involve the development of a number of geographically distributed small to medium solar PV systems (100 kWh to 1 MW) within existing developed areas, typically on the rooftops of commercial and industrial facilities situated throughout the San Joaquin Valley, within unincorporated Kern County. Under this alternative, no new land would be developed or altered. However, depending on the type of solar modules installed and

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the type of tracking equipment used (if any), a similar or greater amount of acreage (i.e., greater than 618 acres of total rooftop area) would be required to attain the proposed project's capacity of 65 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 65 MW of electricity, but it would be for on-site use only, and no BESS would be available to store the unused solar energy, therefore the solar power could only be used during daylight hours. 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 proposed 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 on site by the commercial or industrial facility without requiring the construction of new electrical substation or transmission facilities.

Finding

Alternative 4 would result in less impacts to agriculture and forestry resources, cultural resources, geology and soils, hydrology and water quality, mineral resources, noise, public services, tribal cultural resources, utilities and service systems, and wildfire. This alternative would also result in similar impacts related to air quality, biological resources (migratory birds), energy, and hazards and hazardous materials. This alternative would avoid the significant and unavoidable impacts to agriculture and forestry resources and biological resources (special-status wildlife species, habitat, and wildlife movement) that would occur under the proposed project; however, other impacts, such as aesthetics, GHG emissions, land use and planning, and transportation and traffic would be potentially greater than the proposed project.

This alternative would satisfy some of the proposed project objective of assisting California in reducing GHG emissions. However, the BESS (a component of the proposed project) would not be constructed under this alternative. The alternative would not achieve other project objectives including utilizing existing transmission infrastructure to minimize costs. It is also unlikely the alternative would have an average insolation value similar to or greater than that of the project site given the lack of efficiency of rooftop solar compared to solar tracking technology. Additionally, there are some drawbacks to this alternative that would include but not be limited to those listed below.

- The BESS is not included.
- The system would not likely be built out within a timeframe that would be similar to that of the proposed project.
- Generation of construction jobs may be reduced due to less construction for each installation and varying timeframe to meet the total acreage.
- Given the distributed nature of such a network of facilities, construction, management, and maintenance would not be as efficient, and total capital costs would be higher.
- The project proponent does not have immediate control or access to potential urban sites that could accommodate facilities to generate 65 MW of solar power.
- A distributed system of the scale of the proposed project would be cost-prohibitive.

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This alternative theoretically has the potential to generate of up to 65 MW of electricity, but it would be used for operation of the businesses providing the roofs to generate the electricity and would not achieve the proposed project objective of assisting California load-serving entities in meeting their obligations under California's RPS Program. Additionally, this alternative does not include a BESS component and transportation and traffic, air quality, and GHG emission impacts would be increased due to travel to any additional locations to be maintained. Given the size of the proposed project, the 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 EIR, and as shown in Table 6-2 of the 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 agriculture and forestry resources and biological resources (special-status wildlife species, habitat, and wildlife movement). Impacts related to GHG emissions and transportation and traffic would be greater under this alternative due to the assumed lower efficiency of the distributed systems and increased vehicle trips from both construction workers and truck trips. In addition, impacts related to aesthetics would be greater under this alternative due to the potential for viewers to see the solar PV systems from different vantage points and potential alterations to historic buildings. This alternative could potentially result in greater impacts to land use and wildfire risks due to the unknown entitlement requirements for each solar PV system and the numerous power lines that

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would be required to harness the distributed solar panel energy. However, the No Ground-Mounted Utility-Solar Development Alternative would result in less impacts to agriculture and forestry resources, cultural resources, geology and soils, hydrology and water quality, mineral resources, noise, public services, tribal cultural resources, utilities and service systems, and wildfire. This alternative would also result in similar impacts related to air quality, biological resources, and hazards and hazardous materials.

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 proposed project because the project proponent lacks control and access to the sites required to develop 65 MW of distributed solar generated electricity. Additionally, doing so would be economically infeasible. Furthermore, this alternative would not include installation of a BESS or achieve the proposed project objective of assisting California load-serving entities in meeting their obligations under California's Renewables Portfolio Standard Program. Nonetheless, because this alternative reduces impacts to a greater degree than the Agricultural Production 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**

for

Chalan Solar and Storage Project

By Chalan CA Solar and Storage, LLC (PP21402)

Final Environmental Impact Report

SCH# 2021100003

Lead Agency: Kern County Planning and Natural Resource Department

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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 Chalan Solar and Storage 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 Environmental Impact Report (EIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

- 1) The proposed project would, in nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings. Implementation of the project would result in potentially 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, the visual change associated with project development would be almost imperceptible when viewed from a distance of greater than 0.5 miles. With distance, the effects associated with removal of vegetation from the project site 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.

Additionally, visual change would not be evident from the majority of local roadways, with the exception of views from 25th Avenue looking southwest towards the project site. With distance and diminished visibility, the visual change associated with the introduction of approximately 618 acres of solar development on currently undeveloped grazing land would be nearly indistinguishable. The introduction of solar panels, a collector substation, the BESS, the gen-tie line, and the telecommunications tower would increase the footprint of solar and electrical transmission development in the project area and would expand existing industrial development (i.e., solar and wind developments) present in the San Joaquin Valley. However, because other solar and other renewable energy developments are not concentrated in the project vicinity and the proposed project would introduce manufactured elements where they do not currently dominate the landscape, the proposed project would introduce manufactured elements where they do not currently dominate the landscape, resulting in significant aesthetic impacts.

Mitigation measures would be incorporated to reduce visual impacts that would occur from the collection of debris along the site boundary and would limit vegetation removal and would plant native vegetation. Native vegetation would be left in place around the project area, where feasible, allowing for a natural screening of proposed project components, the color treatment of the BESS structure 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 grassland landscape character of the project site, impacts to visual resources would remain significant and unavoidable.

- 2) The proposed project would result in cumulative aesthetics impacts related to visual character and light and glare. The project in combination with the cumulative projects would have significant and unavoidable impacts related to aesthetics. As shown in Table 4.1-9, *Cumulative Projects List*, of the EIR, there are several utility-scale solar energy production facilities in the project area that are present or reasonably foreseeable. 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

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impacts are no longer significant. Even with implementation of mitigation, the project's contribution to significant impacts associated with visual character in the San Joaquin Valley would be significant and unavoidable.

- 3) The proposed project would conflict with the existing zoning for agricultural use and would require the cancellation of a Williamson Act Contract, set to expire in 2031. The entire 618-acre project site parcel is included in an existing Williamson Act Land Use Contract filed for non-renewal in 2023 and is set to expire in the year 2031. A commercial solar facility is not listed as a compatible use in the Williamson Act Standard Uniform Rules, as adopted by the Kern County Board of Supervisors; therefore, the proposed project would not be consistent with the existing contract. Although the project proponent has petitioned for cancellation of the existing Williamson Act Contract, cancellation of the contract and the payment of fees would not fully mitigate for conversion of farmland that would result from cancellation of the contract. Therefore, impacts related to conflict with existing zoning for agricultural use or Williamson Act Contract, would be significant and unavoidable.
- 4) The proposed project would 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 (Public Resources Code Section 15206(b)(3)). As the proposed project site is currently subject to a Williamson Act Contract, which is in non-renewal status and set to expire February 2031, development of the proposed project prior to expiration would conflict with the contract, which, as noted above, was made to restrict the proposed project site to agricultural and compatible uses. Therefore, the proposed project would require the cancellation of an open space contract made pursuant to the California Lands Conservation Act of 1965 for a parcel over 100 acres. With implementation of Mitigation Measure MM 4.2-1, cancellation of all Williamson Act contracts shall be completed prior to issuance of any grading or building permit or any use of the property for storage of materials or panels. However, implementation of Mitigation Measure MM 4.2-1 would not reduce the impact to a less than significant level. No additional feasible mitigation is available to reduce impacts related to the cancellation of Williamson Act Contracts, therefore, impacts related to the cancellation of an open space contract would be significant and unavoidable.
- 5) The project would result in cumulative agriculture and forestry resources impacts related to the conversion of agricultural land to non-agricultural uses and as it relates to the cancellation of a Williamson Act Contract. As it relates to 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 or more acres (Section 15206(b)(3) Public Resources Code, the Williamson Act Contract for the proposed project site was made to restrict the proposed project site to agricultural and compatible uses on approximately 618 acres. In addition, as described in the EIR, the proposed project is seeking approval of CUPs and a Williamson Act Land Use Contract Cancellation, which would cancel the Williamson Act Contract that the project site is currently subject to. Therefore, the proposed project would result in a significant and unavoidable impact involving the cancellation of an open space contract. Two of the cumulative projects would be subject to Williamson Act Contracts in non-renewal status. Cumulative projects, which are subject to Williamson Act Contracts in non-renewal status and are located adjacent to the proposed project, could similarly result in a significant impact involving the cancellation of an open space contract. The proposed project's incremental effect is therefore cumulatively considerable when viewed in connection with

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the effects of other closely related current projects and probable future projects and thus cumulative impacts would be significant and unavoidable.

- 6) The project would result in a cumulatively considerable net increase of a criteria pollutant for which the projects' region (SJVAPCD) is in nonattainment under applicable federal or state ambient air quality standards (including released emissions that exceed quantitative thresholds for ozone precursors). Emissions of NO_x, CO, and PM₁₀ during construction of the project would be reduced below the San Joaquin Valley Air Pollution Control District's (SJVAPCD) significance threshold with the implementation of mitigation measures. However, given existing scientific constraints, it is not feasible to analyze health risks associated with criteria pollutant emissions and impacts from construction activities and specifically with the novel coronavirus (COVID-19) which has limited research and therefore the impacts on air quality and health for both project and cumulatively would remain significant and unavoidable. In addition, emissions of NO_x, CO, and PM₁₀ during construction of the project would be reduced below the SJVAPCD's significance threshold with the implementation of mitigation measures. As such, it was determined that the project would not obstruct SJVAPCD's ability to achieve further progress toward attainment of the state standards. However, potential cumulative impacts to air quality could occur from construction of the Project in combination with regional growth projections in the same air basin. It is speculative to determine how exceeding the regional thresholds would affect the number of days the region is in nonattainment since mass emissions are not correlated with concentrations of emissions or how many additional individuals in the air basin would be affected by the health impacts mentioned. The SJVAPCD is the primary agency responsible for ensuring the health and welfare of sensitive individuals to elevated concentrations of air quality in the San Joaquin Valley Air Basin at the present time and it has not provided methodology to assess the specific correlation between mass emissions generated and the effect on public health and welfare. Therefore, cumulative impacts for criteria pollutants during construction are considered significant and unavoidable.
- 7) The proposed project would result in cumulative biological resources impacts. Given the number of present and reasonably foreseeable future development projects in the San Joaquin Valley, the proposed project, when combined with other projects, would contribute 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 proposed project, when combined with other related development projects proposed throughout the County, the cumulative impact would be significant and unavoidable.

The residual effects on migratory birds of the proposed project were determined to be less than significant. This cumulative analysis assesses the potential for the incremental impacts of the proposed project to combine with related projects to cause or contribute to a significant cumulative effect within the Central Valley portion of the Pacific Flyway for the duration of the proposed project. Identified cumulative projects that involve the installation of PV panels, gen-tie lines, and associated power poles have the potential to cause impacts to migratory birds associated with collisions. Little is known about the potential for impacts to migratory birds associated with the "lake effect." However, evidence suggests that significant impacts to migratory birds could occur even after mitigation due to collision with PV panels or other project structures causing mortality or injury. Further, as take authorization for migratory bird species is not available, any population level mortality of migratory birds would be considered significant under CEQA. Therefore, the proposed project, in combination with all identified cumulative projects, would result in a

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cumulatively significant impact on migratory birds that may remain significant and unavoidable after implementation of mitigation.

8) The proposed project would result in cumulative wildfire impacts.

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 LRA, SRA, or FRA 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 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. Despite implementation of the mitigation and adherence to all regulations, 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. Each project would require site-specific hydrology and drainage studies for effective drainage design. As concluded in the EIR, 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 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 ~~BoardPlanning Commission~~ finds and determines that it has considered the identified means of lessening or avoiding the 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 ~~BoardPlanning Commission~~ further finds and determines that the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits of the 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 EIR, and the record of proceedings for the project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court

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were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this ~~BoardPlanning Commission~~ would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the ~~BoardPlanning Commission~~ determines that the adverse environmental impacts of the project are “acceptable” if any of these benefits would be realized. The project would provide benefits to the County of Kern as follows:

- 1) The proposed project would help to meet the increasing demand for clean, renewable electrical power.
- 2) The proposed project would establish solar PV power-generating facilities that are of a sufficient size and configuration to produce approximately 65 MW of electricity with 25 MW of battery storage.
- 3) The proposed project would produce and transmit electricity at a competitive cost.
- 4) The proposed project would minimize environmental effects by:
 - a. Locating generating facilities in a rural portion of northwestern Kern County which receives intense solar radiation;
 - b. Using existing electrical transmission facilities, rights-of-way, roads, and other existing infrastructure where practicable;
 - c. Minimizing water use; and
 - d. Reducing greenhouse gas emissions.
- 5) The proposed project would supply clean, safe, renewable energy.
- 6) The proposed project would support the economic development of Kern County, and the State of California.
- 7) The proposed project would produce and transmit electricity at a competitive cost and in a manner that is eligible for commercial financing.
- 8) The proposed project would assist the state of California in achieving the Renewable Portfolio Standard (RPS) for 2030, 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).
- 9) The proposed project would enhance existing electrical distribution infrastructure and provide greater support to existing and future customer loads.
- 10) The proposed project would generate up to 300 construction jobs, which would provide increased business for local contractors and vendors.

Exhibit C
Mitigation Monitoring
& Reporting Program
(MMRP)

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Mitigation Monitoring and Reporting Program (MMRP)

Chalan Solar and Storage Project
By Chalan CA Solar and Storage, LLC (*PP21402*)

Conditional use Permit No. 12, Map No. 3
Conditional Use Permit No. 13, Map No. 3
Williamson Act Cancellation No. 23-07



Final Environmental Impact Report

SCH: 2021100003

Lead Agency: Kern County Planning and Natural Resources Department

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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 a grading or building permit and during construction and operation	Kern County Planning and Natural Resources 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 compliance in the field during the construction period.					
2.	MM 4.1-2: 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 Planning and Natural Resources Department, that will ensure all project facilities, including collection line 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 a 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 submit a proposed color scheme and treatment plan for approval by the Kern County Planning and Natural Resources Department. C. Kern County Planning and Natural Resources Department will verify compliance prior to the issuance of building permits.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.1	Aesthetics				
3.	MM 4.1-3: Wherever possible, within the proposed project boundary the native vegetation shall remain undisturbed unless mowing is necessary for placement of the project components. All native vegetation adjacent to the proposed project boundary shall remain in place. 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 topsoil 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, and (4) 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 the three-year periods, an annual evaluation report shall be submitted to the Kern County Planning and Natural Resources Department for each of	During construction, 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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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.1	Aesthetics				
	the three years. Should efforts to revegetate with the existing native seed bank in the topsoil 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.				
4.	MM 4.1-4: Prior to commencement of project operations of the solar facility, the project proponent shall demonstrate to Kern County Planning and Natural Resources Staff, through the submittal of a lighting plan, that the project site complies with the applicable provisions of the <i>Dark Skies Ordinance</i> (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 commencement of project operations 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.			
5.	MM 4.1-5: 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 utilize 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.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.1	Aesthetics				
		D. The Kern County Building Inspection Department shall verify compliance in the field.			
6.	MM 4.1-6: Prior to commencement of project operations of the solar facility, the project operator shall demonstrate that all onsite structures utilize non-reflective materials, as approved by the Kern County Planning and Natural Resources Department.	Prior to commencement of project operations 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.			
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. (RTC, 9/2023)	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 Final EIR to the extent feasible.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.2	Agriculture and Forestry Resources				
7.	MM 4.2-1: Prior to issuance of any grading or building permit or any use of the property for storage of materials or panels, cancellation of all Williamson Act contracts shall be completed for the project development area or the period for nonrenewal shall have been completed and the identified parcels determined to no longer be under contract.	Prior to the issuance of a grading permit or building permit or any use of the property for storage	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 evidence of the cancellation of all Williamson Act contracts on the project parcels proposed for development or submit evidence that the period of nonrenewal has been completed for the project parcels and are no longer under contract.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Air Quality				
8.	MM 4.3-1: The project shall continuously comply with applicable rules and regulations set forth by the San Joaquin Valley Air Pollution Control District.	During grading and construction activities and operations	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 compliance with the applicable rules and regulations set forth by the San Joaquin Valley APCD. C. The Kern County Building Inspection Department shall verify compliance in the field during the construction phase of the project.			
9.	MM 4.3-2: Prior to issuance of any grading permit, the project proponent shall submit a Site-Specific Dust Control Plan for review and approval by the Kern County Planning and Natural Resources Department. The Site-Specific Dust Control Plan shall serve to minimize fugitive dust emissions during project construction. The Site-Specific Dust Control Plan shall take into consideration grading and construction schedule, seasonal winds, site-specific wind patterns, and soil conditions to ensure adequate measures are implemented to manage fugitive dust. The Site-Specific Dust Control Plan shall: a. Identify a comprehensive grading schedule for the entire project site. When feasible, grading activities shall be phased and minimized to those areas necessary for project access and installation of solar panels and other areas of infrastructure associated with the solar facility. b. The Site-Specific Dust Control Plan shall identify, in addition to those measures required by the air district, all measures being undertaken during construction activities and operational activities to ensure fugitive dust being blown off site is minimized. Measures may include, but are not limited to: 1. The use of water trucks as required for the expected level of winds in the area. 2. Use of dust suppressant (i.e., soil binders or mulch). 3. Pre-seeding and irrigating prior to construction to create vegetation with useful root structures. 4. Construction of dust screening in appropriate locations around the project site (i.e., fence slats or mesh screening).	Prior to issuance of a grading permit and during grading and 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. 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.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Air Quality				
	5. A copy of the approved Site-Specific Dust Control Plan shall be kept at the on-site construction office and all measures included in the Site-Specific Dust Control Plan shall be included on all Grading Plans issued for the project by the Kern County Public Works Department.				
10.	MM 4.3-3: Prior to the issuance of building and grading permits, the project proponent shall provide the Kern County Planning and Natural Resources Department with proof that an Indirect Source Review application has been approved by the San Joaquin Valley Air Pollution Control District	Prior to issuance of a grading permit and 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 submit the San Joaquin Valley Air Pollution Control District-approved Indirect Source Review to the Kern County Planning and Natural Resources Department.			
11.	MM 4.3-4: The project proponent and/or its contractors shall continuously implement the following measures during construction and operation of the project to control emissions from the on-site equipment: a. All equipment shall be maintained in accordance with the manufacturer's specifications. b. All equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for extended periods of time. Engine idling of all equipment shall be minimized. c. Construction equipment shall not operate longer than eight cumulative hours per day. d. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions. e. On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines. f. All on-site off-road equipment and on-road vehicles shall meet the recent California Air Resources Board engine emission standards or alternatively fueled equipment, such as compressed natural gas, liquefied natural gas, or electric, as appropriate.	During grading, construction and during operations	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 compliance with the requirements outlined in this mitigation measure. C. The Kern County Building Inspection Department shall verify compliance in the field during the construction phase of the project.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Air Quality				
12.	MM 4.3-5: Prior to the issuance of grading or building permits, the project proponent shall submit to the Kern County Planning and Natural Resources Department documentation to demonstrate how the following will be implemented during construction and decommissioning activities: a. A minimum of 15 days prior to commencement of construction activities (i.e., fence construction, mobilization of construction equipment, initial grading), including decommissioning, the project proponent shall provide written notice to the public through direct mailing to all parcels within 1,000 feet of the project site. The notices shall include the construction schedule, and a telephone number and e-mail address where complaints can be registered. Additionally, a minimum of one sign, legible at a distance of 50 feet, shall also be posted at the construction site or adjacent to the nearest public access to the main construction entrances throughout construction activities and will include the same details as the notices.	Prior to issuance of grading or building permit and a minimum of 15 days prior to commencement of construction or decommissioning 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. The project proponent shall submit evidence that written notice to all parcels within 1,000 feet of the project site received direct mailing. C. The project proponent shall provide evidence that a minimum of one sign, legible at a distance of 50 feet, has been posted at the construction site or adjacent to the nearest public access to the main construction entrances. D. The Kern County Building Inspection Department shall verify compliance in the field during the construction phase and throughout construction activities.			
13.	MM 4.3-6: Prior to the issuance of any grading or building permits, the project proponent shall establish a “Construction Coordinator” and submit written documentation which includes their phone number, e-mail address, and mailing address. The construction coordinator shall be responsible for the following: a. Responding to any local complaints about construction activities. The construction coordinator shall determine the cause of the construction complaint and shall be required to implement reasonable measures such that the complaint is resolved; b. Ensuring all appropriate construction notices have been made available to the public and all appropriate construction signs have been installed; and c. Maintaining an ongoing and up-to-date log of all construction-related complaints (i.e., blowing dust, inability to access parcels, etc.) during project construction activities. The log shall include the nature of the complaint and the measures that were undertaken to address the concerns. Upon request, the Construction Coordinator shall provide the log to the Planning and Natural Resources Department no later than three business days from request.	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 submit written documentation regarding the establishment of a Construction Coordinator. C. The project proponent shall provide up-to-date log of all construction-related complaints within three business days of a request by Kern County Planning and Natural Resources Department.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Air Quality				
14.	MM 4.3-7: At the time of project implementation, a COVID-19 Health and Safety Plan shall be prepared in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates. A copy of the COVID-19 Health and Safety Plan shall be submitted to the Kern County Planning Department for review and approval.	Prior to operation of the project facilities	Kern County Public Health Services 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 project proponent shall submit the COVID-19 Health and Safety Plan to the Kern County Public Health Services Department and the Kern County Planning and Natural Resources Department.			
15.	MM 4.3-8: Prior to issuance of grading permits and ground disturbance activities, the project proponent shall submit to the Kern County Public Health Services Department for review and approval a Valley Fever Dust Management Plan that addresses the potential presence of <i>Coccidioides immitis</i> spores and mitigates for the potential for <i>Coccidioidomycosis</i> (Valley Fever). The Plan shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify safety procedures	Prior to issuance of grading permits and ground disturbing activities	Kern County Planning and Natural Resources Department; Kern County Public Health Services Department; Kern County Building Inspection Department		

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Air Quality				
	that shall be implemented, as needed, to minimize personnel and public exposure to potential <i>Coccidioides immitis</i> spores. Measures in the Plan shall include the following: a. In consultation with a medical provider and the County Public Health Services Department, the development of a Valley Fever Awareness handout for on-site workers and surrounding residents within 3 miles of the project site. The Valley Fever Awareness handout shall include the following information: – Potential sources/ causes of Valley Fever; – Common symptoms of Valley Fever; – Methods that may help prevent Valley Fever infection; – Options or remedies available should someone be experiencing symptoms of Valley Fever; and – Where testing for exposure is available. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within 3 miles of the project boundaries. b. Provide High-Efficiency Particulate Air filters for heavy equipment equipped with factory enclosed cabs capable of accepting the filters. Require contractors utilizing applicable heavy equipment to furnish proof of worker training on proper use of applicable heavy equipment cabs, such as turning on air conditioning prior to using the equipment. c. Provide communication methods, such as two-way radios, for use in enclosed cabs. d. Require National Institute for Occupational Safety and Health- approved half-face respirators equipped with minimum N-95 protection factor for personnel use during surface disturbance activities, as required per the hazard assessment process. e. National Institute for Occupational Safety and Health-approved respirators shall be provided to on-site personnel upon request. f. If respiratory protection is deemed necessary, the project proponent must develop and implement a respiratory protection program in accordance with Cal/OSHA's Respiratory Protection standard (8 CCR 5144), including but not limited to, employees to be medically evaluated, fit-tested, and property trained on the use of respirators.	Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit a Valley Fever Dust Management Plan to Kern County Public Health Services Department for review and approval. C. The project proponent shall submit evidence of approval of a Valley Fever Management Plan to the Kern County Planning and Natural Resources Department. D. The project proponent shall provide evidence to the Kern County Planning and Natural Resources Department that a Valley Fever Awareness handout has been mailed to existing residences within 3 miles of the project site. E. The Kern County Building Inspection Department shall verify compliance in the field during the construction phase of the project.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Air Quality				
	g. In consultation with a medical professional, a protocol to medically evaluate employees who develop symptoms of Valley Fever. h. Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off site. i. 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. j. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. k. 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. l. Provide separate, clean eating areas with hand-washing facilities. m. Prohibit smoking at the worksite outside of designated smoking areas; designated smoking areas will be equipped with handwashing facilities. n. Post warnings on-site and consider limiting access to visitors, especially those without adequate training and respiratory protection.				
16.	MM 4.3-9: Prior to issuance of grading permits and ground disturbance activities, the project proponent shall provide evidence to the Kern County Planning and Natural Resources Department that the project operator and/or construction manager has developed a Valley Fever Awareness Training and schedule of sessions for education to be provided to all construction personnel. Training shall include: - Measures within the approved Valley Fever Dust Management Plan; - Potential sources/ causes of Valley Fever; - Recognition of symptoms of Valley Fever; - Methods that may help prevent Valley Fever infection; - Proper use of Personal Protection Equipment; - Promptly report suspected symptoms of work-related Valley Fever to a supervisor;	Prior to issuance of grading permits and 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 submit evidence to the Kern County Planning and Natural Resources Department that a Valley Fever Awareness Training program has been developed, training material was distributed, and sessions for education to all construction personnel have been completed. C. The project proponent shall submit training session materials to the Kern County Planning and Natural Resources Department within 24 hours of the first training session.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.3	Air Quality				
	- Options or remedies available should someone be experiencing symptoms of Valley Fever; and - Where testing for exposure is available. All evidence of the training session materials, handout(s) and schedule shall be submitted to the Kern County Planning and Natural Resources Department within 24 hours of the first training session. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. The training may be administered using video or other electronic media. Evidence submitted to the Kern County Planning and Natural Resources Department regarding the Valley Fever Awareness Training shall include the following: - A sign-in sheet(s) (to include the printed employee names, signature, and date) for all employees who attended the training session. - A copy of the Valley Fever Awareness handout developed as part of the Valley Fever Dust Management Plan to be distributed. - Proof of demonstration to employees on the proper use of personal protective equipment may be via printed training materials/agenda, DVD, digital media files, or photographs. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department within 5 days after the training session.				
17.	MM 4.3-10: 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 Final EIR to the extent feasible.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	Biological Resources				
18.	MM 4.4-1: Prior to the issuance of grading or building permits and prior to decommissioning, the project operator shall retain a Lead Biologist 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. The Lead Biologist shall be on the project site during construction of perimeter fencing and grading activities throughout the construction phase, and as-needed during decommissioning. The Lead Biologist shall have the right to halt all activities that are in violation of the special-status species protection measures. Work shall proceed only after hazards to special-status species are removed and the species is no longer at risk. The Lead Biologist shall have in her/his possession a copy of all the compliance measures and appropriate Plans while work is being conducted on the project site.	Prior to issuance of grading or building permits, during construction, and prior to 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 project proponent shall retain a qualified Lead Biologist to oversee compliance with protective measures for all listed and other special-status species. C. The Kern County Building Inspection Department shall verify compliance in the field during the construction phase and decommissioning phase of the project.				
19.	MM 4.4-2: Prior to the issuance of grading or building permits and for the duration of construction and decommissioning activities, within one week of employment all new construction workers at the project site, laydown area and/or transmission routes shall attend an Environmental Awareness Training and Education Program, developed and presented by the Lead Biologist that is an expert on biology and required protections for the various special-status species found on-site. Any employee responsible for the operations and maintenance or decommissioning of the project facilities shall also attend the Environmental Awareness Training and Education Program. The program shall follow the recommendations from USFWS (https://www.fws.gov/media/standardized-recommendations-protection-endangered-san-joaquin-kit-fox-prior-or-during-ground) and include information on the life history and habitat needs of the BNLL, SJKF, giant kangaroo rat, raptors, American badger, as well as other wildlife and plant species that may be encountered during construction activities. The program shall also discuss the legal protection status of each species, a report of the occurrence of the SJKF in the project area, the definition of “take” under the federal Endangered Species Act and California Endangered Species Act, measures the project operator is implementing to protect the species, reporting requirements, specific measures that each worker shall employ to avoid take of wildlife species, and penalties for violation of the federal Endangered Species Act or California Endangered Species Act. A fact sheet conveying this	Prior to the issuance of grading or building permits, and 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. 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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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	Biological Resources				
	information should be prepared for distribution for the attending the training and anyone else who may enter the project site. a. An acknowledgement form signed by each worker indicating that Environmental Awareness Training and Education Program has been completed would be kept on record; b. A sticker shall be placed on hard hats indicating that the worker has completed the Environmental Awareness Training and Education Program. Construction workers shall not be permitted to operate equipment within the construction areas unless they have attended the Environmental Awareness Training and Education Program and are wearing hard hats with the required sticker; 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 Environmental Awareness Training and Education Program and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Community Development Department; d. The construction crews and contractor(s) shall be responsible for unauthorized impacts from construction activities to sensitive biological resources that are outside the areas defined as subject to impacts by project permits; and (RTC, 2023) e. An Operation and Maintenance phase version of the WEAP will be maintained within the onsite O&M facility for review as may be necessary during the life of the project. (RTC, 9/2023)				
20.	MM 4.4-3: During construction, operations and maintenance, and decommissioning, the project operator shall implement the following general avoidance and protective measures: a. All proposed impact areas, including solar fields, staging areas, access routes, and disposal or temporary placement of spoils, shall be delineated with stakes and/or flagging prior to construction to avoid natural resources where possible. Construction-related activities outside of the impact zone shall be avoided. b. The project operator shall limit the areas of disturbance to the extent feasible. Parking areas, new roads, staging, storage, excavation, and disposal site locations shall be confined to the smallest areas possible. These areas shall	During construction, operations and maintenance, 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. All construction workers shall attend the Construction Worker Environmental Awareness Training and Education Program prior to participating in			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	Biological Resources				
	be flagged, and disturbance activities, vehicles, and equipment shall be confined to these flagged areas. c. 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 (SWPPP). All detected erosion shall be remedied within 2 days of discovery or as described in the SWPPP. d. To prevent inadvertent entrapment of San Joaquin kit foxes, American badgers, or other wildlife 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. All holes and trenches, whether covered or not, shall be inspected for trapped wildlife at the start and end of each workday. Before such holes or trenches are filled, they shall be thoroughly inspected by the Lead Biologist or approved biological monitor for trapped wildlife. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If a listed species is found trapped, all work in the vicinity of the animal shall cease immediately. If the animal is apparently uninjured, then the Lead Biologist shall directly supervise the provision of escape structures and/or trench modification to allow the trapped animal to escape safely. Work shall not resume in the vicinity of the animal, and it shall be allowed to leave the work area and project site on its own. If the listed animal is injured, then Tthe Lead Biologist or approved biological monitor shall immediately contact the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife for any trapped or injured SJKF to identify an individual with the appropriate permit or authorization to handle listed species, and if the species is injured, to decipher who shall bring the animal to a pre-identified wildlife rehabilitation or veterinary facility for care. (RTC, 9/2023) e. Burrowing owls, mammals, and nesting birds may use construction pipes, culverts, or similar structures for refuge or nesting. All towers shall be of the monopole variety and all hollow vertical structures, such as solar mount poles, or fencing poles, shall be capped immediately after installation to prevent bird entrapment. Therefore, all construction pipes, culverts, or similar structures with a diameter of 4 inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for special-status wildlife or nesting birds before the pipe is	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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4.4	Biological Resources				
	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 the Lead Biologist has been consulted and the animal has either moved from the structure on its own accord (for listed species) or until the animal has been captured and relocated (for non-listed species) by the Lead Biologist. If the animal is a listed species, then work shall immediately halt in the vicinity, and the animal shall be allowed to move from the structure and the work area of its own accord. The Lead Biologist will direct work stoppages near the animal to allow it to freely move out of the pipe and away from the work area. Listed species shall not be handled or captured by anyone without the appropriate permit or authorization. f. 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. g. 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. h. A day-time speed limit of 15 miles per hour shall be enforced within the limits of the proposed project. To the extent possible, night-time construction related activity shall be minimized, but if work must be conducted at night, then a night-time speed limit of 10-mph shall be enforced. Off-road traffic outside of designated project areas should be prohibited. i. A long-term trash abatement program shall be established for construction, operations and maintenance, and decommissioning. Trash and food items shall be contained in closed containers and removed daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs. j. Workers shall be prohibited from bringing pets and firearms to the project area and from feeding wildlife. k. Intentional killing or collection of any plant or wildlife species shall be prohibited. l. To enable kit foxes and other wildlife (e.g., American badger, <u>Giant Kangaroo Rats</u>, and <u>Short Nosed Kangaroo Rates</u>) to pass through the project site after construction, the security fence, and any permanent interior fencing shall be a wildlife friendly design that meets the goals of allowing wildlife to move freely through the project site during operation, the fence shall be				

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4.4	Biological Resources				
	raised 4-67 inches above the ground leaving a gap between the fence mesh and the ground. In the latter case t The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. <u>A buried apron of fencing material shall extend up to 3 feet out from the fence line.</u> Perimeter fencing shall not be electrified. (RTC, 9/2023) m. Areas within the project site containing one or more of the following habitat requisites shall be surveyed by a qualified biologist between March 1 and June 30: flowering vegetation, potential preferred nectar plants, small mammal burrows, bunch grasses, thatch, brush piles, old bird nests, or dead trees. A minimum of two surveys shall be completed between the hours of 0800 and 1600 when temperatures are between 65°F and 90°F and will not be conducted during inclement weather conditions (e.g., foggy, raining, drizzling, or sustained winds greater than 8 mph). Surveyors will photograph potential Crotch Bumble Bees (CBB) from various angles to ensure recordation of key identifying characteristics. The survey results shall be submitted to the County within 30-days of completion of the surveys. All detection information collected during survey efforts will be submitted to the California Natural Diversity Data Base at https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data. Surveys will be valid for the duration of the current season lasting until the beginning of the next season (i.e., through March 1 the following year). <u>If CBB are found during survey, consultation with CDFW will occur to discuss appropriate avoidance measures or if avoidance is not possible, to obtain an ITP.</u> (RTC, 9/2023)				
21.	MM 4.4-4: During construction and decommissioning, the Lead Biologist or approved biological monitor shall monitor all initial ground-disturbance activities and remain on-call throughout construction/decommissioning in the event a special-status species wanders into the project site. Preconstruction surveys for special-status species shall be conducted within the project boundaries by the Lead Biologist or approved biological monitor no less than 14 days and no more than 30 days prior to beginning of the start of any vegetation clearing or grading activities. Methodology for preconstruction surveys shall be appropriate for each potentially occurring species-status species and shall follow U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife preconstruction survey guidelines where appropriate. Surveys need not be conducted for all areas of suitable	During construction, and maintenance, and decommissioning of the project	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 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 monitoring report that includes daily monitoring activities of all initial construction and decommissioning ground-			

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4.4	Biological Resources				
	habitat at one time; they may be phased so that surveys occur no less than 14 days and no more than 30 days prior to the portion of the project site being disturbed. The Lead Biologist may use a variety of approaches (including but not limited to monitoring, track plates, and direct observation) and evidence (including burrow characteristics and presence of sign such as scat and tracks) to determine burrow activity. If any evidence of occupation of the project site special-status species is observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance, as described below. Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger or San Joaquin kit fox dens no less than 14 days and no more than 30 days prior to beginning of ground and/or vegetation disturbing activities. The surveys shall be conducted in the project site for American badger and San Joaquin kit fox. <u>The pre-construction den survey shall be conducted in accordance with the <i>Standardized Recommendations for Protection of the Endangered San Joaquin kit fox Prior to or During Ground Disturbance</i> (USFWS 2011).</u> Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur no less than 14 days and no more than 30 days prior to that portion of the project site disturbed. <u>The pre-construction den survey shall be conducted in all areas of potentially suitable habitat within the Project area and a 500-foot buffer of Project areas.</u> If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities: - San Joaquin kit fox or American badger potential den: 50 feet. - San Joaquin kit fox or American badger active den: 100 feet. - San Joaquin kit fox or American badger natal den: 500 feet. (RTC, 9/2023) If avoidance of the potential dens is not possible, the following measures are required to avoid potential adverse effects to the American badger: - If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent American badgers or desert kit foxes from re-using them during construction. - If the qualified biologist determines that potential dens may be active, an on-site passive relocation program shall be implemented. This program shall consist of excluding American badgers from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for 7 days to confirm usage has been discontinued, and excavation and	disturbance activities to the Kern County Planning and Natural Resources Department. E. The Lead Biologist shall conduct preconstruction surveys for each potentially occurring special-status species in accordance with the U.S Fish and Wildlife Service and/or California Department of Fish and Wildlife preconstruction survey guidelines, where appropriate.			

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4.4	Biological Resources				
	collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers have stopped using the dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. During fencing and grading activities, daily monitoring reports shall be prepared by the monitoring biologists. The Lead Biologist shall prepare a summary monitoring report documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special-status species, including injuries and fatalities. These monitoring reports shall be submitted to the Kern County Planning and Community Development Department and relevant resource agencies, as applicable, on a monthly basis along with copies of all survey reports.				
22.	MM 4.4-5: A qualified wildlife biologist (i.e., a wildlife biologist with previous burrowing owl survey experience) shall conduct preconstruction surveys of the permanent and temporary impact areas to locate active breeding or wintering burrowing owl burrows no fewer than 14 days prior to ground-disturbing activities (i.e., vegetation clearance, grading, tilling). The survey methodology shall be consistent with the methods outlined in the 2012 California Department of Fish and Wildlife (CDFW) 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 any potential burrows with fresh burrowing owl sign or presence of burrowing owls. Surveys may be conducted concurrently with desert tortoise preconstruction surveys. As each burrow is investigated, surveying biologists shall also look for signs of American badger and San Joaquin kit fox. Copies of the survey results shall be submitted to CDFW and the Kern County Planning and Community Development Department. If burrowing owls are detected onsite, no ground-disturbing activities shall be permitted <u>within no-disturbance buffers, as outlined in the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Specifically, occupied burrows shall be avoided with a buffer of no fewer than 1200 to 500 meters (650 to 1,640 330 feet) from an active burrow during the breeding season (i.e., February 1 to August 31); April 1 to October 15 or 50 to 500 meters (165 to 1640 feet) from</u>	Within 14 days prior to the commencement 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 biologist. C. A qualified biologist shall conduct a pre-construction survey of the project site for Burrowing Owls as specified in the mitigation measure. D. A qualified biologist shall conduct pre-construction nest surveys during the appropriate breeding seasons. E. The project proponent shall submit the findings of the pre-construction survey to the California Department of Fish and Wildlife and the Kern County Planning and Natural Resources Department. F. The project proponent shall implement burrowing owl measures as specified in the mitigation measure and in accordance with the California Department of Fish and Wildlife protocol, as appropriate. G. If a buffer of less than 100 meters from an active burrow during the breeding season or less than 50 meters during the non-breeding season is proposed by the			

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4.4	Biological Resources				
	October 16 to March 31, unless otherwise authorized by CDFW. During the non-breeding (winter) season (i.e., September 1 to January 31), ground-disturbing work can proceed as long as the work occurs no closer than 50 meters (165 feet) from the burrow. Depending on the level of disturbance, a smaller buffer may be established in consultation with CDFW. (RTC, 9/2023) If burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31) 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 CDFW Staff Report on Burrowing Owl Mitigation. (RTC, 9/2023) If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and a Mitigation Land Management Plan, in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation, for review by CDFW prior to passive relocation activities. The Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation. At a minimum, the following recommendations shall be implemented: - Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions including decompacting soil and revegetating. - Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. - Permanently protect mitigation land through a conservation easement, deed restriction, or similar mechanism deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW-approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits. Land identified to mitigate for passive	project proponent, the establishment of a smaller buffer shall be in consultation with the California Department of Fish and Wildlife. - If burrow avoidance is infeasible 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. - If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and a Mitigation Land Management Plan, in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation and review by the California Department of Fish and Wildlife. - The Kern County Planning and Natural Resources Department shall verify compliance prior to issuing grading and building permits.			

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4.4	Biological Resources				
	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.				
23.	MM 4.4-6: If construction is scheduled to commence during the non-nesting season (i.e., September 1 to January 31), no preconstruction surveys or additional measures are required. To avoid impacts to nesting birds in the project area, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within the project site for construction activities that are initiated during the breeding season (i.e., February 1 to August 31 <u>September 15</u>). The raptor survey shall focus on potential nest sites (e.g., cliffs, large trees, windrows) within a 0.5-mile buffer around the project site. Swainson's hawk nest survey shall focus on potential nest sites (e.g., cliffs, large trees, windrows) within a 0.5-mile buffer around the project site and follow the 2000 Swainson's hawk protocol surveys (Swainson's Hawk Technical Advisory Committee, 2000). Surveys shall be conducted no more than 14 days <u>one week</u> prior to construction activities. Surveys need not be conducted for the entire project site at one time; they may be phased so that surveys occur shortly before a portion of the project site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. If active nests are found, a suitable buffer (e.g., 200-300 <u>500</u> feet for common raptors; 0.5 miles for Swainson's hawk; 30-50 <u>250</u> feet for passerine species) shall be established around active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). <u>If an active SWHA nest is detected and a 0.05-mile no-disturbance buffer is not feasible, consultation with CDFW shall occur to discuss how to implement the Project and avoid take. If take cannot be avoided consultation to receive an ITP for SWHA shall be performed.</u> For non-listed species, encroachment into the avoidance buffer may occur at the discretion of a qualified biologist; however, for State-listed species, consultation with CDFW shall occur prior to encroachment into the aforementioned buffers. (RTC, 9/2023)	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. During the avian nesting season (February 1 – August 31), a qualified biologist shall conduct a preconstruction avian nesting survey no more than 7 days prior to initial vegetation clearing. The surveying biologist must be qualified to 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 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.					

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4.4	Biological Resources				
24.	MM 4.4-7: Preconstruction surveys for Nelson's antelope squirrel shall be conducted within the project boundaries by the Lead Biologist or approved biological monitor within 14 days of the start of any vegetation clearing or grading activities. If potential Nelson's antelope squirrel burrows or signs are observed, consultation with CDFW would occur to discuss how to avoid take or how to acquire state Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, prior to ground disturbing activities.	Within 14 days prior to the commencement of any ground-disturbing activities	Kern County Planning and Natural Resources Department; United States 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 retain a qualified biologist. C. A qualified biologist shall conduct a preconstruction survey for Nelson's antelope squirrel. D. If potential Nelson's antelope squirrel burrows or sign are observed, the project proponent shall consult with the California Department of Fish and Wildlife to discuss take avoidance or obtain an Incidental Take Permit. E. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department. F. The Kern County Planning and Natural Resources Department shall verify compliance prior to issuing grading and building permits.			
25.	MM 4.4-8: Preconstruction surveys for San Joaquin pocket mouse shall be conducted within the project boundaries by the Lead Biologist or approved biological monitor within 14 days of the start of any vegetation clearing or grading activities. If suitable habitat is present, a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances of suitable size for San Joaquin pocket mouse use, will be established and maintained during project activity. If burrow avoidance is not feasible, focused protocol-level trapping surveys according to the USFWS (2013) protocol will be conducted by a qualified wildlife biologist that is permitted to do so by CDFW, to determine if San Joaquin pocket mouse occurs in the project area.	Prior to issuance of building and grading permits and during construction, operation, maintenance, 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 project proponent shall retain a qualified biologist. C. A qualified biologist shall conduct a pre-construction survey of the project site for San Joaquin pocket mouse as specified in the mitigation measure. D. If suitable habitat is presence, a 50-foot minimum no-disturbance buffer around all small mammal burrow entrances shall be provided. E. If burrow avoidance is not feasible, focused USFWS protocol-level trapping surveys shall be conducted by a qualified wildlife biologist.			

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4.4	Biological Resources				
		F. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department. G. The Kern County Planning and Natural Resources Department shall verify compliance prior to issuing grading and building permits.			
26.	MM 4.4-9: Preconstruction surveys for San Joaquin kit fox shall be conducted within the project boundaries by the Lead Biologist or approved biological monitor within 14 days of the start of any vegetation clearing or grading activities. The surveys will be conducted in accordance with the USFWS San Joaquin Kit Fox Survey Protocol. If potential San Joaquin kit fox dens or signs are observed, consultation with CDFW and USFWS would occur to discuss how to avoid take or how to acquire state Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, and a federal ITP, pursuant to Section 10 of the U.S. Endangered Species Act (ESA) prior to ground disturbing activities.	No more than 14 days prior to construction activities and decommissioning 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 biologist. C. A qualified biologist shall conduct a pre-construction survey of the project site for San Joaquin kit fox as specified in the mitigation measure. D. If potential San Joaquin kit fox dens or signs are observed, the project proponent shall consult with CDFW and USFWS to discuss take avoidance or obtain Incidental Take Permits pursuant to Fish and Game Code 2081 and Section 10 of the U.S. Endangered Species Act. E. During the avian nesting season (February 1 – August 31), a qualified biologist shall conduct a preconstruction avian nesting survey no more than 7 days prior to initial vegetation clearing. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. F. 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. G. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department. H. The Kern County Planning and Natural Resources Department shall verify compliance prior to issuing grading and building permits.			
27.	MM 4.4-10: Protocol level surveys for the BNLL shall be conducted by a qualified biologist at the project <u>site in accordance with the “Approved Survey</u>	During all initial grading and construction,	Kern County Planning and Natural Resources Department		

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	Biological Resources				
	<u>methodology for the Blunt-nosed Leopard Lizard” (CDFW 2019) from April 15 to July 31, during the adult optimal survey period from August 15 to September 30 during the hatchling optimal survey period, in suitable habitat that will be disturbed by construction, to determine the potential for occupancy by BNLL. Surveys may be conducted in areas of disturbance and needed buffers as work progresses or in stages as needed during the construction phase. If surveys indicate that BNLL and appropriate burrow habitat are absent, the construction area(s) can be fenced using materials and installing fencing in compliance with agency specifications to prevent potential future occupancy of BNLL. (RTC, 9/2023)</u> If BNLL are found within the survey areas, measures to protect the species shall include appropriate signage, monitoring by approved qualified biologists and other specific protection measures developed in compliance with agency guidelines. If burrows are found to be occupied, measures for avoidance and minimization of impact to BNLL shall be written in compliance with recommendations provided during agency consultations and shall contain project specific details. Project actions in areas where BNLL are located shall be restricted to the species active period (April to early November) to ensure that no aestivating BNLL in burrows are impacted while in their burrows. In conjunction with CDFW or other involved agencies, sensitive areas shall be established and protected with appropriate signage. During the active season when blunt nosed leopard lizards are moving above ground (April to early November), the following measures will be implemented in areas where blunt nosed leopard lizards or signs of blunt nosed leopard lizards have been observed: consultation with CDFW will be performed to discuss appropriate avoidance measures (such as no-work buffers, discussed below) or if avoidance is not possible, to obtain an ITP given the passage of Senate Bill No. 147. (RTC, 9/2023) a. Establishment of No-Work Buffers. <u>The project biologist will consult with CDFW for the appropriate measurement of a no-work buffer around occupied burrows and egg clutch sites identified during survey. The project biologist will establish, monitor, and maintain 50-foot no-work buffers in accordance with CDFW recommendations around burrows and egg clutch sites identified during surveys. The 50-foot no-work buffers will be established around burrows in a manner that allows for a connection between the burrow site and the suitable natural habitat adjacent to the Construction Footprint so that blunt-nosed leopard lizards and/ or</u>	preconstruction ground disturbing activities, and decommissioning activities			
	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 qualified biologist shall conduct pre-construction surveys for the BNLL. D. If BNLL are found within the survey areas, measures to protect the species shall include appropriate signage, monitoring by approved qualified biologists and other specific protection measures developed in compliance with agency guidelines. E. Copies of the completed surveys shall be submitted to Kern County Planning and Natural Resources Department. F. The Kern County Planning and Natural Resources Department shall verify compliance prior to issuing grading and building permits.				

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	Biological Resources				
	hatchlings may leave the area after eggs have hatched. Construction activities will not occur within the 50-foot no-work buffers until such time as the eggs have hatched and blunt-nosed leopard lizards have left the area. (RTC, 9/2023) b. Fencing of Work Areas. Prior to installing wildlife exclusion fence (WEF), the project biologist will confirm that no blunt-nosed leopard lizard are present within a Work Area by conducting focused blunt-nosed leopard lizard observational surveys for 12 days over the course of a 30 to 60-day period. At least one survey session will occur over 4 consecutive days. These observational surveys may be paired with scent detection dog surveys for blunt-nosed leopard lizard scat. i. Within 3 days of completing these surveys with negative results, WEF will be installed in a configuration that accounts for burrow locations and enables blunt-nosed leopard lizards to leave the Work Area. The following day, the project biologist will conduct an observational survey. If no blunt-nosed leopard lizards are observed, the project biologist will install additional WEF to further enclose the Work Area. This Work Area will be monitored daily while the WEF is in place. ii. If blunt-nosed leopard lizards are observed prior to installing the last of the WEF, the project biologist will continue observational surveys until the lizard is observed leaving the Work Area or until 30 days elapse with no blunt-nosed leopard lizard observations within the Work Area. Consultation with CDFW would be performed to ensure that WEF <u>installation in areas where BNLL or signs of BNLL have been observed does not take the species.</u> (RTC, 9/2023)				
28.	MM 4.4-11: The project proponent/operator shall install power lines in conformance with Avian Power Line Interaction Committee (APLIC) standards for electrocution-reducing techniques as outlined in suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (APLIC 2006), and for collision-reducing techniques as outlined in Reducing Avian Collisions with Power Lines: The State of the Art in 2012 (APLIC 2012), or any superseding document issued by APLIC.	Prior to 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 compliance in the field during construction.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.4	Biological Resources				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.5	Cultural Resources				
29.	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 during ground-disturbing activities. 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 proposed project: - Prior to commencement of any ground disturbing activities, the Lead Archaeologist, in consultation with the Native American Monitor(s), shall prepare Cultural Resources Sensitivity Training materials to be used in orientation program given to all personnel working on the proposed project. A Cultural Resources Sensitivity Training Guide approved by the Lead Archaeologist shall be provided to all personnel. A copy of the Cultural Resources Sensitivity Training Guide shall be submitted to the Kern County Planning and Natural Resources Department. 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 project proponent/operator shall ensure all new employees or onsite workers who have not participated in earlier Cultural Resources Sensitivity Trainings shall meet provisions specified above. - 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 for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. - A copy of the Cultural Resources Sensitivity Training Guide/Materials shall be kept on-site and available for all personnel to review and be familiar with as necessary. It is the responsibility of the Lead Archaeologist to ensure all employees receive appropriate training before commencing work on-site.	Prior to the start of any ground disturbing activities	Kern County Planning and Natural Resources Department		
Steps to Compliance: - This mitigation measure shall be incorporated as a condition of approval. - 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). - The qualified archaeologist shall conduct a Cultural Resources Sensitivity Training for all construction personnel working on the project. - If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.5	Cultural Resources				
	e. During implementation of the proposed project, the services of Native American Monitors, as identified through consultation with appropriate Native American tribes, working under the supervision of the Lead Archaeologist, shall be retained by the proposed project to monitor project-related ground-disturbing activities as identified in Mitigation Measures MM 4.5-2 and MM 4.5-3.				
30.	MM 4.5-2: During implementation of the proposed project, the services of both an Archaeological and Native American Monitor, as identified through consultation with appropriate Native American tribes, working under the supervision of the Lead Archaeologist, shall be retained by the project proponent/operator to monitor, on a full-time basis, ground-disturbing activities associated with project-related construction activities, as follows: a. All initial excavation and ground-disturbing activities within the project site, shall be monitored by Archaeological and Native American Monitors. During the course of this initial monitoring, if the Lead Archaeologist can demonstrate that the level of monitoring should be reduced or discontinued, or if the Lead Archaeologist can demonstrate a need for continuing monitoring, the Lead Archaeologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances as warranted. 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. Should the service of any additional individuals be retained (as Lead Archaeologist, Archaeological Monitor, or Native American Monitor) subsequent to commencement of ground-disturbing activities, such individuals shall be provided the same. 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 daily logs and the Lead Archaeologist shall submit monthly written updates to the Kern County Planning and Natural Resources Department and Native American Monitor. After monitoring has been completed, the Lead Archaeologist shall prepare a monitoring report that details monitoring results;	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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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.5	Cultural Resources				
	assessment of inadvertent discoveries; communication with Tribal representatives; installation of, maintenance of, and guidance for environmentally sensitive areas; and general implementation of the required mitigation. The final monitoring report shall act as a record of compliance with guiding documents and mitigation and shall be submitted to the Kern County Planning and Natural Resources Department and the Southern San Joaquin Valley Information Center at California State University, Bakersfield.				
31.	MM 4.5-3: During implementation of the project, in the event archaeological materials are encountered during the course of grading or construction, 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 and the Native American Monitor. The Lead Archaeologist, in consultation with the Native American Monitor, 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 <i>CEQA Guidelines</i> 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 <i>CEQA Guidelines</i> 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. Diagnostic archaeological materials with research potential recovered during any investigation shall be curated at an accredited curation facility. All resources of concern/interest to Native American tribes that cannot be avoided shall be reburied on site as close to the original find location as possible, and within an area that will not be subjected to disturbance in the future. The Lead Archaeologist, in consultation with a designated Native American Monitor, shall prepare a report documenting evaluation and/or	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.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.5	Cultural Resources				
	additional treatment of the resource. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and the Southern San Joaquin Valley Information Center at California State University, Bakersfield.				
32.	MM 4.5-4: 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 CEQA Guidelines Section 15064.5(c)(1). 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(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, and in accordance with generally accepted cultural or archaeological standards or practices, the landowner shall ensure that the immediate vicinity of the Native American human remains, is not damaged or disturbed by further development activity until the landowner has 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 grading or 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 Final EIR to the extent feasible.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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 (HMBP), 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 (CERS) at http://cers.calepa.ca.gov/ for review and acceptance by the Kern County Environmental Health Services Division/Hazardous Materials Section. The HMBP 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. - Describe federal, state, or local agency coordination, as applicable, and clean-up efforts that would occur in the event of an accidental release. - 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 HMBP as well as ensure that one copy is available at the project site at all times. In addition, a copy of the accepted HMBP from CERS 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: - This mitigation measure shall be incorporated as a condition of approval. - The project proponent shall submit a HMBP to the California Environmental Protection Agency, which administers CERS. - 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. - A copy of the approved HMBP shall be submitted to the Kern County Planning and Natural Resources Department. - Kern County Building Inspectors will verify compliance in the field during the construction period.					
39.	MM 4.9-2: The project proponent/operator shall continuously comply with the following:	During construction, operation and maintenance	Kern County Planning and Natural Resources Department		

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	a. The construction contractor or project personnel shall use herbicides that are approved for use in California and are appropriate for application adjacent to native 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.	Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. 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. E. Kern County Building Inspectors will verify compliance in the field prior to and during the construction period.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.10	Hydrology and Water Quality				
40.	MM 4.10-1: Prior to issuance of a grading permit, the project proponent/operator shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department. The SWPPP shall be designed to minimize runoff and shall specify best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sediment or any other pollutants from moving off site and into receiving waters. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended best management practices to be incorporated in the SWPPP may include the following: a. Minimization of vegetation removal; b. Implementing sediment controls, including silt fences as necessary; c. Installation of a stabilized construction entrance/exit and stabilization of disturbed areas; d. Properly containing and disposing of hazardous materials used for construction on-site; e. Properly covering stockpiled soils to prevent wind erosion; f. Proper protections and containment for fueling and maintenance of equipment and vehicles; g. Appropriate disposal of demolition debris, concrete and soil, and aggressively controlling litter; h. Cleanup of silt and mud on adjacent street due to construction activity; i. Checking all lined and unlined ditches after each rainfall; j. Restore all erosion control devices to working order to the satisfaction of the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department after each rainfall run-off; and k. Install additional erosion control measures as may be required due to uncompleted grading operations or unforeseen circumstances which may arise.	Prior to the issuance of a grading permit and during construction Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall submit a SWPPP for review and approval by the Kern County Public Works Department and submit the approved SWPPP to the Kern County Planning and Natural Resources Department. C. Evidence of compliance shall be submitted to the Kern County Planning and Natural Resources Department. D. Kern County Building Inspectors will verify compliance in the field during the construction period.	Kern County Public Works Department		
41.	MM 4.10-2: Prior to the issuance of a grading permit, the project proponent/operator shall complete a hydrologic study and final drainage plan	Prior to the issuance of a grading permit	Kern County Planning and Natural Resources; Kern		

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.10	Hydrology and Water Quality				
	designed to evaluate and minimize potential increases in runoff from the project site. The study shall include, but is not limited to the following: a. A numerical stormwater model for the project site that evaluates existing and proposed (with project) drainage conditions during storm events ranging up to the 100-year event. b. 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. c. 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. d. A specification that 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 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. e. 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.		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. D. Evidence of compliance shall be submitted 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 Final EIR to the extent feasible.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.11	Land Use				
42.	MM 4.11-1: Prior to issuance of any building permit, the project operator shall provide a Decommission Plan for review and approval by the Kern County Public Works 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 decommissioning 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: - An irrevocable letter of credit; - A surety bond; - 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 - 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 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.	Prior to the issuance of building permit	Kern County Planning and Natural Resources Department		
		Steps to Compliance: - This mitigation measure shall be incorporated as a condition of approval. - The project proponent shall prepare a Decommissioning Plan and submit the appropriate financial assurances to the Kern County Planning and Natural Resources Department.			
		Steps to Compliance: - This mitigation measure shall be incorporated as a condition of approval. - The project proponent shall prepare a Decommissioning Plan and submit the appropriate financial assurances to the Kern County Planning and Natural Resources Department.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	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.				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.12	Mineral Resources				
43.	MM 4.12-1: Prior to issuance of any grading or building permit, excluding the generation tie line, the Project Proponent shall provide the following documentation regarding the mineral rights holders who also have right of surface access and drilling areas: a. A site plan showing the unbuildable drilling areas provided for the mineral holders with clear notation that no use of the area can be made for the life of the project except for exploration and extraction of oil and gas with permits without purchase and ownership of full mineral rights. No construction storage or laydown area may be established at any time in the drilling areas unless permitted through an individual agreement. All drilling areas shall be fenced and provided legal access across the site, and a 40-foot-long gate provided or as detailed by the individual agreement including a provision to not fence the drill island; or b. For all mineral rights holders that do not have an individual agreement and have right of surface access, a drilling area sufficient to provide access to their minerals shall be shown on the final site plan and acknowledged in all grading plans.	Prior to issuance of a grading or 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 submit documentation regarding mineral right holders who also have right of surface access and drilling areas on site to the Kern County Planning and Natural Resources Department.					

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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: - 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 9:00 p.m. to 6:00 a.m. on weekdays, and between 9:00 p.m. to 8:00 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. - Equipment staging and laydown areas shall be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings. - 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. - 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). - On-site vehicle speeds shall be limited to 15 miles per hour, or less (except in cases of emergency). - 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.	During construction and decommissioning	Kern County Planning and Natural Resources Department		
		Steps to Compliance: - This mitigation measure shall be incorporated as a condition of approval. - The construction contractor shall ensure that all construction equipment is fitted with noise-reduction features.			

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Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
45.	MM 4.13-2: Prior to the issuance of grading permits, 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 local complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the noise 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 ground disturbance and issuance of grading 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 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 on-site construction activities (i.e., fence construction, mobilization of construction equipment, initial grading, etc.), including decommissioning, the project proponent/operator shall provide written notice to the public through: a. A mailing notice 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 e-mail address where complaints and questions can be registered with the Noise Disturbance Coordinator. b. 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. 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.	Prior to ground disturbance; grading; construction and during 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 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.					
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
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: - All internal combustion engines, both stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order. - 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. - Fire rules shall be posted on the project bulletin board at the contractor's field office and areas visible to employees. - Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials. - Personnel shall be trained in the practices of the 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. - 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. - Building plans shall be included for the energy storage system to verify adherence to County and California Building Code standards.	Prior to issuance of grading and building permits,	Kern County Planning and Natural Resources Department; Kern County Fire Department		
		Steps to Compliance: - This mitigation measure shall be incorporated as a condition of approval. - The project proponent develops and implement a Fire Safety Plan. - 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. - A copy of the Fire Safety Plan shall be submitted to the Kern County Planning and Natural Resources Department.			
48.	MM 4.14-2: The following Cumulative Impact Charge (CIC) shall be implemented as payment on approved Conditional Use Permit acreage. Submittal of Building Permit and Phasing	Prior to issuance of building and grading permits	Kern County Planning and Natural Resources Department		
		Steps to Compliance:			

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	1. Any building permit submitted shall be accompanied by a map and legal description showing a defined phase for which permits are being requested. All phases shall be numbered sequentially for identification. 2. The map for either the total project or a phase shall calculate the Cumulative Impact Charge (CIC) net acreage as follows: A) Total gross acreage (Phase) B) Total acres for Operations and Maintenance building permanent accessory improvements C) Total acres for Energy Storage structure and permanent accessory improvements, if full reassessed property taxes are paid D) Total acres of recorded easements 3. Formula: Net Acreage = (2.A minus the sum of [2.B + 2.C + 2.D]). 4. Temporary storage areas or non-permanent commercial coaches or cargo containers for construction or operations are not eligible for inclusion under 2.B or 2.C, above. 5. All areas of buildings, accessory improvements and easement used in the calculations shall be shown on the submitted Phase Map. 6. Any property included in the approved Conditional Use Permit that is not included in a phase must be included in the last phase or a formal modification processed to remove it from the Conditional Use Permit approval. b. Calculation and Payment of Cumulative Impact Charge (CIC) 1. A payment of \$620 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 for the phase regardless of the total number of building permits or type of building permit issued, all such permits shall be suspended until the fee is paid in full. 2. 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 and phase number. 3. Any acres denoted for an operation and maintenance building or energy storage that are not built, cannot be used for solar panels unless payment is provided for the Cumulative Impact Charge (CIC).	A. This mitigation measure shall be incorporated as a condition of approval. B. Documentation of payment in compliance with this measure shall be submitted to the Kern County Planning and Natural Resources Department.			

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	c. In addition to the one-time Cumulative Impact Charge (CIC) required above, the following annual payments shall be made for the battery storage system area if subject to the solar tax exclusion and full reassessed property taxes are not paid: 1. A Cumulative Impact Charge (CIC) fee of \$620 per acre shall be made for the battery storage acreage and paid as an annual payment to the Planning and Natural Resources department for transfer to the County Administrative Office Fiscal Division (CAO) and labeled Cumulative Impact Charge (CIC) for battery storage with the project name; and 2. An annual payment of \$65,000 shall be made to the Planning and Natural Resources Department for transfer to the County Administrative Office Fiscal Division (CAO) and labeled for fire safety mitigation with the project name. 3. Upon issuance of the battery energy storage building permit, the annual payments made for the battery storage system area shall be paid to the Planning and Natural Resources Department to be held in trust until a determination is made by the Tax Assessor regarding the solar tax exclusion applicability to the project's battery energy storage system area and/or payment of full assessed property taxes. If payments are not paid within 30 days after the issuance of the battery energy storage building permit, all such permits shall be suspended until the fees are paid in full. After the applicability of the solar tax exclusion for the battery energy storage system area is determined by the Tax Assessor, payments made for the battery storage area above will be either: – Transferred to the County Administrative Office Fiscal Division (CAO), in the event it is determined that the battery energy storage system area is subject to the solar tax exclusion; or – Refunded to the project proponent via standard county procedures, in the event it is determined that the battery storage system area is not subject to the solar tax exclusion. 4. An advance payment option for a lump sum of all battery energy storage Cumulative Impact Charge (CIC) payment 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 percent discount on the lump sum amount will be applied if the advance payment option is accepted				

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	by the County Administrative Office Fiscal Division (CAO) by written response.				
49.	MM 4.14-3: Written verification of ownership of the project site shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. If the project site is sold to a city, county, or utility company with assessed taxes that total less than \$3,000 per megawatt per year, then that entity shall pay the taxes plus the amount necessary to equal the equivalent of \$3,000 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.	During 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 site shall be submitted to the Kern County Planning and Natural Resources Department by April 15 of each calendar year. C. Fees in compliance with this measure shall be paid to the Kern County Auditor/Controller by April 30 of each calendar year. D. The project proponent shall provide evidence of payment to the Kern County Planning and Natural Resources Department.			
50.	MM 4.14-4: The project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the proposed 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		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall provide evidence of payment to the Kern County Planning and Natural Resources Department.			
51.	MM 4.14-5: Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to	Prior to issuance of building permits	Kern County Planning and Natural Resources Department		

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	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, in a manner consistent with standard industry practice, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.	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. C. The letter detailing the hiring efforts shall be submitted 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 Final EIR to the extent feasible.					

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.15	Traffic and Transportation				
52.	MM 4.15-1: Prior to the issuance of construction or building permits, the project proponent/operator shall implement measures to ensure peak hour construction worker vehicle limits are maintained during the AM and PM peak hours in order to maintain LOS D or better at the study intersections. These measures may include, but are not limited to the following: a. The Construction Traffic Control Plan (see MM 4.15-2, below) shall outline the methods used to count worker vehicle traffic arriving and departing from the project site during peak AM and PM hours, methods used to control the number of trips during these hours, and documentation of reasonable coordination efforts with other projects in the area to avoid impacts to study intersections. b. The project proponent/operator shall limit construction worker vehicle trips to and from the site to the extent possible during the AM and PM peak periods (i.e., 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.). c. If monitoring indicates that either AM or PM peak hour construction trips may exceed the peak hour construction worker vehicle limits, the project proponent/operator shall implement measures to reduce peak hour passenger vehicle trips. These measures could include: 1. Scheduling construction worker shifts so that a majority of the workers arrive and depart the project site outside the AM and PM peak periods. 2. Staggering construction worker shifts so that construction worker vehicle trips are distributed over a broader period (i.e., construction workers arrive in staggered shifts starting from 6 a.m. and depart in staggered shifts starting from 2 p.m.). 3. Instituting incentives and providing options for construction workers to carpool and/or vanpool to and from the project site.	Prior to issuing of building or construction permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department/Building and Development Division;		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall monitor and provide evidence that peak hour construction worker vehicle trips during the AM and PM peak hours maintain LOS D or better at the study intersections to the Kern County Planning and Natural Resources Department and the Kern County Public Works Department/Building and Development Division.			
53.	MM 4.15-2: 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 6, 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:	Prior to issuing building and construction permits	Kern County Planning and Natural Resources Department; Kern County Public Works Department/Building and Development Division; California Department of Transportation		
		Steps to Compliance:			

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	1. Timing of deliveries of heavy equipment and building materials. To the extent feasible, restrict deliveries and vendor vehicle arrivals and departures during either the AM or PM peak period; 2. 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; 3. Ensuring access for emergency vehicles to the project sites; 4. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections; 5. Maintaining access to adjacent property; 6. Specifying both construction-related vehicle travel and oversize load haul routes and avoiding residential neighborhoods to the maximum extent feasible; and 7. Consult with the County to develop coordinated plans that would address construction-related vehicle routing and detours adjacent to the construction area for the duration of construction overlap with neighboring projects. Key coordination meetings would be held jointly between applicants and contractors of other projects for which the County determines impacts could overlap. b. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county-maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department, the Kern County Public Works Department-Development Review, and Caltrans. 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		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 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.		

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
	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.				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					

EXHIBIT C

Impact	Mitigation Measure	Time Frame for Implementation	Responsible Monitoring Agency	Date	Initials
4.17	Utilities and Service Systems				
54.	MM 4.17-1: Prior to issuance of a grading or building permit, an onsite Waste Disposal and Recycling Coordinator shall be designated by the project proponent/operator to facilitate waste disposal and recycling as part of the Maintenance, Trash Abatement, and Pest Management Program. The provisions listed below shall apply to the project: a. The project proponent/operator shall provide a storage area for waste and recyclable materials within the fenced project area that is clearly identified for waste and recycling. This area shall be shown on a submitted site plan and maintained on the site during construction, operations and decommissioning. b. During construction, operation, and decommissioning, debris and waste generated shall be recycled to the extent feasible. c. The Waste Disposal and Recycling Coordinator shall facilitate recycling of all construction and decommissioning waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. d. The Waste Disposal and Recycling Coordinator shall coordinate with Kern County Public Works Department – Solid Waste Division the acceptance for disposal or recycling of construction and decommissioning waste prior to being transported to any public disposal facility. e. The Waste Disposal and Recycling Coordinator shall ensure that materials transported to public disposal facilities for recycling shall be separated by material type so as not to be co-mingled or contaminated with waste material. f. The Waste Disposal and 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. g. Contact information of the coordinator shall be provided to the Kern County Planning and Natural Resources Department prior to issuance of building permits.	Prior to issuance of a grading or building permit	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 grading and 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 Final 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 _____ 2023 by and between the COUNTY OF KERN, a political subdivision of the State of California (hereinafter “County”) and Chalan CA Solar Storage, LLC (hereinafter collectively referred to as “Property Owner- Operator”).

WITNESSETH:

WHEREAS, in consideration of the COUNTY’s approval of the Chalan Solar and Storage Project, (a) Conditional Use Permit No. 12, Map No. 3; (b) Conditional Use Permit No. 13, Map No. 3 and; (c) Williamson Act Land Use Contract Cancellation No. 23-07, and in satisfaction of the condition of Project approval requiring a contractual mechanism to assure that all provisions of the zoning ordinance and project approval CEQA mitigation measures will be implemented, County and Property Owner-Operator now desires to enter into this Agreement.

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

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

2. The Property Owner-Operator, successors, assigns, transferees, and lessees agree to be bound by all the requirements of the A (Exclusive Agriculture) Zoning ordinance and all other provisions of the Kern County Zoning Ordinance (Title 19), the adopted Final Environmental Impact Report, and the

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:

Chalan CA Solar Storage, LLC
Attn: Samir Verstyn, Secretary
800 Brickell Avenue, Suite 1100
Miami, Florida 33131

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 Chalan CA Solar Storage, LLC, 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 be 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 Chalan Solar and Storage Project site that will allow them to engage in any of the land uses allowed under; (a) Conditional Use Permit No. 12, Map No. 3; (b) Conditional Use Permit No. 13, Map No. 3 and; (c) Williamson Act Land Use Contract Cancellation No. 23-07.

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 – Chalan CA Solar
Storage, LLC

By: 

Samir Verstyn, Secretary

APPROVED AS TO FORM:

Office of County Counsel

By: 

County Counsel

COUNTY OF KERN

By: _____
Chairman, Board of Supervisors